

1 AMENDMENT TO SENATE BILL 216

2 AMENDMENT NO. _____. Amend Senate Bill 216 as follows:

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

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

7 Section 5. Public policy. Illinois recognizes that
8 newborn infants have been abandoned to the environment or to
9 other circumstances that may be unsafe to the newborn infant.
10 These circumstances have caused injury and death to newborn
11 infants and give rise to potential civil or criminal
12 liability to parents. This Act is intended to provide a
13 mechanism for a newborn infant to be relinquished to a safe
14 environment and for the parents of the infant to remain
15 anonymous and to avoid civil or criminal liability for the
16 act of relinquishing the infant. It is recognized that
17 established adoption procedures are preferable to
18 relinquishing a child, but to reduce the chance of injury to
19 a newborn infant, this Act provides a safe alternative.

20 Section 10. Definitions. In this Act:

1 "Abandon" has the same meaning as in the Abused and
2 Neglected Child Reporting Act.

3 "Abused child" has the same meaning as in the Abused and
4 Neglected Child Reporting Act.

5 "Child-placing agency" means a licensed public or private
6 agency that receives a child for the purpose of placing or
7 arranging for the placement of the child in a foster family
8 home or other facility for child care, apart from the custody
9 of the child's parents.

10 "Department" or "DCFS" means the Illinois Department of
11 Children and Family Services.

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

15 "Emergency medical professional" includes licensed
16 physicians, and any emergency medical technician-basic,
17 emergency medical technician-intermediate, emergency medical
18 technician-paramedic, trauma nurse specialist, and
19 pre-hospital RN, as defined in the Emergency Medical Services
20 (EMS) Systems Act.

21 "Fire station" means a fire station within the State that
22 is staffed with at least one full-time emergency medical
23 professional.

24 "Hospital" has the same meaning as in the Hospital
25 Licensing Act.

26 "Legal custody" means the relationship created by a court
27 order in the best interest of a newborn infant that imposes
28 on the infant's custodian the responsibility of physical
29 possession of the infant, the duty to protect, train, and
30 discipline the infant, and the duty to provide the infant
31 with food, shelter, education, and medical care, except as
32 these are limited by parental rights and responsibilities.

33 "Neglected child" has the same meaning as in the Abused
34 and Neglected Child Reporting Act.

1 "Newborn infant" means a child who a licensed physician
2 reasonably believes is 72 hours old or less at the time the
3 child is initially relinquished to a hospital, fire station,
4 or emergency medical facility, and who is not an abused or a
5 neglected child.

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

18 "Temporary protective custody" means the temporary
19 placement of a newborn infant within a hospital or other
20 medical facility out of the custody of the infant's parent.

21 Section 15. Presumptions.

22 (a) There is a presumption that by relinquishing a
23 newborn infant in accordance with this Act, the infant's
24 parent consents to the termination of his or her parental
25 rights with respect to the infant.

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

28 (1) either (i) is the newborn infant's parent or
29 (ii) is not the newborn infant's parent but relinquished
30 the infant with the knowledge and permission of a parent
31 of the infant; and

32 (2) either without expressing an intent to return
33 for the infant or expressing an intent not to return for

1 the infant, did intend to relinquish the infant to the
2 hospital, fire station, or emergency medical facility to
3 treat, care for, and provide for the infant in accordance
4 with this Act.

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

9 Section 20. Procedures with respect to relinquished
10 newborn infants.

11 (a) Hospitals. Every hospital must accept and provide
12 all necessary emergency services and care to a relinquished
13 newborn infant, in accordance with this Act.

14 The act of relinquishing a newborn infant serves as
15 implied consent for the hospital and its medical personnel
16 and physicians on staff to treat and provide care for the
17 infant.

18 The hospital shall be deemed to have temporary protective
19 custody of a relinquished newborn infant until the infant is
20 discharged to the custody of a child-placing agency or the
21 Department.

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

26 The act of relinquishing a newborn infant serves as
27 implied consent for the fire station or emergency medical
28 facility and its emergency medical professionals to treat and
29 provide care for the infant, to the extent that those
30 emergency medical professionals are trained to provide those
31 services.

