



Rep. Mary E. Flowers

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1 AMENDMENT TO HOUSE BILL 3

2 AMENDMENT NO. _____. Amend House Bill 3 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. This Act may be referred to as the
5 Reproductive Liberty and Justice Act.

6 Section 3. Purpose. The purposes of this Act are to reduce
7 racial and geographic inequities that currently preclude
8 segments of the Illinois population from autonomously
9 exercising fundamental rights and liberties provided by the
10 Reproductive Health Act; to provide patients with a secure
11 knowledge that the personal information they disclose to
12 providers of reproductive health care services will remain
13 private and confidential; to correct deficiencies in the
14 implementation of Public Act 93-578, such that families who
15 experience stillbirth are treated with dignity and respect by
16 this State; and to ensure that the increasing number of

1 patients traveling to Illinois from out-of-state for legal
2 abortion care does not compound inequities in the availability
3 of and access to maternity care among childbearing families
4 who reside in Illinois.

5 Section 5. The Substance Use Disorder Act is amended by
6 adding Section 35-15 as follows:

7 (20 ILCS 301/35-15 new)

8 Sec. 35-15. Plans of Safe Care. The Division of Substance
9 Use Prevention and Recovery, in consultation with the Illinois
10 Perinatal Quality Collaborative or its successor organization,
11 shall develop a standardized Plan of Safe Care form to support
12 discharge planning for mothers and infants affected by
13 prenatal substance exposure. Plans of Safe Care shall not be
14 recorded in the State Central Registry described in Section 7
15 of the Abused and Neglected Child Reporting Act and shall not
16 be discoverable or admissible as evidence in any proceeding
17 pursuant to the Juvenile Court Act of 1987 or the Adoption Act
18 unless the named party waives his or her right to
19 confidentiality in writing.

20 As used in this Section, "Plan of Safe Care" means a
21 written or electronic document designed to ensure the safety
22 and well-being of a newborn who has been identified by his or
23 her healthcare provider as being affected by prenatal
24 substance exposure or withdrawal symptoms, or a fetal alcohol

1 spectrum disorder (FASD), and his or her gestational parent.

2 Section 10. The Equity and Representation in Health Care
3 Act is amended by changing Section 10 as follows:

4 (110 ILCS 932/10)

5 Sec. 10. Definitions. In this Act:

6 "Accredited school" means a college or university in which
7 a degree in allopathic medicine, osteopathic medicine,
8 dentistry, physical therapy, or an equivalent credential for a
9 health program is earned and for which the Council for Higher
10 Education Accreditation or its affiliates has determined that
11 the school meets specific standards for its programs, faculty,
12 and curriculum.

13 "Advanced practice registered nurse" or "APRN" means an
14 advanced practice registered nurse as defined under Section
15 50-10 of the Nurse Practice Act.

16 "Allopathic medicine" means the use of pharmacological
17 agents or physical interventions to treat or suppress symptoms
18 or processes of diseases or conditions.

19 "Applicant" means a health care professional or medical
20 facility who applies for loan repayment assistance or
21 scholarship funds under this Act.

22 "Approved graduate training" means training in medicine,
23 dentistry, or any other health profession that leads to
24 eligibility for board certification, provides evidence of

1 completion, and is approved by the appropriate health care
2 professional's body.

3 "Behavioral health provider" means a provider of a
4 commonly recognized discipline in the behavioral health
5 industry, including, but not limited to, licensed clinical
6 social workers, behavioral health therapists, certified
7 marriage and family counselors, licensed social workers, and
8 addiction counselors.

9 "Breach of service obligation" means failure for any
10 reason to begin or complete a contractual service commitment.

11 "Commercial loan" means a loan made by a bank, credit
12 union, savings and loan association, insurance company,
13 school, or other financial institution.

14 "Community health center" means a migrant health center,
15 community health center, health care program for the homeless
16 or for residents of public housing supported under Section 330
17 of the federal Public Health Service Act, or FQHC, including
18 an FQHC Look-Alike, as designated by the U.S. Department of
19 Health and Human Services, that operates at least one
20 federally designated primary health care delivery site in
21 Illinois.

22 "Default" means failure to meet a legal obligation or
23 condition of a loan.

24 "Department" means the Department of Public Health.

25 "Dental assistant" means a person who serves as a member
26 of a dental care team, working directly with a dentist to

1 perform duties that include, but are not limited to, assisting
2 with dental procedures, preparing patients for procedures,
3 preparing examinations, and sterilizing equipment.

4 "Dentist" means a person licensed to practice dentistry
5 under the Illinois Dental Practice Act.

6 "Director" means the Director of Public Health.

7 "Equity and Representation in Health Care Workforce
8 Repayment Program" or "Repayment Program" means the Equity and
9 Representation in Health Care Workforce Repayment Program
10 created under subsection (a) of Section 15.

11 "Equity and Representation in Health Care Workforce
12 Scholarship Program" or "Scholarship Program" means the Equity
13 and Representation in Health Care Workforce Scholarship
14 Program created under subsection (b) of Section 15.

15 "Federally Qualified Health Center" or "FQHC" means a
16 health center funded under Section 330 of the federal Public
17 Health Service Act.

18 "Federally Qualified Health Center Look-Alike" or "FQHC
19 Look-Alike" means a health center that meets the requirements
20 for receiving a grant under Section 330 of the federal Public
21 Health Service Act but does not receive funding under that
22 authority.

23 "Government loan" means a loan made by a federal, State,
24 county, or city agency authorized to make the loan.

25 "Health care professional" means a physician, physician
26 assistant, advanced practice registered nurse, nurse, licensed

1 certified professional midwife, chiropractic physician,
2 podiatrist, physical therapist, physical therapist assistant,
3 occupational therapist, speech therapist, behavioral health
4 provider, psychiatrist, psychologist, pharmacist, dentist,
5 medical assistant, dental assistant, or dental hygienist.

6 "Health professional shortage area" or "HPSA" means a
7 designation from the U.S. Department of Health and Human
8 Services that indicates the shortage of primary medical care
9 or dental or mental health providers. The designation may be
10 geographic, such as a county or service area; demographic,
11 such as low-income population; or institutional, such as a
12 comprehensive health center, FQHC, or other public facility.

13 "Lender" means the commercial or government entity that
14 makes a qualifying loan.

15 "Licensed certified professional midwife" means a person
16 who meets the requirements under Section 45 of the Licensed
17 Certified Professional Midwife Practice Act and holds an
18 active license to practice as a certified professional midwife
19 in Illinois.

20 "Loan repayment award" or "award" means the amount of
21 funding awarded to a recipient based upon his or her
22 reasonable educational expenses, up to a maximum established
23 by the program.

24 "Loan repayment agreement" or "agreement" means the
25 written instrument defining a legal relationship entered into
26 between the Department and a recipient.

1 "Medical assistant" means a person who serves as a member
2 of a medical care team working directly with other providers
3 to perform duties that include, but are not limited to,
4 gathering patient information, taking vital signs, preparing
5 patients for examinations, and assisting physicians during
6 examinations.

7 "Medical facility" means a facility in which the delivery
8 of health services is provided. A medical facility must be a
9 nonprofit or public facility located in Illinois and includes
10 the following:

11 (1) A Federally Qualified Health Center.

12 (2) An FQHC Look-Alike.

13 (3) A hospital system operated by a county with more
14 than 3,000,000 residents.

15 "Medically underserved area" or "MUA" means an area
16 designated by the U.S. Department of Health and Human
17 Services' Health Resources and Services Administration as
18 having too few primary care providers, high infant mortality,
19 high poverty, or a high elderly population.

20 "Nurse" means a person who is licensed as a licensed
21 practical nurse or as a registered nurse under the Nurse
22 Practice Act.

23 "Osteopathic medicine" means medical practice based upon
24 the theory that diseases are due to loss of structural
25 integrity, which can be restored by manipulation of the parts
26 and supplemented by therapeutic measures.

1 "Physical therapist" means an individual licensed as a
2 physical therapist under the Illinois Physical Therapy Act.

3 "Physical therapist assistant" means an individual
4 licensed as a physical therapist assistant under the Illinois
5 Physical Therapy Act.

6 "Physician" means a person licensed to practice medicine
7 in all of its branches under the Medical Practice Act of 1987.

8 "Physician assistant" means an individual licensed under
9 the Physician Assistant Practice Act of 1987.

10 "Primary care" means health care that encompasses
11 prevention services, basic diagnostic and treatment services,
12 and support services, including laboratory, radiology,
13 transportation, and pharmacy services.

14 "Psychiatrist" means a physician licensed to practice
15 medicine in Illinois under the Medical Practice Act of 1987
16 who has successfully completed an accredited residency program
17 in psychiatry.

18 "Qualifying loan" means a government loan or commercial
19 loan used for tuition and reasonable educational and living
20 expenses related to undergraduate or graduate education that
21 was obtained by the recipient prior to his or her application
22 for loan repayment and that is contemporaneous with the
23 education received.

24 "Reasonable educational expenses" means costs for
25 education, exclusive of tuition. These costs include, but are
26 not limited to, fees, books, supplies, clinical travel,

1 educational equipment, materials, board certification, or
2 licensing examinations. "Reasonable educational expenses" do
3 not exceed the estimated standard budget for expenses for the
4 degree program and for the years of enrollment.

5 "Reasonable living expenses" means room and board,
6 transportation, and commuting costs associated with the
7 applicant's attendance and participation in an educational and
8 workforce training program. "Reasonable living expenses" do
9 not exceed the estimated standard budget for the recipient's
10 degree program and for the years of enrollment.

11 "Recognized training entity" means an entity approved by
12 the Department to provide training and education for medical
13 assistants and dental assistants.

