



Rep. Mary E. Flowers

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1 AMENDMENT TO HOUSE BILL 3

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3, AS AMENDED, by  
3 replacing everything after the enacting clause with the  
4 following:

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

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

9 (20 ILCS 301/35-15 new)

10 Sec. 35-15. Plans of Safe Care. The Division of Substance  
11 Use Prevention and Recovery, in consultation with the Illinois  
12 Perinatal Quality Collaborative or its successor organization,  
13 shall develop a standardized Plan of Safe Care form to support  
14 discharge planning for mothers and infants affected by  
15 prenatal substance exposure. Plans of Safe Care shall not be

1 recorded in the State Central Registry described in Section 7  
2 of the Abused and Neglected Child Reporting Act and shall not  
3 be discoverable or admissible as evidence in any proceeding  
4 pursuant to the Juvenile Court Act of 1987 or the Adoption Act  
5 unless the named party waives his or her right to  
6 confidentiality in writing.

7 As used in this Section, "Plan of Safe Care" means a  
8 written or electronic document designed to ensure the safety  
9 and well-being of a newborn who has been identified by his or  
10 her health care provider as being affected by prenatal  
11 substance exposure or withdrawal symptoms, or a fetal alcohol  
12 spectrum disorder (FASD), and his or her gestational parent.

13 Section 10. The Hospital Licensing Act is amended by  
14 changing Section 11.4 and by adding Section 11.9 as follows:

15 (210 ILCS 85/11.4)

16 Sec. 11.4. Disposition of fetus. A hospital having custody  
17 of a fetus following a spontaneous fetal demise occurring  
18 during or after a gestation period of less than 20 completed  
19 weeks must notify the mother of her right to arrange for the  
20 burial or cremation of the fetus. Notification may also  
21 include other options such as, but not limited to, a ceremony,  
22 a certificate, or common burial or cremation of fetal tissue.  
23 If, within 24 hours after being notified under this Section,  
24 the mother elects in writing to arrange for the burial or

1 cremation of the fetus, the disposition of the fetus shall be  
2 subject to the same laws and rules that apply in the case of a  
3 fetal death that occurs in this State after a gestation period  
4 of 20 completed weeks or more. The Department of Public Health  
5 shall develop forms to be used for notifications and elections  
6 under this Section and hospitals shall provide the forms to  
7 the mother.

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

9 (210 ILCS 85/11.9 new)

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

12 A hospital having custody of a fetus following a  
13 spontaneous fetal death occurring during or after a gestation  
14 period of at least 20 completed weeks must notify the  
15 gestational parent of the parent's right to receive a  
16 certificate of birth resulting in stillbirth as described in  
17 Section 20.5 of the Vital Records Act. The Department of  
18 Public Health shall develop a form to be used for notification  
19 under this Section and hospitals shall provide the form to the  
20 gestational parent. This form shall be known as a "Liam's Law  
21 notice." The Department of Public Health shall consult with  
22 the 2 Illinois-based Fetal Infant Mortality Review Project  
23 Community Action Teams, or their successor organizations, to  
24 ensure that any language included in the standardized "Liam's  
25 Law notice" is culturally sensitive to the needs of bereaved

1 families. The "Liam's Law notice" shall be available in both  
2 English and Spanish.

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

6 (325 ILCS 5/3) (from Ch. 23, par. 2053)

7 Sec. 3. As used in this Act unless the context otherwise  
8 requires:

9 "Adult resident" means any person between 18 and 22 years  
10 of age who resides in any facility licensed by the Department  
11 under the Child Care Act of 1969. For purposes of this Act, the  
12 criteria set forth in the definitions of "abused child" and  
13 "neglected child" shall be used in determining whether an  
14 adult resident is abused or neglected.

15 "Agency" means a child care facility licensed under  
16 Section 2.05 or Section 2.06 of the Child Care Act of 1969 and  
17 includes a transitional living program that accepts children  
18 and adult residents for placement who are in the guardianship  
19 of the Department.

20 "Blatant disregard" means an incident where the real,  
21 significant, and imminent risk of harm would be so obvious to a  
22 reasonable parent or caretaker that it is unlikely that a  
23 reasonable parent or caretaker would have exposed the child to  
24 the danger without exercising precautionary measures to

1 protect the child from harm. With respect to a person working  
2 at an agency in his or her professional capacity with a child  
3 or adult resident, "blatant disregard" includes a failure by  
4 the person to perform job responsibilities intended to protect  
5 the child's or adult resident's health, physical well-being,  
6 or welfare, and, when viewed in light of the surrounding  
7 circumstances, evidence exists that would cause a reasonable  
8 person to believe that the child was neglected. With respect  
9 to an agency, "blatant disregard" includes a failure to  
10 implement practices that ensure the health, physical  
11 well-being, or welfare of the children and adult residents  
12 residing in the facility.

13 "CAPTA notification" refers to notification to the  
14 Department of an infant who has been born and identified as  
15 affected by prenatal substance exposure or a fetal alcohol  
16 spectrum disorder as required under the federal Child Abuse  
17 Prevention and Treatment Act.

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

21 "Department" means Department of Children and Family  
22 Services.

23 "Local law enforcement agency" means the police of a city,  
24 town, village or other incorporated area or the sheriff of an  
25 unincorporated area or any sworn officer of the Illinois State  
26 Police.

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

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

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

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

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

22 (e) inflicts excessive corporal punishment or, in the  
23 case of a person working for an agency who is prohibited  
24 from using corporal punishment, inflicts corporal  
25 punishment upon a child or adult resident with whom the  
26 person is working in his or her professional capacity;

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

4 (g) causes to be sold, transferred, distributed, or  
5 given to such child under 18 years of age, a controlled  
6 substance as defined in Section 102 of the Illinois  
7 Controlled Substances Act in violation of Article IV of  
8 the Illinois Controlled Substances Act or in violation of  
9 the Methamphetamine Control and Community Protection Act,  
10 except for controlled substances that are prescribed in  
11 accordance with Article III of the Illinois Controlled  
12 Substances Act and are dispensed to such child in a manner  
13 that substantially complies with the prescription;

14 (h) commits or allows to be committed the offense of  
15 involuntary servitude, involuntary sexual servitude of a  
16 minor, or trafficking in persons as defined in Section  
17 10-9 of the Criminal Code of 2012 against the child; or

18 (i) commits the offense of grooming, as defined in  
19 Section 11-25 of the Criminal Code of 2012, against the  
20 child.

