



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB0497

by Rep. Natalie A. Manley

SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Pension Code, the School Code, the Illinois Insurance Code, the Health Maintenance Organization Act, the Voluntary Health Services Plans Act, the Illinois Public Aid Code, the Crime Victims Compensation Act, the Illinois Marriage and Dissolution of Marriage Act, the Emancipation of Minors Act, the Adoption Act, the Religious Freedom and Marriage Fairness Act, the Probate Act of 1975, and the Line of Duty Compensation Act. Replaces references to children born out of wedlock with references to nonmarital children and a reference to children born in wedlock with a reference to marital children. Prohibits the use of the word "nonmarital" in an adoption proceeding. Adds the word "marital" to a list of terms that refer to or denote the spousal relationship.

LRB099 04116 HEP 24135 b

PENSION IMPACT
NOTE ACT MAY
APPLY

A BILL FOR

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 is a nonmarital child ~~was born out of wedlock;~~
12 however, in cases where the father is the employee parent,
13 paternity must first be established. Paternity may be
14 established by any one of the following means: (1)
15 acknowledgment by the father, or (2) adjudication before or
16 after the death of the father, or (3) any other means
17 acceptable to the board of trustees of the pension fund or
18 retirement system.

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

20 (40 ILCS 5/15-129) (from Ch. 108 1/2, par. 15-129)

21 Sec. 15-129. Child.

22 "Child": The child of a participant or an annuitant,

1 including a nonmarital child ~~born out of wedlock~~, a stepchild
2 who has been such for not less than 1 year immediately
3 preceding the death of the participant or annuitant, and an
4 adopted child.

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

6 Section 10. The School Code is amended by changing Section
7 27-9.1 as follows:

8 (105 ILCS 5/27-9.1) (from Ch. 122, par. 27-9.1)

9 Sec. 27-9.1. Sex Education.

10 (a) In this Section:

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

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

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

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

1 objective, and complete.

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

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

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

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

26 (1.5) Course material and instruction shall replicate

1 evidence-based programs or substantially incorporate
2 elements of evidence-based programs.

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

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

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

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

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

1 (7) Course material and instruction shall advise
2 pupils of the circumstances under which it is unlawful for
3 males to have sexual relations with females under the age
4 of 18 to whom they are not married pursuant to Article 11
5 of the Criminal Code of 2012.

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

12 (9) (Blank).

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

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

19 (e) The State Board of Education shall make available
20 resource materials, with the cooperation and input of the
21 agency that administers grant programs consistent with
22 criteria (1) and (1.5) of subsection (c) of this Section, for
23 educating children regarding sex education and may take into
24 consideration the curriculum on this subject developed by other
25 states, as well as any other curricular materials suggested by
26 education experts and other groups that work on sex education

1 issues. Materials may include without limitation model sex
2 education curriculums and sexual health education programs.
3 The State Board of Education shall make these resource
4 materials available on its Internet website. School districts
5 that do not currently provide sex education are not required to
6 teach sex education. If a sex education class or course is
7 offered in any of grades 6 through 12, the school district may
8 choose and adapt the developmentally and age-appropriate,
9 medically accurate, evidence-based, and complete sex education
10 curriculum that meets the specific needs of its community.
11 (Source: P.A. 97-1150, eff. 1-25-13; 98-441, eff. 1-1-14.)

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

14 (215 ILCS 5/356i) (from Ch. 73, par. 968i)

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

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

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

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

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

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

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

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

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

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

26 (2) The child is not claimed as a dependent on the

1 parent's federal income tax return.

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

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

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

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

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

25 (h) Nothing in subsections (e) and (f) prevents an insurer
26 from denying any such application if the child is not eligible

1 for coverage according to the insurer's medical underwriting
2 standards.

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

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

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

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

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

16 (215 ILCS 125/4-2) (from Ch. 111 1/2, par. 1408.2)

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

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

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

1 eligible for or is receiving Medicaid benefits in this or any
2 other state.