14 "Recipient" means a health care professional or medical
15 facility that may use loan repayment funds.

16 "Rural" has the same meaning that is used by the federal
17 Health Resources and Services Administration to determine
18 eligibility for Rural Health Grants.

19 "State" means the State of Illinois.

20 (Source: P.A. 102-942, eff. 1-1-23; revised 12-16-22.)

21 Section 15. The Hospital Licensing Act is amended by
22 changing Section 11.4 and by adding Section 11.9 as follows:

23 (210 ILCS 85/11.4)

24 Sec. 11.4. Disposition of fetus. A hospital having custody

1 of a fetus following a spontaneous fetal demise occurring
2 during or after a gestation period of less than 20 completed
3 weeks must notify the mother of her right to arrange for the
4 burial or cremation of the fetus. Notification may also
5 include other options such as, but not limited to, a ceremony,
6 a certificate, or common burial or cremation of fetal tissue.
7 If, within 24 hours after being notified under this Section,
8 the mother elects in writing to arrange for the burial or
9 cremation of the fetus, the disposition of the fetus shall be
10 subject to the same laws and rules that apply in the case of a
11 fetal death that occurs in this State after a gestation period
12 of 20 completed weeks or more. The Department of Public Health
13 shall develop forms to be used for notifications and elections
14 under this Section and hospitals shall provide the forms to
15 the mother.

16 (Source: P.A. 96-338, eff. 1-1-10.)

17 (210 ILCS 85/11.9 new)

18 Sec. 11.9. Certificate of birth resulting in stillbirth;
19 notification. This Section may be referred to as Liam's Law.

20 A hospital having custody of a fetus following a
21 spontaneous fetal death occurring during or after a gestation
22 period of at least 20 completed weeks must notify the
23 gestational parent of the parent's right to receive a
24 certificate of birth resulting in stillbirth as described in
25 Section 20.5 of the Vital Records Act. The Department of

1 Public Health shall develop a form to be used for notification
2 under this Section and hospitals shall provide the form to the
3 gestational parent. This form shall be known as a "Liam's Law
4 notice". The Department of Public Health shall consult with
5 the 2 Illinois-based Fetal Infant Mortality Review Project
6 Community Action Teams, or their successor organizations, to
7 ensure that any language included in the standardized Liam's
8 Law notice is culturally sensitive to the needs of bereaved
9 families. The Liam's Law notice shall be available in both
10 English and Spanish.

11 Section 20. The Birth Center Licensing Act is amended by
12 adding Section 65 as follows:

13 (210 ILCS 170/65 new)

14 Sec. 65. Co-located facilities; essential reproductive
15 health care services.

16 (a) In this Section, "co-located facility" means a
17 facility licensed in accordance with rules adopted by the
18 Department under subsection (c).

19 (b) Notwithstanding any other provision of law, a birth
20 center licensed under this Act, a birth center operating under
21 the Alternative Health Care Delivery Act, or any licensed
22 facility that provides abortion services and birth control
23 services on-site may be co-located at the same facility.

24 (c) The Department shall adopt rules creating a licensing

1 scheme and designation for co-located facilities.

2 (d) A co-located facility shall provide essential
3 reproductive health care services according to a sliding fee
4 schedule for uninsured patients, such as the Sliding Fee
5 Discount Program's fee schedule used by Federally Qualified
6 Health Centers. The essential reproductive health care
7 services offered by a co-located facility shall include, but
8 are not limited to, all of the following:

9 (1) Annual women's health examinations, including, but
10 not limited to, Papanicolaou tests and breast
11 examinations.

12 (2) Recovery support services for pregnant and
13 postpartum individuals affected by a substance use
14 disorder, including, but not limited to, the prescription
15 of medications that are approved by the United States Food
16 and Drug Administration and the Center for Substance Abuse
17 Treatment for the treatment of an opioid use disorder in
18 pregnant individuals. As used in this paragraph, "recovery
19 support" has the meaning ascribed to that term in Section
20 1-10 of the Substance Use Disorder Act.

21 (3) Preconception wellness visits.

22 (4) Prenatal care, including, but not limited to,
23 ultrasound examinations.

24 (5) Labor and delivery services led by a physician,
25 certified nurse midwife, or licensed certified
26 professional midwife.

1 (6) Postpartum care and support.

2 (7) Examinations and prescriptions for contraceptives.

3 (8) Clinical management of miscarriage and stillbirth.

4 (9) Examinations, care, and prescriptions for sexually
5 transmitted infections.

6 (10) Assessment for and prescription of pre-exposure
7 prophylaxis (PrEP).

8 (11) Perinatal doulas and community health workers who
9 specialize in reproductive health care issues.

10 (e) A co-located facility must obtain a certificate of
11 need from the Health Facilities and Services Review Board
12 under the Health Facilities Planning Act to operate an
13 obstetric bed unit with a bed capacity of no more than 10 beds.

14 (f) A co-located facility shall be eligible to receive
15 funding through the Department of Human Services for
16 programming described in subsections (h) and (i) of Section
17 35-5 of the Substance Use Disorder Act.

18 Section 25. The Licensed Certified Professional Midwife
19 Practice Act is amended by changing Section 85 as follows:

20 (225 ILCS 64/85)

21 (Section scheduled to be repealed on January 1, 2027)

22 Sec. 85. Prohibited practices.

23 (a) A licensed certified professional midwife may not do
24 any of the following:

1 (1) administer prescription pharmacological agents
2 intended to induce or augment labor;

3 (2) administer prescription pharmacological agents to
4 provide pain management;

5 (3) use vacuum extractors or forceps;

6 (4) prescribe medications;

7 (5) provide out-of-hospital care to a childbearing
8 individual who has had a previous cesarean section;

9 (6) perform abortions or surgical procedures,
10 including, but not limited to, cesarean sections and
11 circumcisions, except for an emergency episiotomy;

12 (7) knowingly accept responsibility for prenatal or
13 intrapartum care of a client with any of the following
14 risk factors:

15 (A) chronic significant maternal cardiac,
16 pulmonary, renal, or hepatic disease;

17 (B) malignant disease in an active phase;

18 (C) significant hematological disorders,
19 coagulopathies, or pulmonary embolism;

20 (D) insulin requiring diabetes mellitus;

21 (E) known maternal congenital abnormalities
22 affecting childbirth;

23 (F) confirmed isoimmunization, Rh disease with
24 positive titer;

25 (G) active tuberculosis;

26 (H) active syphilis or gonorrhoea;

1 (I) active genital herpes infection 2 weeks prior
2 to labor or in labor;

3 (J) pelvic or uterine abnormalities affecting
4 normal vaginal births, including tumors and
5 malformations;

6 (K) (blank) ~~alcoholism or alcohol abuse~~;

7 (L) (blank) ~~drug addiction or abuse~~; or

8 (M) confirmed AIDS status.

9 (b) A licensed certified professional midwife shall not
10 administer Schedule II through IV controlled substances.
11 Subject to a prescription by a health care professional,
12 Schedule V controlled substances may be administered by
13 licensed certified professional midwives.

14 (Source: P.A. 102-683, eff. 10-1-22.)

15 Section 30. The Abused and Neglected Child Reporting Act
16 is amended by changing Sections 3, 5, and 7.3 and by adding
17 Section 3.5 as follows:

18 (325 ILCS 5/3) (from Ch. 23, par. 2053)

19 Sec. 3. As used in this Act unless the context otherwise
20 requires:

21 "Adult resident" means any person between 18 and 22 years
22 of age who resides in any facility licensed by the Department
23 under the Child Care Act of 1969. For purposes of this Act, the
24 criteria set forth in the definitions of "abused child" and

1 "neglected child" shall be used in determining whether an
2 adult resident is abused or neglected.

3 "Agency" means a child care facility licensed under
4 Section 2.05 or Section 2.06 of the Child Care Act of 1969 and
5 includes a transitional living program that accepts children
6 and adult residents for placement who are in the guardianship
7 of the Department.

8 "Blatant disregard" means an incident where the real,
9 significant, and imminent risk of harm would be so obvious to a
10 reasonable parent or caretaker that it is unlikely that a
11 reasonable parent or caretaker would have exposed the child to
12 the danger without exercising precautionary measures to
13 protect the child from harm. With respect to a person working
14 at an agency in his or her professional capacity with a child
15 or adult resident, "blatant disregard" includes a failure by
16 the person to perform job responsibilities intended to protect
17 the child's or adult resident's health, physical well-being,
18 or welfare, and, when viewed in light of the surrounding
19 circumstances, evidence exists that would cause a reasonable
20 person to believe that the child was neglected. With respect
21 to an agency, "blatant disregard" includes a failure to
22 implement practices that ensure the health, physical
23 well-being, or welfare of the children and adult residents
24 residing in the facility.

25 "CAPTA notification" refers to notification to the
26 Department of an infant who has been born and identified as

1 affected by prenatal substance exposure or a fetal alcohol
2 spectrum disorder as required under the federal Child Abuse
3 Prevention and Treatment Act.

4 "Child" means any person under the age of 18 years, unless
5 legally emancipated by reason of marriage or entry into a
6 branch of the United States armed services.

7 "Department" means Department of Children and Family
8 Services.

9 "Local law enforcement agency" means the police of a city,
10 town, village or other incorporated area or the sheriff of an
11 unincorporated area or any sworn officer of the Illinois State
12 Police.