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

24 "Neglected child" means any child who is not receiving the  
25 proper or necessary nourishment or medically indicated  
26 treatment including food or care not provided solely on the

1 basis of the present or anticipated mental or physical  
2 impairment as determined by a physician acting alone or in  
3 consultation with other physicians or otherwise is not  
4 receiving the proper or necessary support or medical or other  
5 remedial care recognized under State law as necessary for a  
6 child's well-being, or other care necessary for his or her  
7 well-being, including adequate food, clothing and shelter; or  
8 who is subjected to an environment which is injurious insofar  
9 as (i) the child's environment creates a likelihood of harm to  
10 the child's health, physical well-being, or welfare and (ii)  
11 the likely harm to the child is the result of a blatant  
12 disregard of parent, caretaker, person responsible for the  
13 child's welfare, or agency responsibilities; or who is  
14 abandoned by his or her parents or other person responsible  
15 for the child's welfare without a proper plan of care; or who  
16 has been provided with interim crisis intervention services  
17 under Section 3-5 of the Juvenile Court Act of 1987 and whose  
18 parent, guardian, or custodian refuses to permit the child to  
19 return home and no other living arrangement agreeable to the  
20 parent, guardian, or custodian can be made, and the parent,  
21 guardian, or custodian has not made any other appropriate  
22 living arrangement for the child; ~~or who is a newborn infant~~  
23 ~~whose blood, urine, or meconium contains any amount of a~~  
24 ~~controlled substance as defined in subsection (f) of Section~~  
25 ~~102 of the Illinois Controlled Substances Act or a metabolite~~  
26 ~~thereof, with the exception of a controlled substance or~~



1 ~~metabolite thereof whose presence in the newborn infant is the~~  
2 ~~result of medical treatment administered to the mother or the~~  
3 ~~newborn infant.~~ A child shall not be considered neglected for  
4 the sole reason that the child's parent or other person  
5 responsible for his or her welfare has left the child in the  
6 care of an adult relative for any period of time. A child shall  
7 not be considered neglected for the sole reason that the child  
8 has been relinquished in accordance with the Abandoned Newborn  
9 Infant Protection Act. A child shall not be considered  
10 neglected or abused for the sole reason that such child's  
11 parent or other person responsible for his or her welfare  
12 depends upon spiritual means through prayer alone for the  
13 treatment or cure of disease or remedial care as provided  
14 under Section 4 of this Act. A child shall not be considered  
15 neglected or abused solely because the child is not attending  
16 school in accordance with the requirements of Article 26 of  
17 The School Code, as amended.

18 "Child Protective Service Unit" means certain specialized  
19 State employees of the Department assigned by the Director to  
20 perform the duties and responsibilities as provided under  
21 Section 7.2 of this Act.

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

1 "Great bodily harm" includes bodily injury which creates a  
2 high probability of death, or which causes serious permanent  
3 disfigurement, or which causes a permanent or protracted loss  
4 or impairment of the function of any bodily member or organ, or  
5 other serious bodily harm.

6 "Person responsible for the child's welfare" means the  
7 child's parent; guardian; foster parent; relative caregiver;  
8 any person responsible for the child's welfare in a public or  
9 private residential agency or institution; any person  
10 responsible for the child's welfare within a public or private  
11 profit or not for profit child care facility; or any other  
12 person responsible for the child's welfare at the time of the  
13 alleged abuse or neglect, including any person who commits or  
14 allows to be committed, against the child, the offense of  
15 involuntary servitude, involuntary sexual servitude of a  
16 minor, or trafficking in persons for forced labor or services,  
17 as provided in Section 10-9 of the Criminal Code of 2012,  
18 including, but not limited to, the custodian of the minor, or  
19 any person who came to know the child through an official  
20 capacity or position of trust, including, but not limited to,  
21 health care professionals, educational personnel, recreational  
22 supervisors, members of the clergy, and volunteers or support  
23 personnel in any setting where children may be subject to  
24 abuse or neglect.

25 "Temporary protective custody" means custody within a  
26 hospital or other medical facility or a place previously

1 designated for such custody by the Department, subject to  
2 review by the Court, including a licensed foster home, group  
3 home, or other institution; but such place shall not be a jail  
4 or other place for the detention of criminal or juvenile  
5 offenders.

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

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

12 "An undetermined report" means any report made under this  
13 Act in which it was not possible to initiate or complete an  
14 investigation on the basis of information provided to the  
15 Department.

16 "Subject of report" means any child reported to the  
17 central register of child abuse and neglect established under  
18 Section 7.7 of this Act as an alleged victim of child abuse or  
19 neglect and the parent or guardian of the alleged victim or  
20 other person responsible for the alleged victim's welfare who  
21 is named in the report or added to the report as an alleged  
22 perpetrator of child abuse or neglect.

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

26 "Member of the clergy" means a clergyman or practitioner

1 of any religious denomination accredited by the religious body  
2 to which he or she belongs.

3 (Source: P.A. 102-567, eff. 1-1-22; 102-676, eff. 12-3-21;  
4 102-813, eff. 5-13-22.)

5 (325 ILCS 5/3.5 new)

6 Sec. 3.5. CAPTA notification. The Department shall develop  
7 a standardized CAPTA notification form that is separate and  
8 distinct from the form for written confirmation reports of  
9 child abuse or neglect as described in Section 7 of this Act. A  
10 CAPTA notification shall not be treated as a report of  
11 suspected child abuse or neglect under this Act. CAPTA  
12 notifications shall not be recorded in the State Central  
13 Registry and shall not be discoverable or admissible as  
14 evidence in any proceeding pursuant to the Juvenile Court Act  
15 of 1987 or the Adoption Act.

