

1 AN ACT concerning children.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Family
5 Recovery Plans Implementation Task Force Act.

6 Section 5. Purpose and policy. It is the policy of this
7 State to serve and advance the best interests and secure the
8 safety and well-being of an infant with prenatal substance
9 exposure, while preserving the family unit whenever the safety
10 of the infant is not jeopardized.

11 It is the intent of the General Assembly to require a
12 coordinated, public health, and service-integrated response by
13 various agencies within this State's health and child welfare
14 systems to address the substance use treatment needs of
15 infants born with prenatal substance exposure, as well as the
16 treatment needs of their caregivers and families, by requiring
17 the development, provision, and monitoring of family recovery
18 plans.

19 Section 10. Findings. The General Assembly finds the
20 following:

21 (1) During pregnancy, substance use is a leading cause
22 of maternal death and is associated with poor birth

1 outcomes, including fetal growth restriction, fetal death,
2 and preterm labor.

3 (2) Pregnant people with substance use disorders are
4 less likely to seek treatment or report substance use due
5 to fear of criminalization, shame, and judgment; they may
6 also avoid seeking care within the health care system due
7 to fear of being reported to the child welfare system and
8 subsequent removal of their children.

9 (3) The American College of Obstetrics and
10 Gynecologists and the Illinois Perinatal Quality
11 Collaborative recommend identifying pregnant people with
12 substance use disorders through universal self-reporting
13 screening, brief intervention, and referral to specialized
14 care for treatment.

15 (4) Pregnant and parenting individuals with a
16 substance use disorder should be encouraged to receive
17 evidence-based treatment and not suffer punitive actions
18 for starting or continuing treatment, including when
19 medications for opioid use disorder are part of the
20 treatment protocol.

21 (5) There is a pressing need for increasing access to
22 evidence-based treatment for substance use disorders and
23 supportive care for families, including the appropriate
24 use of family needs assessments and family recovery plans.

25 (6) The cooperation and coordination of supportive
26 services for pregnant, peripartum, and postpartum

1 individuals and families are essential to help newborns
2 and children and to encourage and support treatment,
3 recovery, and a safe and healthy environment for children
4 and the family.

5 (7) There is a need for a coordinated, public health,
6 and service-integrated response by various agencies in
7 this State's health and child welfare systems to work
8 together to ensure the safety and well-being of infants
9 with prenatal substance exposure and pregnant and birthing
10 people with substance use disorders by developing,
11 implementing, and monitoring a family recovery plan
12 approach that addresses the health and substance use
13 treatment and recovery needs of the infant and affected
14 family or caregiver.

15 Section 15. Composition. The Family Recovery Plan
16 Implementation Task Force is created within the Department of
17 Human Services and shall consist of members appointed as
18 follows:

19 (1) The President of the Senate, or his or her
20 designee, shall appoint: one member of the Senate; one
21 member representing a statewide organization that
22 advocates on behalf of community-based services for
23 children and families; and one member from a statewide
24 organization representing a majority of hospitals.

25 (2) The Senate Minority Leader, or his or her

1 designee, shall appoint: one member of the Senate; one
2 member from an organization conducting quality improvement
3 initiatives to improve perinatal health; one member with
4 relevant lived experience, as recommended by a
5 reproductive justice advocacy organization with expertise
6 in perinatal and infant health and birth equity.

7 (3) The Speaker of the House of Representatives, or
8 his or her designee, shall appoint: one member of the
9 House of Representatives; one member who is a licensed
10 obstetrician-gynecologist, as recommended by a statewide
11 organization representing obstetricians and
12 gynecologists; one member with relevant lived experience,
13 as recommended by a reproductive justice advocacy
14 organization with expertise in perinatal and infant health
15 and birth equity.

16 (4) The House Minority Leader, or his or her designee,
17 shall appoint: one member of the House of Representatives;
18 one member who is a licensed physician specializing in
19 child abuse and neglect, as recommended by a statewide
20 organization representing pediatricians; and one member
21 who is a licensed physician specializing in perinatal
22 substance use disorder treatment, as recommended by a
23 statewide organization representing physicians.