13 "Abused child" means a child whose parent or immediate
14 family member, or any person responsible for the child's
15 welfare, or any individual residing in the same home as the
16 child, or a paramour of the child's parent:

17 (a) inflicts, causes to be inflicted, or allows to be
18 inflicted upon such child physical injury, by other than
19 accidental means, which causes death, disfigurement,
20 impairment of physical or emotional health, or loss or
21 impairment of any bodily function;

22 (b) creates a substantial risk of physical injury to
23 such child by other than accidental means which would be
24 likely to cause death, disfigurement, impairment of
25 physical or emotional health, or loss or impairment of any
26 bodily function;

1 (c) commits or allows to be committed any sex offense
2 against such child, as such sex offenses are defined in
3 the Criminal Code of 2012 or in the Wrongs to Children Act,
4 and extending those definitions of sex offenses to include
5 children under 18 years of age;

6 (d) commits or allows to be committed an act or acts of
7 torture upon such child;

8 (e) inflicts excessive corporal punishment or, in the
9 case of a person working for an agency who is prohibited
10 from using corporal punishment, inflicts corporal
11 punishment upon a child or adult resident with whom the
12 person is working in his or her professional capacity;

13 (f) commits or allows to be committed the offense of
14 female genital mutilation, as defined in Section 12-34 of
15 the Criminal Code of 2012, against the child;

16 (g) causes to be sold, transferred, distributed, or
17 given to such child under 18 years of age, a controlled
18 substance as defined in Section 102 of the Illinois
19 Controlled Substances Act in violation of Article IV of
20 the Illinois Controlled Substances Act or in violation of
21 the Methamphetamine Control and Community Protection Act,
22 except for controlled substances that are prescribed in
23 accordance with Article III of the Illinois Controlled
24 Substances Act and are dispensed to such child in a manner
25 that substantially complies with the prescription;

26 (h) commits or allows to be committed the offense of

1 involuntary servitude, involuntary sexual servitude of a
2 minor, or trafficking in persons as defined in Section
3 10-9 of the Criminal Code of 2012 against the child; or

4 (i) commits the offense of grooming, as defined in
5 Section 11-25 of the Criminal Code of 2012, against the
6 child.

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

10 "Neglected child" means any child who is not receiving the
11 proper or necessary nourishment or medically indicated
12 treatment including food or care not provided solely on the
13 basis of the present or anticipated mental or physical
14 impairment as determined by a physician acting alone or in
15 consultation with other physicians or otherwise is not
16 receiving the proper or necessary support or medical or other
17 remedial care recognized under State law as necessary for a
18 child's well-being, or other care necessary for his or her
19 well-being, including adequate food, clothing and shelter; or
20 who is subjected to an environment which is injurious insofar
21 as (i) the child's environment creates a likelihood of harm to
22 the child's health, physical well-being, or welfare and (ii)
23 the likely harm to the child is the result of a blatant
24 disregard of parent, caretaker, person responsible for the
25 child's welfare, or agency responsibilities; or who is
26 abandoned by his or her parents or other person responsible

1 for the child's welfare without a proper plan of care; or who
2 has been provided with interim crisis intervention services
3 under Section 3-5 of the Juvenile Court Act of 1987 and whose
4 parent, guardian, or custodian refuses to permit the child to
5 return home and no other living arrangement agreeable to the
6 parent, guardian, or custodian can be made, and the parent,
7 guardian, or custodian has not made any other appropriate
8 living arrangement for the child; ~~or who is a newborn infant~~
9 ~~whose blood, urine, or meconium contains any amount of a~~
10 ~~controlled substance as defined in subsection (f) of Section~~
11 ~~102 of the Illinois Controlled Substances Act or a metabolite~~
12 ~~thereof, with the exception of a controlled substance or~~
13 ~~metabolite thereof whose presence in the newborn infant is the~~
14 ~~result of medical treatment administered to the mother or the~~
15 ~~newborn infant.~~ A child shall not be considered neglected for
16 the sole reason that the child's parent or other person
17 responsible for his or her welfare has left the child in the
18 care of an adult relative for any period of time. A child shall
19 not be considered neglected for the sole reason that the child
20 has been relinquished in accordance with the Abandoned Newborn
21 Infant Protection Act. A child shall not be considered
22 neglected or abused for the sole reason that such child's
23 parent or other person responsible for his or her welfare
24 depends upon spiritual means through prayer alone for the
25 treatment or cure of disease or remedial care as provided
26 under Section 4 of this Act. A child shall not be considered

1 neglected or abused solely because the child is not attending
2 school in accordance with the requirements of Article 26 of
3 The School Code, as amended.

4 "Child Protective Service Unit" means certain specialized
5 State employees of the Department assigned by the Director to
6 perform the duties and responsibilities as provided under
7 Section 7.2 of this Act.

8 "Near fatality" means an act that, as certified by a
9 physician, places the child in serious or critical condition,
10 including acts of great bodily harm inflicted upon children
11 under 13 years of age, and as otherwise defined by Department
12 rule.

13 "Great bodily harm" includes bodily injury which creates a
14 high probability of death, or which causes serious permanent
15 disfigurement, or which causes a permanent or protracted loss
16 or impairment of the function of any bodily member or organ, or
17 other serious bodily harm.

18 "Person responsible for the child's welfare" means the
19 child's parent; guardian; foster parent; relative caregiver;
20 any person responsible for the child's welfare in a public or
21 private residential agency or institution; any person
22 responsible for the child's welfare within a public or private
23 profit or not for profit child care facility; or any other
24 person responsible for the child's welfare at the time of the
25 alleged abuse or neglect, including any person who commits or
26 allows to be committed, against the child, the offense of

1 involuntary servitude, involuntary sexual servitude of a
2 minor, or trafficking in persons for forced labor or services,
3 as provided in Section 10-9 of the Criminal Code of 2012,
4 including, but not limited to, the custodian of the minor, or
5 any person who came to know the child through an official
6 capacity or position of trust, including, but not limited to,
7 health care professionals, educational personnel, recreational
8 supervisors, members of the clergy, and volunteers or support
9 personnel in any setting where children may be subject to
10 abuse or neglect.

11 "Temporary protective custody" means custody within a
12 hospital or other medical facility or a place previously
13 designated for such custody by the Department, subject to
14 review by the Court, including a licensed foster home, group
15 home, or other institution; but such place shall not be a jail
16 or other place for the detention of criminal or juvenile
17 offenders.

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

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

24 "An undetermined report" means any report made under this
25 Act in which it was not possible to initiate or complete an
26 investigation on the basis of information provided to the

1 Department.

2 "Subject of report" means any child reported to the
3 central register of child abuse and neglect established under
4 Section 7.7 of this Act as an alleged victim of child abuse or
5 neglect and the parent or guardian of the alleged victim or
6 other person responsible for the alleged victim's welfare who
7 is named in the report or added to the report as an alleged
8 perpetrator of child abuse or neglect.

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

12 "Member of the clergy" means a clergyman or practitioner
13 of any religious denomination accredited by the religious body
14 to which he or she belongs.

15 (Source: P.A. 102-567, eff. 1-1-22; 102-676, eff. 12-3-21;
16 102-813, eff. 5-13-22.)

17 (325 ILCS 5/3.5 new)

18 Sec. 3.5. CAPTA notification. The Department shall develop
19 a standardized CAPTA notification form that is separate and
20 distinct from the form for written confirmation reports of
21 child abuse or neglect as described in Section 7 of this Act. A
22 CAPTA notification shall not be treated as a report of
23 suspected child abuse or neglect under this Act. CAPTA
24 notifications shall not be recorded in the State Central
25 Registry and shall not be discoverable or admissible as

1 evidence in any proceeding pursuant to the Juvenile Court Act
2 of 1987 or the Adoption Act.

3 (325 ILCS 5/5) (from Ch. 23, par. 2055)

4 Sec. 5. An officer of a local law enforcement agency,
5 designated employee of the Department, or a physician treating
6 a child may take or retain temporary protective custody of the
7 child without the consent of the person responsible for the
8 child's welfare, if (1) he has reason to believe that there
9 exists a substantial and imminent risk of death, serious
10 illness, or severe personal injury to the child if he or she is
11 not immediately removed from his or her ~~the child cannot be~~
12 caared for at home or from in the custody of the person
13 responsible for the child's welfare ~~without endangering the~~
14 ~~child's health or safety~~; and (2) there is not time to apply
15 for a court order under the Juvenile Court Act of 1987 for
16 temporary custody of the child. The person taking or retaining
17 a child in temporary protective custody shall immediately make
18 every reasonable effort to notify the person responsible for
19 the child's welfare and shall immediately notify the
20 Department. The Department shall provide to the temporary
21 caretaker of a child any information in the Department's
22 possession concerning the positive results of a test performed
23 on the child to determine the presence of the antibody or
24 antigen to Human Immunodeficiency Virus (HIV), or of HIV
25 infection, as well as any communicable diseases or

1 communicable infections that the child has. The temporary
2 caretaker of a child shall not disclose to another person any
3 information received by the temporary caretaker from the
4 Department concerning the results of a test performed on the
5 child to determine the presence of the antibody or antigen to
6 HIV, or of HIV infection, except pursuant to Section 9 of the
7 AIDS Confidentiality Act, as now or hereafter amended. The
8 Department shall promptly initiate proceedings under the
9 Juvenile Court Act of 1987 for the continued temporary custody
10 of the child.

11 Where the physician keeping a child in his custody does so
12 in his capacity as a member of the staff of a hospital or
13 similar institution, he shall notify the person in charge of
14 the institution or his designated agent, who shall then become
15 responsible for the further care of such child in the hospital
16 or similar institution under the direction of the Department.

17 Said care includes, but is not limited to the granting of
18 permission to perform emergency medical treatment to a minor
19 where the treatment itself does not involve a substantial risk
20 of harm to the minor and the failure to render such treatment
21 will likely result in death or permanent harm to the minor, and
22 there is not time to apply for a court order under the Juvenile
23 Court Act of 1987.