16 (325 ILCS 5/5) (from Ch. 23, par. 2055)

17 Sec. 5. An officer of a local law enforcement agency,  
18 designated employee of the Department, or a physician treating  
19 a child may take or retain temporary protective custody of the  
20 child without the consent of the person responsible for the  
21 child's welfare, if (1) he has reason to believe that there  
22 exists a substantial and imminent risk of death, serious  
23 illness, or severe personal injury to the child if he or she is  
24 not immediately removed from his or her ~~the child cannot be~~

1  ~~cared for at~~ home or from ~~in~~ the custody of the person  
2 responsible for the child's welfare ~~without endangering the~~  
3 ~~child's health or safety;~~ and (2) there is not time to apply  
4 for a court order under the Juvenile Court Act of 1987 for  
5 temporary custody of the child. The person taking or retaining  
6 a child in temporary protective custody shall immediately make  
7 every reasonable effort to notify the person responsible for  
8 the child's welfare and shall immediately notify the  
9 Department. The Department shall provide to the temporary  
10 caretaker of a child any information in the Department's  
11 possession concerning the positive results of a test performed  
12 on the child to determine the presence of the antibody or  
13 antigen to Human Immunodeficiency Virus (HIV), or of HIV  
14 infection, as well as any communicable diseases or  
15 communicable infections that the child has. The temporary  
16 caretaker of a child shall not disclose to another person any  
17 information received by the temporary caretaker from the  
18 Department concerning the results of a test performed on the  
19 child to determine the presence of the antibody or antigen to  
20 HIV, or of HIV infection, except pursuant to Section 9 of the  
21 AIDS Confidentiality Act, as now or hereafter amended. The  
22 Department shall promptly initiate proceedings under the  
23 Juvenile Court Act of 1987 for the continued temporary custody  
24 of the child.

25 Where the physician keeping a child in his custody does so  
26 in his capacity as a member of the staff of a hospital or

1 similar institution, he shall notify the person in charge of  
2 the institution or his designated agent, who shall then become  
3 responsible for the further care of such child in the hospital  
4 or similar institution under the direction of the Department.

5 Said care includes, but is not limited to the granting of  
6 permission to perform emergency medical treatment to a minor  
7 where the treatment itself does not involve a substantial risk  
8 of harm to the minor and the failure to render such treatment  
9 will likely result in death or permanent harm to the minor, and  
10 there is not time to apply for a court order under the Juvenile  
11 Court Act of 1987.

12 Any person authorized and acting in good faith in the  
13 removal of a child under this Section shall have immunity from  
14 any liability, civil or criminal that might otherwise be  
15 incurred or imposed as a result of such removal. Any physician  
16 authorized and acting in good faith and in accordance with  
17 acceptable medical practice in the treatment of a child under  
18 this Section shall have immunity from any liability, civil or  
19 criminal, that might otherwise be incurred or imposed as a  
20 result of granting permission for emergency treatment.

21 With respect to any child taken into temporary protective  
22 custody pursuant to this Section, the Department of Children  
23 and Family Services Guardianship Administrator or his designee  
24 shall be deemed the child's legally authorized representative  
25 for purposes of consenting to an HIV test if deemed necessary  
26 and appropriate by the Department's Guardianship Administrator

1 or designee and obtaining and disclosing information  
2 concerning such test pursuant to the AIDS Confidentiality Act  
3 if deemed necessary and appropriate by the Department's  
4 Guardianship Administrator or designee and for purposes of  
5 consenting to the release of information pursuant to the  
6 Illinois Sexually Transmissible Disease Control Act if deemed  
7 necessary and appropriate by the Department's Guardianship  
8 Administrator or designee.

9 Any person who administers an HIV test upon the consent of  
10 the Department of Children and Family Services Guardianship  
11 Administrator or his designee, or who discloses the results of  
12 such tests to the Department's Guardianship Administrator or  
13 his designee, shall have immunity from any liability, civil,  
14 criminal or otherwise, that might result by reason of such  
15 actions. For the purpose of any proceedings, civil or  
16 criminal, the good faith of any persons required to administer  
17 or disclose the results of tests, or permitted to take such  
18 actions, shall be presumed.

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

20 (325 ILCS 5/7.3) (from Ch. 23, par. 2057.3)

21 Sec. 7.3. (a) The Department shall be the sole agency  
22 responsible for receiving and investigating reports of child  
23 abuse or neglect made under this Act, including reports of  
24 adult resident abuse or neglect as defined in this Act, except  
25 where investigations by other agencies may be required with

1 respect to reports alleging the abuse or neglect of a child by  
2 a person who is not the child's parent, a member of the child's  
3 immediate family, a person responsible for the child's  
4 welfare, an individual residing in the same home as the child,  
5 or a paramour of the child's parent, the death of a child,  
6 serious injury to a child or sexual abuse to a child made  
7 pursuant to Sections 4.1 or 7 of this Act, and except that the  
8 Department may delegate the performance of the investigation  
9 to the Illinois State Police, a law enforcement agency and to  
10 those private social service agencies which have been  
11 designated for this purpose by the Department prior to July 1,  
12 1980.

13 (b) Notwithstanding any other provision of this Act, the  
14 Department shall adopt rules expressly allowing law  
15 enforcement personnel to investigate reports of suspected  
16 child abuse or neglect concurrently with the Department,  
17 without regard to whether the Department determines a report  
18 to be "indicated" or "unfounded" or deems a report to be  
19 "undetermined".

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

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

26 (2) any toxicology test administered to a person who



1       is pregnant or has given birth within the 12 weeks prior to  
2       the administration of the toxicology test; or

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

4       A mandated reporter described in this subsection shall not  
5       disclose a patient or client's confidential information  
6       described under paragraphs (1), (2), or (3) to a law  
7       enforcement agency or to the Department unless a law  
8       enforcement agency has successfully obtained and furnished a  
9       search warrant issued under Section 108-3 of the Code of  
10      Criminal Procedure of 1963.

11      Within 150 days of the effective date of this amendatory  
12      Act of the 103rd General Assembly, any person who knowingly  
13      and willfully violates any provision of this Section is guilty  
14      of a Class A misdemeanor for a first violation and a Class 4  
15      felony for a second or subsequent violation.

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

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

23      (325 ILCS 5/4.4 rep.)

24      Section 20. The Abused and Neglected Child Reporting Act  
25      is amended by repealing Section 4.4.

1 (410 ILCS 50/3.4 rep.)

2 Section 25. The Medical Patient Rights Act is amended by  
3 repealing Section 3.4.

4 Section 30. The Illinois Health and Hazardous Substances  
5 Registry Act is amended by changing Section 3 as follows:

6 (410 ILCS 525/3) (from Ch. 111 1/2, par. 6703)

7 Sec. 3. For the purposes of this Act, unless the context  
8 requires otherwise:

9 (a) "Department" means the Illinois Department of Public  
10 Health.

11 (b) "Director" means the Director of the Illinois  
12 Department of Public Health.

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

15 (d) "Registry" means the Illinois Health and Hazardous  
16 Substances Registry established by the Department of Public  
17 Health under Section 6 of this Act.

18 (e) "Cancer" means all malignant neoplasms, regardless of  
19 the tissue of origin, including malignant lymphoma and  
20 leukemia.