32 After the relinquishment of a newborn infant to a fire
33 station or emergency medical facility, the fire station or

1 emergency medical facility's personnel must arrange for the
2 transportation of the infant to the nearest hospital as soon
3 as transportation can be arranged.

4 Section 25. Immunity for relinquishing person.

5 (a) The act of relinquishing a newborn infant to a
6 hospital, fire station, or emergency medical facility in
7 accordance with this Act does not, by itself, constitute a
8 basis for a finding of abuse, neglect, or abandonment of the
9 infant pursuant to the laws of this State nor does it, by
10 itself, constitute a violation of Section 12-21.5 or 12-21.6
11 of the Criminal Code of 1961.

12 (b) If there is suspected child abuse or neglect that is
13 not based solely on the newborn infant's relinquishment to a
14 hospital, fire station, or emergency medical facility, the
15 personnel of the hospital, fire station, or emergency medical
16 facility who are mandated reporters under the Abused and
17 Neglected Child Reporting Act must report the abuse or
18 neglect pursuant to that Act.

19 (c) Neither a child protective investigation nor a
20 criminal investigation may be initiated solely because a
21 newborn infant is relinquished pursuant to this Act.

22 Section 30. Anonymity of relinquishing person. If there
23 is no evidence of abuse or neglect of a relinquished newborn
24 infant, the relinquishing person has the right to remain
25 anonymous and to leave the hospital, fire station, or
26 emergency medical facility at any time and not be pursued or
27 followed. Before the relinquishing person leaves the
28 hospital, fire station, or emergency medical facility, the
29 hospital, fire station, or emergency medical facility shall
30 offer the relinquishing person information packet described
31 in Section 35 of this Act. However, nothing in this Act shall
32 be construed as precluding the relinquishing person from

1 providing their identity or completing the application forms
2 for the Illinois Adoption Registry and Medical Information
3 Exchange and requesting that the hospital, fire station, or
4 emergency medical facility forward those forms to the
5 Illinois Adoption Registry and Medical information Exchange.

6 Section 35. Information for relinquishing person. A
7 hospital, fire station, or emergency medical facility that
8 receives a newborn infant relinquished in accordance with
9 this Act must offer an information packet to the
10 relinquishing person and if possible, must clearly inform the
11 relinquishing person that his or her acceptance of the
12 information is completely voluntary, that registration with
13 the Illinois Adoption Registry and Medical Information
14 Exchange is voluntary, that the person will remain anonymous
15 if he or she completes a Denial of Information Exchange, and
16 that the person has the option to provide medical information
17 only and still remain anonymous. The information packet must
18 include all of the following:

19 (1) All Illinois Adoption Registry and Medical
20 Information Exchange application forms, including the
21 Medical Information Exchange Questionnaire, the web site
22 address and toll free phone number of the Registry.

23 (2) Written notice of the following:

24 (A) No sooner than 60 days following the date
25 of the initial relinquishment of the infant to a
26 hospital, fire station, or emergency medical
27 facility, the child-placing agency or the Department
28 will commence proceedings for the termination of
29 parental rights and placement of the infant for
30 adoption.

31 (B) Failure of a parent of the infant to
32 contact the Department and petition for the return
33 of custody of the infant before termination of

1 parental rights bars any future action asserting
2 legal rights with respect to the infant.

3 (3) A resource list of providers of counseling
4 services including grief counseling, pregnancy
5 counseling, and counseling regarding adoption and other
6 available options for placement of the infant.

7 Upon request, the Department of Public Health
8 shall provide the application forms for the Illinois Adoption
9 Registry and Medical Information Exchange to hospitals, fire
10 stations, and emergency medical facilities.

11 Section 40. Reporting requirements.

12 (a) Within 12 hours after accepting a newborn infant
13 from a relinquishing person or from a fire station or
14 emergency medical facility in accordance with this Act, a
15 hospital must report to the Department's State Central
16 Registry for the purpose of transferring physical custody of
17 the infant from the hospital to either a child-placing agency
18 or the Department.