24 Any person authorized and acting in good faith in the
25 removal of a child under this Section shall have immunity from
26 any liability, civil or criminal that might otherwise be

1 incurred or imposed as a result of such removal. Any physician
2 authorized and acting in good faith and in accordance with
3 acceptable medical practice in the treatment of a child under
4 this Section shall have immunity from any liability, civil or
5 criminal, that might otherwise be incurred or imposed as a
6 result of granting permission for emergency treatment.

7 With respect to any child taken into temporary protective
8 custody pursuant to this Section, the Department of Children
9 and Family Services Guardianship Administrator or his designee
10 shall be deemed the child's legally authorized representative
11 for purposes of consenting to an HIV test if deemed necessary
12 and appropriate by the Department's Guardianship Administrator
13 or designee and obtaining and disclosing information
14 concerning such test pursuant to the AIDS Confidentiality Act
15 if deemed necessary and appropriate by the Department's
16 Guardianship Administrator or designee and for purposes of
17 consenting to the release of information pursuant to the
18 Illinois Sexually Transmissible Disease Control Act if deemed
19 necessary and appropriate by the Department's Guardianship
20 Administrator or designee.

21 Any person who administers an HIV test upon the consent of
22 the Department of Children and Family Services Guardianship
23 Administrator or his designee, or who discloses the results of
24 such tests to the Department's Guardianship Administrator or
25 his designee, shall have immunity from any liability, civil,
26 criminal or otherwise, that might result by reason of such

1 actions. For the purpose of any proceedings, civil or
2 criminal, the good faith of any persons required to administer
3 or disclose the results of tests, or permitted to take such
4 actions, shall be presumed.

5 (Source: P.A. 90-28, eff. 1-1-98.)

6 (325 ILCS 5/7.3) (from Ch. 23, par. 2057.3)

7 Sec. 7.3. (a) The Department shall be the sole agency
8 responsible for receiving and investigating reports of child
9 abuse or neglect made under this Act, including reports of
10 adult resident abuse or neglect as defined in this Act, except
11 where investigations by other agencies may be required with
12 respect to reports alleging the abuse or neglect of a child by
13 a person who is not the child's parent, a member of the child's
14 immediate family, a person responsible for the child's
15 welfare, an individual residing in the same home as the child,
16 or a paramour of the child's parent, the death of a child,
17 serious injury to a child or sexual abuse to a child made
18 pursuant to Sections 4.1 or 7 of this Act, and except that the
19 Department may delegate the performance of the investigation
20 to the Illinois State Police, a law enforcement agency and to
21 those private social service agencies which have been
22 designated for this purpose by the Department prior to July 1,
23 1980.

24 (b) Notwithstanding any other provision of this Act, the
25 Department shall adopt rules expressly allowing law

1 enforcement personnel to investigate reports of suspected
2 child abuse or neglect concurrently with the Department,
3 without regard to whether the Department determines a report
4 to be "indicated" or "unfounded" or deems a report to be
5 "undetermined".

6 (b-1) It is unlawful for any person described in
7 paragraphs (1), (2), (3), and (10) of subsection (a) of
8 Section 4 to disclose to the Department or to any law
9 enforcement agency the results of:

10 (1) any verbal screening questions concerning drug or
11 alcohol use of a pregnant or postpartum person;

12 (2) any toxicology test administered to a person who
13 is pregnant or has given birth within the 12 weeks prior to
14 the administration of the toxicology test; or

15 (3) any toxicology test administered to a newborn.

16 A mandated reporter described in this subsection shall not
17 disclose a patient or client's confidential information
18 described under paragraph (1), (2), or (3) to a law
19 enforcement agency or to the Department unless a law
20 enforcement agency has successfully obtained and furnished a
21 search warrant issued under Section 108-3 of the Code of
22 Criminal Procedure of 1963.

23 Any person who knowingly and willfully violates any
24 provision of this Section is guilty of a Class A misdemeanor
25 for a first violation and a Class 4 felony for a second or
26 subsequent violation.

1 (c) By June 1, 2016, the Department shall adopt rules that
2 address and set forth criteria and standards relevant to
3 investigations of reports of abuse or neglect committed by any
4 agency, as defined in Section 3 of this Act, or person working
5 for an agency responsible for the welfare of a child or adult
6 resident.

7 (Source: P.A. 101-583, eff. 1-1-20; 102-538, eff. 8-20-21.)

8 (325 ILCS 5/4.4 rep.)

9 Section 35. The Abused and Neglected Child Reporting Act
10 is amended by repealing Section 4.4.

11 Section 40. The Medical Patient Rights Act is amended by
12 changing Section 3.4 and by adding Section 3.5 as follows:

13 (410 ILCS 50/3.4)

14 Sec. 3.4. Rights of patients ~~women~~; pregnancy and
15 childbirth.

16 (a) In addition to any other right provided under this
17 Act, every patient ~~woman~~ has the following rights with regard
18 to pregnancy and childbirth:

19 (1) The right to receive health care before, during,
20 and after pregnancy and childbirth.

21 (2) The right to receive care for the patient ~~her~~ and
22 the patient's ~~her~~ infant that is consistent with all
23 clinical consensus documents, committee statements,

1 committee opinions, and obstetric care consensus documents
2 published or reaffirmed by the American College of
3 Obstetricians and Gynecologists on or after January 1,
4 2019 ~~generally accepted medical standards.~~

5 (3) The right to choose a maternity care provider from
6 the full range of providers available in the patient's
7 community, such as a physician, a licensed certified
8 professional midwife, or a certified nurse midwife ~~or~~
9 ~~physician as her maternity care professional.~~

10 (4) The right to choose the patient's ~~her~~ birth
11 setting from the full range of birthing options available
12 in the patient's ~~her~~ community.

13 (5) The right to leave the patient's ~~her~~ maternity
14 care provider ~~professional~~ and select another if the
15 patient ~~she~~ becomes dissatisfied with the patient's ~~her~~
16 care, ~~except as otherwise provided by law.~~

17 (6) The right to receive information about the names
18 of those health care professionals involved in the
19 patient's ~~her~~ care.

20 (7) The right to privacy and confidentiality of
21 records, except as provided by law.

22 (8) The right to receive information concerning the
23 patient's ~~her~~ condition and proposed treatment, including
24 methods of relieving pain.

25 (9) The right to ~~accept or~~ refuse any treatment, ~~to~~
26 ~~the extent medically possible.~~

1 (10) The right to be informed if the patient's ~~her~~
2 caregivers wish to enroll the patient ~~her~~ or the patient's
3 ~~her~~ infant in a research study in accordance with Section
4 3.1 of this Act.

5 (11) The right to access the patient's ~~her~~ medical
6 records in accordance with Section 8-2001 of the Code of
7 Civil Procedure.

8 (12) The right to receive information in a language in
9 which the patient ~~she~~ can communicate in accordance with
10 federal law.

11 (13) The right to receive emotional and physical
12 support during labor and birth.

13 (14) The right to freedom of movement during labor and
14 to give birth in the position of the patient's ~~her~~ choice,
15 ~~within generally accepted medical standards.~~

16 (15) The right to contact with the patient's ~~her~~
17 newborn, except where necessary care must be provided to
18 the patient ~~mother~~ or infant.

19 (16) The right to receive information about
20 breastfeeding.

21 (17) The right to decide ~~collaboratively with~~
22 ~~caregivers~~ when the patient and the patient's newborn ~~she~~
23 ~~and her baby~~ will leave the birth site for home, based on
24 their conditions and circumstances.

25 (18) The right to be treated with respect at all times
26 before, during, and after pregnancy by the patient and the

1 patient's newborn's ~~her~~ health care professionals.

2 (19) The right of each patient, regardless of source
3 of payment, to examine and receive a reasonable
4 explanation of the patient's ~~her~~ total bill for services
5 rendered by the patient's ~~her~~ maternity care professional
6 or health care provider, including itemized charges for
7 specific services received. Each maternity care
8 professional or health care provider shall be responsible
9 only for a reasonable explanation of those specific
10 services provided by the maternity care professional or
11 health care provider.

12 (b) The Department of Public Health, Department of
13 Healthcare and Family Services, Department of Children and
14 Family Services, and Department of Human Services shall post,
15 either by physical or electronic means, information about
16 these rights on their publicly available websites. Every
17 health care provider, day care center licensed under the Child
18 Care Act of 1969, Head Start, and community center shall post
19 information about these rights in a prominent place and on
20 their websites, if applicable.

21 (c) The Department of Public Health shall adopt rules to
22 implement this Section.

23 (d) Nothing in this Section or any rules adopted under
24 subsection (c) shall be construed to require a physician,
25 health care professional, hospital, hospital affiliate, or
26 health care provider to provide care inconsistent with

1 generally accepted medical standards or available capabilities
2 or resources.

3 (Source: P.A. 101-445, eff. 1-1-20; 102-4, eff. 4-27-21.)

4 (410 ILCS 50/3.5 new)

5 Sec. 3.5. Disclosure of medical information.

6 (a) Notwithstanding any other provision of law, and except
7 as otherwise provided under this subsection, a patient has the
8 right for a physician, health care provider, health services
9 corporation, or insurance company to administer any of the
10 following medical tests without disclosing the results of the
11 test to a State or local law enforcement agency or to the
12 Department of Children and Family Services:

13 (1) Any verbal screening or questioning concerning the
14 drug or alcohol use of a pregnant or postpartum person.

15 (2) Any toxicology test administered to a person who
16 is pregnant or has given birth within the previous 12
17 weeks.

18 (3) Any toxicology test administered to a newborn.

