

1 AN ACT concerning children.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Pension Code is amended by changing  
5 Sections 1-104.2 and 15-129 as follows:

6 (40 ILCS 5/1-104.2) (from Ch. 108 1/2, par. 1-104.2)

7 Sec. 1-104.2. Beginning January 1, 1986, nonmarital  
8 children ~~not conceived in lawful wedlock~~ shall be entitled to  
9 the same benefits as other children, and no child's or  
10 survivor's benefit shall be disallowed because of the fact that  
11 the child was a nonmarital child ~~born out of wedlock~~; however,  
12 in cases where the father is the employee parent, paternity  
13 must first be established. Paternity may be established by any  
14 one of the following means: (1) acknowledgment by the father,  
15 or (2) adjudication before or after the death of the father, or  
16 (3) any other means acceptable to the board of trustees of the  
17 pension fund or retirement system.

18 (Source: P.A. 94-229, eff. 1-1-06.)

19 (40 ILCS 5/15-129) (from Ch. 108 1/2, par. 15-129)

20 Sec. 15-129. Child.

21 "Child": The child of a participant or an annuitant,  
22 including a nonmarital child ~~born out of wedlock~~, a stepchild

1 who has been such for not less than 1 year immediately  
2 preceding the death of the participant or annuitant, and an  
3 adopted child.

4 (Source: P.A. 94-229, eff. 1-1-06; 95-279, eff. 1-1-08.)

5 Section 10. The School Code is amended by changing Section  
6 27-9.1 as follows:

7 (105 ILCS 5/27-9.1) (from Ch. 122, par. 27-9.1)

8 Sec. 27-9.1. Sex Education.

9 (a) In this Section:

10 "Adapt" means to modify an evidence-based program model for  
11 use with a particular demographic, ethnic, linguistic, or  
12 cultural group.

13 "Age appropriate" means suitable to particular ages or age  
14 groups of children and adolescents, based on the developing  
15 cognitive, emotional, and behavioral capacity typical for the  
16 age or age group.

17 "Evidence-based program" means a program for which  
18 systematic, empirical research or evaluation has provided  
19 evidence of effectiveness.

20 "Medically accurate" means verified or supported by the  
21 weight of research conducted in compliance with accepted  
22 scientific methods and published in peer-reviewed journals, if  
23 applicable, or comprising information recognized as accurate,  
24 objective, and complete.

1 (a-5) No pupil shall be required to take or participate in  
2 any class or course in comprehensive sex education if his  
3 parent or guardian submits written objection thereto, and  
4 refusal to take or participate in such course or program shall  
5 not be reason for suspension or expulsion of such pupil. Each  
6 class or course in comprehensive sex education offered in any  
7 of grades 6 through 12 shall include instruction on both  
8 abstinence and contraception for the prevention of pregnancy  
9 and sexually transmitted diseases, including HIV/AIDS. Nothing  
10 in this Section prohibits instruction in sanitation, hygiene or  
11 traditional courses in biology.

12 (b) All public school classes that teach sex education and  
13 discuss sexual intercourse in grades 6 through 12 shall  
14 emphasize that abstinence from sexual intercourse is a  
15 responsible and positive decision and is the only protection  
16 that is 100% effective against unwanted teenage pregnancy,  
17 sexually transmitted diseases, and acquired immune deficiency  
18 syndrome (AIDS) when transmitted sexually.

19 (c) All classes that teach sex education and discuss sexual  
20 intercourse in grades 6 through 12 shall satisfy the following  
21 criteria:

22 (1) Course material and instruction shall be  
23 developmentally and age appropriate, medically accurate,  
24 and complete.

25 (1.5) Course material and instruction shall replicate  
26 evidence-based programs or substantially incorporate

1 elements of evidence-based programs.

2 (2) Course material and instruction shall teach honor  
3 and respect for monogamous heterosexual marriage.

4 (3) Course material and instruction shall place  
5 substantial emphasis on both abstinence, including  
6 abstinence until marriage, and contraception for the  
7 prevention of pregnancy and sexually transmitted diseases  
8 among youth and shall stress that abstinence is the ensured  
9 method of avoiding unintended pregnancy, sexually  
10 transmitted diseases, and HIV/AIDS.

11 (4) Course material and instruction shall include a  
12 discussion of the possible emotional and psychological  
13 consequences of preadolescent and adolescent sexual  
14 intercourse and the consequences of unwanted adolescent  
15 pregnancy.

16 (5) Course material and instruction shall stress that  
17 sexually transmitted diseases are serious possible hazards  
18 of sexual intercourse. Pupils shall be provided with  
19 statistics based on the latest medical information citing  
20 the failure and success rates of condoms in preventing AIDS  
21 and other sexually transmitted diseases.

22 (6) Course material and instruction shall advise  
23 pupils of the laws pertaining to their financial  
24 responsibility to marital and nonmarital children ~~born in~~  
25 ~~and out of wedlock~~.

26 (7) Course material and instruction shall advise

1 pupils of the circumstances under which it is unlawful for  
2 males to have sexual relations with females under the age  
3 of 18 to whom they are not married pursuant to Article 11  
4 of the Criminal Code of 2012.

5 (8) Course material and instruction shall teach pupils  
6 to not make unwanted physical and verbal sexual advances  
7 and how to say no to unwanted sexual advances. Pupils shall  
8 be taught that it is wrong to take advantage of or to  
9 exploit another person. The material and instruction shall  
10 also encourage youth to resist negative peer pressure.

11 (9) (Blank).

12 (10) Course material and instruction shall teach  
13 pupils about the dangers associated with drug and alcohol  
14 consumption during pregnancy.

15 (d) An opportunity shall be afforded to individuals,  
16 including parents or guardians, to examine the instructional  
17 materials to be used in such class or course.

18 (e) The State Board of Education shall make available  
19 resource materials, with the cooperation and input of the  
20 agency that administers grant programs consistent with  
21 criteria (1) and (1.5) of subsection (c) of this Section, for  
22 educating children regarding sex education and may take into  
23 consideration the curriculum on this subject developed by other  
24 states, as well as any other curricular materials suggested by  
25 education experts and other groups that work on sex education  
26 issues. Materials may include without limitation model sex

1 education curriculums and sexual health education programs.  
2 The State Board of Education shall make these resource  
3 materials available on its Internet website. School districts  
4 that do not currently provide sex education are not required to  
5 teach sex education. If a sex education class or course is  
6 offered in any of grades 6 through 12, the school district may  
7 choose and adapt the developmentally and age-appropriate,  
8 medically accurate, evidence-based, and complete sex education  
9 curriculum that meets the specific needs of its community.  
10 (Source: P.A. 97-1150, eff. 1-25-13; 98-441, eff. 1-1-14.)

11 Section 15. The Illinois Insurance Code is amended by  
12 changing Section 356i as follows:

13 (215 ILCS 5/356i) (from Ch. 73, par. 968i)

14 Sec. 356i. Medical assistance; coverage of child.

15 (a) In this Section, "Medicaid" means medical assistance  
16 authorized under Section 1902 of the Social Security Act.

17 (b) An individual or group policy of accident and health  
18 insurance that is delivered or issued for delivery to any  
19 person in this State or renewed or amended may not contain any  
20 provision which limits or excludes payments of hospital or  
21 medical benefits coverage to or on behalf of the insured  
22 because the insured or any covered dependent is eligible for or  
23 receiving Medicaid benefits in this or any other state.

24 (c) To the extent that payment for covered expenses has

1 been made under Article V, VI, or VII of the Illinois Public  
2 Aid Code for health care services provided to an individual, if  
3 a third party has a legal liability to make payments for those  
4 health care services, the State is considered to have acquired  
5 the rights of the individual to payment.

6 (d) If a child is covered under an accident and health  
7 insurance policy issued to the child's noncustodial parent, the  
8 issuer of the policy shall do all of the following:

9 (1) Provide necessary information to the child's  
10 custodial parent to enable the child to obtain benefits  
11 under that coverage.

12 (2) Permit the child's custodial parent (or the  
13 provider, with the custodial parent's approval) to submit  
14 claims for payment for covered services without the  
15 approval of the noncustodial parent.

16 (3) Make payments on claims submitted in accordance  
17 with paragraph (2) directly to the custodial parent, the  
18 provider of health care services, or the state Medicaid  
19 agency.

20 (e) An insurer may not deny enrollment of a child under the  
21 accident and health insurance coverage of the child's parent on  
22 any of the following grounds:

23 (1) The child was a nonmarital child ~~born out of~~  
24 ~~wedlock~~.

25 (2) The child is not claimed as a dependent on the  
26 parent's federal income tax return.

1           (3) The child does not reside with the parent or in the  
2 insurer's service area.

3           (f) If a parent is required by a court or administrative  
4 order to provide accident and health insurance coverage for a  
5 child and the parent is insured under a plan that offers  
6 coverage for eligible dependents, the insurer, upon receiving a  
7 copy of the order, shall:

8           (1) Upon application, permit the parent to add to the  
9 parent's coverage such a child who is otherwise eligible  
10 for that coverage, without regard to any enrollment season  
11 restrictions.

12           (2) Add the child to the parent's coverage upon  
13 application of the child's other parent, the state agency  
14 administering the Medicaid program, or the state agency  
15 administering a program for enforcing child support and  
16 establishing paternity under 42 U.S.C. 651 through 669 (or  
17 another child support enforcement program), if the parent  
18 is covered but fails to apply for coverage for the child.

19           (g) An insurer may not impose, on a state agency that has  
20 been assigned the rights of a covered individual who receives  
21 Medicaid benefits, requirements that are different from  
22 requirements applicable to an assignee of any other individual  
23 covered under the same insurance policy.

24           (h) Nothing in subsections (e) and (f) prevents an insurer  
25 from denying any such application if the child is not eligible  
26 for coverage according to the insurer's medical underwriting



1 standards.

2 (i) The insurer may not eliminate coverage of such a child  
3 unless the insurer is provided satisfactory written evidence of  
4 either of the following:

5 (1) The court or administrative order is no longer in  
6 effect.

7 (2) The child is or will be covered under a comparable  
8 health care plan obtained by the parent under such order  
9 and that coverage is currently in effect or will take  
10 effect not later than the date the prior coverage is  
11 terminated.

12 (Source: P.A. 89-183, eff. 1-1-96.)

13 Section 20. The Health Maintenance Organization Act is  
14 amended by changing Section 4-2 as follows:

15 (215 ILCS 125/4-2) (from Ch. 111 1/2, par. 1408.2)

16 Sec. 4-2. Medical assistance; coverage of child.

17 (a) In this Section, "Medicaid" means medical assistance  
18 authorized under Section 1902 of the Social Security Act.

19 (b) A contract or evidence of coverage delivered, issued  
20 for delivery, renewed, or amended by a Health Maintenance  
21 Organization may not contain any provision which limits or  
22 excludes payments of health care services to or on behalf of  
23 the enrollee because the enrollee or any covered dependent is  
24 eligible for or is receiving Medicaid benefits in this or any

1 other state.

2 (c) To the extent that payment for covered expenses has  
3 been made under Article V, VI, or VII of the Illinois Public  
4 Aid Code for health care services provided to an individual, if  
5 a third party has a legal liability to make payments for those  
6 health care services, the State is considered to have acquired  
7 the rights of the individual to payment.

8 (d) If a child is covered under a health care plan of a  
9 Health Maintenance Organization in which the child's  
10 noncustodial parent is an enrollee, the Health Maintenance  
11 Organization shall:

12 (1) Provide necessary information to the child's  
13 custodial parent to enable the child to obtain benefits  
14 under that health care plan.

15 (2) Permit the child's custodial parent (or the  
16 provider, with the custodial parent's approval) to submit  
17 claims for payment for covered services without the  
18 approval of the noncustodial parent.

19 (3) Make payments on claims submitted in accordance  
20 with paragraph (2) directly to the custodial parent, the  
21 provider of health care services, or the state Medicaid  
22 agency.

23 (e) A Health Maintenance Organization may not deny  
24 enrollment of a child under the health care plan in which the  
25 child's parent is an enrollee on any of the following grounds:

26 (1) The child was a nonmarital child ~~born out of~~

1 ~~wedlock.~~

2 (2) The child is not claimed as a dependent on the  
3 parent's federal income tax return.

4 (3) The child does not reside with the parent or in the  
5 service area covered by the health care plan.

6 (f) If a parent is required by a court or administrative  
7 order to provide coverage for a child under a health care plan  
8 in which the parent is enrolled, and that offers coverage for  
9 eligible dependents, the Health Maintenance Organization, upon  
10 receiving a copy of the order, shall:

11 (1) Upon application, permit the parent to enroll in  
12 the health care plan a child who is otherwise eligible for  
13 that coverage, without regard to any enrollment season  
14 restrictions that might otherwise be applicable as to the  
15 time period within which a person may enroll in the plan.