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

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

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

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

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

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

1 (1) The child is a nonmarital child ~~was born out of~~
2 ~~wedlock.~~

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

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

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

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

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

25 (g) A Health Maintenance Organization may not impose, on a
26 state agency that has been assigned the rights of an enrollee

1 in a health care plan who receives Medicaid benefits,
2 requirements that are different from requirements applicable
3 to an assignee of any other enrollee in that health care plan.

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

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

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

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

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

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

23 (215 ILCS 165/15.12) (from Ch. 32, par. 609.12)

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

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

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

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

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

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

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

25 (3) Make payments on claims submitted in accordance
26 with paragraph (2) directly to the custodial parent, the

1 provider of health care services, or the state Medicaid
2 agency.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 (305 ILCS 5/10-2) (from Ch. 23, par. 10-2)

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

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

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

21 (305 ILCS 5/10-4) (from Ch. 23, par. 10-4)

22 Sec. 10-4. Notification of Support Obligation. The
23 administrative enforcement unit within the authorized area of

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

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

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

1 date an administrative support order is entered, as well as
2 future support.

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

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

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

24 Sec. 10-6. Investigation and Determination. The
25 administrative enforcement unit shall review the forms or

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

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

24 The Illinois Department, by rule, may authorize the
25 administrative enforcement units to conduct periodic or other
26 reinvestigations and redeterminations of the financial ability

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

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

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

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

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

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

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

25 This Section does not prevent the Illinois Department and
26 local governmental units from reporting to appropriate law

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

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

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

26 The provisions of this Section and of Section 11-11 as they

1 apply to applicants and recipients of public aid under Article
2 V shall be operative only to the extent that they do not
3 conflict with any Federal law or regulation governing Federal
4 grants to this State for such programs.

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

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

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

23 (740 ILCS 45/2) (from Ch. 70, par. 72)

24 Sec. 2. Definitions. As used in this Act, unless the

1 context otherwise requires:

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

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

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

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

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

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

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

25 (f) "Relative" means a spouse, parent, grandparent,
26 stepfather, stepmother, child, grandchild, brother,

1 brother-in-law, sister, sister-in-law, half brother, half
2 sister, spouse's parent, nephew, niece, uncle or aunt.

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

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

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

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

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

25 (j) "Dependents replacement services loss" means loss
26 reasonably incurred by dependents or private legal guardians of

1 minor dependents after a victim's death in obtaining ordinary
2 and necessary services in lieu of those the victim would have
3 performed, not for income, but for their benefit, if he or she
4 had not been fatally injured.

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

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

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

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

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

17 (750 ILCS 5/205) (from Ch. 40, par. 205)

18 Sec. 205. Exceptions.

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

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

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

26 (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

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

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

22 (A) (Blank);

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

1 has been reported as missing to a law enforcement agency;

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

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

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

19 (C) (Blank);

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

24 (E) the child is a nonmarital child ~~born out of~~
25 ~~wedlock~~, the parents are not living together, the
26 petitioner is a paternal grandparent, great-grandparent,

1 or sibling, and the paternity has been established by a
2 court of competent jurisdiction.

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

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

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

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

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

1 (C) the mental and physical health of the grandparent,
2 great-grandparent, or sibling;

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

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

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

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

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

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

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

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

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

1 visitation.

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

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

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

1 harassment.

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

4 (b) (1) (Blank.)

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

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

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

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

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

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

25 (2) (A) A petition for visitation privileges shall not be
26 filed pursuant to this subsection (b) by the parents or

1 grandparents of a putative father if the paternity of the
2 putative father has not been legally established.

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

13 (3) (Blank).

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

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

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

1 non-custodial parent, the visitation privileges of the
2 grandparent or great-grandparent may be revoked if:

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

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

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

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

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

1 non-custodial parent, the visitation privileges granted
2 under this order shall be permanently revoked."

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

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

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

10 (g) (Blank).

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

22 (Source: P.A. 96-331, eff. 1-1-10; 97-659, eff. 6-1-12;
23 97-1150, eff. 1-25-13.)