19 A physician, health care provider, health services
20 corporation, or insurance company who administers a medical
21 test described under paragraph (1), (2), or (3) may disclose
22 the results of the test to a law enforcement agency or to the
23 Department of Children and Family Services if a law
24 enforcement agency has successfully obtained and furnished a
25 search warrant issued under Section 108-3 of the Code of

1 Criminal Procedure of 1963.

2 (b) A health care provider shall not disclose any private
3 information regarding a patient's reproductive health care to
4 any out-of-state law enforcement person or entity unless
5 disclosure of the information has been authorized pursuant to
6 a State or federal court order.

7 (c) In this Section, "reproductive health care" has the
8 same meaning as provided in Section 1-10 of the Reproductive
9 Health Act.

10 Section 45. The Illinois Health and Hazardous Substances
11 Registry Act is amended by changing Section 3 as follows:

12 (410 ILCS 525/3) (from Ch. 111 1/2, par. 6703)

13 Sec. 3. For the purposes of this Act, unless the context
14 requires otherwise:

15 (a) "Department" means the Illinois Department of Public
16 Health.

17 (b) "Director" means the Director of the Illinois
18 Department of Public Health.

19 (c) "Council" means the Health and Hazardous Substances
20 Coordinating Council created by this Act.

21 (d) "Registry" means the Illinois Health and Hazardous
22 Substances Registry established by the Department of Public
23 Health under Section 6 of this Act.

24 (e) "Cancer" means all malignant neoplasms, regardless of

1 the tissue of origin, including malignant lymphoma and
2 leukemia.

3 (f) "Cancer incidence" means a medical diagnosis of
4 cancer, consisting of a record of cases of cancer and
5 specified cases of tumorous or precancerous diseases which
6 occur in Illinois, and such other information concerning these
7 cases as the Department deems necessary or appropriate in
8 order to conduct thorough and complete epidemiological surveys
9 of cancer and cancer-related diseases in Illinois.

10 (g) "Occupational disease" includes but is not limited to
11 all occupational diseases covered by the Workers' Occupational
12 Diseases Act.

13 (h) "Hazardous substances" means a hazardous substance as
14 defined in the Environmental Protection Act.

15 (i) "Hazardous substances incident" includes but is not
16 limited to a spill, fire, or accident involving hazardous
17 substances, illegal disposal, transportation, or use of
18 hazardous substances, and complaints or permit violations
19 involving hazardous substances.

20 (j) "Company profile" includes but is not limited to the
21 name of any company operating in the State of Illinois which
22 generates, uses, disposes of or transports hazardous
23 substances, identification of the types of permits issued in
24 such company's name relating to transactions involving
25 hazardous substances, inventory of hazardous substances
26 handled by such company, and the manner in which such

1 hazardous substances are used, disposed of, or transported by
2 the company.

3 (k) "Hazardous nuclear material" means (1) any source or
4 special nuclear material intended for use or used as an energy
5 source in a production or utilization facility as defined in
6 Sec. 11.v. or 11.cc. of the federal Atomic Energy Act of 1954
7 as amended; (2) any fuel which has been discharged from such a
8 facility following irradiation, the constituent elements of
9 which have not been separated by reprocessing; or (3) any
10 by-product material resulting from operation of such a
11 facility.

12 (l) "Adverse pregnancy outcome" includes, but is not
13 limited to, birth defects, spontaneous fetal death after 20
14 weeks of completed gestation fetal loss, infant mortality, low
15 birth weight, neonatal abstinence syndrome, newborn affected
16 by prenatal substance exposure, fetal alcohol spectrum
17 disorders, selected life-threatening conditions, and other
18 developmental disabilities as defined by the Department.

19 "Neonatal abstinence syndrome" refers to the collection of
20 signs and symptoms that occur when a newborn prenatally
21 exposed to prescribed, diverted, or illicit opiates
22 experiences opioid withdrawal. This syndrome is primarily
23 characterized by irritability, tremors, feeding problems,
24 vomiting, diarrhea, sweating, and in some cases, seizures.

25 "Newborn affected by prenatal substance exposure" means an
26 infant born and identified as being affected by substance

1 abuse or withdrawal symptoms resulting from prenatal exposure
2 to controlled substances or a fetal alcohol spectrum disorder.
3 The healthcare provider involved in the delivery or care of
4 the newborn determines whether the infant is affected by
5 prenatal substance exposure or withdrawal symptoms.

6 (m) "News medium" means any newspaper or other periodical
7 issued at regular intervals, whether in print or electronic
8 format, and having a general circulation; a news service,
9 whether in print or electronic format; a radio station, a
10 television station; a television network; a community antenna
11 television service; and any person or corporation engaged in
12 the making of news reels or other motion picture news for
13 public showing.

14 (n) "Researcher" means an individual who is affiliated
15 with or supported by universities, academic centers, research
16 institutions, hospitals, and governmental entities who conduct
17 scientific research or investigation on human diseases.

18 (Source: P.A. 95-941, eff. 8-29-08.)

19 Section 50. The Vital Records Act is amended by changing
20 Sections 20 and 20.5 as follows:

21 (410 ILCS 535/20) (from Ch. 111 1/2, par. 73-20)

22 Sec. 20. Fetal death; place of registration.

23 (1) Each fetal death which occurs in this State after a
24 gestation period of 20 completed weeks (~~or and~~ when the mother

1 elects in writing to arrange for the burial or cremation of the
2 fetus under Section 11.4 of the Hospital Licensing Act) or
3 more shall be registered with the local or subregistrar of the
4 district in which the delivery occurred within 7 days after
5 the delivery and before removal of the fetus from the State,
6 except as provided by regulation in special problem cases.

7 (a) For the purposes of this Section, if the place of
8 fetal death is unknown, a fetal death certificate shall be
9 filed in the registration district in which a dead fetus
10 is found, which shall be considered the place of fetal
11 death.

12 (b) When a fetal death occurs on a moving conveyance,
13 the city, village, township, or road district in which the
14 fetus is first removed from the conveyance shall be
15 considered the place of delivery and a fetal death
16 certificate shall be filed in the registration district in
17 which the place is located.

18 (c) The funeral director or person acting as such who
19 first assumes custody of a fetus shall file the
20 certificate. The personal data shall be obtained from the
21 best qualified person or source available. The name,
22 relationship, and address of the informant shall be
23 entered on the certificate. The date, place, and method of
24 final disposition of the fetus shall be recorded over the
25 personal signature and address of the funeral director
26 responsible for the disposition. The certificate shall be

1 presented to the person responsible for completing the
2 medical certification of the cause of death.

3 (2) The medical certification shall be completed and
4 signed within 24 hours after delivery by the certifying health
5 care professional in attendance at or after delivery, except
6 when investigation is required under Division 3-3 of Article 3
7 of the Counties Code and except as provided by regulation in
8 special problem cases.

9 (3) When a fetal death occurs without medical attendance
10 upon the mother at or after the delivery, or when
11 investigation is required under Division 3-3 of Article 3 of
12 the Counties Code, the coroner shall be responsible for the
13 completion of the fetal death certificate and shall sign the
14 medical certification within 24 hours after the delivery or
15 the finding of the fetus, except as provided by regulation in
16 special problem cases.

17 (Source: P.A. 102-257, eff. 1-1-22.)

18 (410 ILCS 535/20.5)

19 Sec. 20.5. Certificate of birth resulting in stillbirth.

20 (a) The State Registrar shall prescribe and distribute a
21 form for a certificate of birth resulting in stillbirth. The
22 certificate shall be in the same format as a certificate of
23 live birth prepared under Section 12 and shall be filed in the
24 same manner as a certificate of live birth.

25 (b) After each fetal death that occurs in this State after

1 a gestation period of at least 20 ~~26~~ completed weeks, or, in
2 cases where gestational age is uncertain, where the fetus
3 weighs at least 350 grams, the person who files a fetal death
4 certificate in connection with that death as required under
5 Section 20 shall, only upon request by the parent ~~woman~~ who
6 delivered the stillborn fetus, also prepare a certificate of
7 birth resulting in stillbirth. The person shall prepare the
8 certificate on the form prescribed and furnished by the State
9 Registrar and in accordance with the rules adopted by the
10 State Registrar.

11 (b-5) A person who files a fetal death certificate as
12 described under subsection (b) shall notify the gestational
13 parent of the stillborn of that parent's right to request and
14 receive a certificate of birth resulting in stillbirth under
15 subsection (b). The Department shall develop forms for
16 notification under this subsection. This form shall be titled
17 and known as a "Liam's Law notice."

18 (c) If the stillborn's parent or parents do not wish to
19 provide a name for the stillborn, the person who prepares the
20 certificate of birth resulting in stillbirth shall leave blank
21 any references to the stillborn's name.

22 (d) When a stillbirth occurs in this State and the
23 stillbirth has not been registered within one year after the
24 delivery, a certificate marked "delayed" may be filed and
25 registered in accordance with regulations adopted by the State
26 Registrar. The certificate must show on its face the date of

1 registration.

2 (e) In the case of a fetal death that occurred in this
3 State after a gestation period of at least 20 ~~26~~ completed
4 weeks or, in cases where gestational age is uncertain, where
5 the fetus weighs at least 350 grams, and before the effective
6 date of this amendatory Act of the 103rd General Assembly ~~this~~
7 ~~amendatory Act of the 93rd General Assembly,~~ a parent of the
8 stillborn child may request that the person who filed a fetal
9 death certificate in connection with that death as required
10 under Section 20 shall also prepare a certificate of birth
11 resulting in stillbirth with respect to the fetus. If a parent
12 of a stillborn makes such a request under this subsection (e),
13 the person who filed a fetal death certificate shall prepare
14 the certificate of birth resulting in stillbirth and file it
15 with the designated registrar within 30 days after the request
16 by the parent.