16 (2) Enroll the child in the health care plan upon  
17 application of the child's other parent, the state agency  
18 administering the Medicaid program, or the state agency  
19 administering a program for enforcing child support and  
20 establishing paternity under 42 U.S.C. 651 through 669 (or  
21 another child support enforcement program), if the parent  
22 is enrolled in the health care plan but fails to apply for  
23 enrollment of the child.

24 (g) A Health Maintenance Organization may not impose, on a  
25 state agency that has been assigned the rights of an enrollee  
26 in a health care plan who receives Medicaid benefits,

1 requirements that are different from requirements applicable  
2 to an assignee of any other enrollee in that health care plan.

3 (h) Nothing in subsections (e) and (f) prevents a Health  
4 Maintenance Organization from denying any such application if  
5 the child is not eligible for coverage according to the Health  
6 Maintenance Organization's medical underwriting standards.

7 (i) The Health Maintenance Organization may not disenroll  
8 (or otherwise eliminate coverage of) the child from the health  
9 care plan unless the Health Maintenance Organization is  
10 provided satisfactory written evidence of either of the  
11 following:

12 (1) The court or administrative order is no longer in  
13 effect.

14 (2) The child is or will be enrolled in a comparable  
15 health care plan obtained by the parent under such order  
16 and that enrollment is currently in effect or will take  
17 effect not later than the date the prior coverage is  
18 terminated.

19 (Source: P.A. 89-183, eff. 1-1-96.)

20 Section 25. The Voluntary Health Services Plans Act is  
21 amended by changing Section 15.12 as follows:

22 (215 ILCS 165/15.12) (from Ch. 32, par. 609.12)

23 Sec. 15.12. Medical assistance; coverage of child.

24 (a) In this Section, "Medicaid" means medical assistance

1 authorized under Section 1902 of the Social Security Act.

2 (b) A contract delivered, issued for delivery, renewed, or  
3 amended by a health services plan corporation may not contain  
4 any provision which limits or excludes payments of hospital or  
5 medical benefits coverage to or on behalf of the subscriber  
6 because the subscriber or any covered dependent is eligible for  
7 or receiving Medicaid benefits in this or any other state.

8 (c) To the extent that payment for covered expenses has  
9 been made under Article V, VI, or VII of the Illinois Public  
10 Aid Code for health care services provided to an individual, if  
11 a third party has a legal liability to make payments for those  
12 health care services, the State is considered to have acquired  
13 the rights of the individual to payment.

14 (d) If a child is covered under a voluntary health services  
15 plan in which the child's noncustodial parent is a beneficiary,  
16 the health services plan corporation shall:

17 (1) Provide necessary information to the child's  
18 custodial parent to enable the child to obtain benefits  
19 under that voluntary health services plan.

20 (2) Permit the child's custodial parent (or the  
21 provider, with the custodial parent's approval) to submit  
22 claims for payment for covered services without the  
23 approval of the noncustodial parent.

24 (3) Make payments on claims submitted in accordance  
25 with paragraph (2) directly to the custodial parent, the  
26 provider of health care services, or the state Medicaid

1 agency.

2 (e) A health services plan corporation may not deny  
3 enrollment of a child under a voluntary health services plan in  
4 which the child's parent is a beneficiary on any of the  
5 following grounds:

6 (1) The child was a nonmarital child ~~born out of~~  
7 ~~wedlock.~~

8 (2) The child is not claimed as a dependent on the  
9 parent's federal income tax return.

10 (3) The child does not reside with the parent or in the  
11 area covered by the plan.

12 (f) If a parent is required by a court or administrative  
13 order to provide coverage for a child under a voluntary health  
14 services plan and has a plan which offers coverage for eligible  
15 dependents, the health services plan corporation, upon  
16 receiving a copy of the order, shall:

17 (1) Upon application, permit the parent to enroll, as a  
18 subscriber to the plan, a child who is otherwise eligible  
19 for that coverage, without regard to any enrollment season  
20 restrictions that might otherwise be applicable as to the  
21 time period within which a person may subscribe to the  
22 plan.

23 (2) Enroll the child as a subscriber to the plan upon  
24 application of the child's other parent, the state agency  
25 administering the Medicaid program, or the state agency  
26 administering a program for enforcing child support and

1           establishing paternity under 42 U.S.C. 651 through 669 (or  
2           another child support enforcement program), if the parent  
3           is a beneficiary to the plan but fails to apply for  
4           enrollment of the child.

5           (g) A health services plan corporation may not impose, on a  
6           state agency that has been assigned the rights of an individual  
7           who is a beneficiary to a voluntary health services plan who  
8           receives Medicaid benefits, requirements that are different  
9           from requirements applicable to an assignee of any other  
10          individual who is a beneficiary to that plan.

11          (h) Nothing in subsections (e) and (f) prevents a health  
12          services plan corporation from denying any such application if  
13          the child is not eligible for coverage according to the health  
14          services plan corporation's medical underwriting standards.

15          (i) The health services plan corporation may not disenroll  
16          (or otherwise eliminate coverage of) the child from the plan  
17          unless the corporation is provided satisfactory written  
18          evidence of either of the following:

19                 (1) The court or administrative order is no longer in  
20                 effect.

21                 (2) The child is or will be enrolled in a comparable  
22                 health care plan obtained by the parent under such order  
23                 and that enrollment is currently in effect or will take  
24                 effect not later than the date the prior coverage is  
25                 terminated.

26          (Source: P.A. 89-183, eff. 1-1-96.)

1 Section 30. The Illinois Public Aid Code is amended by  
2 changing Sections 10-2, 10-4, 10-6, and 11-9 as follows:

3 (305 ILCS 5/10-2) (from Ch. 23, par. 10-2)

4 Sec. 10-2. Extent of Liability. A husband is liable for the  
5 support of his wife and a wife for the support of her husband.  
6 Unless the child is otherwise emancipated, the parents are  
7 severally liable for the support of any child under age 18, and  
8 for any child aged 18 who is attending high school, until that  
9 child graduates from high school, or attains the age of 19,  
10 whichever is earlier. The term "child" includes a nonmarital  
11 ~~child born out of wedlock,~~ or legally adopted child.

12 In addition to the primary obligation of support imposed  
13 upon responsible relatives, such relatives, if individually or  
14 together in any combination they have sufficient income or  
15 other resources to support a needy person, in whole or in part,  
16 shall be liable for any financial aid extended under this Code  
17 to a person for whose support they are responsible, including  
18 amounts expended for funeral and burial costs.

19 (Source: P.A. 92-876, eff. 6-1-03.)

20 (305 ILCS 5/10-4) (from Ch. 23, par. 10-4)

21 Sec. 10-4. Notification of Support Obligation. The  
22 administrative enforcement unit within the authorized area of  
23 its operation shall notify each responsible relative of an



1 applicant or recipient, or responsible relatives of other  
2 persons given access to the child support enforcement services  
3 of this Article, of his legal obligation to support and shall  
4 request such information concerning his financial status as may  
5 be necessary to determine whether he is financially able to  
6 provide such support, in whole or in part. In cases involving a  
7 nonmarital child ~~born out of wedlock~~, the notification shall  
8 include a statement that the responsible relative has been  
9 named as the biological father of the child identified in the  
10 notification.

11 In the case of applicants, the notification shall be sent  
12 as soon as practical after the filing of the application. In  
13 the case of recipients, the notice shall be sent at such time  
14 as may be established by rule of the Illinois Department.

15 The notice shall be accompanied by the forms or  
16 questionnaires provided in Section 10-5. It shall inform the  
17 relative that he may be liable for reimbursement of any support  
18 furnished from public aid funds prior to determination of the  
19 relative's financial circumstances, as well as for future  
20 support. In the alternative, when support is sought on behalf  
21 of applicants for or recipients of financial aid under Article  
22 IV of this Code and other persons who are given access to the  
23 child support enforcement services of this Article as provided  
24 in Section 10-1, the notice shall inform the relative that the  
25 relative may be required to pay support for a period before the  
26 date an administrative support order is entered, as well as

1 future support.

2 Neither the mailing nor receipt of such notice shall be  
3 deemed a jurisdictional requirement for the subsequent  
4 exercise of the investigative procedures undertaken by an  
5 administrative enforcement unit or the entry of any order or  
6 determination of paternity or support or reimbursement by the  
7 administrative enforcement unit; except that notice shall be  
8 served by certified mail addressed to the responsible relative  
9 at his or her last known address, return receipt requested, or  
10 by a person who is licensed or registered as a private  
11 detective under the Private Detective, Private Alarm, Private  
12 Security, Fingerprint Vendor, and Locksmith Act of 2004 or by a  
13 registered employee of a private detective agency certified  
14 under that Act, or in counties with a population of less than  
15 2,000,000 by any method provided by law for service of summons,  
16 in cases where a determination of paternity or support by  
17 default is sought on behalf of applicants for or recipients of  
18 financial aid under Article IV of this Act and other persons  
19 who are given access to the child support enforcement services  
20 of this Article as provided in Section 10-1.

21 (Source: P.A. 94-92, eff. 6-30-05; 95-613, eff. 9-11-07.)

22 (305 ILCS 5/10-6) (from Ch. 23, par. 10-6)

23 Sec. 10-6. Investigation and Determination. The  
24 administrative enforcement unit shall review the forms or  
25 questionnaires returned by each responsible relative and

1 supplement the information provided therein, where required,  
2 by such additional consultations with the responsible relative  
3 and such other investigations as may be necessary, including  
4 genetic testing if paternity is an issue and, applying the  
5 standard or guidelines and regulations established by the  
6 Illinois Department, shall determine whether and the extent to  
7 which, the responsible relative individually or together in any  
8 combination, are reasonably able to provide support. If the  
9 child is a nonmarital child ~~was born out of wedlock~~ and the  
10 case is subject to the voluntary acknowledgment of paternity or  
11 the administrative determination of paternity under rules  
12 established under Section 10-17.7, the Child and Spouse Support  
13 Unit of the Illinois Department shall determine the child  
14 support obligation under subsection (b) of Section 10-7 upon  
15 establishing the child's paternity. If the child's paternity  
16 was established by judicial or administrative process in any  
17 other state, the Illinois Department may use administrative  
18 processes contained in this Article X to establish a child  
19 support order.

20 In aid of its investigative authority, the Child and Spouse  
21 Support Unit of the Illinois Department may use the subpoena  
22 power as set forth in this Article.

23 The Illinois Department, by rule, may authorize the  
24 administrative enforcement units to conduct periodic or other  
25 reinvestigations and redeterminations of the financial ability  
26 of responsible relatives. Any redeterminations shall have the

1 effect of altering, amending, or modifying previous  
2 determinations and administrative orders entered pursuant to  
3 Sections 10-7 and 10-11. However, any redetermination which  
4 establishes liability for support or reimbursement, or which  
5 modifies the support or reimbursement liability specified in a  
6 prior order, shall be subject to the provisions of Section  
7 10-12 and the administrative and judicial review procedures  
8 herein provided for original orders.

9 (Source: P.A. 89-641, eff. 8-9-96; 90-18, eff. 7-1-97.)

10 (305 ILCS 5/11-9) (from Ch. 23, par. 11-9)

11 Sec. 11-9. Protection of records - Exceptions. For the  
12 protection of applicants and recipients, the Illinois  
13 Department, the county departments and local governmental  
14 units and their respective officers and employees are  
15 prohibited, except as hereinafter provided, from disclosing  
16 the contents of any records, files, papers and communications,  
17 except for purposes directly connected with the administration  
18 of public aid under this Code.

19 In any judicial proceeding, except a proceeding directly  
20 concerned with the administration of programs provided for in  
21 this Code, such records, files, papers and communications, and  
22 their contents shall be deemed privileged communications and  
23 shall be disclosed only upon the order of the court, where the  
24 court finds such to be necessary in the interest of justice.

25 The Illinois Department shall establish and enforce

1 reasonable rules and regulations governing the custody, use and  
2 preservation of the records, papers, files, and communications  
3 of the Illinois Department, the county departments and local  
4 governmental units receiving State or Federal funds or aid. The  
5 governing body of other local governmental units shall in like  
6 manner establish and enforce rules and regulations governing  
7 the same matters.