24 Section 45. The Emancipation of Minors Act is amended by
25 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 12.1 and 18 as follows:

10 (750 ILCS 50/12.1)

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

1 and Family Services Act. The Department shall use the moneys in
2 that fund for the purpose of maintaining the Registry.

3 (a) The Department shall maintain the following
4 information in the Registry:

5 (1) With respect to the putative father:

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

9 (ii) Address at which he may be served with notice
10 of a petition under this Act, including any change of
11 address;

12 (iii) Social Security Number;

13 (iv) Date of birth; and

14 (v) If applicable, a certified copy of an order by
15 a court of this State or of another state or territory
16 of the United States adjudicating the putative father
17 to be the father of the child.

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

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

21 (ii) If known to the putative father, her last
22 address;

23 (iii) Social Security Number; and

24 (iv) Date of birth.

25 (3) If known to the putative father, the name, gender,
26 place of birth, and date of birth or anticipated date of

1 birth of the child.

2 (4) The date that the Department received the putative
3 father's registration.

4 (5) Other information as the Department may by rule
5 determine necessary for the orderly administration of the
6 Registry.

7 (b) A putative father may register with the Department
8 before the birth of the child but shall register no later than
9 30 days after the birth of the child. All registrations shall
10 be in writing and signed by the putative father. No fee shall
11 be charged for the initial registration. The Department shall
12 have no independent obligation to gather the information to be
13 maintained.

14 (c) An interested party, including persons intending to
15 adopt a child, a child welfare agency with whom the mother has
16 placed or has given written notice of her intention to place a
17 child for adoption, the mother of the child, or an attorney
18 representing an interested party may request that the
19 Department search the Registry to determine whether a putative
20 father is registered in relation to a child who is or may be
21 the subject to an adoption petition.

22 (d) A search of the Registry may be proven by the
23 production of a certified copy of the registration form, or by
24 the certified statement of the administrator of the Registry
25 that after a search, no registration of a putative father in
26 relation to a child who is or may be the subject of an adoption

1 petition could be located.

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

5 (f) A person who knowingly or intentionally registers false
6 information under this Section commits a Class B misdemeanor. A
7 person who knowingly or intentionally releases confidential
8 information in violation of this Section commits a Class B
9 misdemeanor.

10 (g) Except as provided in subsections (b) or (c) of Section
11 8 of this Act, a putative father who fails to register with the
12 Putative Father Registry as provided in this Section is barred
13 from thereafter bringing or maintaining any action to assert
14 any interest in the child, unless he proves by clear and
15 convincing evidence that:

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

19 (2) his failure to register was through no fault of his
20 own; and

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

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

25 (h) Except as provided in subsection (b) or (c) of Section
26 8 of this Act, failure to timely register with the Putative

1 Father Registry (i) shall be deemed to be a waiver and
2 surrender of any right to notice of any hearing in any judicial
3 proceeding for the adoption of the child, and the consent or
4 surrender of that person to the adoption of the child is not
5 required, and (ii) shall constitute an abandonment of the child
6 and shall be prima facie evidence of sufficient grounds to
7 support termination of such father's parental rights under this
8 Act.

9 (i) In any adoption proceeding pertaining to a nonmarital
10 child ~~born out of wedlock~~, if there is no showing that a
11 putative father has executed a consent or surrender or waived
12 his rights regarding the proposed adoption, certification as
13 specified in subsection (d) shall be filed with the court prior
14 to entry of a final judgment order of adoption.

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

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

20 (750 ILCS 50/18) (from Ch. 40, par. 1522)

21 Sec. 18. Records confidential.

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

25 (b) The court call of adoption proceedings shall not

1 identify any of the parties by name. The parties may be
2 identified by initials or pseudonyms. The case shall be
3 identified by its general number. The names of the lawyers
4 representing the parties may appear on the court call, and the
5 type of application that is being made to the court may also be
6 identified.