24 (5) The Director of Children and Family Services, or
25 the Director's designee.

26 (6) The exclusive collective bargaining representative

1 of the majority of front-line employees at the Department
2 of Children and Family Services, or the representative's
3 designee.

4 (7) The Secretary of Human Services, or the
5 Secretary's designee.

6 (8) The Director of Public Health, or the Director's
7 designee.

8 (9) The Cook County Public Guardian, or the Cook
9 County Public Guardian's designee.

10 Section 20. Meetings; co-chairs; administrative support.
11 All members appointed under Section 15 shall serve without
12 compensation. Task Force members shall be appointed within 60
13 days after the effective date of this Act. The Task Force shall
14 hold its initial meetings within 90 days after the effective
15 date of this Act. The Task Force shall meet at least 4 times a
16 year. A majority of the members of the Task Force shall
17 constitute a quorum. The following individuals shall serve as
18 co-chairs of the Task Force: (i) the physician specializing in
19 perinatal substance use disorder treatment; and (ii) the
20 physician specializing in child abuse and neglect. The
21 Department of Human Services shall provide staff and any
22 necessary administrative and other support to the Task Force.
23 Any data provided by the Departments of Children and Family
24 Services, Human Services, and Public Health to the Task Force
25 shall not contain any personally identifiable information of

1 any clients or families in accordance with applicable
2 confidentiality laws. The Departments shall facilitate the
3 prompt and timely collection and provision of data as
4 requested by or on behalf of the Task Force.

5 The Task Force shall consult with an organization that
6 provides technical assistance to State child welfare systems
7 in developing and implementing the family recovery plans
8 requirement of the federal Child Abuse and Prevention
9 Treatment Act.

10 Section 25. Duties. The Task Force shall:

11 (1) review models of family recovery plans that have
12 been implemented in other states;

13 (2) review research regarding implementation of family
14 recovery plans care;

15 (3) develop recommendations regarding the
16 implementation of a family recovery plan model in
17 Illinois, including developing implementation,
18 monitoring, and reporting plans and identifying any
19 necessary policy, rule, or statutory changes, and
20 identifying any additional healthcare service coverage and
21 reimbursement that would facilitate access to care;

22 (4) review and develop recommendations to replace
23 punitive policies with notification policies requiring
24 health care professionals to notify the Department of
25 Children and Family Services in accordance with Section 7

1 of the Abused and Neglected Child Reporting Act and
2 Section 106(b)(2)(B)(ii) of the Child Abuse Prevention and
3 Treatment Act (Public Law 93-247) based solely on a
4 positive toxicology screen of the newborn;

5 (5) solicit feedback from stakeholders and advocates
6 to inform Task Force recommendations as necessary,
7 including soliciting feedback from members with experience
8 working in a hospital with licensed obstetrical beds and
9 members with experience from a small and rural or critical
10 access hospital with licensed obstetrical beds.

11 Section 30. Report. The Task Force shall produce and
12 submit its recommendations to the General Assembly and the
13 Governor within one year after the first meeting of the Task
14 Force.

15 Section 35. Repeal. The Task Force is dissolved, and this
16 Act is repealed on, January 1, 2027.

17 (325 ILCS 5/4.4 rep.)

18 Section 110. The Abused and Neglected Child Reporting Act
19 is amended by repealing Section 4.4.

20 Section 120. The Adoption Act is amended by changing
21 Section 1 as follows:

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

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

4 A. "Child" means a person under legal age subject to
5 adoption under this Act.

6 B. "Related child" means a child subject to adoption where
7 either or both of the adopting parents stands in any of the
8 following relationships to the child by blood, marriage,
9 adoption, or civil union: parent, grand-parent,
10 great-grandparent, brother, sister, step-parent,
11 step-grandparent, step-brother, step-sister, uncle, aunt,
12 great-uncle, great-aunt, first cousin, or second cousin. A
13 person is related to the child as a first cousin or second
14 cousin if they are both related to the same ancestor as either
15 grandchild or great-grandchild. A child whose parent has
16 executed a consent to adoption, a surrender, or a waiver
17 pursuant to Section 10 of this Act or whose parent has signed a
18 denial of paternity pursuant to Section 12 of the Vital
19 Records Act or Section 12a of this Act, or whose parent has had
20 his or her parental rights terminated, is not a related child
21 to that person, unless (1) the consent is determined to be void
22 or is void pursuant to subsection O of Section 10 of this Act;
23 or (2) the parent of the child executed a consent to adoption
24 by a specified person or persons pursuant to subsection A-1 of
25 Section 10 of this Act and a court of competent jurisdiction
26 finds that such consent is void; or (3) the order terminating

