

1 AMENDMENT TO SENATE BILL 216

2 AMENDMENT NO. _____. Amend Senate Bill 216, AS AMENDED,
3 as follows:

4 by replacing everything after the enacting clause with the
5 following:

6 "Section 1. Short title. This Act may be cited as the
7 Abandoned Newborn Infant Protection Act.

8 Section 5. Public policy. Illinois recognizes that
9 newborn infants have been abandoned to the environment or to
10 other circumstances that may be unsafe to the newborn infant.
11 These circumstances have caused injury and death to newborn
12 infants and give rise to potential civil or criminal
13 liability to parents who may be under severe emotional
14 distress. This Act is intended to provide a mechanism for a
15 newborn infant to be relinquished to a safe environment and
16 for the parents of the infant to remain anonymous if they
17 choose and to avoid civil or criminal liability for the act
18 of relinquishing the infant. It is recognized that
19 establishing an adoption plan is preferable to relinquishing
20 a child using the procedures outlined in this Act, but to
21 reduce the chance of injury to a newborn infant, this Act

1 provides a safer alternative.

2 A public information campaign on this delicate issue
3 shall be implemented to encourage parents considering
4 abandonment of their newborn child to relinquish the child
5 under the procedures outlined in this Act, to choose a
6 traditional adoption plan, or to parent a child themselves
7 rather than place the newborn infant in harm's way.

8 Section 10. Definitions. In this Act:

9 "Abandon" has the same meaning as in the Abused and
10 Neglected Child Reporting Act.

11 "Abused child" has the same meaning as in the Abused and
12 Neglected Child Reporting Act.

13 "Child-placing agency" means a licensed public or private
14 agency that receives a child for the purpose of placing or
15 arranging for the placement of the child in a foster family
16 home or other facility for child care, apart from the custody
17 of the child's parents.

18 "Department" or "DCFS" means the Illinois Department of
19 Children and Family Services.

20 "Emergency medical facility" means a freestanding
21 emergency center or trauma center, as defined in the
22 Emergency Medical Services (EMS) Systems Act.

23 "Emergency medical professional" includes licensed
24 physicians, and any emergency medical technician-basic,
25 emergency medical technician-intermediate, emergency medical
26 technician-paramedic, trauma nurse specialist, and
27 pre-hospital RN, as defined in the Emergency Medical Services
28 (EMS) Systems Act.

29 "Fire station" means a fire station within the State that
30 is staffed with at least one full-time emergency medical
31 professional.

32 "Hospital" has the same meaning as in the Hospital
33 Licensing Act.

1 "Legal custody" means the relationship created by a court
2 order in the best interest of a newborn infant that imposes
3 on the infant's custodian the responsibility of physical
4 possession of the infant, the duty to protect, train, and
5 discipline the infant, and the duty to provide the infant
6 with food, shelter, education, and medical care, except as
7 these are limited by parental rights and responsibilities.

8 "Neglected child" has the same meaning as in the Abused
9 and Neglected Child Reporting Act.

10 "Newborn infant" means a child who a licensed physician
11 reasonably believes is 72 hours old or less at the time the
12 child is initially relinquished to a hospital, fire station,
13 or emergency medical facility, and who is not an abused or a
14 neglected child.

15 "Relinquish" means to bring a newborn infant, who a
16 licensed physician reasonably believes is 72 hours old or
17 less, to a hospital, fire station, or emergency medical
18 facility and to leave the infant with personnel of the
19 facility, if the person leaving the infant does not express
20 an intent to return for the infant or states that he or she
21 will not return for the infant. In the case of a mother who
22 gives birth to an infant in a hospital, the mother's act of
23 leaving that newborn infant at the hospital (i) without
24 expressing an intent to return for the infant or (ii) stating
25 that she will not return for the infant is not a
26 "relinquishment" under this Act.

27 "Temporary protective custody" means the temporary
28 placement of a newborn infant within a hospital or other
29 medical facility out of the custody of the infant's parent.

30 Section 15. Presumptions.

31 (a) There is a presumption that by relinquishing a
32 newborn infant in accordance with this Act, the infant's
33 parent consents to the termination of his or her parental

1 rights with respect to the infant.

2 (b) There is a presumption that a person relinquishing a
3 newborn infant in accordance with this Act:

4 (1) is the newborn infant's biological parent; and

5 (2) either without expressing an intent to return
6 for the infant or expressing an intent not to return for
7 the infant, did intend to relinquish the infant to the
8 hospital, fire station, or emergency medical facility to
9 treat, care for, and provide for the infant in accordance
10 with this Act.

11 (c) A parent of a relinquished newborn infant may rebut
12 the presumption set forth in either subsection (a) or
13 subsection (b) pursuant to Section 55, at any time before the
14 termination of the parent's parental rights.

15 Section 20. Procedures with respect to relinquished
16 newborn infants.

17 (a) Hospitals. Every hospital must accept and provide
18 all necessary emergency services and care to a relinquished
19 newborn infant, in accordance with this Act. The hospital
20 shall examine a relinquished newborn infant to determine if
21 the relinquishd newborn infant was abused or neglected.

22 The act of relinquishing a newborn infant serves as
23 implied consent for the hospital and its medical personnel
24 and physicians on staff to treat and provide care for the
25 infant.

26 The hospital shall be deemed to have temporary protective
27 custody of a relinquished newborn infant until the infant is
28 discharged to the custody of a child-placing agency or the
29 Department.

30 (b) Fire stations and emergency medical facilities.
31 Every fire station and emergency medical facility must accept
32 and provide all necessary emergency services and care to a
33 relinquished newborn infant, in accordance with this Act.

1 The act of relinquishing a newborn infant serves as
2 implied consent for the fire station or emergency medical
3 facility and its emergency medical professionals to treat and
4 provide care for the infant, to the extent that those
5 emergency medical professionals are trained to provide those
6 services.

7 After the relinquishment of a newborn infant to a fire
8 station or emergency medical facility, the fire station or
9 emergency medical facility's personnel must arrange for the
10 transportation of the infant to the nearest hospital as soon
11 as transportation can be arranged.

12 If the parent of a newborn infant returns to reclaim the
13 child within 72 hours after relinquishing the child to a fire
14 station or emergency medical facility, the fire station or
15 emergency medical facility must inform the parent of the name
16 and location of the hospital to which the infant was
17 transported.

