



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB2401

Introduced 2/14/2008, by Sen. Linda Holmes

SYNOPSIS AS INTRODUCED:

20 ILCS 505/35.2	from Ch. 23, par. 5035.2
705 ILCS 405/1-2	from Ch. 37, par. 801-2
750 ILCS 50/1	from Ch. 40, par. 1501

Amends the Children and Family Services Act. Provides that if (i) a child is found to be an abused minor under the Juvenile Court Act of 1987, (ii) the perpetrator of the abuse was the child's parent, (iii) the parent was convicted of aggravated participation in methamphetamine manufacturing, and (iv) the child who has been found to be an abused minor was the child who resided or was present at the place where the methamphetamine was manufactured or was endangered by the manufacture of the methamphetamine, then the Department of Children and Family Services shall cause to be filed a petition seeking termination of the parent's parental rights. Amends the Juvenile Court Act of 1987 to provide that conviction of a person of aggravated participation in methamphetamine manufacturing under similar circumstances is an aggravating circumstance under which it may be appropriate to expedite termination of the person's parental rights. Amends the Adoption Act add similar provisions with respect to depravity as a ground of unfitness and with respect to the definition of "abused child".

LRB095 19680 AJO 46031 b

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 Children and Family Services Act is amended
5 by changing Section 35.2 as follows:

6 (20 ILCS 505/35.2) (from Ch. 23, par. 5035.2)

7 Sec. 35.2. If a child has been found to be an abused minor
8 under Section 4-8 of the Juvenile Court Act or Section 2-21 of
9 the Juvenile Court Act of 1987, and the perpetrator of the
10 abuse was the child's parent, and (i) such parent has been
11 convicted of aggravated battery of the child or (ii) such
12 parent has been convicted of aggravated participation in
13 methamphetamine manufacturing under subdivision (b)(1)(B) of
14 Section 15 of the Methamphetamine Control and Community
15 Protection Act and the child who has been found to be an abused
16 minor was the child who resided or was present at the place
17 where the methamphetamine was manufactured or who was
18 endangered by the manufacture of the methamphetamine, and the
19 child has been committed to the Department of Children and
20 Family Services for care and service under Section 5-7 of the
21 Juvenile Court Act or Section 2-27 of the Juvenile Court Act of
22 1987, the Department shall cause to be filed a petition seeking
23 the termination of such parent's parental rights pursuant to

1 "An Act in relation to the adoption of persons, and to repeal
2 an Act therein named", approved July 17, 1959, as amended, or
3 under Section 2-29 of the Juvenile Court Act of 1987, and the
4 Department shall also seek placement of the child with suitable
5 adoptive parents.

6 (Source: P.A. 86-403.)

7 Section 10. The Juvenile Court Act of 1987 is amended by
8 changing Section 1-2 as follows:

9 (705 ILCS 405/1-2) (from Ch. 37, par. 801-2)

10 Sec. 1-2. Purpose and policy.

11 (1) The purpose of this Act is to secure for each minor
12 subject hereto such care and guidance, preferably in his or her
13 own home, as will serve the safety and moral, emotional,
14 mental, and physical welfare of the minor and the best
15 interests of the community; to preserve and strengthen the
16 minor's family ties whenever possible, removing him or her from
17 the custody of his or her parents only when his or her safety
18 or welfare or the protection of the public cannot be adequately
19 safeguarded without removal; if the child is removed from the
20 custody of his or her parent, the Department of Children and
21 Family Services immediately shall consider concurrent
22 planning, as described in Section 5 of the Children and Family
23 Services Act so that permanency may occur at the earliest
24 opportunity; consideration should be given so that if