8 The contents of case files pertaining to recipients under  
9 Articles IV, V, and VI shall be made available without subpoena  
10 or formal notice to the officers of any court, to all law  
11 enforcing agencies, and to such other persons or agencies as  
12 from time to time may be authorized by any court. In  
13 particular, the contents of those case files shall be made  
14 available upon request to a law enforcement agency for the  
15 purpose of determining the current address of a recipient with  
16 respect to whom an arrest warrant is outstanding, and the  
17 current address of a recipient who was a victim of a felony or  
18 a witness to a felony shall be made available upon request to a  
19 State's Attorney of this State or a State's Attorney's  
20 investigator. Information shall also be disclosed to the  
21 Illinois State Scholarship Commission pursuant to an  
22 investigation or audit by the Illinois State Scholarship  
23 Commission of a delinquent student loan or monetary award.

24 This Section does not prevent the Illinois Department and  
25 local governmental units from reporting to appropriate law  
26 enforcement officials the desertion or abandonment by a parent

1 of a child, as a result of which financial aid has been  
2 necessitated under Articles IV, V, or VI, or reporting to  
3 appropriate law enforcement officials instances in which a  
4 mother under age 18 has a nonmarital child ~~out of wedlock~~ and  
5 is an applicant for or recipient of aid under any Article of  
6 this Code. The Illinois Department may provide by rule for the  
7 county departments and local governmental units to initiate  
8 proceedings under the Juvenile Court Act of 1987 to have  
9 children declared to be neglected when they deem such action  
10 necessary to protect the children from immoral influences  
11 present in their home or surroundings.

12 This Section does not preclude the full exercise of the  
13 powers of the Board of Public Aid Commissioners to inspect  
14 records and documents, as provided for all advisory boards  
15 pursuant to Section 5-505 of the Departments of State  
16 Government Law (20 ILCS 5/5-505).

17 This Section does not preclude exchanges of information  
18 among the Department of Healthcare and Family Services  
19 (formerly Illinois Department of Public Aid), the Department of  
20 Human Services (as successor to the Department of Public Aid),  
21 and the Illinois Department of Revenue for the purpose of  
22 verifying sources and amounts of income and for other purposes  
23 directly connected with the administration of this Code and of  
24 the Illinois Income Tax Act.

25 The provisions of this Section and of Section 11-11 as they  
26 apply to applicants and recipients of public aid under Article

1 V shall be operative only to the extent that they do not  
2 conflict with any Federal law or regulation governing Federal  
3 grants to this State for such programs.

4 The Department of Healthcare and Family Services and the  
5 Department of Human Services (as successor to the Illinois  
6 Department of Public Aid) shall enter into an inter-agency  
7 agreement with the Department of Children and Family Services  
8 to establish a procedure by which employees of the Department  
9 of Children and Family Services may have immediate access to  
10 records, files, papers, and communications (except medical,  
11 alcohol or drug assessment or treatment, mental health, or any  
12 other medical records) of the Illinois Department, county  
13 departments, and local governmental units receiving State or  
14 federal funds or aid, if the Department of Children and Family  
15 Services determines the information is necessary to perform its  
16 duties under the Abused and Neglected Child Reporting Act, the  
17 Child Care Act of 1969, and the Children and Family Services  
18 Act.

19 (Source: P.A. 95-331, eff. 8-21-07.)

20 Section 35. The Crime Victims Compensation Act is amended  
21 by changing Section 2 as follows:

22 (740 ILCS 45/2) (from Ch. 70, par. 72)

23 Sec. 2. Definitions. As used in this Act, unless the  
24 context otherwise requires:

1           (a) "Applicant" means any person who applies for  
2 compensation under this Act or any person the Court of Claims  
3 finds is entitled to compensation, including the guardian of a  
4 minor or of a person under legal disability. It includes any  
5 person who was a dependent of a deceased victim of a crime of  
6 violence for his or her support at the time of the death of  
7 that victim.

8           (b) "Court of Claims" means the Court of Claims created by  
9 the Court of Claims Act.

10           (c) "Crime of violence" means and includes any offense  
11 defined in Sections 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 10-1,  
12 10-2, 10-9, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60,  
13 11-11, 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 12-1, 12-2, 12-3,  
14 12-3.1, 12-3.2, 12-3.3, 12-3.4, 12-4, 12-4.1, 12-4.2, 12-4.3,  
15 12-5, 12-7.1, 12-7.3, 12-7.4, 12-13, 12-14, 12-14.1, 12-15,  
16 12-16, 12-20.5, 12-30, 20-1 or 20-1.1, or Section 12-3.05  
17 except for subdivision (a) (4) or (g) (1), or subdivision (a) (4)  
18 of Section 11-14.4, of the Criminal Code of 1961 or the  
19 Criminal Code of 2012, Sections 1(a) and 1(a-5) of the Cemetery  
20 Protection Act, Section 125 of the Stalking No Contact Order  
21 Act, Section 219 of the Civil No Contact Order Act, driving  
22 under the influence as defined in Section 11-501 of the  
23 Illinois Vehicle Code, a violation of Section 11-401 of the  
24 Illinois Vehicle Code, provided the victim was a pedestrian or  
25 was operating a vehicle moved solely by human power or a  
26 mobility device at the time of contact, and a violation of



1 Section 11-204.1 of the Illinois Vehicle Code; so long as the  
2 offense did not occur during a civil riot, insurrection or  
3 rebellion. "Crime of violence" does not include any other  
4 offense or accident involving a motor vehicle except those  
5 vehicle offenses specifically provided for in this paragraph.  
6 "Crime of violence" does include all of the offenses  
7 specifically provided for in this paragraph that occur within  
8 this State but are subject to federal jurisdiction and crimes  
9 involving terrorism as defined in 18 U.S.C. 2331.

10 (d) "Victim" means (1) a person killed or injured in this  
11 State as a result of a crime of violence perpetrated or  
12 attempted against him or her, (2) the spouse or parent of a  
13 person killed or injured in this State as a result of a crime  
14 of violence perpetrated or attempted against the person, (3) a  
15 person killed or injured in this State while attempting to  
16 assist a person against whom a crime of violence is being  
17 perpetrated or attempted, if that attempt of assistance would  
18 be expected of a reasonable person under the circumstances, (4)  
19 a person killed or injured in this State while assisting a law  
20 enforcement official apprehend a person who has perpetrated a  
21 crime of violence or prevent the perpetration of any such crime  
22 if that assistance was in response to the express request of  
23 the law enforcement official, (5) a person who personally  
24 witnessed a violent crime, (5.1) solely for the purpose of  
25 compensating for pecuniary loss incurred for psychological  
26 treatment of a mental or emotional condition caused or

1 aggravated by the crime, any other person under the age of 18  
2 who is the brother, sister, half brother, half sister, child,  
3 or stepchild of a person killed or injured in this State as a  
4 result of a crime of violence, (6) an Illinois resident who is  
5 a victim of a "crime of violence" as defined in this Act  
6 except, if the crime occurred outside this State, the resident  
7 has the same rights under this Act as if the crime had occurred  
8 in this State upon a showing that the state, territory,  
9 country, or political subdivision of a country in which the  
10 crime occurred does not have a compensation of victims of  
11 crimes law for which that Illinois resident is eligible, (7) a  
12 deceased person whose body is dismembered or whose remains are  
13 desecrated as the result of a crime of violence, or (8) solely  
14 for the purpose of compensating for pecuniary loss incurred for  
15 psychological treatment of a mental or emotional condition  
16 caused or aggravated by the crime, any parent, spouse, or child  
17 under the age of 18 of a deceased person whose body is  
18 dismembered or whose remains are desecrated as the result of a  
19 crime of violence.

20 (e) "Dependent" means a relative of a deceased victim who  
21 was wholly or partially dependent upon the victim's income at  
22 the time of his or her death and shall include the child of a  
23 victim born after his or her death.

24 (f) "Relative" means a spouse, parent, grandparent,  
25 stepfather, stepmother, child, grandchild, brother,  
26 brother-in-law, sister, sister-in-law, half brother, half

1 sister, spouse's parent, nephew, niece, uncle or aunt.

2 (g) "Child" means an unmarried son or daughter who is under  
3 18 years of age and includes a stepchild, an adopted child or a  
4 nonmarital child ~~born out of wedlock~~.

5 (h) "Pecuniary loss" means, in the case of injury,  
6 appropriate medical expenses and hospital expenses including  
7 expenses of medical examinations, rehabilitation, medically  
8 required nursing care expenses, appropriate psychiatric care  
9 or psychiatric counseling expenses, expenses for care or  
10 counseling by a licensed clinical psychologist, licensed  
11 clinical social worker, licensed professional counselor, or  
12 licensed clinical professional counselor and expenses for  
13 treatment by Christian Science practitioners and nursing care  
14 appropriate thereto; transportation expenses to and from  
15 medical and counseling treatment facilities; prosthetic  
16 appliances, eyeglasses, and hearing aids necessary or damaged  
17 as a result of the crime; costs associated with trafficking  
18 tattoo removal by a person authorized or licensed to perform  
19 the specific removal procedure; replacement costs for clothing  
20 and bedding used as evidence; costs associated with temporary  
21 lodging or relocation necessary as a result of the crime,  
22 including, but not limited to, the first month's rent and  
23 security deposit of the dwelling that the claimant relocated to  
24 and other reasonable relocation expenses incurred as a result  
25 of the violent crime; locks or windows necessary or damaged as  
26 a result of the crime; the purchase, lease, or rental of

1 equipment necessary to create usability of and accessibility to  
2 the victim's real and personal property, or the real and  
3 personal property which is used by the victim, necessary as a  
4 result of the crime; the costs of appropriate crime scene  
5 clean-up; replacement services loss, to a maximum of \$1,250 per  
6 month; dependents replacement services loss, to a maximum of  
7 \$1,250 per month; loss of tuition paid to attend grammar school  
8 or high school when the victim had been enrolled as a student  
9 prior to the injury, or college or graduate school when the  
10 victim had been enrolled as a day or night student prior to the  
11 injury when the victim becomes unable to continue attendance at  
12 school as a result of the crime of violence perpetrated against  
13 him or her; loss of earnings, loss of future earnings because  
14 of disability resulting from the injury, and, in addition, in  
15 the case of death, expenses for funeral, burial, and travel and  
16 transport for survivors of homicide victims to secure bodies of  
17 deceased victims and to transport bodies for burial all of  
18 which may not exceed a maximum of \$7,500 and loss of support of  
19 the dependents of the victim; in the case of dismemberment or  
20 desecration of a body, expenses for funeral and burial, all of  
21 which may not exceed a maximum of \$7,500. Loss of future  
22 earnings shall be reduced by any income from substitute work  
23 actually performed by the victim or by income he or she would  
24 have earned in available appropriate substitute work he or she  
25 was capable of performing but unreasonably failed to undertake.  
26 Loss of earnings, loss of future earnings and loss of support

1 shall be determined on the basis of the victim's average net  
2 monthly earnings for the 6 months immediately preceding the  
3 date of the injury or on \$1,250 per month, whichever is less  
4 or, in cases where the absences commenced more than 3 years  
5 from the date of the crime, on the basis of the net monthly  
6 earnings for the 6 months immediately preceding the date of the  
7 first absence, not to exceed \$1,250 per month. If a divorced or  
8 legally separated applicant is claiming loss of support for a  
9 minor child of the deceased, the amount of support for each  
10 child shall be based either on the amount of support pursuant  
11 to the judgment prior to the date of the deceased victim's  
12 injury or death, or, if the subject of pending litigation filed  
13 by or on behalf of the divorced or legally separated applicant  
14 prior to the injury or death, on the result of that litigation.  
15 Real and personal property includes, but is not limited to,  
16 vehicles, houses, apartments, town houses, or condominiums.  
17 Pecuniary loss does not include pain and suffering or property  
18 loss or damage.

19 (i) "Replacement services loss" means expenses reasonably  
20 incurred in obtaining ordinary and necessary services in lieu  
21 of those the injured person would have performed, not for  
22 income, but for the benefit of himself or herself or his or her  
23 family, if he or she had not been injured.

24 (j) "Dependents replacement services loss" means loss  
25 reasonably incurred by dependents or private legal guardians of  
26 minor dependents after a victim's death in obtaining ordinary

1 and necessary services in lieu of those the victim would have  
2 performed, not for income, but for their benefit, if he or she  
3 had not been fatally injured.

4 (k) "Survivor" means immediate family including a parent,  
5 step-father, step-mother, child, brother, sister, or spouse.

6 (l) "Parent" means a natural parent, adopted parent,  
7 step-parent, or permanent legal guardian of another person.

8 (m) "Trafficking tattoo" is a tattoo which is applied to a  
9 victim in connection with the commission of a violation of  
10 Section 10-9 of the Criminal Code of 2012.

11 (Source: P.A. 97-817, eff. 1-1-13; 97-1109, eff. 1-1-13;  
12 97-1150, eff. 1-25-13; 98-435, eff. 1-1-14.)