18 Section 25. Immunity for relinquishing person.

19 (a) The act of relinquishing a newborn infant to a
20 hospital, fire station, or emergency medical facility in
21 accordance with this Act does not, by itself, constitute a
22 basis for a finding of abuse, neglect, or abandonment of the
23 infant pursuant to the laws of this State nor does it, by
24 itself, constitute a violation of Section 12-21.5 or 12-21.6
25 of the Criminal Code of 1961.

26 (b) If there is suspected child abuse or neglect that is
27 not based solely on the newborn infant's relinquishment to a
28 hospital, fire station, or emergency medical facility, the
29 personnel of the hospital, fire station, or emergency medical
30 facility who are mandated reporters under the Abused and
31 Neglected Child Reporting Act must report the abuse or
32 neglect pursuant to that Act.

33 (c) Neither a child protective investigation nor a

1 criminal investigation may be initiated solely because a
2 newborn infant is relinquished pursuant to this Act.

3 Section 27. Immunity of facility and personnel. A
4 hospital, fire station, or emergency medical facility, and
5 any personnel of a hospital, fire station, or emergency
6 medical facility, are immune from criminal or civil liability
7 for acting in good faith in accordance with this Act. Nothing
8 in this Act limits liability for negligence for care and
9 medical treatment.

10 Section 30. Anonymity of relinquishing person. If there
11 is no evidence of abuse or neglect of a relinquished newborn
12 infant, the relinquishing person has the right to remain
13 anonymous and to leave the hospital, fire station, or
14 emergency medical facility at any time and not be pursued or
15 followed. Before the relinquishing person leaves the
16 hospital, fire station, or emergency medical facility, the
17 hospital, fire station, or emergency medical facility shall
18 offer the relinquishing person the information packet
19 described in Section 35 of this Act. However, nothing in this
20 Act shall be construed as precluding the relinquishing person
21 from providing his or her identity or completing the
22 application forms for the Illinois Adoption Registry and
23 Medical Information Exchange and requesting that the
24 hospital, fire station, or emergency medical facility forward
25 those forms to the Illinois Adoption Registry and Medical
26 information Exchange.

27 Section 35. Information for relinquishing person. A
28 hospital, fire station, or emergency medical facility that
29 receives a newborn infant relinquished in accordance with
30 this Act must offer an information packet to the
31 relinquishing person and, if possible, must clearly inform

1 the relinquishing person that his or her acceptance of the
2 information is completely voluntary, that registration with
3 the Illinois Adoption Registry and Medical Information
4 Exchange is voluntary, that the person will remain anonymous
5 if he or she completes a Denial of Information Exchange, and
6 that the person has the option to provide medical information
7 only and still remain anonymous. The information packet must
8 include all of the following:

9 (1) All Illinois Adoption Registry and Medical
10 Information Exchange application forms, including the
11 Medical Information Exchange Questionnaire and the web
12 site address and toll free phone number of the Registry.

13 (2) Written notice of the following:

14 (A) No sooner than 60 days following the date
15 of the initial relinquishment of the infant to a
16 hospital, fire station, or emergency medical
17 facility, the child-placing agency or the Department
18 will commence proceedings for the termination of
19 parental rights and placement of the infant for
20 adoption.

21 (B) Failure of a parent of the infant to
22 contact the Department and petition for the return
23 of custody of the infant before termination of
24 parental rights bars any future action asserting
25 legal rights with respect to the infant.

26 (3) A resource list of providers of counseling
27 services including grief counseling, pregnancy
28 counseling, and counseling regarding adoption and other
29 available options for placement of the infant.

30 Upon request, the Department of Public Health shall
31 provide the application forms for the Illinois Adoption
32 Registry and Medical Information Exchange to hospitals, fire
33 stations, and emergency medical facilities.

1 Section 40. Reporting requirements.

2 (a) Within 12 hours after accepting a newborn infant
3 from a relinquishing person or from a fire station or
4 emergency medical facility in accordance with this Act, a
5 hospital must report to the Department's State Central
6 Registry for the purpose of transferring physical custody of
7 the infant from the hospital to either a child-placing agency
8 or the Department.

9 (b) Within 24 hours after receiving a report under
10 subsection (a), the Department must request assistance from
11 law enforcement officials to investigate the matter using the
12 National Crime Information Center to ensure that the
13 relinquished newborn infant is not a missing child.

14 (c) Once a hospital has made a report to the Department
15 under subsection (a), the Department must arrange for a
16 licensed child-placing agency to accept physical custody of
17 the relinquished newborn infant.

18 (d) If a relinquished child is not a newborn infant as
19 defined in this Act, the hospital and the Department must
20 proceed as if the child is an abused or neglected child.

21 Section 45. Medical assistance. Notwithstanding any
22 other provision of law, a newborn infant relinquished in
23 accordance with this Act shall be deemed eligible for medical
24 assistance under the Illinois Public Aid Code, and a hospital
25 providing medical services to such an infant shall be
26 reimbursed for those services in accordance with the payment
27 methodologies authorized under that Code. In addition, for
28 any day that a hospital has custody of a newborn infant
29 relinquished in accordance with this Act and the infant does
30 not require medically necessary care, the hospital shall be
31 reimbursed by the Illinois Department of Public Aid at the
32 general acute care per diem rate, in accordance with 89 Ill.
33 Adm. Code 148.270(c).

1 Section 50. Child-placing agency procedures.

2 (a) The Department's State Central Registry must
3 maintain a list of licensed child-placing agencies willing to
4 take legal custody of newborn infants relinquished in
5 accordance with this Act. The child-placing agencies on the
6 list must be contacted by the Department on a rotating basis
7 upon notice from a hospital that a newborn infant has been
8 relinquished in accordance with this Act.

9 (b) Upon notice from the Department that a newborn
10 infant has been relinquished in accordance with this Act, a
11 child-placing agency must accept the newborn infant if the
12 agency has the accommodations to do so. The child-placing
13 agency must seek an order for legal custody of the infant
14 upon its acceptance of the infant.

15 (c) Within 3 business days after assuming physical
16 custody of the infant, the child-placing agency shall file a
17 petition in the division of the circuit court in which
18 petitions for adoption would normally be heard. The petition
19 shall allege that the newborn infant has been relinquished in
20 accordance with this Act and shall state that the
21 child-placing agency intends to place the infant in an
22 adoptive home.

23 (d) If no licensed child-placing agency is able to
24 accept the relinquished newborn infant, then the Department
25 must assume responsibility for the infant as soon as
26 practicable.

27 (e) A custody order issued under subsection (b) shall
28 remain in effect until a final adoption order based on the
29 relinquished newborn infant's best interests is issued in
30 accordance with this Act and the Adoption Act.