17 (Source: P.A. 93-578, eff. 8-21-03.)

18 Section 55. The Juvenile Court Act of 1987 is amended by
19 changing Sections 2-3 and 2-18 as follows:

20 (705 ILCS 405/2-3) (from Ch. 37, par. 802-3)

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

22 (1) Those who are neglected include:

23 (a) any minor under 18 years of age or a minor 18 years
24 of age or older for whom the court has made a finding of

1 probable cause to believe that the minor is abused,
2 neglected, or dependent under subsection (1) of Section
3 2-10 prior to the minor's 18th birthday who is not
4 receiving the proper or necessary support, education as
5 required by law, or medical or other remedial care
6 recognized under State law as necessary for a minor's
7 well-being, or other care necessary for his or her
8 well-being, including adequate food, clothing and shelter,
9 or who is abandoned by his or her parent or parents or
10 other person or persons responsible for the minor's
11 welfare, except that a minor shall not be considered
12 neglected for the sole reason that the minor's parent or
13 parents or other person or persons responsible for the
14 minor's welfare have left the minor in the care of an adult
15 relative for any period of time, who the parent or parents
16 or other person responsible for the minor's welfare know
17 is both a mentally capable adult relative and physically
18 capable adult relative, as defined by this Act; or

19 (b) any minor under 18 years of age or a minor 18 years
20 of age or older for whom the court has made a finding of
21 probable cause to believe that the minor is abused,
22 neglected, or dependent under subsection (1) of Section
23 2-10 prior to the minor's 18th birthday whose environment
24 is injurious to his or her welfare; or

25 (c) (blank); ~~or any newborn infant whose blood, urine,~~
26 ~~or meconium contains any amount of a controlled substance~~

1 ~~as defined in subsection (f) of Section 102 of the~~
2 ~~Illinois Controlled Substances Act, as now or hereafter~~
3 ~~amended, or a metabolite of a controlled substance, with~~
4 ~~the exception of controlled substances or metabolites of~~
5 ~~such substances, the presence of which in the newborn~~
6 ~~infant is the result of medical treatment administered to~~
7 ~~the mother or the newborn infant; or~~

8 (d) any minor under the age of 14 years whose parent or
9 other person responsible for the minor's welfare leaves
10 the minor without supervision for an unreasonable period
11 of time without regard for the mental or physical health,
12 safety, or welfare of that minor; or

13 (e) any minor who has been provided with interim
14 crisis intervention services under Section 3-5 of this Act
15 and whose parent, guardian, or custodian refuses to permit
16 the minor to return home unless the minor is an immediate
17 physical danger to himself, herself, or others living in
18 the home.

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

- 24 (1) the age of the minor;
25 (2) the number of minors left at the location;
26 (3) special needs of the minor, including whether the

1 minor is a person with a physical or mental disability, or
2 otherwise in need of ongoing prescribed medical treatment
3 such as periodic doses of insulin or other medications;

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

6 (5) the condition and location of the place where the
7 minor was left without supervision;

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

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

13 (8) the location of the parent or guardian at the time
14 the minor was left without supervision, the physical
15 distance the minor was from the parent or guardian at the
16 time the minor was without supervision;

17 (9) whether the minor's movement was restricted, or
18 the minor was otherwise locked within a room or other
19 structure;

20 (10) whether the minor was given a phone number of a
21 person or location to call in the event of an emergency and
22 whether the minor was capable of making an emergency call;

23 (11) whether there was food and other provision left
24 for the minor;

25 (12) whether any of the conduct is attributable to
26 economic hardship or illness and the parent, guardian or

1 other person having physical custody or control of the
2 child made a good faith effort to provide for the health
3 and safety of the minor;

4 (13) the age and physical and mental capabilities of
5 the person or persons who provided supervision for the
6 minor;

7 (14) whether the minor was left under the supervision
8 of another person;

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

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

14 (2) Those who are abused include any minor under 18 years
15 of age or a minor 18 years of age or older for whom the court
16 has made a finding of probable cause to believe that the minor
17 is abused, neglected, or dependent under subsection (1) of
18 Section 2-10 prior to the minor's 18th birthday whose parent
19 or immediate family member, or any person responsible for the
20 minor's welfare, or any person who is in the same family or
21 household as the minor, or any individual residing in the same
22 home as the minor, or a paramour of the minor's parent:

23 (i) inflicts, causes to be inflicted, or allows to be
24 inflicted upon such minor physical injury, by other than
25 accidental means, which causes death, disfigurement,
26 impairment of physical or emotional health, or loss or

1 impairment of any bodily function;

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

7 (iii) commits or allows to be committed any sex
8 offense against such minor, as such sex offenses are
9 defined in the Criminal Code of 1961 or the Criminal Code
10 of 2012, or in the Wrongs to Children Act, and extending
11 those definitions of sex offenses to include minors under
12 18 years of age;

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

15 (v) inflicts excessive corporal punishment;

16 (vi) commits or allows to be committed the offense of
17 involuntary servitude, involuntary sexual servitude of a
18 minor, or trafficking in persons as defined in Section
19 10-9 of the Criminal Code of 1961 or the Criminal Code of
20 2012, upon such minor; or

21 (vii) allows, encourages or requires a minor to commit
22 any act of prostitution, as defined in the Criminal Code
23 of 1961 or the Criminal Code of 2012, and extending those
24 definitions to include minors under 18 years of age.

25 A minor shall not be considered abused for the sole reason
26 that the minor has been relinquished in accordance with the

1 Abandoned Newborn Infant Protection Act.

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

6 (4) The changes made by this amendatory Act of the 101st
7 General Assembly apply to a case that is pending on or after
8 the effective date of this amendatory Act of the 101st General
9 Assembly.

10 (Source: P.A. 101-79, eff. 7-12-19.)

11 (705 ILCS 405/2-18) (from Ch. 37, par. 802-18)
12 Sec. 2-18. Evidence.

13 (1) At the adjudicatory hearing, the court shall first
14 consider only the question whether the minor is abused,
15 neglected or dependent. The standard of proof and the rules of
16 evidence in the nature of civil proceedings in this State are
17 applicable to proceedings under this Article. If the petition
18 also seeks the appointment of a guardian of the person with
19 power to consent to adoption of the minor under Section 2-29,
20 the court may also consider legally admissible evidence at the
21 adjudicatory hearing that one or more grounds of unfitness
22 exists under subdivision D of Section 1 of the Adoption Act.

23 (2) In any hearing under this Act, the following shall
24 constitute prima facie evidence of abuse or neglect, as the
25 case may be:

1 (a) proof that a minor has a medical diagnosis of
2 battered child syndrome is prima facie evidence of abuse;

3 (b) (blank); ~~proof that a minor has a medical~~
4 ~~diagnosis of failure to thrive syndrome is prima facie~~
5 ~~evidence of neglect;~~

6 (c) (blank); ~~proof that a minor has a medical~~
7 ~~diagnosis of fetal alcohol syndrome is prima facie~~
8 ~~evidence of neglect;~~

9 (d) (blank); ~~proof that a minor has a medical~~
10 ~~diagnosis at birth of withdrawal symptoms from narcotics~~
11 ~~or barbiturates is prima facie evidence of neglect;~~

12 (e) proof of injuries sustained by a minor or of the
13 condition of a minor of such a nature as would ordinarily
14 not be sustained or exist except by reason of the acts or
15 omissions of the parent, custodian or guardian of such
16 minor shall be prima facie evidence of abuse or neglect,
17 as the case may be;

18 (f) proof that a parent, custodian or guardian of a
19 minor repeatedly used a drug, to the extent that it has or
20 would ordinarily have the effect of producing in the user
21 a substantial state of stupor, unconsciousness,
22 intoxication, hallucination, disorientation or
23 incompetence, or a substantial impairment of judgment, or
24 a substantial manifestation of irrationality, shall be
25 prima facie evidence of neglect;

26 (g) proof that a parent, custodian, or guardian of a

1 minor repeatedly used a controlled substance, as defined
2 in subsection (f) of Section 102 of the Illinois
3 Controlled Substances Act, in the presence of the minor or
4 a sibling of the minor is prima facie evidence of neglect.

5 "Repeated use", for the purpose of this subsection, means
6 more than one use of a controlled substance as defined in
7 subsection (f) of Section 102 of the Illinois Controlled
8 Substances Act;

9 (h) (blank); ~~proof that a newborn infant's blood,~~
10 ~~urine, or meconium contains any amount of a controlled~~
11 ~~substance as defined in subsection (f) of Section 102 of~~
12 ~~the Illinois Controlled Substances Act, or a metabolite of~~
13 ~~a controlled substance, with the exception of controlled~~
14 ~~substances or metabolites of those substances, the~~
15 ~~presence of which is the result of medical treatment~~
16 ~~administered to the mother or the newborn, is prime facie~~
17 ~~evidence of neglect;~~

18 (i) proof that a minor was present in a structure or
19 vehicle in which the minor's parent, custodian, or
20 guardian was involved in the manufacture of
21 methamphetamine constitutes prima facie evidence of abuse
22 and neglect;

23 (j) proof that a parent, custodian, or guardian of a
24 minor allows, encourages, or requires a minor to perform,
25 offer, or agree to perform any act of sexual penetration
26 as defined in Section 11-0.1 of the Criminal Code of 2012

1 for any money, property, token, object, or article or
2 anything of value, or any touching or fondling of the sex
3 organs of one person by another person, for any money,
4 property, token, object, or article or anything of value,
5 for the purpose of sexual arousal or gratification,
6 constitutes prima facie evidence of abuse and neglect;

7 (k) proof that a parent, custodian, or guardian of a
8 minor commits or allows to be committed the offense of
9 involuntary servitude, involuntary sexual servitude of a
10 minor, or trafficking in persons as defined in Section
11 10-9 of the Criminal Code of 1961 or the Criminal Code of
12 2012, upon such minor, constitutes prima facie evidence of
13 abuse and neglect.