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

24 (c) Once a hospital has made a report to the Department
25 under subsection (a), the Department must provide to the
26 hospital the name of a licensed child-placing agency. The
27 hospital must then arrange for the child-placing agency to
28 accept physical custody of the relinquished newborn infant.

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

32 Section 45. Medical assistance. Notwithstanding any

1 other provision of law, a newborn infant relinquished in
2 accordance with this Act shall be deemed eligible for medical
3 assistance under the Illinois Public Aid Code, and a hospital
4 providing medical services to such an infant shall be
5 reimbursed for those services in accordance with the payment
6 methodologies authorized under that Code. In addition, for
7 any day that a hospital has custody of a newborn infant
8 relinquished in accordance with this Act and the infant does
9 not require medically necessary care, the hospital shall be
10 reimbursed by the Illinois Department of Public Aid at the
11 general acute care per diem rate, in accordance with 89 Ill.
12 Adm. Code 148.270(c).

13 Section 50. Child-placing agency procedures.

14 (a) The Department's State Central Registry must
15 maintain a list of licensed child-placing agencies willing to
16 take legal custody of newborn infants relinquished in
17 accordance with this Act. The child-placing agencies on the
18 list must be contacted by the Department on a rotating basis
19 upon notice from a hospital that a newborn infant has been
20 relinquished in accordance with this Act.

21 (b) Upon notice from the Department that a newborn
22 infant has been relinquished in accordance with this Act, a
23 child-placing agency must accept the newborn infant if the
24 agency has the accommodations to do so. The child-placing
25 agency must seek an order for legal custody of the infant
26 upon its acceptance of the infant.

27 (c) If no licensed child-placing agency is able to
28 accept the relinquished newborn infant, then the Department
29 must assume responsibility for the infant as soon as
30 practicable.

31 (d) A custody order issued under subsection (b) shall
32 remain in effect until a final adoption order based on the
33 relinquished newborn infant's best interests is issued in

1 accordance with this Act and the Adoption Act.

2 (e) When possible, the child-placing agency must place a
3 relinquished newborn infant in a prospective adoptive home.

4 (f) The Department or child-placing agency must initiate
5 proceedings to (i) terminate the parental rights of the
6 relinquished newborn infant's known or unknown parents, (ii)
7 appoint a guardian for the infant, and (iii) obtain consent
8 to the infant's adoption in accordance with this Act no
9 sooner than 60 days following the date of the initial
10 relinquishment of the infant to the hospital, fire station,
11 or emergency medical facility.

12 (g) Before filing a petition for termination of parental
13 rights, the Department or child-placing agency must do the
14 following:

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

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

31 Section 55. Petition for return of custody.

32 (a) A parent of a newborn infant relinquished in
33 accordance with this Act may petition for the return of

1 custody of the infant before the termination of parental
2 rights with respect to the infant.

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

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

16 (d) The circuit court may hold the proceeding for the
17 termination of parental rights in abeyance for a period not
18 to exceed 60 days from the date that the petition for return
19 of custody was filed without a showing of good cause. During
20 that period:

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

23 (2) The Department shall conduct a child protective
24 investigation and home study to develop recommendations
25 to the court.

26 (3) When indicated as a result of the Department's
27 investigation and home study, further proceedings under
28 the Juvenile Court Act of 1987 as the court determines
29 appropriate, may be conducted. However, relinquishment
30 of a newborn infant in accordance with this Act does not
31 render the infant abused, neglected, or abandoned solely
32 because the newborn infant was relinquished to a
33 hospital, fire station, or emergency medical facility in
34 accordance with this Act.

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

13 Section 60. Department's duties. The Department must
14 implement a public information program to promote safe
15 placement alternatives for newborn infants. The public
16 information program must inform the public of the following:

17 (1) The relinquishment alternative provided for in
18 this Act, which results in the adoption of a newborn
19 infant and which provides for the parent's anonymity.

20 (2) The alternative of adoption through a public or
21 private agency, in which the parent's identity is known.