31 (f) When possible, the child-placing agency must place a
32 relinquished newborn infant in a prospective adoptive home.

33 (g) The Department or child-placing agency must initiate
34 proceedings to (i) terminate the parental rights of the

1 relinquished newborn infant's known or unknown parents, (ii)
2 appoint a guardian for the infant, and (iii) obtain consent
3 to the infant's adoption in accordance with this Act no
4 sooner than 60 days following the date of the initial
5 relinquishment of the infant to the hospital, fire station,
6 or emergency medical facility.

7 (h) Before filing a petition for termination of parental
8 rights, the Department or child-placing agency must do the
9 following:

10 (1) Search its Putative Father Registry for the
11 purpose of determining the identity and location of the
12 putative father of the relinquished newborn infant who
13 is, or is expected to be, the subject of an adoption
14 proceeding, in order to provide notice of the proceeding
15 to the putative father. At least one search of the
16 Registry must be conducted, at least 30 days after the
17 relinquished newborn infant's estimated date of birth;
18 earlier searches may be conducted, however. Notice to any
19 potential putative father discovered in a search of the
20 Registry according to the estimated age of the
21 relinquished newborn infant must be in accordance with
22 Section 12a of the Adoption Act.

23 (2) Verify with law enforcement officials, using
24 the National Crime Information Center, that the
25 relinquished newborn infant is not a missing child.

26 Section 55. Petition for return of custody.

27 (a) In compliance with Section 9 of the Adoption Act, if
28 the parent returns to the hospital, emergency medical
29 facility, or fire station to reclaim a child within 72 hours
30 after the child's birth, the provisions of the Adoption Act
31 shall apply, and the abandonment of the child shall not be
32 considered a relinquishment under this Act. The parent shall
33 be required to undergo genetic testing to confirm that he or

1 she is the biological parent of the child before the child
2 can be released by the hospital.

3 (b) A parent of a newborn infant relinquished in
4 accordance with this Act may petition for the return of
5 custody of the infant before the termination of parental
6 rights with respect to the infant.

7 (c) A parent of a newborn infant relinquished in
8 accordance with this Act may petition for the return of
9 custody of the infant by contacting the Department for the
10 purpose of obtaining the name of the child-placing agency and
11 then filing a petition for return of custody in the circuit
12 court in which the proceeding for the termination of parental
13 rights is pending.

14 (d) If a petition for the termination of parental rights
15 has not been filed by the Department or the child-placing
16 agency, the parent of the relinquished newborn infant must
17 contact the Department, which must notify the parent of the
18 appropriate court in which the petition for return of custody
19 must be filed.

20 (e) The circuit court may hold the proceeding for the
21 termination of parental rights in abeyance for a period not
22 to exceed 60 days from the date that the petition for return
23 of custody was filed without a showing of good cause. During
24 that period:

25 (1) The court shall order genetic testing to
26 establish maternity or paternity, or both.

27 (2) The Department shall conduct a child protective
28 investigation and home study to develop recommendations
29 to the court.

30 (3) When indicated as a result of the Department's
31 investigation and home study, further proceedings under
32 the Juvenile Court Act of 1987 as the court determines
33 appropriate, may be conducted. However, relinquishment
34 of a newborn infant in accordance with this Act does not

1 render the infant abused, neglected, or abandoned solely
2 because the newborn infant was relinquished to a
3 hospital, fire station, or emergency medical facility in
4 accordance with this Act.

5 (f) Failure to file a petition for the return of custody
6 of a relinquished newborn infant before the termination of
7 parental rights bars any future action asserting legal rights
8 with respect to the infant unless the parent's act of
9 relinquishment that led to the termination of parental rights
10 involved fraud perpetrated against and not stemming from or
11 involving the parent. No action to void or revoke the
12 termination of parental rights of a parent of a newborn
13 infant relinquished in accordance with this Act, including an
14 action based on fraud, may be commenced after 12 months after
15 the date that the newborn infant was initially relinquished
16 to a hospital, fire station, or emergency medical facility.

17 Section 60. Department's duties. The Department must
18 implement a public information program to promote safe
19 placement alternatives for newborn infants. The public
20 information program must inform the public of the following:

21 (1) The relinquishment alternative provided for in
22 this Act, which results in the adoption of a newborn
23 infant under 72 hours of age and which provides for the
24 parent's anonymity, if the parent so chooses.

25 (2) The alternative of adoption through a public or
26 private agency, in which the parent's identity may or may
27 not be known to the agency, but is kept anonymous from
28 the adoptive parents, if the birth parent so desires, and
29 which allows the parent to be actively involved in the
30 child's adoption plan.

31 The public information program may include, but need not
32 be limited to, the following elements:

33 (i) Educational and informational materials in

1 print, audio, video, electronic or other media.

2 (ii) Establishment of a web site.

3 (iii) Public service announcements and
4 advertisements.

5 (iv) Establishment of toll-free telephone hotlines
6 to provide information.

7 Section 65. Evaluation.

8 (a) The Department shall collect and analyze information
9 regarding the relinquishment of newborn infants and placement
10 of children under this Act. Fire stations, emergency medical
11 facilities, and medical professionals accepting and providing
12 services to a newborn infant under this Act shall report to
13 the Department data necessary for the Department to evaluate
14 and determine the effect of this Act in the prevention of
15 injury or death of newborn infants. Child-placing agencies
16 shall report to the Department data necessary to evaluate and
17 determine the effectiveness of these agencies in providing
18 child protective and child welfare services to newborn
19 infants relinquished under this Act.

20 (b) The information collected shall include, but need
21 not be limited to: the number of newborn infants
22 relinquished; the services provided to relinquished newborn
23 infants; the outcome of care for the relinquished newborn
24 infants; the number and disposition of cases of relinquished
25 newborn infants subject to placement; the number of children
26 accepted and served by child-placing agencies; and the
27 services provided by child-placing agencies and the
28 disposition of the cases of the children placed under this
29 Act.

30 (c) The Department shall submit a report by January 1,
31 2002, and on January 1 of each even-numbered year thereafter,
32 to the Governor and General Assembly regarding the prevention
33 of injury or death of newborn infants and the effect of

1 placements of children under this Act. The report shall
2 include, but need not be limited to, a summary of collected
3 data, an analysis of the data and conclusions regarding the
4 Act's effectiveness, a determination whether the purposes of
5 the Act are being achieved, and recommendations for changes
6 that may be considered necessary to improve the
7 administration and enforcement of this Act.