1 the parental rights of the parent is vacated by a court of
2 competent jurisdiction.

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

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

12 (a) Abandonment of the child.

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

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

17 (b) Failure to maintain a reasonable degree of
18 interest, concern or responsibility as to the child's
19 welfare.

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

22 (d) Substantial neglect of the child if continuous or
23 repeated.

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

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

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

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

11 (2) The parent has been convicted or found not
12 guilty by reason of insanity and the conviction or
13 finding resulted from the death of any child by
14 physical abuse; or

15 (3) There is a finding of physical child abuse
16 resulting from the death of any child under Section
17 2-21 of the Juvenile Court Act of 1987.

18 No conviction or finding of delinquency pursuant to
19 Article V 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 (f).

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

24 (h) Other neglect of, or misconduct toward the child;
25 provided that in making a finding of unfitness the court
26 hearing the adoption proceeding shall not be bound by any

1 previous finding, order or judgment affecting or
2 determining the rights of the parents toward the child
3 sought to be adopted in any other proceeding except such
4 proceedings terminating parental rights as shall be had
5 under either this Act, the Juvenile Court Act or the
6 Juvenile Court Act of 1987.

7 (i) Depravity. Conviction of any one of the following
8 crimes shall create a presumption that a parent is
9 depraved which can be overcome only by clear and
10 convincing evidence: (1) first degree murder in violation
11 of paragraph (1) or (2) of subsection (a) of Section 9-1 of
12 the Criminal Code of 1961 or the Criminal Code of 2012 or
13 conviction of second degree murder in violation of
14 subsection (a) of Section 9-2 of the Criminal Code of 1961
15 or the Criminal Code of 2012 of a parent of the child to be
16 adopted; (2) first degree murder or second degree murder
17 of any child in violation of the Criminal Code of 1961 or
18 the Criminal Code of 2012; (3) attempt or conspiracy to
19 commit first degree murder or second degree murder of any
20 child in violation of the Criminal Code of 1961 or the
21 Criminal Code of 2012; (4) solicitation to commit murder
22 of any child, solicitation to commit murder of any child
23 for hire, or solicitation to commit second degree murder
24 of any child in violation of the Criminal Code of 1961 or
25 the Criminal Code of 2012; (5) predatory criminal sexual
26 assault of a child in violation of Section 11-1.40 or

1 12-14.1 of the Criminal Code of 1961 or the Criminal Code
2 of 2012; (6) heinous battery of any child in violation of
3 the Criminal Code of 1961; (7) aggravated battery of any
4 child in violation of the Criminal Code of 1961 or the
5 Criminal Code of 2012; (8) any violation of Section
6 11-1.20 or Section 12-13 of the Criminal Code of 1961 or
7 the Criminal Code of 2012; (9) any violation of subsection
8 (a) of Section 11-1.50 or Section 12-16 of the Criminal
9 Code of 1961 or the Criminal Code of 2012; (10) any
10 violation of Section 11-9.1 of the Criminal Code of 1961
11 or the Criminal Code of 2012; (11) any violation of
12 Section 11-9.1A of the Criminal Code of 1961 or the
13 Criminal Code of 2012; or (12) an offense in any other
14 state the elements of which are similar and bear a
15 substantial relationship to any of the enumerated offenses
16 in this subsection (i).

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

24 There is a rebuttable presumption that a parent is
25 deprived if that parent has been criminally convicted of
26 either first or second degree murder of any person as

1 defined in the Criminal Code of 1961 or the Criminal Code
2 of 2012 within 10 years of the filing date of the petition
3 or motion to terminate parental rights.