13 Section 40. The Illinois Marriage and Dissolution of  
14 Marriage Act is amended by changing Sections 205 and 607 as  
15 follows:

16 (750 ILCS 5/205) (from Ch. 40, par. 205)

17 Sec. 205. Exceptions.

18 (1) Irrespective of the results of laboratory tests and  
19 clinical examination relative to sexually transmitted  
20 diseases, the clerks of the respective counties shall issue a  
21 marriage license to parties to a proposed marriage (a) when a  
22 woman is pregnant at the time of such application, or (b) when  
23 a woman has, prior to the time of application, given birth to a  
24 nonmarital child ~~born out of wedlock~~ which is living at the

1 time of such application and the man making such application  
2 makes affidavit that he is the father of the nonmarital ~~such~~  
3 child ~~born out of wedlock~~. The county clerk shall, in lieu of  
4 the health certificate required hereunder, accept, as the case  
5 may be, either an affidavit on a form prescribed by the State  
6 Department of Public Health, signed by a physician duly  
7 licensed in this State, stating that the woman is pregnant, or  
8 a copy of the birth record of the nonmarital child ~~born out of~~  
9 ~~wedlock~~, if one is available in this State, or if such birth  
10 record is not available, an affidavit signed by the woman that  
11 she is the mother of such child.

12 (2) Any judge of the circuit court within the county in  
13 which the license is to be issued is authorized and empowered  
14 on joint application by both applicants for a marriage license  
15 to waive the requirements as to medical examination, laboratory  
16 tests, and certificates, except the requirements of paragraph  
17 (4) of subsection (a) of Section 212 of this Act which shall  
18 not be waived; and to authorize the county clerk to issue the  
19 license if all other requirements of law have been complied  
20 with and the judge is satisfied, by affidavit, or other proof,  
21 that the examination or tests are contrary to the tenets or  
22 practices of the religious creed of which the applicant is an  
23 adherent, and that the public health and welfare will not be  
24 injuriously affected thereby.

25 (Source: P.A. 94-229, eff. 1-1-06.)

1 (750 ILCS 5/607) (from Ch. 40, par. 607)

2 Sec. 607. Visitation.

3 (a) A parent not granted custody of the child is entitled  
4 to reasonable visitation rights unless the court finds, after a  
5 hearing, that visitation would endanger seriously the child's  
6 physical, mental, moral or emotional health. If the custodian's  
7 street address is not identified, pursuant to Section 708, the  
8 court shall require the parties to identify reasonable  
9 alternative arrangements for visitation by a non-custodial  
10 parent, including but not limited to visitation of the minor  
11 child at the residence of another person or at a local public  
12 or private facility.

13 (1) "Visitation" means in-person time spent between a  
14 child and the child's parent. In appropriate  
15 circumstances, it may include electronic communication  
16 under conditions and at times determined by the court.

17 (2) "Electronic communication" means time that a  
18 parent spends with his or her child during which the child  
19 is not in the parent's actual physical custody, but which  
20 is facilitated by the use of communication tools such as  
21 the telephone, electronic mail, instant messaging, video  
22 conferencing or other wired or wireless technologies via  
23 the Internet, or another medium of communication.

24 (a-3) Grandparents, great-grandparents, and siblings of a  
25 minor child, who is one year old or older, have standing to  
26 bring an action in circuit court by petition, requesting



1 visitation in accordance with this Section. The term "sibling"  
2 in this Section means a brother, sister, stepbrother, or  
3 stepsister of the minor child. Grandparents,  
4 great-grandparents, and siblings also have standing to file a  
5 petition for visitation and any electronic communication  
6 rights in a pending dissolution proceeding or any other  
7 proceeding that involves custody or visitation issues,  
8 requesting visitation in accordance with this Section. A  
9 petition for visitation with a child by a person other than a  
10 parent must be filed in the county in which the child resides.  
11 Nothing in this subsection (a-3) and subsection (a-5) of this  
12 Section shall apply to a child in whose interests a petition is  
13 pending under Section 2-13 of the Juvenile Court Act of 1987 or  
14 a petition to adopt an unrelated child is pending under the  
15 Adoption Act.

16 (a-5) (1) Except as otherwise provided in this subsection  
17 (a-5), any grandparent, great-grandparent, or sibling may file  
18 a petition for visitation rights to a minor child if there is  
19 an unreasonable denial of visitation by a parent and at least  
20 one of the following conditions exists:

21 (A) (Blank);

22 (A-5) the child's other parent is deceased or has been  
23 missing for at least 3 months. For the purposes of this  
24 Section a parent is considered to be missing if the  
25 parent's location has not been determined and the parent  
26 has been reported as missing to a law enforcement agency;

1 (A-10) a parent of the child is incompetent as a matter  
2 of law;

3 (A-15) a parent has been incarcerated in jail or prison  
4 during the 3 month period preceding the filing of the  
5 petition;

6 (B) the child's mother and father are divorced or have  
7 been legally separated from each other or there is pending  
8 a dissolution proceeding involving a parent of the child or  
9 another court proceeding involving custody or visitation  
10 of the child (other than any adoption proceeding of an  
11 unrelated child) and at least one parent does not object to  
12 the grandparent, great-grandparent, or sibling having  
13 visitation with the child. The visitation of the  
14 grandparent, great-grandparent, or sibling must not  
15 diminish the visitation of the parent who is not related to  
16 the grandparent, great-grandparent, or sibling seeking  
17 visitation;

18 (C) (Blank);

19 (D) the child is a nonmarital child ~~born out of~~  
20 ~~wedlock~~, the parents are not living together, and the  
21 petitioner is a maternal grandparent, great-grandparent,  
22 or sibling of the nonmarital child ~~born out of wedlock~~; or

23 (E) the child is a nonmarital child ~~born out of~~  
24 ~~wedlock~~, the parents are not living together, the  
25 petitioner is a paternal grandparent, great-grandparent,  
26 or sibling, and the paternity has been established by a

1 court of competent jurisdiction.

2 (2) Any visitation rights granted pursuant to this Section  
3 before the filing of a petition for adoption of a child shall  
4 automatically terminate by operation of law upon the entry of  
5 an order terminating parental rights or granting the adoption  
6 of the child, whichever is earlier. If the person or persons  
7 who adopted the child are related to the child, as defined by  
8 Section 1 of the Adoption Act, any person who was related to  
9 the child as grandparent, great-grandparent, or sibling prior  
10 to the adoption shall have standing to bring an action pursuant  
11 to this Section requesting visitation with the child.

12 (3) In making a determination under this subsection (a-5),  
13 there is a rebuttable presumption that a fit parent's actions  
14 and decisions regarding grandparent, great-grandparent, or  
15 sibling visitation are not harmful to the child's mental,  
16 physical, or emotional health. The burden is on the party  
17 filing a petition under this Section to prove that the parent's  
18 actions and decisions regarding visitation times are harmful to  
19 the child's mental, physical, or emotional health.

20 (4) In determining whether to grant visitation, the court  
21 shall consider the following:

22 (A) the preference of the child if the child is  
23 determined to be of sufficient maturity to express a  
24 preference;

25 (B) the mental and physical health of the child;

26 (C) the mental and physical health of the grandparent,

1 great-grandparent, or sibling;

2 (D) the length and quality of the prior relationship  
3 between the child and the grandparent, great-grandparent,  
4 or sibling;

5 (E) the good faith of the party in filing the petition;

6 (F) the good faith of the person denying visitation;

7 (G) the quantity of the visitation time requested and  
8 the potential adverse impact that visitation would have on  
9 the child's customary activities;

10 (H) whether the child resided with the petitioner for  
11 at least 6 consecutive months with or without the current  
12 custodian present;

13 (I) whether the petitioner had frequent or regular  
14 contact or visitation with the child for at least 12  
15 consecutive months;

16 (J) any other fact that establishes that the loss of  
17 the relationship between the petitioner and the child is  
18 likely to harm the child's mental, physical, or emotional  
19 health; and

20 (K) whether the grandparent, great-grandparent, or  
21 sibling was a primary caretaker of the child for a period  
22 of not less than 6 consecutive months.

23 (5) The court may order visitation rights for the  
24 grandparent, great-grandparent, or sibling that include  
25 reasonable access without requiring overnight or possessory  
26 visitation.

1           (a-7) (1) Unless by stipulation of the parties, no motion to  
2 modify a grandparent, great-grandparent, or sibling visitation  
3 order may be made earlier than 2 years after the date the order  
4 was filed, unless the court permits it to be made on the basis  
5 of affidavits that there is reason to believe the child's  
6 present environment may endanger seriously the child's mental,  
7 physical, or emotional health.

8           (2) The court shall not modify an order that grants  
9 visitation to a grandparent, great-grandparent, or sibling  
10 unless it finds by clear and convincing evidence, upon the  
11 basis of facts that have arisen since the prior visitation  
12 order or that were unknown to the court at the time of entry of  
13 the prior visitation, that a change has occurred in the  
14 circumstances of the child or his or her custodian, and that  
15 the modification is necessary to protect the mental, physical,  
16 or emotional health of the child. The court shall state in its  
17 decision specific findings of fact in support of its  
18 modification or termination of the grandparent,  
19 great-grandparent, or sibling visitation. A child's parent may  
20 always petition to modify visitation upon changed  
21 circumstances when necessary to promote the child's best  
22 interest.

23           (3) Attorney fees and costs shall be assessed against a  
24 party seeking modification of the visitation order if the court  
25 finds that the modification action is vexatious and constitutes  
26 harassment.

1           (4) Notice under this subsection (a-7) shall be given as  
2 provided in subsections (c) and (d) of Section 601.

3           (b) (1) (Blank.)

4           (1.5) The Court may grant reasonable visitation privileges  
5 to a stepparent upon petition to the court by the stepparent,  
6 with notice to the parties required to be notified under  
7 Section 601 of this Act, if the court determines that it is in  
8 the best interests and welfare of the child, and may issue any  
9 necessary orders to enforce those visitation privileges. A  
10 petition for visitation privileges may be filed under this  
11 paragraph (1.5) whether or not a petition pursuant to this Act  
12 has been previously filed or is currently pending if the  
13 following circumstances are met:

14                   (A) the child is at least 12 years old;

15                   (B) the child resided continuously with the parent and  
16 stepparent for at least 5 years;

17                   (C) the parent is deceased or is disabled and is unable  
18 to care for the child;

19                   (D) the child wishes to have reasonable visitation with  
20 the stepparent; and

21                   (E) the stepparent was providing for the care, control,  
22 and welfare to the child prior to the initiation of the  
23 petition for visitation.

24           (2) (A) A petition for visitation privileges shall not be  
25 filed pursuant to this subsection (b) by the parents or  
26 grandparents of a putative father if the paternity of the

1 putative father has not been legally established.

2 (B) A petition for visitation privileges may not be filed  
3 under this subsection (b) if the child who is the subject of  
4 the grandparents' or great-grandparents' petition has been  
5 voluntarily surrendered by the parent or parents, except for a  
6 surrender to the Illinois Department of Children and Family  
7 Services or a foster care facility, or has been previously  
8 adopted by an individual or individuals who are not related to  
9 the biological parents of the child or is the subject of a  
10 pending adoption petition by an individual or individuals who  
11 are not related to the biological parents of the child.

12 (3) (Blank).

13 (c) The court may modify an order granting or denying  
14 visitation rights of a parent whenever modification would serve  
15 the best interest of the child; but the court shall not  
16 restrict a parent's visitation rights unless it finds that the  
17 visitation would endanger seriously the child's physical,  
18 mental, moral or emotional health.

19 (d) If any court has entered an order prohibiting a  
20 non-custodial parent of a child from any contact with a child  
21 or restricting the non-custodial parent's contact with the  
22 child, the following provisions shall apply:

23 (1) If an order has been entered granting visitation  
24 privileges with the child to a grandparent or  
25 great-grandparent who is related to the child through the  
26 non-custodial parent, the visitation privileges of the

1 grandparent or great-grandparent may be revoked if:

2 (i) a court has entered an order prohibiting the  
3 non-custodial parent from any contact with the child,  
4 and the grandparent or great-grandparent is found to  
5 have used his or her visitation privileges to  
6 facilitate contact between the child and the  
7 non-custodial parent; or

8 (ii) a court has entered an order restricting the  
9 non-custodial parent's contact with the child, and the  
10 grandparent or great-grandparent is found to have used  
11 his or her visitation privileges to facilitate contact  
12 between the child and the non-custodial parent in a  
13 manner that violates the terms of the order restricting  
14 the non-custodial parent's contact with the child.