8 Section 70. Construction of Act. Nothing in this Act
9 shall be construed to preclude the courts of this State from
10 exercising their discretion to protect the health and safety
11 of children in individual cases. The best interests and
12 welfare of a child shall be a paramount consideration in the
13 construction and interpretation of this Act. It is in the
14 child's best interests that this Act be construed and
15 interpreted so as not to result in extending time limits
16 beyond those set forth in this Act.

17 Section 90. The Illinois Public Aid Code is amended by
18 changing Section 4-1.2 as follows:

19 (305 ILCS 5/4-1.2) (from Ch. 23, par. 4-1.2)

20 Sec. 4-1.2. Living Arrangements - Parents - Relatives -
21 Foster Care.

22 (a) The child or children must (1) be living with his or
23 their father, mother, grandfather, grandmother, brother,
24 sister, stepfather, stepmother, stepbrother, stepsister,
25 uncle or aunt, or other relative approved by the Illinois
26 Department, in a place of residence maintained by one or more
27 of such relatives as his or their own home, or (2) have been
28 (a) removed from the home of the parents or other relatives
29 by judicial order under the Juvenile Court Act or the
30 Juvenile Court Act of 1987, as amended, (b) placed under the

1 guardianship of the Department of Children and Family
2 Services, and (c) under such guardianship, placed in a foster
3 family home, group home or child care institution licensed
4 pursuant to the "Child Care Act of 1969", approved May 15,
5 1969, as amended, or approved by that Department as meeting
6 standards established for licensing under that Act, or (3)
7 have been relinquished in accordance with the Abandoned
8 Newborn Infant Protection Act. A child so placed in foster
9 care who was not receiving aid under this Article in or for
10 the month in which the court proceedings leading to that
11 placement were initiated may qualify only if he lived in the
12 home of his parents or other relatives at the time the
13 proceedings were initiated, or within 6 months prior to the
14 month of initiation, and would have received aid in and for
15 that month if application had been made therefor.

16 (b) The Illinois Department may, by rule, establish
17 those persons who are living together who must be included in
18 the same assistance unit in order to receive cash assistance
19 under this Article and the income and assets of those persons
20 in an assistance unit which must be considered in determining
21 eligibility.

22 (c) The conditions of qualification herein specified
23 shall not prejudice aid granted under this Code for foster
24 care prior to the effective date of this 1969 Amendatory Act.
25 (Source: P.A. 90-17, eff. 7-1-97.)

26 Section 92. The Abused and Neglected Child Reporting Act
27 is amended by changing Section 3 as follows:

28 (325 ILCS 5/3) (from Ch. 23, par. 2053)

29 Sec. 3. As used in this Act unless the context otherwise
30 requires:

31 "Child" means any person under the age of 18 years,
32 unless legally emancipated by reason of marriage or entry

1 into a branch of the United States armed services.

2 "Department" means Department of Children and Family
3 Services.

4 "Local law enforcement agency" means the police of a
5 city, town, village or other incorporated area or the sheriff
6 of an unincorporated area or any sworn officer of the
7 Illinois Department of State Police.

8 "Abused child" means a child whose parent or immediate
9 family member, or any person responsible for the child's
10 welfare, or any individual residing in the same home as the
11 child, or a paramour of the child's parent:

12 a. inflicts, causes to be inflicted, or allows to
13 be inflicted upon such child physical injury, by other
14 than accidental means, which causes death, disfigurement,
15 impairment of physical or emotional health, or loss or
16 impairment of any bodily function;

17 b. creates a substantial risk of physical injury to
18 such child by other than accidental means which would be
19 likely to cause death, disfigurement, impairment of
20 physical or emotional health, or loss or impairment of
21 any bodily function;

22 c. commits or allows to be committed any sex
23 offense against such child, as such sex offenses are
24 defined in the Criminal Code of 1961, as amended, and
25 extending those definitions of sex offenses to include
26 children under 18 years of age;

27 d. commits or allows to be committed an act or acts
28 of torture upon such child;

29 e. inflicts excessive corporal punishment;

30 f. commits or allows to be committed the offense of
31 female genital mutilation, as defined in Section 12-34 of
32 the Criminal Code of 1961, against the child; or

33 g. causes to be sold, transferred, distributed, or
34 given to such child under 18 years of age, a controlled

1 substance as defined in Section 102 of the Illinois
2 Controlled Substances Act in violation of Article IV of
3 the Illinois Controlled Substances Act, except for
4 controlled substances that are prescribed in accordance
5 with Article III of the Illinois Controlled Substances
6 Act and are dispensed to such child in a manner that
7 substantially complies with the prescription.

8 A child shall not be considered abused for the sole
9 reason that the child has been relinquished in accordance
10 with the Abandoned Newborn Infant Protection Act.

11 "Neglected child" means any child who is not receiving
12 the proper or necessary nourishment or medically indicated
13 treatment including food or care not provided solely on the
14 basis of the present or anticipated mental or physical
15 impairment as determined by a physician acting alone or in
16 consultation with other physicians or otherwise is not
17 receiving the proper or necessary support or medical or other
18 remedial care recognized under State law as necessary for a
19 child's well-being, or other care necessary for his or her
20 well-being, including adequate food, clothing and shelter; or
21 who is abandoned by his or her parents or other person
22 responsible for the child's welfare without a proper plan of
23 care; or who is a newborn infant whose blood, urine, or
24 meconium contains any amount of a controlled substance as
25 defined in subsection (f) of Section 102 of the Illinois
26 Controlled Substances Act or a metabolite thereof, with the
27 exception of a controlled substance or metabolite thereof
28 whose presence in the newborn infant is the result of medical
29 treatment administered to the mother or the newborn infant. A
30 child shall not be considered neglected for the sole reason
31 that the child's parent or other person responsible for his
32 or her welfare has left the child in the care of an adult
33 relative for any period of time. A child shall not be
34 considered neglected for the sole reason that the child has

1 been relinquished in accordance with the Abandoned Newborn
2 Infant Protection Act. A child shall not be considered
3 neglected or abused for the sole reason that such child's
4 parent or other person responsible for his or her welfare
5 depends upon spiritual means through prayer alone for the
6 treatment or cure of disease or remedial care as provided
7 under Section 4 of this Act. A child shall not be considered
8 neglected or abused solely because the child is not attending
9 school in accordance with the requirements of Article 26 of
10 The School Code, as amended.

11 "Child Protective Service Unit" means certain specialized
12 State employees of the Department assigned by the Director to
13 perform the duties and responsibilities as provided under
14 Section 7.2 of this Act.