21 (f) "Cancer incidence" means a medical diagnosis of  
22 cancer, consisting of a record of cases of cancer and  
23 specified cases of tumorous or precancerous diseases which

1 occur in Illinois, and such other information concerning these  
2 cases as the Department deems necessary or appropriate in  
3 order to conduct thorough and complete epidemiological surveys  
4 of cancer and cancer-related diseases in Illinois.

5 (g) "Occupational disease" includes but is not limited to  
6 all occupational diseases covered by the Workers' Occupational  
7 Diseases Act.

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

10 (i) "Hazardous substances incident" includes but is not  
11 limited to a spill, fire, or accident involving hazardous  
12 substances, illegal disposal, transportation, or use of  
13 hazardous substances, and complaints or permit violations  
14 involving hazardous substances.

15 (j) "Company profile" includes but is not limited to the  
16 name of any company operating in the State of Illinois which  
17 generates, uses, disposes of or transports hazardous  
18 substances, identification of the types of permits issued in  
19 such company's name relating to transactions involving  
20 hazardous substances, inventory of hazardous substances  
21 handled by such company, and the manner in which such  
22 hazardous substances are used, disposed of, or transported by  
23 the company.

24 (k) "Hazardous nuclear material" means (1) any source or  
25 special nuclear material intended for use or used as an energy  
26 source in a production or utilization facility as defined in

1 Sec. 11.v. or 11.cc. of the federal Atomic Energy Act of 1954  
2 as amended; (2) any fuel which has been discharged from such a  
3 facility following irradiation, the constituent elements of  
4 which have not been separated by reprocessing; or (3) any  
5 by-product material resulting from operation of such a  
6 facility.

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

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

20 "Newborn affected by prenatal substance exposure" means an  
21 infant born and identified as being affected by substance  
22 abuse or withdrawal symptoms resulting from prenatal exposure  
23 to controlled substances or a fetal alcohol spectrum disorder.  
24 The health care provider involved in the delivery or care of  
25 the newborn determines whether the infant is affected by  
26 prenatal substance exposure or withdrawal symptoms.

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

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

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

14 Section 35. The Vital Records Act is amended by changing  
15 Sections 20 and 20.5 as follows:

16 (410 ILCS 535/20) (from Ch. 111 1/2, par. 73-20)

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

18 (1) Each fetal death which occurs in this State after a  
19 gestation period of 20 completed weeks (or ~~and~~ when the mother  
20 elects in writing to arrange for the burial or cremation of the  
21 fetus under Section 11.4 of the Hospital Licensing Act) or  
22 more shall be registered with the local or subregistrar of the  
23 district in which the delivery occurred within 7 days after  
24 the delivery and before removal of the fetus from the State,

1 except as provided by regulation in special problem cases.

2 (a) For the purposes of this Section, if the place of  
3 fetal death is unknown, a fetal death certificate shall be  
4 filed in the registration district in which a dead fetus  
5 is found, which shall be considered the place of fetal  
6 death.

7 (b) When a fetal death occurs on a moving conveyance,  
8 the city, village, township, or road district in which the  
9 fetus is first removed from the conveyance shall be  
10 considered the place of delivery and a fetal death  
11 certificate shall be filed in the registration district in  
12 which the place is located.

13 (c) The funeral director or person acting as such who  
14 first assumes custody of a fetus shall file the  
15 certificate. The personal data shall be obtained from the  
16 best qualified person or source available. The name,  
17 relationship, and address of the informant shall be  
18 entered on the certificate. The date, place, and method of  
19 final disposition of the fetus shall be recorded over the  
20 personal signature and address of the funeral director  
21 responsible for the disposition. The certificate shall be  
22 presented to the person responsible for completing the  
23 medical certification of the cause of death.

24 (2) The medical certification shall be completed and  
25 signed within 24 hours after delivery by the certifying health  
26 care professional in attendance at or after delivery, except

1 when investigation is required under Division 3-3 of Article 3  
2 of the Counties Code and except as provided by regulation in  
3 special problem cases.

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

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

13 (410 ILCS 535/20.5)

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

15 (a) The State Registrar shall prescribe and distribute a  
16 form for a certificate of birth resulting in stillbirth. The  
17 certificate shall be in the same format as a certificate of  
18 live birth prepared under Section 12 and shall be filed in the  
19 same manner as a certificate of live birth.

20 (b) After each fetal death that occurs in this State after  
21 a gestation period of at least 20 ~~26~~ completed weeks, or, in  
22 cases where gestational age is uncertain, where the fetus  
23 weighs at least 350 grams, the person who files a fetal death  
24 certificate in connection with that death as required under  
25 Section 20 shall, only upon request by the parent ~~woman~~ who

1 delivered the stillborn fetus, also prepare a certificate of  
2 birth resulting in stillbirth. The person shall prepare the  
3 certificate on the form prescribed and furnished by the State  
4 Registrar and in accordance with the rules adopted by the  
5 State Registrar.

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

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

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

23 (e) In the case of a fetal death that occurred in this  
24 State after a gestation period of at least 20 ~~26~~ completed  
25 weeks and before the effective date of this amendatory Act of  
26 the 103rd General Assembly ~~this amendatory Act of the 93rd~~



1 ~~General Assembly~~, a parent of the stillborn child may request  
2 that the person who filed a fetal death certificate in  
3 connection with that death as required under Section 20 shall  
4 also prepare a certificate of birth resulting in stillbirth  
5 with respect to the fetus. If a parent of a stillborn makes  
6 such a request under this subsection (e), the person who filed  
7 a fetal death certificate shall prepare the certificate of  
8 birth resulting in stillbirth and file it with the designated  
9 registrar within 30 days after the request by the parent.