22 The public information program may include, but is not
23 limited, to the following elements:

24 (1) educational and informational materials in print,
25 audio, video, electronic or other media;

26 (2) establishment of a web site;

27 (3) public service announcements and advertisements; and

28 (4) establishment of toll-free hotlines to provide
29 information.

30 Section 65. Construction of Act. Nothing in this Act
31 shall be construed to preclude the courts of this State from
32 exercising their discretion to protect the health and safety

1 of children in individual cases. The best interests and
2 welfare of a child shall be a paramount consideration in the
3 construction and interpretation of this Act. It is in the
4 child's best interests that this Act be construed and
5 interpreted so as not to result in extending time limits
6 beyond those set forth in this Act.

7 Section 70. A hospital, fire station, or emergency
8 medical facility, and any personnel of a hospital, fire
9 station, or emergency medical facility are immune from
10 criminal or civil liability for acting in good faith in
11 accordance with this Act. Nothing in this Act limits
12 liability for negligence.

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

15 (305 ILCS 5/4-1.2) (from Ch. 23, par. 4-1.2)

16 Sec. 4-1.2. Living Arrangements - Parents - Relatives -
17 Foster Care.

18 (a) The child or children must (1) be living with his or
19 their father, mother, grandfather, grandmother, brother,
20 sister, stepfather, stepmother, stepbrother, stepsister,
21 uncle or aunt, or other relative approved by the Illinois
22 Department, in a place of residence maintained by one or more
23 of such relatives as his or their own home, or (2) have been
24 (a) removed from the home of the parents or other relatives
25 by judicial order under the Juvenile Court Act or the
26 Juvenile Court Act of 1987, as amended, (b) placed under the
27 guardianship of the Department of Children and Family
28 Services, and (c) under such guardianship, placed in a foster
29 family home, group home or child care institution licensed
30 pursuant to the "Child Care Act of 1969", approved May 15,
31 1969, as amended, or approved by that Department as meeting

1 standards established for licensing under that Act, or (3)
 2 have been relinquished in accordance with the Abandoned
 3 Newborn Infant Protection Act. A child so placed in foster
 4 care who was not receiving aid under this Article in or for
 5 the month in which the court proceedings leading to that
 6 placement were initiated may qualify only if he lived in the
 7 home of his parents or other relatives at the time the
 8 proceedings were initiated, or within 6 months prior to the
 9 month of initiation, and would have received aid in and for
 10 that month if application had been made therefor.

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

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

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

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

24 Sec. 3. As used in this Act unless the context otherwise
 25 requires:

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

29 "Department" means Department of Children and Family
 30 Services.

31 "Local law enforcement agency" means the police of a
 32 city, town, village or other incorporated area or the sheriff

1 of an unincorporated area or any sworn officer of the
2 Illinois Department of State Police.

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

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

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

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

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

24 e. inflicts excessive corporal punishment;

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

28 g. causes to be sold, transferred, distributed, or
29 given to such child under 18 years of age, a controlled
30 substance as defined in Section 102 of the Illinois
31 Controlled Substances Act in violation of Article IV of
32 the Illinois Controlled Substances Act, except for
33 controlled substances that are prescribed in accordance
34 with Article III of the Illinois Controlled Substances

1 Act and are dispensed to such child in a manner that
2 substantially complies with the prescription.

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

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

1 treatment or cure of disease or remedial care as provided
2 under Section 4 of this Act. A child shall not be considered
3 neglected or abused solely because the child is not attending
4 school in accordance with the requirements of Article 26 of
5 The School Code, as amended.

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

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

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

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

33 "An indicated report" means a report made under this Act
34 if an investigation determines that credible evidence of the

1 alleged abuse or neglect exists.

2 "An undetermined report" means any report made under this
3 Act in which it was not possible to initiate or complete an
4 investigation on the basis of information provided to the
5 Department.

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

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

13 (Source: P.A. 90-239, eff. 7-28-97; 90-684, eff. 7-31-98;
14 91-802, eff. 1-1-01.)