7 (c) All adoption records maintained by each circuit clerk
8 shall be impounded in accordance with the procedures provided
9 by the Illinois Supreme Court's General Administrative Order on
10 Recordkeeping and shall be opened for examination only upon
11 specific order of the court, which order shall name the person
12 or persons who are to be permitted to examine the file.
13 Certified copies of all papers and documents contained in any
14 file so impounded shall be made only on like order. The
15 guardian ad litem for a minor sought to be adopted shall have
16 the right to inspect the court file without leave of court
17 during the pendency of the proceeding. The attorney of record
18 for the petitioners and other parties may inspect the file only
19 with leave of court. The petitioners to the adoption, the
20 attorney of record for the petitioners, and the guardian ad
21 litem of the person who is the subject of the proceeding shall
22 be entitled to receive certified copies of the order of
23 adoption in the proceeding at any time within 30 days after the
24 entry of the judgment of adoption without order of court. After
25 30 days from the entry of the judgment of adoption, no copies
26 may be obtained without prior order of court, but good cause is

1 not necessary to be shown by one of the petitioners to the
2 adoption.

3 (d) If an appeal is taken from an adoption proceeding, the
4 papers filed in the court of review and the opinion of the
5 reviewing court shall not identify the true names of the
6 parties; instead, initials or pseudonyms shall be used to
7 identify the parties.

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

9 Section 55. The Religious Freedom and Marriage Fairness Act
10 is amended by changing Section 10 as follows:

11 (750 ILCS 80/10)

12 Sec. 10. Equal access to marriage.

13 (a) All laws of this State applicable to marriage, whether
14 they derive from statute, administrative or court rule, policy,
15 common law, or any other source of civil or criminal law, shall
16 apply equally to marriages of same-sex and different-sex
17 couples and their children.

18 (b) Parties to a marriage and their children, regardless
19 of whether the marriage consists of a same-sex or different-sex
20 couple, shall have all the same benefits, protections, and
21 responsibilities under law, whether they derive from statute,
22 administrative or court rule, policy, common law, or any other
23 source of civil or criminal law.

24 (c) Parties to a marriage shall be included in any

1 definition or use of terms such as "spouse", "family",
2 "immediate family", "dependent", "next of kin", "wife",
3 "husband", "bride", "groom", "wedlock", "marital", and other
4 terms that refer to or denote the spousal relationship, as
5 those terms are used throughout the law, regardless of whether
6 the parties to a marriage are of the same sex or different
7 sexes.

8 (d) To the extent the law of this State adopts, refers to,
9 or relies upon provisions of federal law as applicable to this
10 State, parties to a marriage of the same sex and their children
11 shall be treated under the law of this State as if federal law
12 recognizes the marriages of same-sex couples in the same manner
13 as the law of this State.

14 (Source: P.A. 98-597, eff. 6-1-14.)

15 Section 60. The Probate Act of 1975 is amended by changing
16 Sections 2-2 and 5-3 as follows:

17 (755 ILCS 5/2-2) (from Ch. 110 1/2, par. 2-2)

18 Sec. 2-2. Nonmarital children ~~Children born out of wedlock~~.
19 The intestate real and personal estate of a resident decedent
20 who was a nonmarital child ~~born out of wedlock~~ at the time of
21 death and the intestate real estate in this State of a
22 nonresident decedent who was a nonmarital child ~~born out of~~
23 ~~wedlock~~ at the time of death, after all just claims against his
24 estate are fully paid, descends and shall be distributed as

1 provided in Section 2-1, subject to Section 2-6.5 of this Act,
2 if both parents are eligible parents. As used in this Section,
3 "eligible parent" means a parent of the decedent who, during
4 the decedent's lifetime, acknowledged the decedent as the
5 parent's child, established a parental relationship with the
6 decedent, and supported the decedent as the parent's child.
7 "Eligible parents" who are in arrears of in excess of one
8 year's child support obligations shall not receive any property
9 benefit or other interest of the decedent unless and until a
10 court of competent jurisdiction makes a determination as to the
11 effect on the deceased of the arrearage and allows a reduced
12 benefit. In no event shall the reduction of the benefit or
13 other interest be less than the amount of child support owed
14 for the support of the decedent at the time of death. The
15 court's considerations shall include but are not limited to the
16 considerations in subsections (1) through (3) of Section 2-6.5
17 of this Act.