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

11 Section 40. The Juvenile Court Act of 1987 is amended by  
12 changing Sections 2-3 and 2-18 as follows:

13 (705 ILCS 405/2-3) (from Ch. 37, par. 802-3)

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

15 (1) Those who are neglected include:

16 (a) any minor under 18 years of age or a minor 18 years  
17 of age or older for whom the court has made a finding of  
18 probable cause to believe that the minor is abused,  
19 neglected, or dependent under subsection (1) of Section  
20 2-10 prior to the minor's 18th birthday who is not  
21 receiving the proper or necessary support, education as  
22 required by law, or medical or other remedial care  
23 recognized under State law as necessary for a minor's  
24 well-being, or other care necessary for his or her

1 well-being, including adequate food, clothing and shelter,  
2 or who is abandoned by his or her parent or parents or  
3 other person or persons responsible for the minor's  
4 welfare, except that a minor shall not be considered  
5 neglected for the sole reason that the minor's parent or  
6 parents or other person or persons responsible for the  
7 minor's welfare have left the minor in the care of an adult  
8 relative for any period of time, who the parent or parents  
9 or other person responsible for the minor's welfare know  
10 is both a mentally capable adult relative and physically  
11 capable adult relative, as defined by this Act; or

12 (b) any minor under 18 years of age or a minor 18 years  
13 of age or older for whom the court has made a finding of  
14 probable cause to believe that the minor is abused,  
15 neglected, or dependent under subsection (1) of Section  
16 2-10 prior to the minor's 18th birthday whose environment  
17 is injurious to his or her welfare; or

18 (c) (blank); or ~~any newborn infant whose blood, urine,~~  
19 ~~or meconium contains any amount of a controlled substance~~  
20 ~~as defined in subsection (f) of Section 102 of the~~  
21 ~~Illinois Controlled Substances Act, as now or hereafter~~  
22 ~~amended, or a metabolite of a controlled substance, with~~  
23 ~~the exception of controlled substances or metabolites of~~  
24 ~~such substances, the presence of which in the newborn~~  
25 ~~infant is the result of medical treatment administered to~~  
26 ~~the mother or the newborn infant; or~~

1 (d) any minor under the age of 14 years whose parent or  
2 other person responsible for the minor's welfare leaves  
3 the minor without supervision for an unreasonable period  
4 of time without regard for the mental or physical health,  
5 safety, or welfare of that minor; or

6 (e) any minor who has been provided with interim  
7 crisis intervention services under Section 3-5 of this Act  
8 and whose parent, guardian, or custodian refuses to permit  
9 the minor to return home unless the minor is an immediate  
10 physical danger to himself, herself, or others living in  
11 the home.

12 Whether the minor was left without regard for the mental  
13 or physical health, safety, or welfare of that minor or the  
14 period of time was unreasonable shall be determined by  
15 considering the following factors, including but not limited  
16 to:

17 (1) the age of the minor;

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

19 (3) special needs of the minor, including whether the  
20 minor is a person with a physical or mental disability, or  
21 otherwise in need of ongoing prescribed medical treatment  
22 such as periodic doses of insulin or other medications;

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

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

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

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

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

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

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

16           (11) whether there was food and other provision left  
17 for the minor;

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

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

26           (14) whether the minor was left under the supervision

1 of another person;

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

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

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

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

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

26 (iii) commits or allows to be committed any sex

1 offense against such minor, as such sex offenses are  
2 defined in the Criminal Code of 1961 or the Criminal Code  
3 of 2012, or in the Wrongs to Children Act, and extending  
4 those definitions of sex offenses to include minors under  
5 18 years of age;

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

8 (v) inflicts excessive corporal punishment;

9 (vi) commits or allows to be committed the offense of  
10 involuntary servitude, involuntary sexual servitude of a  
11 minor, or trafficking in persons as defined in Section  
12 10-9 of the Criminal Code of 1961 or the Criminal Code of  
13 2012, upon such minor; or

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

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

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

25 (4) The changes made by this amendatory Act of the 101st  
26 General Assembly apply to a case that is pending on or after

1 the effective date of this amendatory Act of the 101st General  
2 Assembly.

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

4 (705 ILCS 405/2-18) (from Ch. 37, par. 802-18)

5 Sec. 2-18. Evidence.

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

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

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

21 (b) (blank); ~~proof that a minor has a medical~~  
22 ~~diagnosis of failure to thrive syndrome is prima facie~~  
23 ~~evidence of neglect;~~

24 (c) (blank); ~~proof that a minor has a medical~~  
25 ~~diagnosis of fetal alcohol syndrome is prima facie~~

1 ~~evidence of neglect;~~

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

5 (e) proof of injuries sustained by a minor or of the  
6 condition of a minor of such a nature as would ordinarily  
7 not be sustained or exist except by reason of the acts or  
8 omissions of the parent, custodian or guardian of such  
9 minor shall be prima facie evidence of abuse or neglect,  
10 as the case may be;

11 (f) proof that a parent, custodian or guardian of a  
12 minor repeatedly used a drug, to the extent that it has or  
13 would ordinarily have the effect of producing in the user  
14 a substantial state of stupor, unconsciousness,  
15 intoxication, hallucination, disorientation or  
16 incompetence, or a substantial impairment of judgment, or  
17 a substantial manifestation of irrationality, shall be  
18 prima facie evidence of neglect;

19 (g) proof that a parent, custodian, or guardian of a  
20 minor repeatedly used a controlled substance, as defined  
21 in subsection (f) of Section 102 of the Illinois  
22 Controlled Substances Act, in the presence of the minor or  
23 a sibling of the minor is prima facie evidence of neglect.  
24 "Repeated use", for the purpose of this subsection, means  
25 more than one use of a controlled substance as defined in  
26 subsection (f) of Section 102 of the Illinois Controlled



1 Substances Act;

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

11 (i) proof that a minor was present in a structure or  
12 vehicle in which the minor's parent, custodian, or  
13 guardian was involved in the manufacture of  
14 methamphetamine constitutes prima facie evidence of abuse  
15 and neglect;

16 (j) proof that a parent, custodian, or guardian of a  
17 minor allows, encourages, or requires a minor to perform,  
18 offer, or agree to perform any act of sexual penetration  
19 as defined in Section 11-0.1 of the Criminal Code of 2012  
20 for any money, property, token, object, or article or  
21 anything of value, or any touching or fondling of the sex  
22 organs of one person by another person, for any money,  
23 property, token, object, or article or anything of value,  
24 for the purpose of sexual arousal or gratification,  
25 constitutes prima facie evidence of abuse and neglect;

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

1 minor commits or allows to be committed the offense of  
2 involuntary servitude, involuntary sexual servitude of a  
3 minor, or trafficking in persons as defined in Section  
4 10-9 of the Criminal Code of 1961 or the Criminal Code of  
5 2012, upon such minor, constitutes prima facie evidence of  
6 abuse and neglect.