15 "Person responsible for the child's welfare" means the
16 child's parent; guardian; foster parent; relative caregiver;
17 any person responsible for the child's welfare in a public or
18 private residential agency or institution; any person
19 responsible for the child's welfare within a public or
20 private profit or not for profit child care facility; or any
21 other person responsible for the child's welfare at the time
22 of the alleged abuse or neglect, or any person who came to
23 know the child through an official capacity or position of
24 trust, including but not limited to health care
25 professionals, educational personnel, recreational
26 supervisors, and volunteers or support personnel in any
27 setting where children may be subject to abuse or neglect.

28 "Temporary protective custody" means custody within a
29 hospital or other medical facility or a place previously
30 designated for such custody by the Department, subject to
31 review by the Court, including a licensed foster home, group
32 home, or other institution; but such place shall not be a
33 jail or other place for the detention of criminal or juvenile
34 offenders.

1 "An unfounded report" means any report made under this
2 Act for which it is determined after an investigation that no
3 credible evidence of abuse or neglect exists.

4 "An indicated report" means a report made under this Act
5 if an investigation determines that credible evidence of the
6 alleged abuse or neglect exists.

7 "An undetermined report" means any report made under this
8 Act in which it was not possible to initiate or complete an
9 investigation on the basis of information provided to the
10 Department.

11 "Subject of report" means any child reported to the
12 central register of child abuse and neglect established under
13 Section 7.7 of this Act and his or her parent, guardian or
14 other person responsible who is also named in the report.

15 "Perpetrator" means a person who, as a result of
16 investigation, has been determined by the Department to have
17 caused child abuse or neglect.

18 (Source: P.A. 90-239, eff. 7-28-97; 90-684, eff. 7-31-98;
19 91-802, eff. 1-1-01.)

20 Section 95. The Juvenile Court Act of 1987 is amended by
21 changing Section 2-3 as follows:

22 (705 ILCS 405/2-3) (from Ch. 37, par. 802-3)

23 Sec. 2-3. Neglected or abused minor.

24 (1) Those who are neglected include:

25 (a) any minor under 18 years of age who is not
26 receiving the proper or necessary support, education as
27 required by law, or medical or other remedial care
28 recognized under State law as necessary for a minor's
29 well-being, or other care necessary for his or her
30 well-being, including adequate food, clothing and
31 shelter, or who is abandoned by his or her parents or
32 other person responsible for the minor's welfare, except

1 that a minor shall not be considered neglected for the
2 sole reason that the minor's parent or other person
3 responsible for the minor's welfare has left the minor in
4 the care of an adult relative for any period of time; or

5 (b) any minor under 18 years of age whose
6 environment is injurious to his or her welfare; or

7 (c) any newborn infant whose blood, urine, or
8 meconium contains any amount of a controlled substance as
9 defined in subsection (f) of Section 102 of the Illinois
10 Controlled Substances Act, as now or hereafter amended,
11 or a metabolite of a controlled substance, with the
12 exception of controlled substances or metabolites of such
13 substances, the presence of which in the newborn infant
14 is the result of medical treatment administered to the
15 mother or the newborn infant; or

16 (d) any minor under the age of 14 years whose
17 parent or other person responsible for the minor's
18 welfare leaves the minor without supervision for an
19 unreasonable period of time without regard for the mental
20 or physical health, safety, or welfare of that minor.

21 Whether the minor was left without regard for the mental
22 or physical health, safety, or welfare of that minor or the
23 period of time was unreasonable shall be determined by
24 considering the following factors, including but not limited
25 to:

26 (1) the age of the minor;

27 (2) the number of minors left at the location;

28 (3) special needs of the minor, including whether
29 the minor is physically or mentally handicapped, or
30 otherwise in need of ongoing prescribed medical treatment
31 such as periodic doses of insulin or other medications;

32 (4) the duration of time in which the minor was
33 left without supervision;

34 (5) the condition and location of the place where

1 the minor was left without supervision;

2 (6) the time of day or night when the minor was
3 left without supervision;

4 (7) the weather conditions, including whether the
5 minor was left in a location with adequate protection
6 from the natural elements such as adequate heat or light;

7 (8) the location of the parent or guardian at the
8 time the minor was left without supervision, the physical
9 distance the minor was from the parent or guardian at the
10 time the minor was without supervision;

11 (9) whether the minor's movement was restricted, or
12 the minor was otherwise locked within a room or other
13 structure;

14 (10) whether the minor was given a phone number of
15 a person or location to call in the event of an emergency
16 and whether the minor was capable of making an emergency
17 call;

18 (11) whether there was food and other provision
19 left for the minor;

20 (12) whether any of the conduct is attributable to
21 economic hardship or illness and the parent, guardian or
22 other person having physical custody or control of the
23 child made a good faith effort to provide for the health
24 and safety of the minor;

25 (13) the age and physical and mental capabilities
26 of the person or persons who provided supervision for the
27 minor;

28 (14) whether the minor was left under the
29 supervision of another person;

30 (15) any other factor that would endanger the
31 health and safety of that particular minor.

32 A minor shall not be considered neglected for the sole
33 reason that the minor has been relinquished in accordance
34 with the Abandoned Newborn Infant Protection Act.

1 (2) Those who are abused include any minor under 18
2 years of age whose parent or immediate family member, or any
3 person responsible for the minor's welfare, or any person who
4 is in the same family or household as the minor, or any
5 individual residing in the same home as the minor, or a
6 paramour of the minor's parent:

7 (i) inflicts, causes to be inflicted, or allows to
8 be inflicted upon such minor physical injury, by other
9 than accidental means, which causes death, disfigurement,
10 impairment of physical or emotional health, or loss or
11 impairment of any bodily function;

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

17 (iii) commits or allows to be committed any sex
18 offense against such minor, as such sex offenses are
19 defined in the Criminal Code of 1961, as amended, and
20 extending those definitions of sex offenses to include
21 minors under 18 years of age;

22 (iv) commits or allows to be committed an act or
23 acts of torture upon such minor; or

24 (v) inflicts excessive corporal punishment.

25 A minor shall not be considered abused for the sole
26 reason that the minor has been relinquished in accordance
27 with the Abandoned Newborn Infant Protection Act.

28 (3) This Section does not apply to a minor who would be
29 included herein solely for the purpose of qualifying for
30 financial assistance for himself, his parents, guardian or
31 custodian.

32 (Source: P.A. 89-21, eff. 7-1-95; 90-239, eff. 7-28-97.)