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

17 (705 ILCS 405/2-3) (from Ch. 37, par. 802-3)

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

19 (1) Those who are neglected include:

20 (a) any minor under 18 years of age 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
25 well-being, including adequate food, clothing and
26 shelter, or who is abandoned by his or her parents or
27 other person responsible for the minor's welfare, except
28 that a minor shall not be considered neglected for the
29 sole reason that the minor's parent or other person
30 responsible for the minor's welfare has left the minor in
31 the care of an adult relative for any period of time; or

32 (b) any minor under 18 years of age whose

1 environment is injurious to his or her welfare; or

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

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

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

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

1 from the natural elements such as adequate heat or light;

2 (8) the location of the parent or guardian at the
3 time the minor was left without supervision, the physical
4 distance the minor was from the parent or guardian at the
5 time the minor was without supervision;

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

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

13 (11) whether there was food and other provision
14 left for the minor;

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

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

23 (14) whether the minor was left under the
24 supervision of another person;

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

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

30 (2) Those who are abused include any minor under 18
31 years of age whose parent or immediate family member, or any
32 person responsible for the minor's welfare, or any person who
33 is in the same family or household as the minor, or any
34 individual residing in the same home as the minor, or a

1 paramour of the minor's parent:

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

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

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

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

19 (v) inflicts excessive corporal punishment.

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

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

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

28 Section 96. The Criminal Code of 1961 is amended by
29 changing Sections 12-21.5 and 12-21.6 as follows:

30 (720 ILCS 5/12-21.5)

31 Sec. 12-21.5. Child Abandonment.

32 (a) A person commits the offense of child abandonment

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

10 (b) For the purposes of determining whether the child
11 was left without regard for the mental or physical health,
12 safety, or welfare of that child, the trier of fact shall
13 consider the following factors:

14 (1) the age of the child;

15 (2) the number of children left at the location;

16 (3) special needs of the child, including whether
17 the child is physically or mentally handicapped, or
18 otherwise in need of ongoing prescribed medical treatment
19 such as periodic doses of insulin or other medications;

20 (4) the duration of time in which the child was
21 left without supervision;

22 (5) the condition and location of the place where
23 the child was left without supervision;

24 (6) the time of day or night when the child was
25 left without supervision;

26 (7) the weather conditions, including whether the
27 child was left in a location with adequate protection
28 from the natural elements such as adequate heat or light;

29 (8) the location of the parent, guardian, or other
30 person having physical custody or control of the child at
31 the time the child was left without supervision, the
32 physical distance the child was from the parent,
33 guardian, or other person having physical custody or
34 control of the child at the time the child was without

1 supervision;

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

5 (10) whether the child was given a phone number of
6 a person or location to call in the event of an emergency
7 and whether the child was capable of making an emergency
8 call;

9 (11) whether there was food and other provision
10 left for the child;

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

16 (13) the age and physical and mental capabilities
17 of the person or persons who provided supervision for the
18 child;

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

21 (15) whether the child was left under the
22 supervision of another person.

23 (d) Child abandonment is a Class 4 felony. A second or
24 subsequent offense after a prior conviction is a Class 3
25 felony.

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

27 (720 ILCS 5/12-21.6)

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

29 (a) It is unlawful for any person to willfully cause or
30 permit the life or health of a child under the age of 18 to
31 be endangered or to willfully cause or permit a child to be
32 placed in circumstances that endanger the child's life or
33 health, except that it is not unlawful for a person to

1 relinquish a child in accordance with the Abandoned Newborn
2 Infant Protection Act.

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

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

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

13 (720 ILCS 130/2) (from Ch. 23, par. 2361)

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

26 Instead of imposing the punishment hereinbefore provided, the
27 court may release the defendant from custody on probation for
28 one year upon his or her entering into recognizance with or
29 without surety in such sum as the court directs. The
30 conditions of the recognizance shall be such that if the
31 defendant appears personally in court whenever ordered to do
32 so within the year and provides and cares for such neglected

1 and dependent child in such manner as to prevent a
2 continuance or repetition of such state of dependency and
3 neglect or as otherwise may be directed by the court then the
4 recognizance shall be void, otherwise it shall be of full
5 force and effect. If the court is satisfied by information
6 and due proof under oath that at any time during the year the
7 defendant has violated the terms of such order it may
8 forthwith revoke the order and sentence him or her under the
9 original conviction. Unless so sentenced, the defendant shall
10 at the end of the year be discharged. In case of forfeiture
11 on the recognizance the sum recovered thereon may in the
12 discretion of the court be paid in whole or in part to
13 someone designated by the court for the support of such
14 dependent and neglected child.