15 Nothing in this subdivision (1) limits the authority of  
16 the court to enforce its orders in any manner permitted by  
17 law.

18 (2) Any order granting visitation privileges with the  
19 child to a grandparent or great-grandparent who is related  
20 to the child through the non-custodial parent shall contain  
21 the following provision:

22 "If the (grandparent or great-grandparent, whichever  
23 is applicable) who has been granted visitation privileges  
24 under this order uses the visitation privileges to  
25 facilitate contact between the child and the child's  
26 non-custodial parent, the visitation privileges granted



1 under this order shall be permanently revoked."

2 (e) No parent, not granted custody of the child, or  
3 grandparent, or great-grandparent, or stepparent, or sibling  
4 of any minor child, convicted of any offense involving an  
5 illegal sex act perpetrated upon a victim less than 18 years of  
6 age including but not limited to offenses for violations of  
7 Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-1.70,  
8 or Article 12 of the Criminal Code of 1961 or the Criminal Code  
9 of 2012, is entitled to visitation rights while incarcerated or  
10 while on parole, probation, conditional discharge, periodic  
11 imprisonment, or mandatory supervised release for that  
12 offense, and upon discharge from incarceration for a  
13 misdemeanor offense or upon discharge from parole, probation,  
14 conditional discharge, periodic imprisonment, or mandatory  
15 supervised release for a felony offense, visitation shall be  
16 denied until the person successfully completes a treatment  
17 program approved by the court.

18 (f) Unless the court determines, after considering all  
19 relevant factors, including but not limited to those set forth  
20 in Section 602(a), that it would be in the best interests of  
21 the child to allow visitation, the court shall not enter an  
22 order providing visitation rights and pursuant to a motion to  
23 modify visitation shall revoke visitation rights previously  
24 granted to any person who would otherwise be entitled to  
25 petition for visitation rights under this Section who has been  
26 convicted of first degree murder of the parent, grandparent,

1 great-grandparent, or sibling of the child who is the subject  
2 of the order. Until an order is entered pursuant to this  
3 subsection, no person shall visit, with the child present, a  
4 person who has been convicted of first degree murder of the  
5 parent, grandparent, great-grandparent, or sibling of the  
6 child without the consent of the child's parent, other than a  
7 parent convicted of first degree murder as set forth herein, or  
8 legal guardian.

9 (g) (Blank).

10 (h) Upon motion, the court may allow a parent who is  
11 deployed or who has orders to be deployed as a member of the  
12 United States Armed Forces to designate a person known to the  
13 child to exercise reasonable substitute visitation on behalf of  
14 the deployed parent, if the court determines that substitute  
15 visitation is in the best interest of the child. In determining  
16 whether substitute visitation is in the best interest of the  
17 child, the court shall consider all of the relevant factors  
18 listed in subsection (a) of Section 602 and apply those factors  
19 to the person designated as a substitute for the deployed  
20 parent for visitation purposes.

21 (Source: P.A. 96-331, eff. 1-1-10; 97-659, eff. 6-1-12;  
22 97-1150, eff. 1-25-13.)

23 Section 45. The Emancipation of Minors Act is amended by  
24 changing Section 3-3 as follows:

1 (750 ILCS 30/3-3) (from Ch. 40, par. 2203-3)

2 Sec. 3-3. Parents. "Parent" means the father or mother of a  
3 lawful child of the parties or a nonmarital child ~~born out of~~  
4 ~~wedlock~~, and includes any adoptive parent. It does not include  
5 a parent whose rights in respect to the minor have been  
6 terminated in any manner provided by law.

7 (Source: P.A. 94-229, eff. 1-1-06.)

8 Section 50. The Adoption Act is amended by changing  
9 Sections 1, 12.1, and 18 as follows:

10 (750 ILCS 50/1) (from Ch. 40, par. 1501)

11 Sec. 1. Definitions. When used in this Act, unless the  
12 context otherwise requires:

13 A. "Child" means a person under legal age subject to  
14 adoption under this Act.

15 B. "Related child" means a child subject to adoption where  
16 either or both of the adopting parents stands in any of the  
17 following relationships to the child by blood or marriage:  
18 parent, grand-parent, brother, sister, step-parent,  
19 step-grandparent, step-brother, step-sister, uncle, aunt,  
20 great-uncle, great-aunt, or cousin of first degree. A child  
21 whose parent has executed a final irrevocable consent to  
22 adoption or a final irrevocable surrender for purposes of  
23 adoption, or whose parent has had his or her parental rights  
24 terminated, is not a related child to that person, unless the

1 consent is determined to be void or is void pursuant to  
2 subsection O of Section 10.

3 C. "Agency" for the purpose of this Act means a public  
4 child welfare agency or a licensed child welfare agency.

5 D. "Unfit person" means any person whom the court shall  
6 find to be unfit to have a child, without regard to the  
7 likelihood that the child will be placed for adoption. The  
8 grounds of unfitness are any one or more of the following,  
9 except that a person shall not be considered an unfit person  
10 for the sole reason that the person has relinquished a child in  
11 accordance with the Abandoned Newborn Infant Protection Act:

12 (a) Abandonment of the child.

13 (a-1) Abandonment of a newborn infant in a hospital.

14 (a-2) Abandonment of a newborn infant in any setting  
15 where the evidence suggests that the parent intended to  
16 relinquish his or her parental rights.

17 (b) Failure to maintain a reasonable degree of  
18 interest, concern or responsibility as to the child's  
19 welfare.

20 (c) Desertion of the child for more than 3 months next  
21 preceding the commencement of the Adoption proceeding.

22 (d) Substantial neglect of the child if continuous or  
23 repeated.

24 (d-1) Substantial neglect, if continuous or repeated,  
25 of any child residing in the household which resulted in  
26 the death of that child.

1 (e) Extreme or repeated cruelty to the child.

2 (f) There is a rebuttable presumption, which can be  
3 overcome only by clear and convincing evidence, that a  
4 parent is unfit if:

5 (1) Two or more findings of physical abuse have  
6 been entered regarding any children under Section 2-21  
7 of the Juvenile Court Act of 1987, the most recent of  
8 which was determined by the juvenile court hearing the  
9 matter to be supported by clear and convincing  
10 evidence; or

11 (2) The parent has been convicted or found not  
12 guilty by reason of insanity and the conviction or  
13 finding resulted from the death of any child by  
14 physical abuse; or

15 (3) There is a finding of physical child abuse  
16 resulting from the death of any child under Section  
17 2-21 of the Juvenile Court Act of 1987.

18 No conviction or finding of delinquency pursuant  
19 to Article V ~~5~~ of the Juvenile Court Act of 1987 shall  
20 be considered a criminal conviction for the purpose of  
21 applying any presumption under this item (f).

22 (g) Failure to protect the child from conditions within  
23 his environment injurious to the child's welfare.

24 (h) Other neglect of, or misconduct toward the child;  
25 provided that in making a finding of unfitness the court  
26 hearing the adoption proceeding shall not be bound by any

1 previous finding, order or judgment affecting or  
2 determining the rights of the parents toward the child  
3 sought to be adopted in any other proceeding except such  
4 proceedings terminating parental rights as shall be had  
5 under either this Act, the Juvenile Court Act or the  
6 Juvenile Court Act of 1987.

7 (i) Depravity. Conviction of any one of the following  
8 crimes shall create a presumption that a parent is deprived  
9 which can be overcome only by clear and convincing  
10 evidence: (1) first degree murder in violation of paragraph  
11 1 or 2 of subsection (a) of Section 9-1 of the Criminal  
12 Code of 1961 or the Criminal Code of 2012 or conviction of  
13 second degree murder in violation of subsection (a) of  
14 Section 9-2 of the Criminal Code of 1961 or the Criminal  
15 Code of 2012 of a parent of the child to be adopted; (2)  
16 first degree murder or second degree murder of any child in  
17 violation of the Criminal Code of 1961 or the Criminal Code  
18 of 2012; (3) attempt or conspiracy to commit first degree  
19 murder or second degree murder of any child in violation of  
20 the Criminal Code of 1961 or the Criminal Code of 2012; (4)  
21 solicitation to commit murder of any child, solicitation to  
22 commit murder of any child for hire, or solicitation to  
23 commit second degree murder of any child in violation of  
24 the Criminal Code of 1961 or the Criminal Code of 2012; (5)  
25 predatory criminal sexual assault of a child in violation  
26 of Section 11-1.40 or 12-14.1 of the Criminal Code of 1961

1 or the Criminal Code of 2012; (6) heinous battery of any  
2 child in violation of the Criminal Code of 1961; or (7)  
3 aggravated battery of any child in violation of the  
4 Criminal Code of 1961 or the Criminal Code of 2012.

5 There is a rebuttable presumption that a parent is  
6 deprived if the parent has been criminally convicted of at  
7 least 3 felonies under the laws of this State or any other  
8 state, or under federal law, or the criminal laws of any  
9 United States territory; and at least one of these  
10 convictions took place within 5 years of the filing of the  
11 petition or motion seeking termination of parental rights.

12 There is a rebuttable presumption that a parent is  
13 deprived if that parent has been criminally convicted of  
14 either first or second degree murder of any person as  
15 defined in the Criminal Code of 1961 or the Criminal Code  
16 of 2012 within 10 years of the filing date of the petition  
17 or motion to terminate parental rights.

18 No conviction or finding of delinquency pursuant to  
19 Article 5 of the Juvenile Court Act of 1987 shall be  
20 considered a criminal conviction for the purpose of  
21 applying any presumption under this item (i).

22 (j) Open and notorious adultery or fornication.

23 (j-1) (Blank).

24 (k) Habitual drunkenness or addiction to drugs, other  
25 than those prescribed by a physician, for at least one year  
26 immediately prior to the commencement of the unfitness

1 proceeding.

2 There is a rebuttable presumption that a parent is  
3 unfit under this subsection with respect to any child to  
4 which that parent gives birth where there is a confirmed  
5 test result that at birth the child's blood, urine, or  
6 meconium contained any amount of a controlled substance as  
7 defined in subsection (f) of Section 102 of the Illinois  
8 Controlled Substances Act or metabolites of such  
9 substances, the presence of which in the newborn infant was  
10 not the result of medical treatment administered to the  
11 mother or the newborn infant; and the biological mother of  
12 this child is the biological mother of at least one other  
13 child who was adjudicated a neglected minor under  
14 subsection (c) of Section 2-3 of the Juvenile Court Act of  
15 1987.

16 (l) Failure to demonstrate a reasonable degree of  
17 interest, concern or responsibility as to the welfare of a  
18 new born child during the first 30 days after its birth.

19 (m) Failure by a parent (i) to make reasonable efforts  
20 to correct the conditions that were the basis for the  
21 removal of the child from the parent during any 9-month  
22 period following the adjudication of neglected or abused  
23 minor under Section 2-3 of the Juvenile Court Act of 1987  
24 or dependent minor under Section 2-4 of that Act, or (ii)  
25 to make reasonable progress toward the return of the child  
26 to the parent during any 9-month period following the



1 adjudication of neglected or abused minor under Section 2-3  
2 of the Juvenile Court Act of 1987 or dependent minor under  
3 Section 2-4 of that Act. If a service plan has been  
4 established as required under Section 8.2 of the Abused and  
5 Neglected Child Reporting Act to correct the conditions  
6 that were the basis for the removal of the child from the  
7 parent and if those services were available, then, for  
8 purposes of this Act, "failure to make reasonable progress  
9 toward the return of the child to the parent" includes the  
10 parent's failure to substantially fulfill his or her  
11 obligations under the service plan and correct the  
12 conditions that brought the child into care during any  
13 9-month period following the adjudication under Section  
14 2-3 or 2-4 of the Juvenile Court Act of 1987.  
15 Notwithstanding any other provision, when a petition or  
16 motion seeks to terminate parental rights on the basis of  
17 item (ii) of this subsection (m), the petitioner shall file  
18 with the court and serve on the parties a pleading that  
19 specifies the 9-month period or periods relied on. The  
20 pleading shall be filed and served on the parties no later  
21 than 3 weeks before the date set by the court for closure  
22 of discovery, and the allegations in the pleading shall be  
23 treated as incorporated into the petition or motion.  
24 Failure of a respondent to file a written denial of the  
25 allegations in the pleading shall not be treated as an  
26 admission that the allegations are true.