18 If neither parent is an eligible parent, the intestate real
19 and personal estate of a resident decedent who was a nonmarital
20 child ~~born out of wedlock~~ at the time of death and the
21 intestate real estate in this State of a nonresident decedent
22 who was a nonmarital child ~~born out of wedlock~~ at the time of
23 death, after all just claims against his or her estate are
24 fully paid, descends and shall be distributed as provided in
25 Section 2-1, but the parents of the decedent shall be treated
26 as having predeceased the decedent.

1 If only one parent is an eligible parent, the intestate
2 real and personal estate of a resident decedent who was a
3 nonmarital child ~~born out of wedlock~~ at the time of death and
4 the intestate real estate in this State of a nonresident
5 decedent who was a nonmarital child ~~born out of wedlock~~ at the
6 time of death, after all just claims against his or her estate
7 are fully paid, subject to Section 2-6.5 of this Act, descends
8 and shall be distributed as follows:

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

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

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

17 (d) If there is no surviving spouse or descendant but the
18 eligible parent or a descendant of the eligible parent of the
19 decedent: the entire estate to the eligible parent and the
20 eligible parent's descendants, allowing 1/2 to the eligible
21 parent and 1/2 to the eligible parent's descendants per
22 stirpes.

23 (e) If there is no surviving spouse, descendant, eligible
24 parent, or descendant of the eligible parent of the decedent,
25 but a grandparent on the eligible parent's side of the family
26 or descendant of such grandparent of the decedent: the entire

1 estate to the decedent's grandparents on the eligible parent's
2 side of the family in equal parts, or to the survivor of them,
3 or if there is none surviving, to their descendants per
4 stirpes.

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

12 (g) If there is no surviving spouse, descendant, eligible
13 parent, descendant of the eligible parent, grandparent on the
14 eligible parent's side of the family, descendant of such
15 grandparent, great-grandparent on the eligible parent's side
16 of the family, or descendant of such great-grandparent of the
17 decedent: the entire estate in equal parts to the nearest
18 kindred of the eligible parent of the decedent in equal degree
19 (computing by the rules of the civil law) and without
20 representation.

21 (h) If there is no surviving spouse, descendant, or
22 eligible parent of the decedent and no known kindred of the
23 eligible parent of the decedent: the real estate escheats to
24 the county in which it is located; the personal estate
25 physically located within this State and the personal estate
26 physically located or held outside this State which is the

1 subject of ancillary administration within this State escheats
2 to the county of which the decedent was a resident or, if the
3 decedent was not a resident of this State, to the county in
4 which it is located; all other personal property of the
5 decedent of every class and character, wherever situate, or the
6 proceeds thereof, shall escheat to this State and be delivered
7 to the State Treasurer of this State pursuant to the Uniform
8 Disposition of Unclaimed Property Act.

9 For purposes of inheritance, the changes made by this
10 amendatory Act of 1998 apply to all decedents who die on or
11 after the effective date of this amendatory Act of 1998. For
12 the purpose of determining the property rights of any person
13 under any instrument, the changes made by this amendatory Act
14 of 1998 apply to all instruments executed on or after the
15 effective date of this amendatory Act of 1998.