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

11 (4) (a) Any writing, record, photograph or x-ray of any  
12 hospital or public or private agency, whether in the form of an  
13 entry in a book or otherwise, made as a memorandum or record of  
14 any condition, act, transaction, occurrence or event relating  
15 to a minor in an abuse, neglect or dependency proceeding,  
16 shall be admissible in evidence as proof of that condition,  
17 act, transaction, occurrence or event, if the court finds that  
18 the document was made in the regular course of the business of  
19 the hospital or agency and that it was in the regular course of  
20 such business to make it, at the time of the act, transaction,  
21 occurrence or event, or within a reasonable time thereafter. A  
22 certification by the head or responsible employee of the  
23 hospital or agency that the writing, record, photograph or  
24 x-ray is the full and complete record of the condition, act,  
25 transaction, occurrence or event and that it satisfies the  
26 conditions of this paragraph shall be prima facie evidence of

1 the facts contained in such certification. A certification by  
2 someone other than the head of the hospital or agency shall be  
3 accompanied by a photocopy of a delegation of authority signed  
4 by both the head of the hospital or agency and by such other  
5 employee. All other circumstances of the making of the  
6 memorandum, record, photograph or x-ray, including lack of  
7 personal knowledge of the maker, may be proved to affect the  
8 weight to be accorded such evidence, but shall not affect its  
9 admissibility.

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

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

17 (d) There shall be a rebuttable presumption that a minor  
18 is competent to testify in abuse or neglect proceedings. The  
19 court shall determine how much weight to give to the minor's  
20 testimony, and may allow the minor to testify in chambers with  
21 only the court, the court reporter and attorneys for the  
22 parties present.

23 (e) The privileged character of communication between any  
24 professional person and patient or client, except privilege  
25 between attorney and client, shall not apply to proceedings  
26 subject to this Article.

1 (f) Proof of the impairment of emotional health or  
2 impairment of mental or emotional condition as a result of the  
3 failure of the respondent to exercise a minimum degree of care  
4 toward a minor may include competent opinion or expert  
5 testimony, and may include proof that such impairment lessened  
6 during a period when the minor was in the care, custody or  
7 supervision of a person or agency other than the respondent.

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

20 (6) In any hearing under this Act, the court may take  
21 judicial notice of prior sworn testimony or evidence admitted  
22 in prior proceedings involving the same minor if (a) the  
23 parties were either represented by counsel at such prior  
24 proceedings or the right to counsel was knowingly waived and  
25 (b) the taking of judicial notice would not result in  
26 admitting hearsay evidence at a hearing where it would

1 otherwise be prohibited.

2 (Source: P.A. 96-1464, eff. 8-20-10; 97-897, eff. 1-1-13;  
3 97-1150, eff. 1-25-13.)

4 Section 45. The Adoption Act is amended by changing  
5 Section 1 as follows:

6 (750 ILCS 50/1) (from Ch. 40, par. 1501)

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

9 A. "Child" means a person under legal age subject to  
10 adoption under this Act.

11 B. "Related child" means a child subject to adoption where  
12 either or both of the adopting parents stands in any of the  
13 following relationships to the child by blood, marriage,  
14 adoption, or civil union: parent, grand-parent,  
15 great-grandparent, brother, sister, step-parent,  
16 step-grandparent, step-brother, step-sister, uncle, aunt,  
17 great-uncle, great-aunt, first cousin, or second cousin. A  
18 person is related to the child as a first cousin or second  
19 cousin if they are both related to the same ancestor as either  
20 grandchild or great-grandchild. A child whose parent has  
21 executed a consent to adoption, a surrender, or a waiver  
22 pursuant to Section 10 of this Act or whose parent has signed a  
23 denial of paternity pursuant to Section 12 of the Vital  
24 Records Act or Section 12a of this Act, or whose parent has had

1 his or her parental rights terminated, is not a related child  
2 to that person, unless (1) the consent is determined to be void  
3 or is void pursuant to subsection O of Section 10 of this Act;  
4 or (2) the parent of the child executed a consent to adoption  
5 by a specified person or persons pursuant to subsection A-1 of  
6 Section 10 of this Act and a court of competent jurisdiction  
7 finds that such consent is void; or (3) the order terminating  
8 the parental rights of the parent is vacated by a court of  
9 competent jurisdiction.

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

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

19 (a) Abandonment of the child.

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

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

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

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

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

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

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

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

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

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

22 (3) There is a finding of physical child abuse  
23 resulting from the death of any child under Section  
24 2-21 of the Juvenile Court Act of 1987.

25 No conviction or finding of delinquency pursuant to  
26 Article V of the Juvenile Court Act of 1987 shall be

1 considered a criminal conviction for the purpose of  
2 applying any presumption under this item (f).

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

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

14 (i) Depravity. Conviction of any one of the following  
15 crimes shall create a presumption that a parent is  
16 depraved which can be overcome only by clear and  
17 convincing evidence: (1) first degree murder in violation  
18 of paragraph (1) or (2) of subsection (a) of Section 9-1 of  
19 the Criminal Code of 1961 or the Criminal Code of 2012 or  
20 conviction of second degree murder in violation of  
21 subsection (a) of Section 9-2 of the Criminal Code of 1961  
22 or the Criminal Code of 2012 of a parent of the child to be  
23 adopted; (2) first degree murder or second degree murder  
24 of any child in violation of the Criminal Code of 1961 or  
25 the Criminal Code of 2012; (3) attempt or conspiracy to  
26 commit first degree murder or second degree murder of any



1 child in violation of the Criminal Code of 1961 or the  
2 Criminal Code of 2012; (4) solicitation to commit murder  
3 of any child, solicitation to commit murder of any child  
4 for hire, or solicitation to commit second degree murder  
5 of any child in violation of the Criminal Code of 1961 or  
6 the Criminal Code of 2012; (5) predatory criminal sexual  
7 assault of a child in violation of Section 11-1.40 or  
8 12-14.1 of the Criminal Code of 1961 or the Criminal Code  
9 of 2012; (6) heinous battery of any child in violation of  
10 the Criminal Code of 1961; (7) aggravated battery of any  
11 child in violation of the Criminal Code of 1961 or the  
12 Criminal Code of 2012; (8) any violation of Section  
13 11-1.20 or Section 12-13 of the Criminal Code of 1961 or  
14 the Criminal Code of 2012; (9) any violation of subsection  
15 (a) of Section 11-1.50 or Section 12-16 of the Criminal  
16 Code of 1961 or the Criminal Code of 2012; (10) any  
17 violation of Section 11-9.1 of the Criminal Code of 1961  
18 or the Criminal Code of 2012; (11) any violation of  
19 Section 11-9.1A of the Criminal Code of 1961 or the  
20 Criminal Code of 2012; or (12) an offense in any other  
21 state the elements of which are similar and bear a  
22 substantial relationship to any of the enumerated offenses  
23 in this subsection (i).