1 (m-1) Pursuant to the Juvenile Court Act of 1987, a  
2 child has been in foster care for 15 months out of any 22  
3 month period which begins on or after the effective date of  
4 this amendatory Act of 1998 unless the child's parent can  
5 prove by a preponderance of the evidence that it is more  
6 likely than not that it will be in the best interests of  
7 the child to be returned to the parent within 6 months of  
8 the date on which a petition for termination of parental  
9 rights is filed under the Juvenile Court Act of 1987. The  
10 15 month time limit is tolled during any period for which  
11 there is a court finding that the appointed custodian or  
12 guardian failed to make reasonable efforts to reunify the  
13 child with his or her family, provided that (i) the finding  
14 of no reasonable efforts is made within 60 days of the  
15 period when reasonable efforts were not made or (ii) the  
16 parent filed a motion requesting a finding of no reasonable  
17 efforts within 60 days of the period when reasonable  
18 efforts were not made. For purposes of this subdivision  
19 (m-1), the date of entering foster care is the earlier of:  
20 (i) the date of a judicial finding at an adjudicatory  
21 hearing that the child is an abused, neglected, or  
22 dependent minor; or (ii) 60 days after the date on which  
23 the child is removed from his or her parent, guardian, or  
24 legal custodian.

25 (n) Evidence of intent to forgo his or her parental  
26 rights, whether or not the child is a ward of the court,

1 (1) as manifested by his or her failure for a period of 12  
2 months: (i) to visit the child, (ii) to communicate with  
3 the child or agency, although able to do so and not  
4 prevented from doing so by an agency or by court order, or  
5 (iii) to maintain contact with or plan for the future of  
6 the child, although physically able to do so, or (2) as  
7 manifested by the father's failure, where he and the mother  
8 of the child were unmarried to each other at the time of  
9 the child's birth, (i) to commence legal proceedings to  
10 establish his paternity under the Illinois Parentage Act of  
11 1984 or the law of the jurisdiction of the child's birth  
12 within 30 days of being informed, pursuant to Section 12a  
13 of this Act, that he is the father or the likely father of  
14 the child or, after being so informed where the child is  
15 not yet born, within 30 days of the child's birth, or (ii)  
16 to make a good faith effort to pay a reasonable amount of  
17 the expenses related to the birth of the child and to  
18 provide a reasonable amount for the financial support of  
19 the child, the court to consider in its determination all  
20 relevant circumstances, including the financial condition  
21 of both parents; provided that the ground for termination  
22 provided in this subparagraph (n)(2)(ii) shall only be  
23 available where the petition is brought by the mother or  
24 the husband of the mother.

25 Contact or communication by a parent with his or her  
26 child that does not demonstrate affection and concern does

1 not constitute reasonable contact and planning under  
2 subdivision (n). In the absence of evidence to the  
3 contrary, the ability to visit, communicate, maintain  
4 contact, pay expenses and plan for the future shall be  
5 presumed. The subjective intent of the parent, whether  
6 expressed or otherwise, unsupported by evidence of the  
7 foregoing parental acts manifesting that intent, shall not  
8 preclude a determination that the parent has intended to  
9 forgo his or her parental rights. In making this  
10 determination, the court may consider but shall not require  
11 a showing of diligent efforts by an authorized agency to  
12 encourage the parent to perform the acts specified in  
13 subdivision (n).

14 It shall be an affirmative defense to any allegation  
15 under paragraph (2) of this subsection that the father's  
16 failure was due to circumstances beyond his control or to  
17 impediments created by the mother or any other person  
18 having legal custody. Proof of that fact need only be by a  
19 preponderance of the evidence.

20 (o) Repeated or continuous failure by the parents,  
21 although physically and financially able, to provide the  
22 child with adequate food, clothing, or shelter.

23 (p) Inability to discharge parental responsibilities  
24 supported by competent evidence from a psychiatrist,  
25 licensed clinical social worker, or clinical psychologist  
26 of mental impairment, mental illness or an intellectual

1 disability as defined in Section 1-116 of the Mental Health  
2 and Developmental Disabilities Code, or developmental  
3 disability as defined in Section 1-106 of that Code, and  
4 there is sufficient justification to believe that the  
5 inability to discharge parental responsibilities shall  
6 extend beyond a reasonable time period. However, this  
7 subdivision (p) shall not be construed so as to permit a  
8 licensed clinical social worker to conduct any medical  
9 diagnosis to determine mental illness or mental  
10 impairment.

11 (q) (Blank).

12 (r) The child is in the temporary custody or  
13 guardianship of the Department of Children and Family  
14 Services, the parent is incarcerated as a result of  
15 criminal conviction at the time the petition or motion for  
16 termination of parental rights is filed, prior to  
17 incarceration the parent had little or no contact with the  
18 child or provided little or no support for the child, and  
19 the parent's incarceration will prevent the parent from  
20 discharging his or her parental responsibilities for the  
21 child for a period in excess of 2 years after the filing of  
22 the petition or motion for termination of parental rights.

23 (s) The child is in the temporary custody or  
24 guardianship of the Department of Children and Family  
25 Services, the parent is incarcerated at the time the  
26 petition or motion for termination of parental rights is

1 filed, the parent has been repeatedly incarcerated as a  
2 result of criminal convictions, and the parent's repeated  
3 incarceration has prevented the parent from discharging  
4 his or her parental responsibilities for the child.

5 (t) A finding that at birth the child's blood, urine,  
6 or meconium contained any amount of a controlled substance  
7 as defined in subsection (f) of Section 102 of the Illinois  
8 Controlled Substances Act, or a metabolite of a controlled  
9 substance, with the exception of controlled substances or  
10 metabolites of such substances, the presence of which in  
11 the newborn infant was the result of medical treatment  
12 administered to the mother or the newborn infant, and that  
13 the biological mother of this child is the biological  
14 mother of at least one other child who was adjudicated a  
15 neglected minor under subsection (c) of Section 2-3 of the  
16 Juvenile Court Act of 1987, after which the biological  
17 mother had the opportunity to enroll in and participate in  
18 a clinically appropriate substance abuse counseling,  
19 treatment, and rehabilitation program.

20 E. "Parent" means the father or mother of a lawful child of  
21 the parties or nonmarital child ~~born out of wedlock~~. For the  
22 purpose of this Act, a person who has executed a final and  
23 irrevocable consent to adoption or a final and irrevocable  
24 surrender for purposes of adoption, or whose parental rights  
25 have been terminated by a court, is not a parent of the child  
26 who was the subject of the consent or surrender, unless the

1 consent is void pursuant to subsection 0 of Section 10.

2 F. A person is available for adoption when the person is:

3 (a) a child who has been surrendered for adoption to an  
4 agency and to whose adoption the agency has thereafter  
5 consented;

6 (b) a child to whose adoption a person authorized by  
7 law, other than his parents, has consented, or to whose  
8 adoption no consent is required pursuant to Section 8 of  
9 this Act;

10 (c) a child who is in the custody of persons who intend  
11 to adopt him through placement made by his parents;

12 (c-1) a child for whom a parent has signed a specific  
13 consent pursuant to subsection 0 of Section 10;

14 (d) an adult who meets the conditions set forth in  
15 Section 3 of this Act; or

16 (e) a child who has been relinquished as defined in  
17 Section 10 of the Abandoned Newborn Infant Protection Act.

18 A person who would otherwise be available for adoption  
19 shall not be deemed unavailable for adoption solely by reason  
20 of his or her death.

21 G. The singular includes the plural and the plural includes  
22 the singular and the "male" includes the "female", as the  
23 context of this Act may require.

24 H. "Adoption disruption" occurs when an adoptive placement  
25 does not prove successful and it becomes necessary for the  
26 child to be removed from placement before the adoption is

1 finalized.

2 I. "Habitual residence" has the meaning ascribed to it in  
3 the federal Intercountry Adoption Act of 2000 and regulations  
4 promulgated thereunder.

5 J. "Immediate relatives" means the biological parents, the  
6 parents of the biological parents and siblings of the  
7 biological parents.

8 K. "Intercountry adoption" is a process by which a child  
9 from a country other than the United States is adopted by  
10 persons who are habitual residents of the United States, or the  
11 child is a habitual resident of the United States who is  
12 adopted by persons who are habitual residents of a country  
13 other than the United States.

14 L. "Intercountry Adoption Coordinator" means a staff  
15 person of the Department of Children and Family Services  
16 appointed by the Director to coordinate the provision of  
17 services related to an intercountry adoption.

18 M. "Interstate Compact on the Placement of Children" is a  
19 law enacted by all states and certain territories for the  
20 purpose of establishing uniform procedures for handling the  
21 interstate placement of children in foster homes, adoptive  
22 homes, or other child care facilities.

23 N. (Blank).

24 O. "Preadoption requirements" means any conditions or  
25 standards established by the laws or administrative rules of  
26 this State that must be met by a prospective adoptive parent



1 prior to the placement of a child in an adoptive home.

2 P. "Abused child" means a child whose parent or immediate  
3 family member, or any person responsible for the child's  
4 welfare, or any individual residing in the same home as the  
5 child, or a paramour of the child's parent:

6 (a) inflicts, causes to be inflicted, or allows to be  
7 inflicted upon the child physical injury, by other than  
8 accidental means, that causes death, disfigurement,  
9 impairment of physical or emotional health, or loss or  
10 impairment of any bodily function;

11 (b) creates a substantial risk of physical injury to  
12 the child by other than accidental means which would be  
13 likely to cause death, disfigurement, impairment of  
14 physical or emotional health, or loss or impairment of any  
15 bodily function;

16 (c) commits or allows to be committed any sex offense  
17 against the child, as sex offenses are defined in the  
18 Criminal Code of 2012 and extending those definitions of  
19 sex offenses to include children under 18 years of age;

20 (d) commits or allows to be committed an act or acts of  
21 torture upon the child; or

22 (e) inflicts excessive corporal punishment.

23 Q. "Neglected child" means any child whose parent or other  
24 person responsible for the child's welfare withholds or denies  
25 nourishment or medically indicated treatment including food or  
26 care denied solely on the basis of the present or anticipated

1 mental or physical impairment as determined by a physician  
2 acting alone or in consultation with other physicians or  
3 otherwise does not provide the proper or necessary support,  
4 education as required by law, or medical or other remedial care  
5 recognized under State law as necessary for a child's  
6 well-being, or other care necessary for his or her well-being,  
7 including adequate food, clothing and shelter; or who is  
8 abandoned by his or her parents or other person responsible for  
9 the child's welfare.

10 A child shall not be considered neglected or abused for the  
11 sole reason that the child's parent or other person responsible  
12 for his or her welfare depends upon spiritual means through  
13 prayer alone for the treatment or cure of disease or remedial  
14 care as provided under Section 4 of the Abused and Neglected  
15 Child Reporting Act. A child shall not be considered neglected  
16 or abused for the sole reason that the child's parent or other  
17 person responsible for the child's welfare failed to vaccinate,  
18 delayed vaccination, or refused vaccination for the child due  
19 to a waiver on religious or medical grounds as permitted by  
20 law.

21 R. "Putative father" means a man who may be a child's  
22 father, but who (1) is not married to the child's mother on or  
23 before the date that the child was or is to be born and (2) has  
24 not established paternity of the child in a court proceeding  
25 before the filing of a petition for the adoption of the child.  
26 The term includes a male who is less than 18 years of age.

1 "Putative father" does not mean a man who is the child's father  
2 as a result of criminal sexual abuse or assault as defined  
3 under Article 11 of the Criminal Code of 2012.

4 S. "Standby adoption" means an adoption in which a parent  
5 consents to custody and termination of parental rights to  
6 become effective upon the occurrence of a future event, which  
7 is either the death of the parent or the request of the parent  
8 for the entry of a final judgment of adoption.

9 T. (Blank).

10 U. "Interstate adoption" means the placement of a minor  
11 child with a prospective adoptive parent for the purpose of  
12 pursuing an adoption for that child that is subject to the  
13 provisions of the Interstate Compact on Placement of Children.

14 V. "Endorsement letter" means the letter issued by the  
15 Department of Children and Family Services to document that a  
16 prospective adoptive parent has met preadoption requirements  
17 and has been deemed suitable by the Department to adopt a child  
18 who is the subject of an intercountry adoption.

19 W. "Denial letter" means the letter issued by the  
20 Department of Children and Family Services to document that a  
21 prospective adoptive parent has not met preadoption  
22 requirements and has not been deemed suitable by the Department  
23 to adopt a child who is the subject of an intercountry  
24 adoption.

25 (Source: P.A. 97-227, eff. 1-1-12; 97-1109, eff. 1-1-13;  
26 97-1150, eff. 1-25-13; 98-455, eff. 1-1-14; 98-532, eff.

1 1-1-14; revised 9-24-13.)