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

8 (j) Open and notorious adultery or fornication.

9 (j-1) (Blank).

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

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

1 ~~Act of 1987.~~

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

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

1 Notwithstanding any other provision, when a petition or
2 motion seeks to terminate parental rights on the basis of
3 item (ii) of this subsection (m), the petitioner shall
4 file with the court and serve on the parties a pleading
5 that specifies the 9-month period or periods relied on.
6 The pleading shall be filed and served on the parties no
7 later than 3 weeks before the date set by the court for
8 closure of discovery, and the allegations in the pleading
9 shall be treated as incorporated into the petition or
10 motion. Failure of a respondent to file a written denial
11 of the allegations in the pleading shall not be treated as
12 an admission that the allegations are true.

13 (m-1) (Blank).

14 (n) Evidence of intent to forgo his or her parental
15 rights, whether or not the child is a ward of the court,
16 (1) as manifested by his or her failure for a period of 12
17 months: (i) to visit the child, (ii) to communicate with
18 the child or agency, although able to do so and not
19 prevented from doing so by an agency or by court order, or
20 (iii) to maintain contact with or plan for the future of
21 the child, although physically able to do so, or (2) as
22 manifested by the father's failure, where he and the
23 mother of the child were unmarried to each other at the
24 time of the child's birth, (i) to commence legal
25 proceedings to establish his paternity under the Illinois
26 Parentage Act of 1984, the Illinois Parentage Act of 2015,

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

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

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

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

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

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

1 (q) (Blank).

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

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

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

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

11 E. "Parent" means a person who is the legal mother or legal
12 father of the child as defined in subsection X or Y of this
13 Section. For the purpose of this Act, a parent who has executed
14 a consent to adoption, a surrender, or a waiver pursuant to
15 Section 10 of this Act, who has signed a Denial of Paternity
16 pursuant to Section 12 of the Vital Records Act or Section 12a
17 of this Act, or whose parental rights have been terminated by a
18 court, is not a parent of the child who was the subject of the
19 consent, surrender, waiver, or denial unless (1) the consent
20 is void pursuant to subsection O of Section 10 of this Act; or
21 (2) the person executed a consent to adoption by a specified
22 person or persons pursuant to subsection A-1 of Section 10 of
23 this Act and a court of competent jurisdiction finds that the
24 consent is void; or (3) the order terminating the parental
25 rights of the person is vacated by a court of competent
26 jurisdiction.

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

2 (a) a child who has been surrendered for adoption to
3 an agency and to whose adoption the agency has thereafter
4 consented;

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

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

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

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

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

17 A person who would otherwise be available for adoption
18 shall not be deemed unavailable for adoption solely by reason
19 of his or her death.

20 G. The singular includes the plural and the plural
21 includes the singular and the "male" includes the "female", as
22 the context of this Act may require.

23 H. (Blank).

24 I. "Habitual residence" has the meaning ascribed to it in
25 the federal Intercountry Adoption Act of 2000 and regulations
26 promulgated thereunder.

1 J. "Immediate relatives" means the biological parents, the
2 parents of the biological parents and siblings of the
3 biological parents.

4 K. "Intercountry adoption" is a process by which a child
5 from a country other than the United States is adopted by
6 persons who are habitual residents of the United States, or
7 the child is a habitual resident of the United States who is
8 adopted by persons who are habitual residents of a country
9 other than the United States.

10 L. (Blank).

11 M. "Interstate Compact on the Placement of Children" is a
12 law enacted by all states and certain territories for the
13 purpose of establishing uniform procedures for handling the
14 interstate placement of children in foster homes, adoptive
15 homes, or other child care facilities.

16 N. (Blank).

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

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

25 (a) inflicts, causes to be inflicted, or allows to be
26 inflicted upon the child physical injury, by other than

1 accidental means, that causes death, disfigurement,
2 impairment of physical or emotional health, or loss or
3 impairment of any bodily function;

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

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

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

15 (e) inflicts excessive corporal punishment.