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

16 Section 97. The Adoption Act is amended by changing
17 Section 1 as follows:

18 (750 ILCS 50/1) (from Ch. 40, par. 1501)

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

21 A. "Child" means a person under legal age subject to
22 adoption under this Act.

23 B. "Related child" means a child subject to adoption
24 where either or both of the adopting parents stands in any of
25 the following relationships to the child by blood or
26 marriage: parent, grand-parent, brother, sister, step-parent,
27 step-grandparent, step-brother, step-sister, uncle, aunt,
28 great-uncle, great-aunt, or cousin of first degree. A child
29 whose parent has executed a final irrevocable consent to
30 adoption or a final irrevocable surrender for purposes of
31 adoption, or whose parent has had his or her parental rights
32 terminated, is not a related child to that person, unless the

1 consent is determined to be void or is void pursuant to
2 subsection 0 of Section 10.

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
11 in accordance with the Abandoned Newborn Infant Protection
12 Act:

13 (a) Abandonment of the child.

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

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

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

22 (c) Desertion of the child for more than 3 months
23 next preceding the commencement of the Adoption
24 proceeding.

25 (d) Substantial neglect of the child if continuous
26 or repeated.

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

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

31 (f) Two or more findings of physical abuse to any
32 children under Section 4-8 of the Juvenile Court Act or
33 Section 2-21 of the Juvenile Court Act of 1987, the most
34 recent of which was determined by the juvenile court

1 hearing the matter to be supported by clear and
2 convincing evidence; a criminal conviction or a finding
3 of not guilty by reason of insanity resulting from the
4 death of any child by physical child abuse; or a finding
5 of physical child abuse resulting from the death of any
6 child under Section 4-8 of the Juvenile Court Act or
7 Section 2-21 of the Juvenile Court Act of 1987.

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

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

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

1 or (5) aggravated criminal sexual assault in violation of
2 Section 12-14(b)(1) of the Criminal Code of 1961.

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

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

17 (j) Open and notorious adultery or fornication.

18 (j-1) (Blank).

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

23 There is a rebuttable presumption that a parent is
24 unfit under this subsection with respect to any child to
25 which that parent gives birth where there is a confirmed
26 test result that at birth the child's blood, urine, or
27 meconium contained any amount of a controlled substance
28 as defined in subsection (f) of Section 102 of the
29 Illinois Controlled Substances Act or metabolites of such
30 substances, the presence of which in the newborn infant
31 was not the result of medical treatment administered to
32 the mother or the newborn infant; and the biological
33 mother of this child is the biological mother of at least
34 one other child who was adjudicated a neglected minor

1 under subsection (c) of Section 2-3 of the Juvenile Court
2 Act of 1987.

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

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

1 of the initial 9-month period following the adjudication
2 under Section 2-3 or 2-4 of the Juvenile Court Act of
3 1987.

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

29 (n) Evidence of intent to forgo his or her parental
30 rights, whether or not the child is a ward of the court,
31 (1) as manifested by his or her failure for a period of
32 12 months: (i) to visit the child, (ii) to communicate
33 with the child or agency, although able to do so and not
34 prevented from doing so by an agency or by court order,

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

22 Contact or communication by a parent with his or her
23 child that does not demonstrate affection and concern
24 does 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
27 contact, pay expenses and plan for the future shall be
28 presumed. The subjective intent of the parent, whether
29 expressed or otherwise, unsupported by evidence of the
30 foregoing parental acts manifesting that intent, shall
31 not preclude a determination that the parent has intended
32 to forgo his or her parental rights. In making this
33 determination, the court may consider but shall not
34 require a showing of diligent efforts by an authorized

1 agency to encourage the parent to perform the acts
2 specified in subdivision (n).