2 (750 ILCS 50/12.1)

3 Sec. 12.1. Putative Father Registry. The Department of  
4 Children and Family Services shall establish a Putative Father  
5 Registry for the purpose of determining the identity and  
6 location of a putative father of a minor child who is, or is  
7 expected to be, the subject of an adoption proceeding, in order  
8 to provide notice of such proceeding to the putative father.  
9 The Department of Children and Family Services shall establish  
10 rules and informational material necessary to implement the  
11 provisions of this Section. The Department shall have the  
12 authority to set reasonable fees for the use of the Registry.  
13 All such fees for the use of the Registry that are received by  
14 the Department or its agent shall be deposited into the fund  
15 authorized under subsection (b) of Section 25 of the Children  
16 and Family Services Act. The Department shall use the moneys in  
17 that fund for the purpose of maintaining the Registry.

18 (a) The Department shall maintain the following  
19 information in the Registry:

20 (1) With respect to the putative father:

21 (i) Name, including any other names by which the  
22 putative father may be known and that he may provide to  
23 the Registry;

24 (ii) Address at which he may be served with notice  
25 of a petition under this Act, including any change of

1 address;

2 (iii) Social Security Number;

3 (iv) Date of birth; and

4 (v) If applicable, a certified copy of an order by  
5 a court of this State or of another state or territory  
6 of the United States adjudicating the putative father  
7 to be the father of the child.

8 (2) With respect to the mother of the child:

9 (i) Name, including all other names known to the  
10 putative father by which the mother may be known;

11 (ii) If known to the putative father, her last  
12 address;

13 (iii) Social Security Number; and

14 (iv) Date of birth.

15 (3) If known to the putative father, the name, gender,  
16 place of birth, and date of birth or anticipated date of  
17 birth of the child.

18 (4) The date that the Department received the putative  
19 father's registration.

20 (5) Other information as the Department may by rule  
21 determine necessary for the orderly administration of the  
22 Registry.

23 (b) A putative father may register with the Department  
24 before the birth of the child but shall register no later than  
25 30 days after the birth of the child. All registrations shall  
26 be in writing and signed by the putative father. No fee shall

1 be charged for the initial registration. The Department shall  
2 have no independent obligation to gather the information to be  
3 maintained.

4 (c) An interested party, including persons intending to  
5 adopt a child, a child welfare agency with whom the mother has  
6 placed or has given written notice of her intention to place a  
7 child for adoption, the mother of the child, or an attorney  
8 representing an interested party may request that the  
9 Department search the Registry to determine whether a putative  
10 father is registered in relation to a child who is or may be  
11 the subject to an adoption petition.

12 (d) A search of the Registry may be proven by the  
13 production of a certified copy of the registration form, or by  
14 the certified statement of the administrator of the Registry  
15 that after a search, no registration of a putative father in  
16 relation to a child who is or may be the subject of an adoption  
17 petition could be located.

18 (e) Except as otherwise provided, information contained  
19 within the Registry is confidential and shall not be published  
20 or open to public inspection.

21 (f) A person who knowingly or intentionally registers false  
22 information under this Section commits a Class B misdemeanor. A  
23 person who knowingly or intentionally releases confidential  
24 information in violation of this Section commits a Class B  
25 misdemeanor.

26 (g) Except as provided in subsections (b) or (c) of Section

1 8 of this Act, a putative father who fails to register with the  
2 Putative Father Registry as provided in this Section is barred  
3 from thereafter bringing or maintaining any action to assert  
4 any interest in the child, unless he proves by clear and  
5 convincing evidence that:

6 (1) it was not possible for him to register within the  
7 period of time specified in subsection (b) of this Section;  
8 and

9 (2) his failure to register was through no fault of his  
10 own; and

11 (3) he registered within 10 days after it became  
12 possible for him to file.

13 A lack of knowledge of the pregnancy or birth is not an  
14 acceptable reason for failure to register.

15 (h) Except as provided in subsection (b) or (c) of Section  
16 8 of this Act, failure to timely register with the Putative  
17 Father Registry (i) shall be deemed to be a waiver and  
18 surrender of any right to notice of any hearing in any judicial  
19 proceeding for the adoption of the child, and the consent or  
20 surrender of that person to the adoption of the child is not  
21 required, and (ii) shall constitute an abandonment of the child  
22 and shall be prima facie evidence of sufficient grounds to  
23 support termination of such father's parental rights under this  
24 Act.

25 (i) In any adoption proceeding pertaining to a nonmarital  
26 child ~~born out of wedlock~~, if there is no showing that a

1 putative father has executed a consent or surrender or waived  
2 his rights regarding the proposed adoption, certification as  
3 specified in subsection (d) shall be filed with the court prior  
4 to entry of a final judgment order of adoption.

5 (j) The Registry shall not be used to notify a putative  
6 father who is the father of a child as a result of criminal  
7 sexual abuse or assault as defined under Article 11 of the  
8 Criminal Code of 2012.

9 (Source: P.A. 97-1150, eff. 1-25-13.)

10 (750 ILCS 50/18) (from Ch. 40, par. 1522)

11 Sec. 18. Records confidential.

12 (a) The word "illegitimate", the words "born out of  
13 wedlock", the word "nonmarital", and words of similar import  
14 shall not be used in any adoption proceeding in any respect.

15 (b) The court call of adoption proceedings shall not  
16 identify any of the parties by name. The parties may be  
17 identified by initials or pseudonyms. The case shall be  
18 identified by its general number. The names of the lawyers  
19 representing the parties may appear on the court call, and the  
20 type of application that is being made to the court may also be  
21 identified.

22 (c) All adoption records maintained by each circuit clerk  
23 shall be impounded in accordance with the procedures provided  
24 by the Illinois Supreme Court's General Administrative Order on  
25 Recordkeeping and shall be opened for examination only upon



1 specific order of the court, which order shall name the person  
2 or persons who are to be permitted to examine the file.  
3 Certified copies of all papers and documents contained in any  
4 file so impounded shall be made only on like order. The  
5 guardian ad litem for a minor sought to be adopted shall have  
6 the right to inspect the court file without leave of court  
7 during the pendency of the proceeding. The attorney of record  
8 for the petitioners and other parties may inspect the file only  
9 with leave of court. The petitioners to the adoption, the  
10 attorney of record for the petitioners, and the guardian ad  
11 litem of the person who is the subject of the proceeding shall  
12 be entitled to receive certified copies of the order of  
13 adoption in the proceeding at any time within 30 days after the  
14 entry of the judgment of adoption without order of court. After  
15 30 days from the entry of the judgment of adoption, no copies  
16 may be obtained without prior order of court, but good cause is  
17 not necessary to be shown by one of the petitioners to the  
18 adoption.

19 (d) If an appeal is taken from an adoption proceeding, the  
20 papers filed in the court of review and the opinion of the  
21 reviewing court shall not identify the true names of the  
22 parties; instead, initials or pseudonyms shall be used to  
23 identify the parties.

24 (Source: P.A. 86-493; 87-620.)

25 Section 55. The Probate Act of 1975 is amended by changing

1 Sections 2-2 and 5-3 as follows:

2 (755 ILCS 5/2-2) (from Ch. 110 1/2, par. 2-2)

3 Sec. 2-2. Nonmarital children ~~Children born out of wedlock.~~

4 The intestate real and personal estate of a resident decedent  
5 who was a nonmarital child ~~born out of wedlock~~ at the time of  
6 death and the intestate real estate in this State of a  
7 nonresident decedent who was a nonmarital child ~~born out of~~  
8 ~~wedlock~~ at the time of death, after all just claims against his  
9 estate are fully paid, descends and shall be distributed as  
10 provided in Section 2-1, subject to Section 2-6.5 of this Act,  
11 if both parents are eligible parents. As used in this Section,  
12 "eligible parent" means a parent of the decedent who, during  
13 the decedent's lifetime, acknowledged the decedent as the  
14 parent's child, established a parental relationship with the  
15 decedent, and supported the decedent as the parent's child.  
16 "Eligible parents" who are in arrears of in excess of one  
17 year's child support obligations shall not receive any property  
18 benefit or other interest of the decedent unless and until a  
19 court of competent jurisdiction makes a determination as to the  
20 effect on the deceased of the arrearage and allows a reduced  
21 benefit. In no event shall the reduction of the benefit or  
22 other interest be less than the amount of child support owed  
23 for the support of the decedent at the time of death. The  
24 court's considerations shall include but are not limited to the  
25 considerations in subsections (1) through (3) of Section 2-6.5

1 of this Act.

2 If neither parent is an eligible parent, the intestate real  
3 and personal estate of a resident decedent who was a nonmarital  
4 child ~~born out of wedlock~~ at the time of death and the  
5 intestate real estate in this State of a nonresident decedent  
6 who was a nonmarital child ~~born out of wedlock~~ at the time of  
7 death, after all just claims against his or her estate are  
8 fully paid, descends and shall be distributed as provided in  
9 Section 2-1, but the parents of the decedent shall be treated  
10 as having predeceased the decedent.

11 If only one parent is an eligible parent, the intestate  
12 real and personal estate of a resident decedent who was a  
13 nonmarital child ~~born out of wedlock~~ at the time of death and  
14 the intestate real estate in this State of a nonresident  
15 decedent who was a nonmarital child ~~born out of wedlock~~ at the  
16 time of death, after all just claims against his or her estate  
17 are fully paid, subject to Section 2-6.5 of this Act, descends  
18 and shall be distributed as follows:

19 (a) If there is a surviving spouse and also a descendant of  
20 the decedent: 1/2 of the entire estate to the surviving spouse  
21 and 1/2 to the decedent's descendants per stirpes.

22 (b) If there is no surviving spouse but a descendant of the  
23 decedent: the entire estate to the decedent's descendants per  
24 stirpes.

25 (c) If there is a surviving spouse but no descendant of the  
26 decedent: the entire estate to the surviving spouse.

1           (d) If there is no surviving spouse or descendant but the  
2 eligible parent or a descendant of the eligible parent of the  
3 decedent: the entire estate to the eligible parent and the  
4 eligible parent's descendants, allowing 1/2 to the eligible  
5 parent and 1/2 to the eligible parent's descendants per  
6 stirpes.

7           (e) If there is no surviving spouse, descendant, eligible  
8 parent, or descendant of the eligible parent of the decedent,  
9 but a grandparent on the eligible parent's side of the family  
10 or descendant of such grandparent of the decedent: the entire  
11 estate to the decedent's grandparents on the eligible parent's  
12 side of the family in equal parts, or to the survivor of them,  
13 or if there is none surviving, to their descendants per  
14 stirpes.

15           (f) If there is no surviving spouse, descendant, eligible  
16 parent, descendant of the eligible parent, grandparent on the  
17 eligible parent's side of the family, or descendant of such  
18 grandparent of the decedent: the entire estate to the  
19 decedent's great-grandparents on the eligible parent's side of  
20 the family in equal parts or to the survivor of them, or if  
21 there is none surviving, to their descendants per stirpes.

22           (g) If there is no surviving spouse, descendant, eligible  
23 parent, descendant of the eligible parent, grandparent on the  
24 eligible parent's side of the family, descendant of such  
25 grandparent, great-grandparent on the eligible parent's side  
26 of the family, or descendant of such great-grandparent of the

1 decedent: the entire estate in equal parts to the nearest  
2 kindred of the eligible parent of the decedent in equal degree  
3 (computing by the rules of the civil law) and without  
4 representation.

5 (h) If there is no surviving spouse, descendant, or  
6 eligible parent of the decedent and no known kindred of the  
7 eligible parent of the decedent: the real estate escheats to  
8 the county in which it is located; the personal estate  
9 physically located within this State and the personal estate  
10 physically located or held outside this State which is the  
11 subject of ancillary administration within this State escheats  
12 to the county of which the decedent was a resident or, if the  
13 decedent was not a resident of this State, to the county in  
14 which it is located; all other personal property of the  
15 decedent of every class and character, wherever situate, or the  
16 proceeds thereof, shall escheat to this State and be delivered  
17 to the State Treasurer of this State pursuant to the Uniform  
18 Disposition of Unclaimed Property Act.

19 For purposes of inheritance, the changes made by this  
20 amendatory Act of 1998 apply to all decedents who die on or  
21 after the effective date of this amendatory Act of 1998. For  
22 the purpose of determining the property rights of any person  
23 under any instrument, the changes made by this amendatory Act  
24 of 1998 apply to all instruments executed on or after the  
25 effective date of this amendatory Act of 1998.