33 Section 96. The Criminal Code of 1961 is amended by

1 changing Sections 12-21.5 and 12-21.6 as follows:

2 (720 ILCS 5/12-21.5)

3 Sec. 12-21.5. Child Abandonment.

4 (a) A person commits the offense of child abandonment
5 when he or she, as a parent, guardian, or other person having
6 physical custody or control of a child, without regard for
7 the mental or physical health, safety, or welfare of that
8 child, knowingly leaves that child who is under the age of 13
9 without supervision by a responsible person over the age of
10 14 for a period of 24 hours or more, except that a person
11 does not commit the offense of child abandonment when he or
12 she relinquishes a child in accordance with the Abandoned
13 Newborn Infant Protection Act.

14 (b) For the purposes of determining whether the child
15 was left without regard for the mental or physical health,
16 safety, or welfare of that child, the trier of fact shall
17 consider the following factors:

- 18 (1) the age of the child;
- 19 (2) the number of children left at the location;
- 20 (3) special needs of the child, including whether
21 the child is physically or mentally handicapped, or
22 otherwise in need of ongoing prescribed medical treatment
23 such as periodic doses of insulin or other medications;
- 24 (4) the duration of time in which the child was
25 left without supervision;
- 26 (5) the condition and location of the place where
27 the child was left without supervision;
- 28 (6) the time of day or night when the child was
29 left without supervision;
- 30 (7) the weather conditions, including whether the
31 child was left in a location with adequate protection
32 from the natural elements such as adequate heat or light;
- 33 (8) the location of the parent, guardian, or other

1 person having physical custody or control of the child at
2 the time the child was left without supervision, the
3 physical distance the child was from the parent,
4 guardian, or other person having physical custody or
5 control of the child at the time the child was without
6 supervision;

7 (9) whether the child's movement was restricted, or
8 the child was otherwise locked within a room or other
9 structure;

10 (10) whether the child was given a phone number of
11 a person or location to call in the event of an emergency
12 and whether the child was capable of making an emergency
13 call;

14 (11) whether there was food and other provision
15 left for the child;

16 (12) whether any of the conduct is attributable to
17 economic hardship or illness and the parent, guardian or
18 other person having physical custody or control of the
19 child made a good faith effort to provide for the health
20 and safety of the child;

21 (13) the age and physical and mental capabilities
22 of the person or persons who provided supervision for the
23 child;

24 (14) any other factor that would endanger the
25 health or safety of that particular child;

26 (15) whether the child was left under the
27 supervision of another person.

28 (d) Child abandonment is a Class 4 felony. A second or
29 subsequent offense after a prior conviction is a Class 3
30 felony.

31 (Source: P.A. 88-479.)

32 (720 ILCS 5/12-21.6)

33 Sec. 12-21.6. Endangering the life or health of a child.

1 (a) It is unlawful for any person to willfully cause or
2 permit the life or health of a child under the age of 18 to
3 be endangered or to willfully cause or permit a child to be
4 placed in circumstances that endanger the child's life or
5 health, except that it is not unlawful for a person to
6 relinquish a child in accordance with the Abandoned Newborn
7 Infant Protection Act.

8 (b) A violation of this Section is a Class A
9 misdemeanor. A second or subsequent violation of this
10 Section is a Class 3 felony. A violation of this Section
11 that is a proximate cause of the death of the child is a
12 Class 3 felony for which a person, if sentenced to a term of
13 imprisonment, shall be sentenced to a term of not less than 2
14 years and not more than 10 years.

15 (Source: P.A. 90-687, eff. 7-31-98.)

16 Section 96.5. The Neglected Children Offense Act is
17 amended by changing Section 2 as follows:

18 (720 ILCS 130/2) (from Ch. 23, par. 2361)

19 Sec. 2. Any parent, legal guardian or person having the
20 custody of a child under the age of 18 years, who knowingly
21 or wilfully causes, aids or encourages such person to be or
22 to become a dependent and neglected child as defined in
23 section 1, who knowingly or wilfully does acts which directly
24 tend to render any such child so dependent and neglected, or
25 who knowingly or wilfully fails to do that which will
26 directly tend to prevent such state of dependency and neglect
27 is guilty of the Class A misdemeanor of contributing to the
28 dependency and neglect of children, except that a person who
29 relinquishes a child in accordance with the Abandoned Newborn
30 Infant Protection Act is not guilty of that misdemeanor.

31 Instead of imposing the punishment hereinbefore provided, the
32 court may release the defendant from custody on probation for

1 one year upon his or her entering into recognizance with or
2 without surety in such sum as the court directs. The
3 conditions of the recognizance shall be such that if the
4 defendant appears personally in court whenever ordered to do
5 so within the year and provides and cares for such neglected
6 and dependent child in such manner as to prevent a
7 continuance or repetition of such state of dependency and
8 neglect or as otherwise may be directed by the court then the
9 recognizance shall be void, otherwise it shall be of full
10 force and effect. If the court is satisfied by information
11 and due proof under oath that at any time during the year the
12 defendant has violated the terms of such order it may
13 forthwith revoke the order and sentence him or her under the
14 original conviction. Unless so sentenced, the defendant shall
15 at the end of the year be discharged. In case of forfeiture
16 on the recognizance the sum recovered thereon may in the
17 discretion of the court be paid in whole or in part to
18 someone designated by the court for the support of such
19 dependent and neglected child.

20 (Source: P.A. 77-2350.)

21 Section 97. The Adoption Act is amended by changing
22 Section 1 as follows:

23 (750 ILCS 50/1) (from Ch. 40, par. 1501)

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

26 A. "Child" means a person under legal age subject to
27 adoption under this Act.

28 B. "Related child" means a child subject to adoption
29 where either or both of the adopting parents stands in any of
30 the following relationships to the child by blood or
31 marriage: parent, grand-parent, brother, sister, step-parent,
32 step-grandparent, step-brother, step-sister, uncle, aunt,

1 great-uncle, great-aunt, or cousin of first degree. A child
2 whose parent has executed a final irrevocable consent to
3 adoption or a final irrevocable surrender for purposes of
4 adoption, or whose parent has had his or her parental rights
5 terminated, is not a related child to that person, unless the
6 consent is determined to be void or is void pursuant to
7 subsection O of Section 10.

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

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

18 (a) Abandonment of the child.

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

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

24 (b) Failure to maintain a reasonable degree of
25 interest, concern or responsibility as to the child's
26 welfare.

27 (c) Desertion of the child for more than 3 months
28 next preceding the commencement of the Adoption
29 proceeding.

30 (d) Substantial neglect of the child if continuous
31 or repeated.