16 A nonmarital child ~~born out of wedlock~~ is heir of his
17 mother and of any maternal ancestor and of any person from whom
18 his mother might have inherited, if living; and the descendants
19 of a person who was a nonmarital child ~~born out of wedlock~~
20 shall represent such person and take by descent any estate
21 which the parent would have taken, if living. If a decedent has
22 acknowledged paternity of a nonmarital child ~~born out of~~
23 ~~wedlock~~ or if during his lifetime or after his death a decedent
24 has been adjudged to be the father of a nonmarital child ~~born~~
25 ~~out of wedlock~~, that person is heir of his father and of any
26 paternal ancestor and of any person from whom his father might

1 have inherited, if living; and the descendants of a person who
2 was a nonmarital child ~~born out of wedlock~~ shall represent that
3 person and take by descent any estate which the parent would
4 have taken, if living. If during his lifetime the decedent was
5 adjudged to be the father of a nonmarital child ~~born out of~~
6 ~~wedlock~~ by a court of competent jurisdiction, an authenticated
7 copy of the judgment is sufficient proof of the paternity; but
8 in all other cases paternity must be proved by clear and
9 convincing evidence. A person who was a nonmarital child ~~born~~
10 ~~out of wedlock~~ whose parents intermarry and who is acknowledged
11 by the father as the father's child is a lawful child of the
12 father. After a nonmarital child ~~born out of wedlock~~ is
13 adopted, that person's relationship to his or her adopting and
14 natural parents shall be governed by Section 2-4 of this Act.
15 For purposes of inheritance, the changes made by this
16 amendatory Act of 1997 apply to all decedents who die on or
17 after January 1, 1998. For the purpose of determining the
18 property rights of any person under any instrument, the changes
19 made by this amendatory Act of 1997 apply to all instruments
20 executed on or after January 1, 1998.

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

22 (755 ILCS 5/5-3) (from Ch. 110 1/2, par. 5-3)

23 Sec. 5-3. Power to ascertain and declare heirship -
24 evidence.) (a) The court may ascertain and declare the heirship
25 of any decedent to be entered of record in the court at any

1 time during the administration of the estate without further
2 notice or, if there is no grant of administration, upon such
3 notice and in such manner as the court directs.

4 (b) The ascertainment of heirship may be made from (1) an
5 affidavit of any person stating the facts from which the
6 heirship of the decedent can be ascertained, which affidavit
7 shall be signed and sworn to or affirmed before any notary
8 public or judge of any court of record in the United States or
9 any of its possessions or territories and certified by the
10 clerk thereof, or before any United States consul, vice-consul,
11 consular agent, secretary of legation or commissioned officer
12 in active service of the United States, within or without the
13 United States, or (2) from evidence either in narrative form or
14 by questions and answers which are reduced to writing and
15 certified by the court declaring the heirship. The seal of
16 office of any notary public, United States consul, vice-consul,
17 consular agent or secretary of legation and the designation of
18 the name, rank and branch of service of any commissioned
19 officer in active service of the armed forces of the United
20 States shall be sufficient evidence of his identity and
21 official character. The affidavit or transcript of evidence
22 shall be filed by the clerk of the court declaring the heirship
23 and remain as a part of the files in the cause.

24 (c) An order of the court declaring heirship is prima facie
25 evidence of the heirship, but any other legal method of proving
26 heirship may be resorted to by any party interested therein in

1 any place or court where the question may arise.

2 (d) For purposes of this section the court may presume, in
3 the absence of any evidence to the contrary, that the decedent
4 and any person through whom heirship is traced was not the
5 mother or father of any nonmarital child ~~born out of wedlock~~
6 and, if the decedent or the person was a male, that no
7 nonmarital child ~~born out of wedlock~~ was filiated to or
8 acknowledged or legitimated by the decedent or the person.

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

10 Section 65. The Line of Duty Compensation Act is amended by
11 changing Section 3 as follows:

12 (820 ILCS 315/3) (from Ch. 48, par. 283)

13 Sec. 3. Duty death benefit.

14 (a) If a claim therefor is made within one year of the date
15 of death of a law enforcement officer, civil defense worker,
16 civil air patrol member, paramedic, fireman, chaplain, or State
17 employee killed in the line of duty, or if a claim therefor is
18 made within 2 years of the date of death of an Armed Forces
19 member killed in the line of duty, compensation shall be paid
20 to the person designated by the law enforcement officer, civil
21 defense worker, civil air patrol member, paramedic, fireman,
22 chaplain, State employee, or Armed Forces member. However, if
23 the Armed Forces member was killed in the line of duty before
24 October 18, 2004, the claim must be made within one year of