1 reunification fails or is delayed, the placement made is the
2 best available placement to provide permanency for the child;
3 and, when the minor is removed from his or her own family, to
4 secure for him or her custody, care and discipline as nearly as
5 possible equivalent to that which should be given by his or her
6 parents, and in cases where it should and can properly be done
7 to place the minor in a family home so that he or she may become
8 a member of the family by legal adoption or otherwise. Provided
9 that a ground for unfitness under the Adoption Act can be met,
10 it may be appropriate to expedite termination of parental
11 rights:

12 (a) when reasonable efforts are inappropriate, or have
13 been provided and were unsuccessful, and there are
14 aggravating circumstances including, but not limited to,
15 those cases in which (i) the child or another child of that
16 child's parent was (A) abandoned, (B) tortured, or (C)
17 chronically abused or (ii) the parent is criminally
18 convicted of (A) first degree murder or second degree
19 murder of any child, (B) attempt or conspiracy to commit
20 first degree murder or second degree murder of any child,
21 (C) solicitation to commit murder, solicitation to commit
22 murder for hire, solicitation to commit second degree
23 murder of any child, or aggravated assault in violation of
24 subdivision (a) (13) of Section 12-2 of the Criminal Code of
25 1961, ~~or~~ (D) aggravated criminal sexual assault in
26 violation of Section 12-14(b) (1) of the Criminal Code of

1 1961, or (E) aggravated participation in methamphetamine
2 manufacturing under subdivision (b) (1) (B) of Section 15 of
3 the Methamphetamine Control and Community Protection Act,
4 and the minor or another child of the minor's parent was
5 the child who resided or was present at the place where the
6 methamphetamine was manufactured or who was endangered by
7 the manufacture of the methamphetamine; or

8 (b) when the parental rights of a parent with respect
9 to another child of the parent have been involuntarily
10 terminated; or

11 (c) in those extreme cases in which the parent's
12 incapacity to care for the child, combined with an
13 extremely poor prognosis for treatment or rehabilitation,
14 justifies expedited termination of parental rights.

15 (2) In all proceedings under this Act the court may direct
16 the course thereof so as promptly to ascertain the
17 jurisdictional facts and fully to gather information bearing
18 upon the current condition and future welfare of persons
19 subject to this Act. This Act shall be administered in a spirit
20 of humane concern, not only for the rights of the parties, but
21 also for the fears and the limits of understanding of all who
22 appear before the court.

23 (3) In all procedures under this Act, the following shall
24 apply:

25 (a) The procedural rights assured to the minor shall be
26 the rights of adults unless specifically precluded by laws

1 which enhance the protection of such minors.

2 (b) Every child has a right to services necessary to
3 his or her safety and proper development, including health,
4 education and social services.

5 (c) The parents' right to the custody of their child
6 shall not prevail when the court determines that it is
7 contrary to the health, safety, and best interests of the
8 child.

9 (4) This Act shall be liberally construed to carry out the
10 foregoing purpose and policy.

11 (Source: P.A. 89-704, eff. 8-16-97 (changed from 1-1-98 by P.A.
12 90-443); 90-27, eff. 1-1-98; 90-28, eff. 1-1-98; 90-443, eff.
13 8-16-97; 90-608, eff. 6-30-98.)

14 Section 15. The Adoption Act is amended by changing Section
15 1 as follows:

16 (750 ILCS 50/1) (from Ch. 40, par. 1501)

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

19 A. "Child" means a person under legal age subject to
20 adoption under this Act.

21 B. "Related child" means a child subject to adoption where
22 either or both of the adopting parents stands in any of the
23 following relationships to the child by blood or marriage:
24 parent, grand-parent, brother, sister, step-parent,

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

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

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

18 (a) Abandonment of the child.

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

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

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

26 (c) Desertion of the child for more than 3 months next

1 preceding the commencement of the Adoption proceeding.

2 (d) Substantial neglect of the child if continuous or
3 repeated.