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

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

2 (f) Two or more findings of physical abuse to any
3 children under Section 4-8 of the Juvenile Court Act or
4 Section 2-21 of the Juvenile Court Act of 1987, the most
5 recent of which was determined by the juvenile court
6 hearing the matter to be supported by clear and
7 convincing evidence; a criminal conviction or a finding
8 of not guilty by reason of insanity resulting from the
9 death of any child by physical child abuse; or a finding
10 of physical child abuse resulting from the death of any
11 child under Section 4-8 of the Juvenile Court Act or
12 Section 2-21 of the Juvenile Court Act of 1987.

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

15 (h) Other neglect of, or misconduct toward the
16 child; provided that in making a finding of unfitness the
17 court hearing the adoption proceeding shall not be bound
18 by any previous finding, order or judgment affecting or
19 determining the rights of the parents toward the child
20 sought to be adopted in any other proceeding except such
21 proceedings terminating parental rights as shall be had
22 under either this Act, the Juvenile Court Act or the
23 Juvenile Court Act of 1987.

24 (i) Depravity. Conviction of any one of the
25 following crimes shall create a presumption that a parent
26 is depraved which can be overcome only by clear and
27 convincing evidence: (1) first degree murder in violation
28 of paragraph 1 or 2 of subsection (a) of Section 9-1 of
29 the Criminal Code of 1961 or conviction of second degree
30 murder in violation of subsection (a) of Section 9-2 of
31 the Criminal Code of 1961 of a parent of the child to be
32 adopted; (2) first degree murder or second degree murder
33 of any child in violation of the Criminal Code of 1961;
34 (3) attempt or conspiracy to commit first degree murder

1 or second degree murder of any child in violation of the
2 Criminal Code of 1961; (4) solicitation to commit murder
3 of any child, solicitation to commit murder of any child
4 for hire, or solicitation to commit second degree murder
5 of any child in violation of the Criminal Code of 1961;
6 or (5) aggravated criminal sexual assault in violation of
7 Section 12-14(b)(1) of the Criminal Code of 1961.

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

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

22 (j) Open and notorious adultery or fornication.

23 (j-1) (Blank).

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

28 There is a rebuttable presumption that a parent is
29 unfit under this subsection with respect to any child to
30 which that parent gives birth where there is a confirmed
31 test result that at birth the child's blood, urine, or
32 meconium contained any amount of a controlled substance
33 as defined in subsection (f) of Section 102 of the
34 Illinois Controlled Substances Act or metabolites of such

1 substances, the presence of which in the newborn infant
2 was not the result of medical treatment administered to
3 the mother or the newborn infant; and the biological
4 mother of this child is the biological mother of at least
5 one other child who was adjudicated a neglected minor
6 under subsection (c) of Section 2-3 of the Juvenile Court
7 Act of 1987.

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

12 (m) Failure by a parent (i) to make reasonable
13 efforts to correct the conditions that were the basis for
14 the removal of the child from the parent, or (ii) to make
15 reasonable progress toward the return of the child to the
16 parent within 9 months after an adjudication of neglected
17 or abused minor under Section 2-3 of the Juvenile Court
18 Act of 1987 or dependent minor under Section 2-4 of that
19 Act, or (iii) to make reasonable progress toward the
20 return of the child to the parent during any 9-month
21 period after the end of the initial 9-month period
22 following the adjudication of neglected or abused minor
23 under Section 2-3 of the Juvenile Court Act of 1987 or
24 dependent minor under Section 2-4 of that Act. If a
25 service plan has been established as required under
26 Section 8.2 of the Abused and Neglected Child Reporting
27 Act to correct the conditions that were the basis for the
28 removal of the child from the parent and if those
29 services were available, then, for purposes of this Act,
30 "failure to make reasonable progress toward the return of
31 the child to the parent" includes (I) the parent's
32 failure to substantially fulfill his or her obligations
33 under the service plan and correct the conditions that
34 brought the child into care within 9 months after the

1 adjudication under Section 2-3 or 2-4 of the Juvenile
2 Court Act of 1987 and (II) the parent's failure to
3 substantially fulfill his or her obligations under the
4 service plan and correct the conditions that brought the
5 child into care during any 9-month period after the end
6 of the initial 9-month period following the adjudication
7 under Section 2-3 or 2-4 of the Juvenile Court Act of
8 1987.

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

34 (n) Evidence of intent to forgo his or her parental

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

27 Contact or communication by a parent with his or her
28 child that does not demonstrate affection and concern
29 does not constitute reasonable contact and planning under
30 subdivision (n). In the absence of evidence to the
31 contrary, the ability to visit, communicate, maintain
32 contact, pay expenses and plan for the future shall be
33 presumed. The subjective intent of the parent, whether
34 expressed or otherwise, unsupported by evidence of the

1 foregoing parental acts manifesting that intent, shall
2 not preclude a determination that the parent has intended
3 to forgo his or her parental rights. In making this
4 determination, the court may consider but shall not
5 require a showing of diligent efforts by an authorized
6 agency to encourage the parent to perform the acts
7 specified in subdivision (n).

8 It shall be an affirmative defense to any allegation
9 under paragraph (2) of this subsection that the father's
10 failure was due to circumstances beyond his control or to
11 impediments created by the mother or any other person
12 having legal custody. Proof of that fact need only be by
13 a preponderance of the evidence.

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

17 (p) Inability to discharge parental
18 responsibilities supported by competent evidence from a
19 psychiatrist, licensed clinical social worker, or
20 clinical psychologist of mental impairment, mental
21 illness or mental retardation as defined in Section 1-116
22 of the Mental Health and Developmental Disabilities Code,
23 or developmental disability as defined in Section 1-106
24 of that Code, and there is sufficient justification to
25 believe that the inability to discharge parental
26 responsibilities shall extend beyond a reasonable time
27 period. However, this subdivision (p) shall not be
28 construed so as to permit a licensed clinical social
29 worker to conduct any medical diagnosis to determine
30 mental illness or mental impairment.

31 (q) The parent has been criminally convicted of
32 aggravated battery, heinous battery, or attempted murder
33 of any child.

34 (r) The child is in the temporary custody or

1 guardianship of the Department of Children and Family
2 Services, the parent is incarcerated as a result of
3 criminal conviction at the time the petition or motion
4 for termination of parental rights is filed, prior to
5 incarceration the parent had little or no contact with
6 the child or provided little or no support for the child,
7 and the parent's incarceration will prevent the parent
8 from discharging his or her parental responsibilities for
9 the child for a period in excess of 2 years after the
10 filing of the petition or motion for termination of
11 parental rights.