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

1 abandoned by his or her parents or other person responsible
2 for the child's welfare.

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

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

23 S. "Standby adoption" means an adoption in which a parent
24 consents to custody and termination of parental rights to
25 become effective upon the occurrence of a future event, which
26 is either the death of the parent or the request of the parent

1 for the entry of a final judgment of adoption.

2 T. (Blank).

3 T-5. "Biological parent", "birth parent", or "natural
4 parent" of a child are interchangeable terms that mean a
5 person who is biologically or genetically related to that
6 child as a parent.

7 U. "Interstate adoption" means the placement of a minor
8 child with a prospective adoptive parent for the purpose of
9 pursuing an adoption for that child that is subject to the
10 provisions of the Interstate Compact on the Placement of
11 Children.

12 V. (Blank).

13 W. (Blank).

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

16 (1) because of his marriage to or civil union with the
17 child's parent at the time of the child's birth or within
18 300 days prior to that child's birth, unless he signed a
19 denial of paternity pursuant to Section 12 of the Vital
20 Records Act or a waiver pursuant to Section 10 of this Act;
21 or

22 (2) because his paternity of the child has been
23 established pursuant to the Illinois Parentage Act, the
24 Illinois Parentage Act of 1984, or the Gestational
25 Surrogacy Act; or

26 (3) because he is listed as the child's father or

1 parent on the child's birth certificate, unless he is
2 otherwise determined by an administrative or judicial
3 proceeding not to be the parent of the child or unless he
4 rescinds his acknowledgment of paternity pursuant to the
5 Illinois Parentage Act of 1984; or

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

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

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

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

17 (2) because her maternity of the child has been
18 established pursuant to the Illinois Parentage Act of 1984
19 or the Gestational Surrogacy Act; or

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

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

25 (5) because she is listed as the child's mother or
26 parent on the child's birth certificate unless she is

1 otherwise determined by an administrative or judicial
2 proceeding not to be the parent of the child.

3 The definition in this subsection Y shall not be construed
4 to provide greater or lesser rights as to the number of parents
5 who can be named on a final judgment order of adoption or
6 Illinois birth certificate that otherwise exist under Illinois
7 law.

8 Z. "Department" means the Illinois Department of Children
9 and Family Services.

10 AA. "Placement disruption" means a circumstance where the
11 child is removed from an adoptive placement before the
12 adoption is finalized.

13 BB. "Secondary placement" means a placement, including but
14 not limited to the placement of a youth in care as defined in
15 Section 4d of the Children and Family Services Act, that
16 occurs after a placement disruption or an adoption
17 dissolution. "Secondary placement" does not mean secondary
18 placements arising due to the death of the adoptive parent of
19 the child.

20 CC. "Adoption dissolution" means a circumstance where the
21 child is removed from an adoptive placement after the adoption
22 is finalized.

23 DD. "Unregulated placement" means the secondary placement
24 of a child that occurs without the oversight of the courts, the
25 Department, or a licensed child welfare agency.

26 EE. "Post-placement and post-adoption support services"

1 means support services for placed or adopted children and
2 families that include, but are not limited to, mental health
3 treatment, including counseling and other support services for
4 emotional, behavioral, or developmental needs, and treatment
5 for substance abuse.

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

8 The changes made by this amendatory Act of the 103rd
9 General Assembly apply to a petition that is filed on or after
10 January 1, 2025.

11 (Source: P.A. 101-155, eff. 1-1-20; 101-529, eff. 1-1-20;
12 102-139, eff. 1-1-22; 102-558, eff. 8-20-21.)

13 Section 999. Effective date. This Section, Sections 1
14 through 35, and Section 110 take effect upon becoming law.

1 INDEX

2 Statutes amended in order of appearance

3 New Act

4 325 ILCS 5/3 from Ch. 23, par. 2053

5 325 ILCS 5/3.5 new

6 325 ILCS 5/4.4 rep.

7 705 ILCS 405/2-3 from Ch. 37, par. 802-3

8 705 ILCS 405/2-18 from Ch. 37, par. 802-18

9 750 ILCS 50/1 from Ch. 40, par. 1501