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

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

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

11 (1) Two or more findings of physical abuse have
12 been entered regarding any children under Section 2-21
13 of the Juvenile Court Act of 1987, the most recent of
14 which was determined by the juvenile court hearing the
15 matter to be supported by clear and convincing
16 evidence; or

17 (2) The parent has been convicted or found not
18 guilty by reason of insanity and the conviction or
19 finding resulted from the death of any child by
20 physical abuse; or

21 (3) There is a finding of physical child abuse
22 resulting from the death of any child under Section
23 2-21 of the Juvenile Court Act of 1987.

24 No conviction or finding of delinquency pursuant
25 to Article 5 of the Juvenile Court Act of 1987 shall be
26 considered a criminal conviction for the purpose of

1 applying any presumption under this item (f).

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

4 (h) Other neglect of, or misconduct toward the child;
5 provided that in making a finding of unfitness the court
6 hearing the adoption proceeding shall not be bound by any
7 previous finding, order or judgment affecting or
8 determining the rights of the parents toward the child
9 sought to be adopted in any other proceeding except such
10 proceedings terminating parental rights as shall be had
11 under either this Act, the Juvenile Court Act or the
12 Juvenile Court Act of 1987.

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

1 solicitation to commit second degree murder of any child in
2 violation of the Criminal Code of 1961; (5) predatory
3 criminal sexual assault of a child in violation of Section
4 12-14.1 of the Criminal Code of 1961; (6) heinous battery
5 of any child in violation of the Criminal Code of 1961; ~~or~~
6 (7) aggravated battery of any child in violation of the
7 Criminal Code of 1961; or (8) aggravated participation in
8 methamphetamine manufacturing in violation of subdivision
9 (b) (1) (B) of Section 15 of the Methamphetamine Control and
10 Community Protection Act, where any child resided or was
11 present at the place where the methamphetamine was
12 manufactured or was endangered by the manufacture of the
13 methamphetamine.

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

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

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

5 (j) Open and notorious adultery or fornication.

6 (j-1) (Blank).

7 (k) Habitual drunkenness or addiction to drugs, other
8 than those prescribed by a physician, for at least one year
9 immediately prior to the commencement of the unfitness
10 proceeding.

11 There is a rebuttable presumption that a parent is
12 unfit under this subsection with respect to any child to
13 which that parent gives birth where there is a confirmed
14 test result that at birth the child's blood, urine, or
15 meconium contained any amount of a controlled substance as
16 defined in subsection (f) of Section 102 of the Illinois
17 Controlled Substances Act or metabolites of such
18 substances, the presence of which in the newborn infant was
19 not the result of medical treatment administered to the
20 mother or the newborn infant; and the biological mother of
21 this child is the biological mother of at least one other
22 child who was adjudicated a neglected minor under
23 subsection (c) of Section 2-3 of the Juvenile Court Act of
24 1987.

25 (l) Failure to demonstrate a reasonable degree of
26 interest, concern or responsibility as to the welfare of a

1 new born child during the first 30 days after its birth.

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

1 service plan and correct the conditions that brought the
2 child into care during any 9-month period after the end of
3 the initial 9-month period following the adjudication
4 under Section 2-3 or 2-4 of the Juvenile Court Act of 1987.
5 Notwithstanding any other provision, when a petition or
6 motion seeks to terminate parental rights on the basis of
7 item (iii) of this subsection (m), the petitioner shall
8 file with the court and serve on the parties a pleading
9 that specifies the 9-month period or periods relied on. The
10 pleading shall be filed and served on the parties no later
11 than 3 weeks before the date set by the court for closure
12 of discovery, and the allegations in the pleading shall be
13 treated as incorporated into the petition or motion.
14 Failure of a respondent to file a written denial of the
15 allegations in the pleading shall not be treated as an
16 admission that the allegations are true.