24 There is a rebuttable presumption that a parent is  
25 deprived if the parent has been criminally convicted of at  
26 least 3 felonies under the laws of this State or any other

1 state, or under federal law, or the criminal laws of any  
2 United States territory; and at least one of these  
3 convictions took place within 5 years of the filing of the  
4 petition or motion seeking termination of parental rights.

5 There is a rebuttable presumption that a parent is  
6 deprived if that parent has been criminally convicted of  
7 either first or second degree murder of any person as  
8 defined in the Criminal Code of 1961 or the Criminal Code  
9 of 2012 within 10 years of the filing date of the petition  
10 or motion to terminate parental rights.

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

15 (j) Open and notorious adultery or fornication.

16 (j-1) (Blank).

17 (k) Habitual drunkenness or addiction to drugs, other  
18 than those prescribed by a physician, for at least one  
19 year immediately prior to the commencement of the  
20 unfitness proceeding.

21 ~~There is a rebuttable presumption that a parent is~~  
22 ~~unfit under this subsection with respect to any child to~~  
23 ~~which that parent gives birth where there is a confirmed~~  
24 ~~test result that at birth the child's blood, urine, or~~  
25 ~~meconium contained any amount of a controlled substance as~~  
26 ~~defined in subsection (f) of Section 102 of the Illinois~~

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

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

12 (m) Failure by a parent (i) to make reasonable efforts  
13 to correct the conditions that were the basis for the  
14 removal of the child from the parent during any 9-month  
15 period following the adjudication of neglected or abused  
16 minor under Section 2-3 of the Juvenile Court Act of 1987  
17 or dependent minor under Section 2-4 of that Act, or (ii)  
18 to make reasonable progress toward the return of the child  
19 to the parent during any 9-month period following the  
20 adjudication of neglected or abused minor under Section  
21 2-3 of the Juvenile Court Act of 1987 or dependent minor  
22 under Section 2-4 of that Act. If a service plan has been  
23 established as required under Section 8.2 of the Abused  
24 and Neglected Child Reporting Act to correct the  
25 conditions that were the basis for the removal of the  
26 child from the parent and if those services were

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

20 (m-1) (Blank).

21 (n) Evidence of intent to forgo his or her parental  
22 rights, whether or not the child is a ward of the court,  
23 (1) as manifested by his or her failure for a period of 12  
24 months: (i) to visit the child, (ii) to communicate with  
25 the child or agency, although able to do so and not  
26 prevented from doing so by an agency or by court order, or

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

22 Contact or communication by a parent with his or her  
23 child that does not demonstrate affection and concern does  
24 not constitute reasonable contact and planning under  
25 subdivision (n). In the absence of evidence to the  
26 contrary, the ability to visit, communicate, maintain

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

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

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

20 (p) Inability to discharge parental responsibilities  
21 supported by competent evidence from a psychiatrist,  
22 licensed clinical social worker, or clinical psychologist  
23 of mental impairment, mental illness or an intellectual  
24 disability as defined in Section 1-116 of the Mental  
25 Health and Developmental Disabilities Code, or  
26 developmental disability as defined in Section 1-106 of

1           that Code, and there is sufficient justification to  
2           believe that the inability to discharge parental  
3           responsibilities shall extend beyond a reasonable time  
4           period. However, this subdivision (p) shall not be  
5           construed so as to permit a licensed clinical social  
6           worker to conduct any medical diagnosis to determine  
7           mental illness or mental impairment.

8           (q) (Blank).

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

20          (s) The child is in the temporary custody or  
21          guardianship of the Department of Children and Family  
22          Services, the parent is incarcerated at the time the  
23          petition or motion for termination of parental rights is  
24          filed, the parent has been repeatedly incarcerated as a  
25          result of criminal convictions, and the parent's repeated  
26          incarceration has prevented the parent from discharging

1 his or her parental responsibilities for the child.

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

18 E. "Parent" means a person who is the legal mother or legal  
19 father of the child as defined in subsection X or Y of this  
20 Section. For the purpose of this Act, a parent who has executed  
21 a consent to adoption, a surrender, or a waiver pursuant to  
22 Section 10 of this Act, who has signed a Denial of Paternity  
23 pursuant to Section 12 of the Vital Records Act or Section 12a  
24 of this Act, or whose parental rights have been terminated by a  
25 court, is not a parent of the child who was the subject of the  
26 consent, surrender, waiver, or denial unless (1) the consent



1 is void pursuant to subsection O of Section 10 of this Act; or  
2 (2) the person executed a consent to adoption by a specified  
3 person or persons pursuant to subsection A-1 of Section 10 of  
4 this Act and a court of competent jurisdiction finds that the  
5 consent is void; or (3) the order terminating the parental  
6 rights of the person is vacated by a court of competent  
7 jurisdiction.

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

9 (a) a child who has been surrendered for adoption to  
10 an agency and to whose adoption the agency has thereafter  
11 consented;

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

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

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

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

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

24 A person who would otherwise be available for adoption  
25 shall not be deemed unavailable for adoption solely by reason  
26 of his or her death.

1 G. The singular includes the plural and the plural  
2 includes the singular and the "male" includes the "female", as  
3 the context of this Act may require.

4 H. (Blank).

5 I. "Habitual residence" has the meaning ascribed to it in  
6 the federal Intercountry Adoption Act of 2000 and regulations  
7 promulgated thereunder.

8 J. "Immediate relatives" means the biological parents, the  
9 parents of the biological parents and siblings of the  
10 biological parents.

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

17 L. (Blank).

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

23 N. (Blank).

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

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

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

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

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

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

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

22 (e) inflicts excessive corporal punishment.

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

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

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

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

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

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

9 T. (Blank).

10 T-5. "Biological parent", "birth parent", or "natural  
11 parent" of a child are interchangeable terms that mean a  
12 person who is biologically or genetically related to that  
13 child as a parent.

14 U. "Interstate adoption" means the placement of a minor  
15 child with a prospective adoptive parent for the purpose of  
16 pursuing an adoption for that child that is subject to the  
17 provisions of the Interstate Compact on the Placement of  
18 Children.