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

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

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

26 (q) The parent has been criminally convicted of
27 aggravated battery, heinous battery, or attempted murder
28 of any child.

29 (r) The child is in the temporary custody or
30 guardianship of the Department of Children and Family
31 Services, the parent is incarcerated as a result of
32 criminal conviction at the time the petition or motion
33 for termination of parental rights is filed, prior to
34 incarceration the parent had little or no contact with

1 the child or provided little or no support for the child,
2 and the parent's incarceration will prevent the parent
3 from discharging his or her parental responsibilities for
4 the child for a period in excess of 2 years after the
5 filing of the petition or motion for termination of
6 parental rights.

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

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

31 E. "Parent" means the father or mother of a legitimate
32 or illegitimate child. For the purpose of this Act, a person
33 who has executed a final and irrevocable consent to adoption
34 or a final and irrevocable surrender for purposes of

1 adoption, or whose parental rights have been terminated by a
2 court, is not a parent of the child who was the subject of
3 the consent or surrender, unless the consent is void pursuant
4 to subsection O of Section 10.

5 F. A person is available for adoption when the person
6 is:

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

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

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

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

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

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

25 G. The singular includes the plural and the plural
26 includes the singular and the "male" includes the "female",
27 as the context of this Act may require.

28 H. "Adoption disruption" occurs when an adoptive
29 placement does not prove successful and it becomes necessary
30 for the child to be removed from placement before the
31 adoption is finalized.

32 I. "Foreign placing agency" is an agency or individual
33 operating in a country or territory outside the United States
34 that is authorized by its country to place children for

1 adoption either directly with families in the United States
2 or through United States based international agencies.

3 J. "Immediate relatives" means the biological parents,
4 the parents of the biological parents and siblings of the
5 biological parents.

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

8 L. "Intercountry Adoption Coordinator" is a staff person
9 of the Department of Children and Family Services appointed
10 by the Director to coordinate the provision of services by
11 the public and private sector to prospective parents of
12 foreign-born children.

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

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

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

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

28 (a) inflicts, causes to be inflicted, or allows to
29 be inflicted upon the child physical injury, by other
30 than accidental means, that causes death, disfigurement,
31 impairment of physical or emotional health, or loss or
32 impairment of any bodily function;

33 (b) creates a substantial risk of physical injury
34 to the child by other than accidental means which would

1 be likely to cause death, disfigurement, impairment of
2 physical or emotional health, or loss or impairment of
3 any bodily function;

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

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

11 (e) inflicts excessive corporal punishment.

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

25 A child shall not be considered neglected or abused for
26 the sole reason that the child's parent or other person
27 responsible for his or her welfare depends upon spiritual
28 means through prayer alone for the treatment or cure of
29 disease or remedial care as provided under Section 4 of the
30 Abused and Neglected Child Reporting Act.

31 R. "Putative father" means a man who may be a child's
32 father, but who (1) is not married to the child's mother on
33 or before the date that the child was or is to be born and
34 (2) has not established paternity of the child in a court

1 proceeding before the filing of a petition for the adoption
2 of the child. The term includes a male who is less than 18
3 years of age. "Putative father" does not mean a man who is
4 the child's father as a result of criminal sexual abuse or
5 assault as defined under Article 12 of the Criminal Code of
6 1961.

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

13 T. "Terminally ill parent" means a person who has a
14 medical prognosis by a physician licensed to practice
15 medicine in all of its branches that the person has an
16 incurable and irreversible condition which will lead to
17 death.

18 (Source: P.A. 90-13, eff. 6-13-97; 90-15, eff. 6-13-97;
19 90-27, eff. 1-1-98 except subdiv. (D)(m) eff. 6-25-97; 90-28,
20 eff. 1-1-98 except subdiv. (D)(m) eff. 6-25-97; 90-443, eff.
21 8-16-97; 90-608, eff. 6-30-98; 90-655, eff. 7-30-98; 91-357,
22 eff. 7-29-99; 91-373, eff. 1-1-00; 91-572, eff. 1-1-00;
23 revised 8-31-99.)

24 Section 999. Effective date. This Act takes effect upon
25 becoming law."