17 (m-1) Pursuant to the Juvenile Court Act of 1987, a
18 child has been in foster care for 15 months out of any 22
19 month period which begins on or after the effective date of
20 this amendatory Act of 1998 unless the child's parent can
21 prove by a preponderance of the evidence that it is more
22 likely than not that it will be in the best interests of
23 the child to be returned to the parent within 6 months of
24 the date on which a petition for termination of parental
25 rights is filed under the Juvenile Court Act of 1987. The
26 15 month time limit is tolled during any period for which

1 there is a court finding that the appointed custodian or
2 guardian failed to make reasonable efforts to reunify the
3 child with his or her family, provided that (i) the finding
4 of no reasonable efforts is made within 60 days of the
5 period when reasonable efforts were not made or (ii) the
6 parent filed a motion requesting a finding of no reasonable
7 efforts within 60 days of the period when reasonable
8 efforts were not made. For purposes of this subdivision
9 (m-1), the date of entering foster care is the earlier of:
10 (i) the date of a judicial finding at an adjudicatory
11 hearing that the child is an abused, neglected, or
12 dependent minor; or (ii) 60 days after the date on which
13 the child is removed from his or her parent, guardian, or
14 legal custodian.

15 (n) Evidence of intent to forgo his or her parental
16 rights, whether or not the child is a ward of the court,
17 (1) as manifested by his or her failure for a period of 12
18 months: (i) to visit the child, (ii) to communicate with
19 the child or agency, although able to do so and not
20 prevented from doing so by an agency or by court order, or
21 (iii) to maintain contact with or plan for the future of
22 the child, although physically able to do so, or (2) as
23 manifested by the father's failure, where he and the mother
24 of the child were unmarried to each other at the time of
25 the child's birth, (i) to commence legal proceedings to
26 establish his paternity under the Illinois Parentage Act of

1 1984 or the law of the jurisdiction of the child's birth
2 within 30 days of being informed, pursuant to Section 12a
3 of this Act, that he is the father or the likely father of
4 the child or, after being so informed where the child is
5 not yet born, within 30 days of the child's birth, or (ii)
6 to make a good faith effort to pay a reasonable amount of
7 the expenses related to the birth of the child and to
8 provide a reasonable amount for the financial support of
9 the child, the court to consider in its determination all
10 relevant circumstances, including the financial condition
11 of both parents; provided that the ground for termination
12 provided in this subparagraph (n)(2)(ii) shall only be
13 available where the petition is brought by the mother or
14 the husband of the mother.

15 Contact or communication by a parent with his or her
16 child that does not demonstrate affection and concern does
17 not constitute reasonable contact and planning under
18 subdivision (n). In the absence of evidence to the
19 contrary, the ability to visit, communicate, maintain
20 contact, pay expenses and plan for the future shall be
21 presumed. The subjective intent of the parent, whether
22 expressed or otherwise, unsupported by evidence of the
23 foregoing parental acts manifesting that intent, shall not
24 preclude a determination that the parent has intended to
25 forgo his or her parental rights. In making this
26 determination, the court may consider but shall not require

1 a showing of diligent efforts by an authorized agency to
2 encourage the parent to perform the acts specified in
3 subdivision (n).

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

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

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

1 (q) (Blank).

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

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

21 (t) A finding that at birth the child's blood, urine,
22 or meconium contained any amount of a controlled substance
23 as defined in subsection (f) of Section 102 of the Illinois
24 Controlled Substances Act, or a metabolite of a controlled
25 substance, with the exception of controlled substances or
26 metabolites of such substances, the presence of which in

1 the newborn infant was the result of medical treatment
2 administered to the mother or the newborn infant, and that
3 the biological mother of this child is the biological
4 mother of at least one other child who was adjudicated a
5 neglected minor under subsection (c) of Section 2-3 of the
6 Juvenile Court Act of 1987, after which the biological
7 mother had the opportunity to enroll in and participate in
8 a clinically appropriate substance abuse counseling,
9 treatment, and rehabilitation program.