19 V. (Blank).

20 W. (Blank).

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

23 (1) because of his marriage to or civil union with the  
24 child's parent at the time of the child's birth or within  
25 300 days prior to that child's birth, unless he signed a  
26 denial of paternity pursuant to Section 12 of the Vital

1 Records Act or a waiver pursuant to Section 10 of this Act;  
2 or

3 (2) because his paternity of the child has been  
4 established pursuant to the Illinois Parentage Act, the  
5 Illinois Parentage Act of 1984, or the Gestational  
6 Surrogacy Act; or

7 (3) because he is listed as the child's father or  
8 parent on the child's birth certificate, unless he is  
9 otherwise determined by an administrative or judicial  
10 proceeding not to be the parent of the child or unless he  
11 rescinds his acknowledgment of paternity pursuant to the  
12 Illinois Parentage Act of 1984; or

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

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

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

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

24 (2) because her maternity of the child has been  
25 established pursuant to the Illinois Parentage Act of 1984  
26 or the Gestational Surrogacy Act; or

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

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

6           (5) because she is listed as the child's mother or  
7           parent on the child's birth certificate unless she is  
8           otherwise determined by an administrative or judicial  
9           proceeding not to be the parent of the child.

10          The definition in this subsection Y shall not be construed  
11          to provide greater or lesser rights as to the number of parents  
12          who can be named on a final judgment order of adoption or  
13          Illinois birth certificate that otherwise exist under Illinois  
14          law.

15          Z. "Department" means the Illinois Department of Children  
16          and Family Services.

17          AA. "Placement disruption" means a circumstance where the  
18          child is removed from an adoptive placement before the  
19          adoption is finalized.

20          BB. "Secondary placement" means a placement, including but  
21          not limited to the placement of a youth in care as defined in  
22          Section 4d of the Children and Family Services Act, that  
23          occurs after a placement disruption or an adoption  
24          dissolution. "Secondary placement" does not mean secondary  
25          placements arising due to the death of the adoptive parent of  
26          the child.

1 CC. "Adoption dissolution" means a circumstance where the  
2 child is removed from an adoptive placement after the adoption  
3 is finalized.

4 DD. "Unregulated placement" means the secondary placement  
5 of a child that occurs without the oversight of the courts, the  
6 Department, or a licensed child welfare agency.

7 EE. "Post-placement and post-adoption support services"  
8 means support services for placed or adopted children and  
9 families that include, but are not limited to, mental health  
10 treatment, including counseling and other support services for  
11 emotional, behavioral, or developmental needs, and treatment  
12 for substance abuse.

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

15 (Source: P.A. 101-155, eff. 1-1-20; 101-529, eff. 1-1-20;  
16 102-139, eff. 1-1-22; 102-558, eff. 8-20-21.)

17 Section 50. The Illinois Human Rights Act is amended by  
18 adding Article 5B as follows:

19 (775 ILCS 5/Art. 5B heading new)

20 ARTICLE 5B. PATIENT RIGHTS

21 (775 ILCS 5/5B-101 new)

22 Sec. 5B-101. Rights of patients; maternity care;  
23 disclosure of medical information.



1       (a) As used in this Section:

2       "Maternity care" means the health care provided in  
3 relation to pregnancy, labor, and childbirth, and the  
4 postpartum period, and includes prenatal care, care during  
5 labor and birthing, and postpartum care extending through  
6 one-year postpartum. Maternity care shall seek to optimize  
7 positive outcomes for the patient, and be provided on the  
8 basis of the physical and psychosocial needs of the patient.  
9 Notwithstanding any of the above, all care shall be subject to  
10 the informed and voluntary consent of the patient, or the  
11 patient's legal proxy, when the patient is unable to give  
12 consent.

13       "State" includes any branch, department, agency,  
14 instrumentality, and official or other person acting under  
15 color of law of this State or a political subdivision of the  
16 State, including any unit of local government (including a  
17 home rule unit), school district, instrumentality, or public  
18 subdivision.

19       (b) In addition to any other right provided under this  
20 Act, every patient has the following rights whenever receiving  
21 maternity care:

22           (1) The right to choose a maternity care provider from  
23 the full range of providers available in the patient's  
24 community.

25           (2) The right to choose the patient's birth setting  
26 from the full range of birthing options available in the

1 patient's community.

2 (3) The right to leave the patient's maternity care  
3 professional to select another if the patient becomes  
4 dissatisfied with the quality of the care provided.

5 (4) The right to receive information about the names  
6 of those health care professionals involved in the  
7 patient's care and in the care of the patient's newborn.

8 (5) The right to privacy and confidentiality of  
9 records, except as provided by law.

10 (6) The right to receive information concerning the  
11 patient's condition and proposed treatment, including  
12 methods of relieving pain.

13 (7) The right to refuse any treatment offered to the  
14 patient or the patient's infant.

15 (8) The right to be informed if the patient's  
16 caregivers wish to enroll the patient or the patient's  
17 infant in a research study.

18 (9) The right to access the patient's own medical  
19 records under Section 8-2001 of the Code of Civil  
20 Procedure.

21 (10) The right to receive information in a language in  
22 which the patient can communicate in accordance with  
23 federal law.

24 (11) The right to receive emotional and physical  
25 support during labor and birth.

26 (12) The right to freedom of movement during labor and

1 to give birth in the position of the patient's choice, to  
2 the extent medically possible.

3 (13) The right to contact with the patient's newborn,  
4 except where necessary care must be provided to the  
5 patient or the patient's infant.

6 (14) The right to decide, in consultation with their  
7 caregivers, when the patient or the patient's newborn will  
8 leave the birth site for home, based on their conditions  
9 and circumstances.

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

19 (d) The Department of Human Rights shall adopt rules to  
20 implement this Section.

21 (e) Nothing in this Section or any rules adopted under  
22 subsection (d) shall be construed to require a physician,  
23 health care professional, hospital, hospital affiliate, or  
24 health care provider to provide care inconsistent with  
25 generally accepted medical standards or available capabilities  
26 or resources.

1       (f) Notwithstanding any other provision of law, and except  
2 as otherwise provided in this Section, a patient has the right  
3 for a physician, health care provider, health services  
4 corporation, or insurance company to administer any of the  
5 following medical tests without disclosing the results of the  
6 tests to a State or local law enforcement agency or the  
7 Department of Children and Family Services:

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

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

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

14       A physician, health care provider, health services  
15 corporation, or insurance company who administers a medical  
16 test described under paragraph (1), (2), or (3), may disclose  
17 the results of the test if a law enforcement agency has  
18 successfully obtained and furnished a search warrant issued  
19 under Section 108-3 of the Code of Criminal Procedure of 1963.

20       Section 99. Effective date. This Act takes effect upon  
21 becoming law.".