14 (3) In any hearing under this Act, proof of the abuse,
15 neglect or dependency of one minor shall be admissible
16 evidence on the issue of the abuse, neglect or dependency of
17 any other minor for whom the respondent is responsible.

18 (4) (a) Any writing, record, photograph or x-ray of any
19 hospital or public or private agency, whether in the form of an
20 entry in a book or otherwise, made as a memorandum or record of
21 any condition, act, transaction, occurrence or event relating
22 to a minor in an abuse, neglect or dependency proceeding,
23 shall be admissible in evidence as proof of that condition,
24 act, transaction, occurrence or event, if the court finds that
25 the document was made in the regular course of the business of
26 the hospital or agency and that it was in the regular course of

1 such business to make it, at the time of the act, transaction,
2 occurrence or event, or within a reasonable time thereafter. A
3 certification by the head or responsible employee of the
4 hospital or agency that the writing, record, photograph or
5 x-ray is the full and complete record of the condition, act,
6 transaction, occurrence or event and that it satisfies the
7 conditions of this paragraph shall be prima facie evidence of
8 the facts contained in such certification. A certification by
9 someone other than the head of the hospital or agency shall be
10 accompanied by a photocopy of a delegation of authority signed
11 by both the head of the hospital or agency and by such other
12 employee. All other circumstances of the making of the
13 memorandum, record, photograph or x-ray, including lack of
14 personal knowledge of the maker, may be proved to affect the
15 weight to be accorded such evidence, but shall not affect its
16 admissibility.

17 (b) Any indicated report filed pursuant to the Abused and
18 Neglected Child Reporting Act shall be admissible in evidence.

19 (c) Previous statements made by the minor relating to any
20 allegations of abuse or neglect shall be admissible in
21 evidence. However, no such statement, if uncorroborated and
22 not subject to cross-examination, shall be sufficient in
23 itself to support a finding of abuse or neglect.

24 (d) There shall be a rebuttable presumption that a minor
25 is competent to testify in abuse or neglect proceedings. The
26 court shall determine how much weight to give to the minor's

1 testimony, and may allow the minor to testify in chambers with
2 only the court, the court reporter and attorneys for the
3 parties present.

4 (e) The privileged character of communication between any
5 professional person and patient or client, except privilege
6 between attorney and client, shall not apply to proceedings
7 subject to this Article.

8 (f) Proof of the impairment of emotional health or
9 impairment of mental or emotional condition as a result of the
10 failure of the respondent to exercise a minimum degree of care
11 toward a minor may include competent opinion or expert
12 testimony, and may include proof that such impairment lessened
13 during a period when the minor was in the care, custody or
14 supervision of a person or agency other than the respondent.

15 (5) In any hearing under this Act alleging neglect for
16 failure to provide education as required by law under
17 subsection (1) of Section 2-3, proof that a minor under 13
18 years of age who is subject to compulsory school attendance
19 under the School Code is a chronic truant as defined under the
20 School Code shall be prima facie evidence of neglect by the
21 parent or guardian in any hearing under this Act and proof that
22 a minor who is 13 years of age or older who is subject to
23 compulsory school attendance under the School Code is a
24 chronic truant shall raise a rebuttable presumption of neglect
25 by the parent or guardian. This subsection (5) shall not apply
26 in counties with 2,000,000 or more inhabitants.

1 (6) In any hearing under this Act, the court may take
2 judicial notice of prior sworn testimony or evidence admitted
3 in prior proceedings involving the same minor if (a) the
4 parties were either represented by counsel at such prior
5 proceedings or the right to counsel was knowingly waived and
6 (b) the taking of judicial notice would not result in
7 admitting hearsay evidence at a hearing where it would
8 otherwise be prohibited.

9 (Source: P.A. 96-1464, eff. 8-20-10; 97-897, eff. 1-1-13;
10 97-1150, eff. 1-25-13.)

11 Section 60. The Adoption Act is amended by changing
12 Section 1 as follows:

13 (750 ILCS 50/1) (from Ch. 40, par. 1501)

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

16 A. "Child" means a person under legal age subject to
17 adoption under this Act.

18 B. "Related child" means a child subject to adoption where
19 either or both of the adopting parents stands in any of the
20 following relationships to the child by blood, marriage,
21 adoption, or civil union: parent, grand-parent,
22 great-grandparent, brother, sister, step-parent,
23 step-grandparent, step-brother, step-sister, uncle, aunt,
24 great-uncle, great-aunt, first cousin, or second cousin. A

1 person is related to the child as a first cousin or second
2 cousin if they are both related to the same ancestor as either
3 grandchild or great-grandchild. A child whose parent has
4 executed a consent to adoption, a surrender, or a waiver
5 pursuant to Section 10 of this Act or whose parent has signed a
6 denial of paternity pursuant to Section 12 of the Vital
7 Records Act or Section 12a of this Act, or whose parent has had
8 his or her parental rights terminated, is not a related child
9 to that person, unless (1) the consent is determined to be void
10 or is void pursuant to subsection O of Section 10 of this Act;
11 or (2) the parent of the child executed a consent to adoption
12 by a specified person or persons pursuant to subsection A-1 of
13 Section 10 of this Act and a court of competent jurisdiction
14 finds that such consent is void; or (3) the order terminating
15 the parental rights of the parent is vacated by a court of
16 competent jurisdiction.

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

19 D. "Unfit person" means any person whom the court shall
20 find to be unfit to have a child, without regard to the
21 likelihood that the child will be placed for adoption. The
22 grounds of unfitness are any one or more of the following,
23 except that a person shall not be considered an unfit person
24 for the sole reason that the person has relinquished a child in
25 accordance with the Abandoned Newborn Infant Protection Act:

26 (a) Abandonment of the child.

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

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

5 (b) Failure to maintain a reasonable degree of
6 interest, concern or responsibility as to the child's
7 welfare.

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

10 (d) Substantial neglect of the child if continuous or
11 repeated.

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

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

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

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

25 (2) The parent has been convicted or found not
26 guilty by reason of insanity and the conviction or

1 finding resulted from the death of any child by
2 physical abuse; or

3 (3) There is a finding of physical child abuse
4 resulting from the death of any child under Section
5 2-21 of the Juvenile Court Act of 1987.

6 No conviction or finding of delinquency pursuant to
7 Article V of the Juvenile Court Act of 1987 shall be
8 considered a criminal conviction for the purpose of
9 applying any presumption under this item (f).

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

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

21 (i) Depravity. Conviction of any one of the following
22 crimes shall create a presumption that a parent is
23 depraved which can be overcome only by clear and
24 convincing evidence: (1) first degree murder in violation
25 of paragraph (1) or (2) of subsection (a) of Section 9-1 of
26 the Criminal Code of 1961 or the Criminal Code of 2012 or

1 conviction of second degree murder in violation of
2 subsection (a) of Section 9-2 of the Criminal Code of 1961
3 or the Criminal Code of 2012 of a parent of the child to be
4 adopted; (2) first degree murder or second degree murder
5 of any child in violation of the Criminal Code of 1961 or
6 the Criminal Code of 2012; (3) attempt or conspiracy to
7 commit first degree murder or second degree murder of any
8 child in violation of the Criminal Code of 1961 or the
9 Criminal Code of 2012; (4) solicitation to commit murder
10 of any child, solicitation to commit murder of any child
11 for hire, or solicitation to commit second degree murder
12 of any child in violation of the Criminal Code of 1961 or
13 the Criminal Code of 2012; (5) predatory criminal sexual
14 assault of a child in violation of Section 11-1.40 or
15 12-14.1 of the Criminal Code of 1961 or the Criminal Code
16 of 2012; (6) heinous battery of any child in violation of
17 the Criminal Code of 1961; (7) aggravated battery of any
18 child in violation of the Criminal Code of 1961 or the
19 Criminal Code of 2012; (8) any violation of Section
20 11-1.20 or Section 12-13 of the Criminal Code of 1961 or
21 the Criminal Code of 2012; (9) any violation of subsection
22 (a) of Section 11-1.50 or Section 12-16 of the Criminal
23 Code of 1961 or the Criminal Code of 2012; (10) any
24 violation of Section 11-9.1 of the Criminal Code of 1961
25 or the Criminal Code of 2012; (11) any violation of
26 Section 11-9.1A of the Criminal Code of 1961 or the

1 Criminal Code of 2012; or (12) an offense in any other
2 state the elements of which are similar and bear a
3 substantial relationship to any of the enumerated offenses
4 in this subsection (i).

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

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

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

22 (j) Open and notorious adultery or fornication.

23 (j-1) (Blank).

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

1 unfitness proceeding.

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

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

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

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

1 (m-1) (Blank).

2 (n) Evidence of intent to forgo his or her parental
3 rights, whether or not the child is a ward of the court,
4 (1) as manifested by his or her failure for a period of 12
5 months: (i) to visit the child, (ii) to communicate with
6 the child or agency, although able to do so and not
7 prevented from doing so by an agency or by court order, or
8 (iii) to maintain contact with or plan for the future of
9 the child, although physically able to do so, or (2) as
10 manifested by the father's failure, where he and the
11 mother of the child were unmarried to each other at the
12 time of the child's birth, (i) to commence legal
13 proceedings to establish his paternity under the Illinois
14 Parentage Act of 1984, the Illinois Parentage Act of 2015,
15 or the law of the jurisdiction of the child's birth within
16 30 days of being informed, pursuant to Section 12a of this
17 Act, that he is the father or the likely father of the
18 child or, after being so informed where the child is not
19 yet born, within 30 days of the child's birth, or (ii) to
20 make a good faith effort to pay a reasonable amount of the
21 expenses related to the birth of the child and to provide a
22 reasonable amount for the financial support of the child,
23 the court to consider in its determination all relevant
24 circumstances, including the financial condition of both
25 parents; provided that the ground for termination provided
26 in this subparagraph (n) (2) (ii) shall only be available

1 where the petition is brought by the mother or the husband
2 of the mother.