12 (s) The child is in the temporary custody or
13 guardianship of the Department of Children and Family
14 Services, the parent is incarcerated at the time the
15 petition or motion for termination of parental rights is
16 filed, the parent has been repeatedly incarcerated as a
17 result of criminal convictions, and the parent's repeated
18 incarceration has prevented the parent from discharging
19 his or her parental responsibilities for the child.

20 (t) A finding that at birth the child's blood,
21 urine, or meconium contained any amount of a controlled
22 substance as defined in subsection (f) of Section 102 of
23 the Illinois Controlled Substances Act, or a metabolite
24 of a controlled substance, with the exception of
25 controlled substances or metabolites of such substances,
26 the presence of which in the newborn infant was the
27 result of medical treatment administered to the mother or
28 the newborn infant, and that the biological mother of
29 this child is the biological mother of at least one other
30 child who was adjudicated a neglected minor under
31 subsection (c) of Section 2-3 of the Juvenile Court Act
32 of 1987, after which the biological mother had the
33 opportunity to enroll in and participate in a clinically
34 appropriate substance abuse counseling, treatment, and

1 rehabilitation program.

2 E. "Parent" means the father or mother of a legitimate
3 or illegitimate child. For the purpose of this Act, a person
4 who has executed a final and irrevocable consent to adoption
5 or a final and irrevocable surrender for purposes of
6 adoption, or whose parental rights have been terminated by a
7 court, is not a parent of the child who was the subject of
8 the consent or surrender, unless the consent is void pursuant
9 to subsection O of Section 10.

10 F. A person is available for adoption when the person
11 is:

12 (a) a child who has been surrendered for adoption
13 to an agency and to whose adoption the agency has
14 thereafter consented;

15 (b) a child to whose adoption a person authorized
16 by law, other than his parents, has consented, or to
17 whose adoption no consent is required pursuant to Section
18 8 of this Act;

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

22 (c-1) a child for whom a parent has signed a
23 specific consent pursuant to subsection O of Section 10;
24 or

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

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

30 A person who would otherwise be available for adoption
31 shall not be deemed unavailable for adoption solely by reason
32 of his or her death.

33 G. The singular includes the plural and the plural
34 includes the singular and the "male" includes the "female",

1 as the context of this Act may require.

2 H. "Adoption disruption" occurs when an adoptive
3 placement does not prove successful and it becomes necessary
4 for the child to be removed from placement before the
5 adoption is finalized.

6 I. "Foreign placing agency" is an agency or individual
7 operating in a country or territory outside the United States
8 that is authorized by its country to place children for
9 adoption either directly with families in the United States
10 or through United States based international agencies.

11 J. "Immediate relatives" means the biological parents,
12 the parents of the biological parents and siblings of the
13 biological parents.

14 K. "Intercountry adoption" is a process by which a child
15 from a country other than the United States is adopted.

16 L. "Intercountry Adoption Coordinator" is a staff person
17 of the Department of Children and Family Services appointed
18 by the Director to coordinate the provision of services by
19 the public and private sector to prospective parents of
20 foreign-born children.

21 M. "Interstate Compact on the Placement of Children" is
22 a law enacted by most states for the purpose of establishing
23 uniform procedures for handling the interstate placement of
24 children in foster homes, adoptive homes, or other child care
25 facilities.

26 N. "Non-Compact state" means a state that has not
27 enacted the Interstate Compact on the Placement of Children.

28 O. "Preadoption requirements" are any conditions
29 established by the laws or regulations of the Federal
30 Government or of each state that must be met prior to the
31 placement of a child in an adoptive home.

32 P. "Abused child" means a child whose parent or
33 immediate family member, or any person responsible for the
34 child's welfare, or any individual residing in the same home

1 as the child, or a paramour of the child's parent:

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

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

12 (c) commits or allows to be committed any sex
13 offense against the child, as sex offenses are defined in
14 the Criminal Code of 1961 and extending those definitions
15 of sex offenses to include children under 18 years of
16 age;

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

19 (e) inflicts excessive corporal punishment.

20 Q. "Neglected child" means any child whose parent or
21 other person responsible for the child's welfare withholds or
22 denies nourishment or medically indicated treatment including
23 food or care denied solely on the basis of the present or
24 anticipated mental or physical impairment as determined by a
25 physician acting alone or in consultation with other
26 physicians or otherwise does not provide the proper or
27 necessary support, education as required by law, or medical
28 or other remedial care recognized under State law as
29 necessary for a child's well-being, or other care necessary
30 for his or her well-being, including adequate food, clothing
31 and shelter; or who is abandoned by his or her parents or
32 other person responsible for the child's welfare.

33 A child shall not be considered neglected or abused for
34 the sole reason that the child's parent or other person

1 responsible for his or her welfare depends upon spiritual
2 means through prayer alone for the treatment or cure of
3 disease or remedial care as provided under Section 4 of the
4 Abused and Neglected Child Reporting Act.

5 R. "Putative father" means a man who may be a child's
6 father, but who (1) is not married to the child's mother on
7 or before the date that the child was or is to be born and
8 (2) has not established paternity of the child in a court
9 proceeding before the filing of a petition for the adoption
10 of the child. The term includes a male who is less than 18
11 years of age. "Putative father" does not mean a man who is
12 the child's father as a result of criminal sexual abuse or
13 assault as defined under Article 12 of the Criminal Code of
14 1961.

15 S. "Standby adoption" means an adoption in which a
16 terminally ill parent consents to custody and termination of
17 parental rights to become effective upon the occurrence of a
18 future event, which is either the death of the terminally ill
19 parent or the request of the parent for the entry of a final
20 judgment of adoption.

21 T. "Terminally ill parent" means a person who has a
22 medical prognosis by a physician licensed to practice
23 medicine in all of its branches that the person has an
24 incurable and irreversible condition which will lead to
25 death.

26 (Source: P.A. 90-13, eff. 6-13-97; 90-15, eff. 6-13-97;
27 90-27, eff. 1-1-98 except subdiv. (D)(m) eff. 6-25-97; 90-28,
28 eff. 1-1-98 except subdiv. (D)(m) eff. 6-25-97; 90-443, eff.
29 8-16-97; 90-608, eff. 6-30-98; 90-655, eff. 7-30-98; 91-357,
30 eff. 7-29-99; 91-373, eff. 1-1-00; 91-572, eff. 1-1-00;
31 revised 8-31-99.)

32 Section 999. Effective date. This Act takes effect upon
33 becoming law."