1 October 18, 2004.

2 (b) The amount of compensation, except for an Armed Forces
3 member, shall be \$10,000 if the death in the line of duty
4 occurred prior to January 1, 1974; \$20,000 if such death
5 occurred after December 31, 1973 and before July 1, 1983;
6 \$50,000 if such death occurred on or after July 1, 1983 and
7 before January 1, 1996; \$100,000 if the death occurred on or
8 after January 1, 1996 and before May 18, 2001; \$118,000 if the
9 death occurred on or after May 18, 2001 and before July 1,
10 2002; and \$259,038 if the death occurred on or after July 1,
11 2002 and before January 1, 2003. For an Armed Forces member
12 killed in the line of duty (i) at any time before January 1,
13 2005, the compensation is \$259,038 plus amounts equal to the
14 increases for 2003 and 2004 determined under subsection (c) and
15 (ii) on or after January 1, 2005, the compensation is the
16 amount determined under item (i) plus the applicable increases
17 for 2005 and thereafter determined under subsection (c).

18 (c) Except as provided in subsection (b), for deaths
19 occurring on or after January 1, 2003, the death compensation
20 rate for death in the line of duty occurring in a particular
21 calendar year shall be the death compensation rate for death
22 occurring in the previous calendar year (or in the case of
23 deaths occurring in 2003, the rate in effect on December 31,
24 2002) increased by a percentage thereof equal to the percentage
25 increase, if any, in the index known as the Consumer Price
26 Index for All Urban Consumers: U.S. city average, unadjusted,

1 for all items, as published by the United States Department of
2 Labor, Bureau of Labor Statistics, for the 12 months ending
3 with the month of June of that previous calendar year.

4 (d) If no beneficiary is designated or if no designated
5 beneficiary survives at the death of the law enforcement
6 officer, civil defense worker, civil air patrol member,
7 paramedic, fireman, chaplain, or State employee killed in the
8 line of duty, the compensation shall be paid in accordance with
9 a legally binding will left by the law enforcement officer,
10 civil defense worker, civil air patrol member, paramedic,
11 fireman, chaplain, or State employee. If the law enforcement
12 officer, civil defense worker, civil air patrol member,
13 paramedic, fireman, chaplain, or State employee did not leave a
14 legally binding will, the compensation shall be paid as
15 follows:

16 (1) when there is a surviving spouse, the entire sum
17 shall be paid to the spouse;

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

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

25 (4) when there is no surviving spouse, descendant or
26 parent of the decedent, but there are surviving brothers or

1 sisters, or descendants of a brother or sister, who were
2 receiving their principal support from the decedent at his
3 death, the entire sum shall be paid, in equal parts, to the
4 dependent brothers or sisters or dependent descendant of a
5 brother or sister. Dependency shall be determined by the
6 Court of Claims based upon the investigation and report of
7 the Attorney General.

8 The changes made to this subsection (d) by this amendatory Act
9 of the 94th General Assembly apply to any pending case as long
10 as compensation has not been paid to any party before the
11 effective date of this amendatory Act of the 94th General
12 Assembly.

13 (d-1) For purposes of subsection (d), in the case of a
14 person killed in the line of duty who was a nonmarital child
15 ~~born out of wedlock~~ and was not an adoptive child at the time
16 of the person's death, a person shall be deemed to be a parent
17 of the person killed in the line of duty only if that person
18 would be an eligible parent, as defined in Section 2-2 of the
19 Probate Act of 1975, of the person killed in the line of duty.
20 This subsection (d-1) applies to any pending claim if
21 compensation was not paid to the claimant of the pending claim
22 before the effective date of this amendatory Act of the 94th
23 General Assembly.