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

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

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

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

15 (q) (Blank).

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

1 (s) The child is in the temporary custody or
2 guardianship of the Department of Children and Family
3 Services, the parent is incarcerated at the time the
4 petition or motion for termination of parental rights is
5 filed, the parent has been repeatedly incarcerated as a
6 result of criminal convictions, and the parent's repeated
7 incarceration has prevented the parent from discharging
8 his or her parental responsibilities for the child.

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

25 E. "Parent" means a person who is the legal mother or legal
26 father of the child as defined in subsection X or Y of this

1 Section. For the purpose of this Act, a parent who has executed
2 a consent to adoption, a surrender, or a waiver pursuant to
3 Section 10 of this Act, who has signed a Denial of Paternity
4 pursuant to Section 12 of the Vital Records Act or Section 12a
5 of this Act, or whose parental rights have been terminated by a
6 court, is not a parent of the child who was the subject of the
7 consent, surrender, waiver, or denial unless (1) the consent
8 is void pursuant to subsection O of Section 10 of this Act; or
9 (2) the person executed a consent to adoption by a specified
10 person or persons pursuant to subsection A-1 of Section 10 of
11 this Act and a court of competent jurisdiction finds that the
12 consent is void; or (3) the order terminating the parental
13 rights of the person is vacated by a court of competent
14 jurisdiction.

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

16 (a) a child who has been surrendered for adoption to
17 an agency and to whose adoption the agency has thereafter
18 consented;

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

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

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

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

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

5 A person who would otherwise be available for adoption
6 shall not be deemed unavailable for adoption solely by reason
7 of his or her death.

8 G. The singular includes the plural and the plural
9 includes the singular and the "male" includes the "female", as
10 the context of this Act may require.

11 H. (Blank).

12 I. "Habitual residence" has the meaning ascribed to it in
13 the federal Intercountry Adoption Act of 2000 and regulations
14 promulgated thereunder.

15 J. "Immediate relatives" means the biological parents, the
16 parents of the biological parents and siblings of the
17 biological parents.

18 K. "Intercountry adoption" is a process by which a child
19 from a country other than the United States is adopted by
20 persons who are habitual residents of the United States, or
21 the child is a habitual resident of the United States who is
22 adopted by persons who are habitual residents of a country
23 other than the United States.

24 L. (Blank).

25 M. "Interstate Compact on the Placement of Children" is a
26 law enacted by all states and certain territories for the

1 purpose of establishing uniform procedures for handling the
2 interstate placement of children in foster homes, adoptive
3 homes, or other child care facilities.

4 N. (Blank).

5 O. "Preadoption requirements" means any conditions or
6 standards established by the laws or administrative rules of
7 this State that must be met by a prospective adoptive parent
8 prior to the placement of a child in an adoptive home.

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

13 (a) inflicts, causes to be inflicted, or allows to be
14 inflicted upon the child physical injury, by other than
15 accidental means, that causes death, disfigurement,
16 impairment of physical or emotional health, or loss or
17 impairment of any bodily function;

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

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

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

3 (e) inflicts excessive corporal punishment.

4 Q. "Neglected child" means any child whose parent or other
5 person responsible for the child's welfare withholds or denies
6 nourishment or medically indicated treatment including food or
7 care denied solely on the basis of the present or anticipated
8 mental or physical impairment as determined by a physician
9 acting alone or in consultation with other physicians or
10 otherwise does not provide the proper or necessary support,
11 education as required by law, or medical or other remedial
12 care recognized under State law as necessary for a child's
13 well-being, or other care necessary for his or her well-being,
14 including adequate food, clothing and shelter; or who is
15 abandoned by his or her parents or other person responsible
16 for the child's welfare.

17 A child shall not be considered neglected or abused for
18 the sole reason that the child's parent or other person
19 responsible for his or her welfare depends upon spiritual
20 means through prayer alone for the treatment or cure of
21 disease or remedial care as provided under Section 4 of the
22 Abused and Neglected Child Reporting Act. A child shall not be
23 considered neglected or abused for the sole reason that the
24 child's parent or other person responsible for the child's
25 welfare failed to vaccinate, delayed vaccination, or refused
26 vaccination for the child due to a waiver on religious or

1 medical grounds as permitted by law.

2 R. "Putative father" means a man who may be a child's
3 father, but who (1) is not married to the child's mother on or
4 before the date that the child was or is to be born and (2) has
5 not established paternity of the child in a court proceeding
6 before the filing of a petition for the adoption of the child.
7 The term includes a male who is less than 18 years of age.
8 "Putative father" does not mean a man who is the child's father
9 as a result of criminal sexual abuse or assault as defined
10 under Article 11 of the Criminal Code of 2012.

11 S. "Standby adoption" means an adoption in which a parent
12 consents to custody and termination of parental rights to
13 become effective upon the occurrence of a future event, which
14 is either the death of the parent or the request of the parent
15 for the entry of a final judgment of adoption.

16 T. (Blank).

17 T-5. "Biological parent", "birth parent", or "natural
18 parent" of a child are interchangeable terms that mean a
19 person who is biologically or genetically related to that
20 child as a parent.

21 U. "Interstate adoption" means the placement of a minor
22 child with a prospective adoptive parent for the purpose of
23 pursuing an adoption for that child that is subject to the
24 provisions of the Interstate Compact on the Placement of
25 Children.

26 V. (Blank).

1 W. (Blank).

2 X. "Legal father" of a child means a man who is recognized
3 as or presumed to be that child's father:

4 (1) because of his marriage to or civil union with the
5 child's parent at the time of the child's birth or within
6 300 days prior to that child's birth, unless he signed a
7 denial of paternity pursuant to Section 12 of the Vital
8 Records Act or a waiver pursuant to Section 10 of this Act;
9 or

10 (2) because his paternity of the child has been
11 established pursuant to the Illinois Parentage Act, the
12 Illinois Parentage Act of 1984, or the Gestational
13 Surrogacy Act; or

14 (3) because he is listed as the child's father or
15 parent on the child's birth certificate, unless he is
16 otherwise determined by an administrative or judicial
17 proceeding not to be the parent of the child or unless he
18 rescinds his acknowledgment of paternity pursuant to the
19 Illinois Parentage Act of 1984; or

20 (4) because his paternity or adoption of the child has
21 been established by a court of competent jurisdiction.

22 The definition in this subsection X shall not be construed
23 to provide greater or lesser rights as to the number of parents
24 who can be named on a final judgment order of adoption or
25 Illinois birth certificate that otherwise exist under Illinois
26 law.

1 Y. "Legal mother" of a child means a woman who is
2 recognized as or presumed to be that child's mother:

3 (1) because she gave birth to the child except as
4 provided in the Gestational Surrogacy Act; or

5 (2) because her maternity of the child has been
6 established pursuant to the Illinois Parentage Act of 1984
7 or the Gestational Surrogacy Act; or

8 (3) because her maternity or adoption of the child has
9 been established by a court of competent jurisdiction; or

10 (4) because of her marriage to or civil union with the
11 child's other parent at the time of the child's birth or
12 within 300 days prior to the time of birth; or

13 (5) because she is listed as the child's mother or
14 parent on the child's birth certificate unless she is
15 otherwise determined by an administrative or judicial
16 proceeding not to be the parent of the child.

17 The definition in this subsection Y shall not be construed
18 to provide greater or lesser rights as to the number of parents
19 who can be named on a final judgment order of adoption or
20 Illinois birth certificate that otherwise exist under Illinois
21 law.

22 Z. "Department" means the Illinois Department of Children
23 and Family Services.

24 AA. "Placement disruption" means a circumstance where the
25 child is removed from an adoptive placement before the
26 adoption is finalized.

1 BB. "Secondary placement" means a placement, including but
2 not limited to the placement of a youth in care as defined in
3 Section 4d of the Children and Family Services Act, that
4 occurs after a placement disruption or an adoption
5 dissolution. "Secondary placement" does not mean secondary
6 placements arising due to the death of the adoptive parent of
7 the child.

8 CC. "Adoption dissolution" means a circumstance where the
9 child is removed from an adoptive placement after the adoption
10 is finalized.

11 DD. "Unregulated placement" means the secondary placement
12 of a child that occurs without the oversight of the courts, the
13 Department, or a licensed child welfare agency.

14 EE. "Post-placement and post-adoption support services"
15 means support services for placed or adopted children and
16 families that include, but are not limited to, mental health
17 treatment, including counseling and other support services for
18 emotional, behavioral, or developmental needs, and treatment
19 for substance abuse.

20 FF. "Youth in care" has the meaning provided in Section 4d
21 of the Children and Family Services Act.

22 (Source: P.A. 101-155, eff. 1-1-20; 101-529, eff. 1-1-20;
23 102-139, eff. 1-1-22; 102-558, eff. 8-20-21.)

24 Section 95. No acceleration or delay. Where this Act makes
25 changes in a statute that is represented in this Act by text

1 that is not yet or no longer in effect (for example, a Section
2 represented by multiple versions), the use of that text does
3 not accelerate or delay the taking effect of (i) the changes
4 made by this Act or (ii) provisions derived from any other
5 Public Act."