10 E. "Parent" means the father or mother of a lawful child of
11 the parties or child born out of wedlock. For the purpose of
12 this Act, a person who has executed a final and irrevocable
13 consent to adoption or a final and irrevocable surrender for
14 purposes of adoption, or whose parental rights have been
15 terminated by a court, is not a parent of the child who was the
16 subject of the consent or surrender, unless the consent is void
17 pursuant to subsection O of Section 10.

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

19 (a) a child who has been surrendered for adoption to an
20 agency and to whose adoption the agency has thereafter
21 consented;

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

26 (c) a child who is in the custody of persons who intend

1 to adopt him through placement made by his parents;

2 (c-1) a child for whom a parent has signed a specific
3 consent pursuant to subsection O of Section 10;

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

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

8 A person who would otherwise be available for adoption
9 shall not be deemed unavailable for adoption solely by reason
10 of his or her death.

11 G. The singular includes the plural and the plural includes
12 the singular and the "male" includes the "female", as the
13 context of this Act may require.

14 H. "Adoption disruption" occurs when an adoptive placement
15 does not prove successful and it becomes necessary for the
16 child to be removed from placement before the adoption is
17 finalized.

18 I. "Foreign placing agency" is an agency or individual
19 operating in a country or territory outside the United States
20 that is authorized by its country to place children for
21 adoption either directly with families in the United States or
22 through United States based international agencies.

23 J. "Immediate relatives" means the biological parents, the
24 parents of the biological parents and siblings of the
25 biological parents.

26 K. "Intercountry adoption" is a process by which a child

1 from a country other than the United States is adopted.

2 L. "Intercountry Adoption Coordinator" is a staff person of
3 the Department of Children and Family Services appointed by the
4 Director to coordinate the provision of services by the public
5 and private sector to prospective parents of foreign-born
6 children.

7 M. "Interstate Compact on the Placement of Children" is a
8 law enacted by most states for the purpose of establishing
9 uniform procedures for handling the interstate placement of
10 children in foster homes, adoptive homes, or other child care
11 facilities.

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

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

18 P. "Abused child" means a child whose parent or immediate
19 family member, or any person responsible for the child's
20 welfare, or any individual residing in the same home as the
21 child, or a paramour of the child's parent:

22 (a) inflicts, causes to be inflicted, or allows to be
23 inflicted upon the child physical injury, by other than
24 accidental means, that causes death, disfigurement,
25 impairment of physical or emotional health, or loss or
26 impairment of any bodily function;

1 (b) creates a substantial risk of physical injury to
2 the child by other than accidental means which would be
3 likely to cause death, disfigurement, impairment of
4 physical or emotional health, or loss or impairment of any
5 bodily function;

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

10 (d) commits or allows to be committed an act or acts of
11 torture upon the child; ~~or~~

12 (e) inflicts excessive corporal punishment; or

13 (f) commits or allows to be committed aggravated
14 participation in methamphetamine manufacturing in
15 violation of subdivision (b) (1) (B) of Section 15 of the
16 Methamphetamine Control and Community Protection Act,
17 where the child was the child who resided or was present at
18 the place where the methamphetamine was manufactured or who
19 was endangered by the manufacture of the methamphetamine.

20 Q. "Neglected child" means any child whose parent or other
21 person responsible for the child's welfare withholds or denies
22 nourishment or medically indicated treatment including food or
23 care denied solely on the basis of the present or anticipated
24 mental or physical impairment as determined by a physician
25 acting alone or in consultation with other physicians or
26 otherwise does not provide the proper or necessary support,

1 education as required by law, or medical or other remedial care
2 recognized under State law as necessary for a child's
3 well-being, or other care necessary for his or her well-being,
4 including adequate food, clothing and shelter; or who is
5 abandoned by his or her parents or other person responsible for
6 the child's welfare.

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

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

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

6 T. (Blank).

7 (Source: P.A. 93-732, eff. 1-1-05; 94-229, eff. 1-1-06; 94-563,
8 eff. 1-1-06; 94-939, eff. 1-1-07.)