24 (d-2) If no beneficiary is designated or if no designated
25 beneficiary survives at the death of the Armed Forces member
26 killed in the line of duty, the compensation shall be paid in

1 entirety according to the designation made on the most recent
2 version of the Armed Forces member's Servicemembers' Group Life
3 Insurance Election and Certificate ("SGLI").

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

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

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

16 (e) If there is no beneficiary designated or if no
17 designated beneficiary survives at the death of the law
18 enforcement officer, civil defense worker, civil air patrol
19 member, paramedic, fireman, chaplain, State employee, or Armed
20 Forces member killed in the line of duty and there is no other
21 person or entity to whom compensation is payable under this
22 Section, no compensation shall be payable under this Act.

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

25 (g) This amendatory Act of the 93rd General Assembly
26 applies to claims made on or after October 18, 2004 with

1 respect to an Armed Forces member killed in the line of duty.

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

18 (i) The Court of Claims shall ensure that all individuals
19 who have filed an application to claim the duty death benefit
20 for a deceased member of the Armed Forces pursuant to this
21 Section or for a fireman pursuant to this Section, or their
22 designated representative, shall have access, on a timely basis
23 and in an efficient manner, to all information related to the
24 court's consideration, processing, or adjudication of the
25 claim, including, but not limited to, the following:

26 (1) a reliable estimate of when the Court of Claims

1 will adjudicate the claim, or if the Court cannot estimate
2 when it will adjudicate the claim, a full written
3 explanation of the reasons for this inability; and

4 (2) a reliable estimate, based upon consultation with
5 the Comptroller, of when the benefit will be paid to the
6 claimant.

7 (j) The Court of Claims shall send written notice to all
8 claimants within 2 weeks of the initiation of a claim
9 indicating whether or not the application is complete. For
10 purposes of this subsection (j), an application is complete if
11 a claimant has submitted to the Court of Claims all documents
12 and information the Court requires for adjudicating and paying
13 the benefit amount. For purposes of this subsection (j), a
14 claim for the duty death benefit is initiated when a claimant
15 submits any of the application materials required for
16 adjudicating the claim to the Court of Claims. In the event a
17 claimant's application is incomplete, the Court shall include
18 in its written notice a list of the information or documents
19 which the claimant must submit in order for the application to
20 be complete. In no case may the Court of Claims deny a claim
21 and subsequently re-adjudicate the same claim for the purpose
22 of evading or reducing the interest penalty payment amount
23 payable to any claimant.

24 (Source: P.A. 95-928, eff. 8-26-08; 96-539, eff. 1-1-10;
25 96-923, eff. 1-1-11.)

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Statutes amended in order of appearance

3	40 ILCS 5/1-104.2	from Ch. 108 1/2, par. 1-104.2
4	40 ILCS 5/15-129	from Ch. 108 1/2, par. 15-129
5	105 ILCS 5/27-9.1	from Ch. 122, par. 27-9.1
6	215 ILCS 5/356i	from Ch. 73, par. 968i
7	215 ILCS 125/4-2	from Ch. 111 1/2, par. 1408.2
8	215 ILCS 165/15.12	from Ch. 32, par. 609.12
9	305 ILCS 5/10-2	from Ch. 23, par. 10-2
10	305 ILCS 5/10-4	from Ch. 23, par. 10-4
11	305 ILCS 5/10-6	from Ch. 23, par. 10-6
12	305 ILCS 5/11-9	from Ch. 23, par. 11-9
13	740 ILCS 45/2	from Ch. 70, par. 72
14	750 ILCS 5/205	from Ch. 40, par. 205
15	750 ILCS 5/607	from Ch. 40, par. 607
16	750 ILCS 30/3-3	from Ch. 40, par. 2203-3
17	750 ILCS 50/12.1	
18	750 ILCS 50/18	from Ch. 40, par. 1522
19	750 ILCS 80/10	
20	755 ILCS 5/2-2	from Ch. 110 1/2, par. 2-2
21	755 ILCS 5/5-3	from Ch. 110 1/2, par. 5-3
22	820 ILCS 315/3	from Ch. 48, par. 283