26 A nonmarital child ~~born out of wedlock~~ is heir of his

1 mother and of any maternal ancestor and of any person from whom  
2 his mother might have inherited, if living; and the descendants  
3 of a person who was a nonmarital child ~~born out of wedlock~~  
4 shall represent such person and take by descent any estate  
5 which the parent would have taken, if living. If a decedent has  
6 acknowledged paternity of a nonmarital child ~~born out of~~  
7 ~~wedlock~~ or if during his lifetime or after his death a decedent  
8 has been adjudged to be the father of a nonmarital child ~~born~~  
9 ~~out of wedlock~~, that person is heir of his father and of any  
10 paternal ancestor and of any person from whom his father might  
11 have inherited, if living; and the descendants of a person who  
12 was a nonmarital child ~~born out of wedlock~~ shall represent that  
13 person and take by descent any estate which the parent would  
14 have taken, if living. If during his lifetime the decedent was  
15 adjudged to be the father of a nonmarital child ~~born out of~~  
16 ~~wedlock~~ by a court of competent jurisdiction, an authenticated  
17 copy of the judgment is sufficient proof of the paternity; but  
18 in all other cases paternity must be proved by clear and  
19 convincing evidence. A person who was a nonmarital child ~~born~~  
20 ~~out of wedlock~~ whose parents intermarry and who is acknowledged  
21 by the father as the father's child is a lawful child of the  
22 father. After a nonmarital child ~~born out of wedlock~~ is  
23 adopted, that person's relationship to his or her adopting and  
24 natural parents shall be governed by Section 2-4 of this Act.  
25 For purposes of inheritance, the changes made by this  
26 amendatory Act of 1997 apply to all decedents who die on or

1 after January 1, 1998. For the purpose of determining the  
2 property rights of any person under any instrument, the changes  
3 made by this amendatory Act of 1997 apply to all instruments  
4 executed on or after January 1, 1998.

5 (Source: P.A. 94-229, eff. 1-1-06.)

6 (755 ILCS 5/5-3) (from Ch. 110 1/2, par. 5-3)

7 Sec. 5-3. Power to ascertain and declare heirship -  
8 evidence.) (a) The court may ascertain and declare the heirship  
9 of any decedent to be entered of record in the court at any  
10 time during the administration of the estate without further  
11 notice or, if there is no grant of administration, upon such  
12 notice and in such manner as the court directs.

13 (b) The ascertainment of heirship may be made from (1) an  
14 affidavit of any person stating the facts from which the  
15 heirship of the decedent can be ascertained, which affidavit  
16 shall be signed and sworn to or affirmed before any notary  
17 public or judge of any court of record in the United States or  
18 any of its possessions or territories and certified by the  
19 clerk thereof, or before any United States consul, vice-consul,  
20 consular agent, secretary of legation or commissioned officer  
21 in active service of the United States, within or without the  
22 United States, or (2) from evidence either in narrative form or  
23 by questions and answers which are reduced to writing and  
24 certified by the court declaring the heirship. The seal of  
25 office of any notary public, United States consul, vice-consul,

1 consular agent or secretary of legation and the designation of  
2 the name, rank and branch of service of any commissioned  
3 officer in active service of the armed forces of the United  
4 States shall be sufficient evidence of his identity and  
5 official character. The affidavit or transcript of evidence  
6 shall be filed by the clerk of the court declaring the heirship  
7 and remain as a part of the files in the cause.

8 (c) An order of the court declaring heirship is prima facie  
9 evidence of the heirship, but any other legal method of proving  
10 heirship may be resorted to by any party interested therein in  
11 any place or court where the question may arise.

12 (d) For purposes of this section the court may presume, in  
13 the absence of any evidence to the contrary, that the decedent  
14 and any person through whom heirship is traced was not the  
15 mother or father of any nonmarital child ~~born out of wedlock~~  
16 and, if the decedent or the person was a male, that no  
17 nonmarital child ~~born out of wedlock~~ was filiated to or  
18 acknowledged or legitimated by the decedent or the person.

19 (Source: P.A. 81-598.)

20 Section 60. The Line of Duty Compensation Act is amended by  
21 changing Section 3 as follows:

22 (820 ILCS 315/3) (from Ch. 48, par. 283)

23 Sec. 3. Duty death benefit.

24 (a) If a claim therefor is made within one year of the date



1 of death of a law enforcement officer, civil defense worker,  
2 civil air patrol member, paramedic, fireman, chaplain, or State  
3 employee killed in the line of duty, or if a claim therefor is  
4 made within 2 years of the date of death of an Armed Forces  
5 member killed in the line of duty, compensation shall be paid  
6 to the person designated by the law enforcement officer, civil  
7 defense worker, civil air patrol member, paramedic, fireman,  
8 chaplain, State employee, or Armed Forces member. However, if  
9 the Armed Forces member was killed in the line of duty before  
10 October 18, 2004, the claim must be made within one year of  
11 October 18, 2004.

12 (b) The amount of compensation, except for an Armed Forces  
13 member, shall be \$10,000 if the death in the line of duty  
14 occurred prior to January 1, 1974; \$20,000 if such death  
15 occurred after December 31, 1973 and before July 1, 1983;  
16 \$50,000 if such death occurred on or after July 1, 1983 and  
17 before January 1, 1996; \$100,000 if the death occurred on or  
18 after January 1, 1996 and before May 18, 2001; \$118,000 if the  
19 death occurred on or after May 18, 2001 and before July 1,  
20 2002; and \$259,038 if the death occurred on or after July 1,  
21 2002 and before January 1, 2003. For an Armed Forces member  
22 killed in the line of duty (i) at any time before January 1,  
23 2005, the compensation is \$259,038 plus amounts equal to the  
24 increases for 2003 and 2004 determined under subsection (c) and  
25 (ii) on or after January 1, 2005, the compensation is the  
26 amount determined under item (i) plus the applicable increases

1 for 2005 and thereafter determined under subsection (c).

2 (c) Except as provided in subsection (b), for deaths  
3 occurring on or after January 1, 2003, the death compensation  
4 rate for death in the line of duty occurring in a particular  
5 calendar year shall be the death compensation rate for death  
6 occurring in the previous calendar year (or in the case of  
7 deaths occurring in 2003, the rate in effect on December 31,  
8 2002) increased by a percentage thereof equal to the percentage  
9 increase, if any, in the index known as the Consumer Price  
10 Index for All Urban Consumers: U.S. city average, unadjusted,  
11 for all items, as published by the United States Department of  
12 Labor, Bureau of Labor Statistics, for the 12 months ending  
13 with the month of June of that previous calendar year.

14 (d) If no beneficiary is designated or if no designated  
15 beneficiary survives at the death of the law enforcement  
16 officer, civil defense worker, civil air patrol member,  
17 paramedic, fireman, chaplain, or State employee killed in the  
18 line of duty, the compensation shall be paid in accordance with  
19 a legally binding will left by the law enforcement officer,  
20 civil defense worker, civil air patrol member, paramedic,  
21 fireman, chaplain, or State employee. If the law enforcement  
22 officer, civil defense worker, civil air patrol member,  
23 paramedic, fireman, chaplain, or State employee did not leave a  
24 legally binding will, the compensation shall be paid as  
25 follows:

26 (1) when there is a surviving spouse, the entire sum

1 shall be paid to the spouse;

2 (2) when there is no surviving spouse, but a surviving  
3 descendant of the decedent, the entire sum shall be paid to  
4 the decedent's descendants per stirpes;

5 (3) when there is neither a surviving spouse nor a  
6 surviving descendant, the entire sum shall be paid to the  
7 parents of the decedent in equal parts, allowing to the  
8 surviving parent, if one is dead, the entire sum; and

9 (4) when there is no surviving spouse, descendant or  
10 parent of the decedent, but there are surviving brothers or  
11 sisters, or descendants of a brother or sister, who were  
12 receiving their principal support from the decedent at his  
13 death, the entire sum shall be paid, in equal parts, to the  
14 dependent brothers or sisters or dependent descendant of a  
15 brother or sister. Dependency shall be determined by the  
16 Court of Claims based upon the investigation and report of  
17 the Attorney General.

18 The changes made to this subsection (d) by this amendatory Act  
19 of the 94th General Assembly apply to any pending case as long  
20 as compensation has not been paid to any party before the  
21 effective date of this amendatory Act of the 94th General  
22 Assembly.

23 (d-1) For purposes of subsection (d), in the case of a  
24 person killed in the line of duty who was a nonmarital child  
25 ~~born out of wedlock~~ and was not an adoptive child at the time  
26 of the person's death, a person shall be deemed to be a parent

1 of the person killed in the line of duty only if that person  
2 would be an eligible parent, as defined in Section 2-2 of the  
3 Probate Act of 1975, of the person killed in the line of duty.  
4 This subsection (d-1) applies to any pending claim if  
5 compensation was not paid to the claimant of the pending claim  
6 before the effective date of this amendatory Act of the 94th  
7 General Assembly.

8 (d-2) If no beneficiary is designated or if no designated  
9 beneficiary survives at the death of the Armed Forces member  
10 killed in the line of duty, the compensation shall be paid in  
11 entirety according to the designation made on the most recent  
12 version of the Armed Forces member's Servicemembers' Group Life  
13 Insurance Election and Certificate ("SGLI").

14 If no SGLI form exists at the time of the Armed Forces  
15 member's death, the compensation shall be paid in accordance  
16 with a legally binding will left by the Armed Forces member.

17 If no SGLI form exists for the Armed Forces member and the  
18 Armed Forces member did not leave a legally binding will, the  
19 compensation shall be paid to the persons and in the priority  
20 as set forth in paragraphs (1) through (4) of subsection (d) of  
21 this Section.

22 This subsection (d-2) applies to any pending case as long  
23 as compensation has not been paid to any party before the  
24 effective date of this amendatory Act of the 94th General  
25 Assembly.

26 (e) If there is no beneficiary designated or if no

1 designated beneficiary survives at the death of the law  
2 enforcement officer, civil defense worker, civil air patrol  
3 member, paramedic, fireman, chaplain, State employee, or Armed  
4 Forces member killed in the line of duty and there is no other  
5 person or entity to whom compensation is payable under this  
6 Section, no compensation shall be payable under this Act.

7 (f) No part of such compensation may be paid to any other  
8 person for any efforts in securing such compensation.

9 (g) This amendatory Act of the 93rd General Assembly  
10 applies to claims made on or after October 18, 2004 with  
11 respect to an Armed Forces member killed in the line of duty.

12 (h) In any case for which benefits have not been paid  
13 within 6 months of the claim being filed in accordance with  
14 this Section, which is pending as of the effective date of this  
15 amendatory Act of the 96th General Assembly, and in which there  
16 are 2 or more beneficiaries, at least one of whom would receive  
17 at least a portion of the total benefit regardless of the  
18 manner in which the Court of Claims resolves the claim, the  
19 Court shall direct the Comptroller to pay the minimum amount of  
20 money which the determinate beneficiary would receive together  
21 with all interest payment penalties which have accrued on that  
22 portion of the award being paid within 30 days of the effective  
23 date of this amendatory Act of the 96th General Assembly. For  
24 purposes of this subsection (h), "determinate beneficiary"  
25 means the beneficiary who would receive any portion of the  
26 total benefit claimed regardless of the manner in which the

1 Court of Claims adjudicates the claim.

2 (i) The Court of Claims shall ensure that all individuals  
3 who have filed an application to claim the duty death benefit  
4 for a deceased member of the Armed Forces pursuant to this  
5 Section or for a fireman pursuant to this Section, or their  
6 designated representative, shall have access, on a timely basis  
7 and in an efficient manner, to all information related to the  
8 court's consideration, processing, or adjudication of the  
9 claim, including, but not limited to, the following:

10 (1) a reliable estimate of when the Court of Claims  
11 will adjudicate the claim, or if the Court cannot estimate  
12 when it will adjudicate the claim, a full written  
13 explanation of the reasons for this inability; and

14 (2) a reliable estimate, based upon consultation with  
15 the Comptroller, of when the benefit will be paid to the  
16 claimant.

17 (j) The Court of Claims shall send written notice to all  
18 claimants within 2 weeks of the initiation of a claim  
19 indicating whether or not the application is complete. For  
20 purposes of this subsection (j), an application is complete if  
21 a claimant has submitted to the Court of Claims all documents  
22 and information the Court requires for adjudicating and paying  
23 the benefit amount. For purposes of this subsection (j), a  
24 claim for the duty death benefit is initiated when a claimant  
25 submits any of the application materials required for  
26 adjudicating the claim to the Court of Claims. In the event a

1 claimant's application is incomplete, the Court shall include  
2 in its written notice a list of the information or documents  
3 which the claimant must submit in order for the application to  
4 be complete. In no case may the Court of Claims deny a claim  
5 and subsequently re-adjudicate the same claim for the purpose  
6 of evading or reducing the interest penalty payment amount  
7 payable to any claimant.

8 (Source: P.A. 95-928, eff. 8-26-08; 96-539, eff. 1-1-10;  
9 96-923, eff. 1-1-11.)