

1 AN ACT in relation to 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
5 Abandoned Newborn Infant Protection Act.

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

21 A public information campaign on this delicate issue
22 shall be implemented to encourage parents considering
23 abandonment of their newborn child to relinquish the child
24 under the procedures outlined in this Act, to choose a
25 traditional adoption plan, or to parent a child themselves
26 rather than place the newborn infant in harm's way.

27 Section 10. Definitions. In this Act:

28 "Abandon" has the same meaning as in the Abused and
29 Neglected Child Reporting Act.

30 "Abused child" has the same meaning as in the Abused and

1 Neglected Child Reporting Act.

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

7 "Department" or "DCFS" means the Illinois Department of
8 Children and Family Services.

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

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

18 "Fire station" means a fire station within the State that
19 is staffed with at least one full-time emergency medical
20 professional.

21 "Hospital" has the same meaning as in the Hospital
22 Licensing Act.

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

30 "Neglected child" has the same meaning as in the Abused
31 and Neglected Child Reporting Act.

32 "Newborn infant" means a child who a licensed physician
33 reasonably believes is 72 hours old or less at the time the
34 child is initially relinquished to a hospital, fire station,

1 or emergency medical facility, and who is not an abused or a
2 neglected child.

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

15 "Temporary protective custody" means the temporary
16 placement of a newborn infant within a hospital or other
17 medical facility out of the custody of the infant's parent.

18 Section 15. Presumptions.

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

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

25 (1) is the newborn infant's biological parent; and
26 (2) either without expressing an intent to return
27 for the infant or expressing an intent not to return for
28 the infant, did intend to relinquish the infant to the
29 hospital, fire station, or emergency medical facility to
30 treat, care for, and provide for the infant in accordance
31 with this Act.

32 (c) A parent of a relinquished newborn infant may rebut
33 the presumption set forth in either subsection (a) or

1 subsection (b) pursuant to Section 55, at any time before the
2 termination of the parent's parental rights.

3 Section 20. Procedures with respect to relinquished
4 newborn infants.

5 (a) Hospitals. Every hospital must accept and provide
6 all necessary emergency services and care to a relinquished
7 newborn infant, in accordance with this Act. The hospital
8 shall examine a relinquished newborn infant to determine if
9 the relinquished newborn infant was abused or neglected.

10 The act of relinquishing a newborn infant serves as
11 implied consent for the hospital and its medical personnel
12 and physicians on staff to treat and provide care for the
13 infant.

14 The hospital shall be deemed to have temporary protective
15 custody of a relinquished newborn infant until the infant is
16 discharged to the custody of a child-placing agency or the
17 Department.

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

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

28 After the relinquishment of a newborn infant to a fire
29 station or emergency medical facility, the fire station or
30 emergency medical facility's personnel must arrange for the
31 transportation of the infant to the nearest hospital as soon
32 as transportation can be arranged.

33 If the parent of a newborn infant returns to reclaim the

1 child within 72 hours after relinquishing the child to a fire
2 station or emergency medical facility, the fire station or
3 emergency medical facility must inform the parent of the name
4 and location of the hospital to which the infant was
5 transported.

6 Section 25. Immunity for relinquishing person.

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

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

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

24 Section 27. Immunity of facility and personnel. A
25 hospital, fire station, or emergency medical facility, and
26 any personnel of a hospital, fire station, or emergency
27 medical facility, are immune from criminal or civil liability
28 for acting in good faith in accordance with this Act. Nothing
29 in this Act limits liability for negligence for care and
30 medical treatment.

31 Section 30. Anonymity of relinquishing person. If there

1 is no evidence of abuse or neglect of a relinquished newborn
2 infant, the relinquishing person has the right to remain
3 anonymous and to leave the hospital, fire station, or
4 emergency medical facility at any time and not be pursued or
5 followed. Before the relinquishing person leaves the
6 hospital, fire station, or emergency medical facility, the
7 hospital, fire station, or emergency medical facility shall
8 offer the relinquishing person the information packet
9 described in Section 35 of this Act. However, nothing in this
10 Act shall be construed as precluding the relinquishing person
11 from providing his or her identity or completing the
12 application forms for the Illinois Adoption Registry and
13 Medical Information Exchange and requesting that the
14 hospital, fire station, or emergency medical facility forward
15 those forms to the Illinois Adoption Registry and Medical
16 Information Exchange.

17 Section 35. Information for relinquishing person. A
18 hospital, fire station, or emergency medical facility that
19 receives a newborn infant relinquished in accordance with
20 this Act must offer an information packet to the
21 relinquishing person and, if possible, must clearly inform
22 the relinquishing person that his or her acceptance of the
23 information is completely voluntary, that registration with
24 the Illinois Adoption Registry and Medical Information
25 Exchange is voluntary, that the person will remain anonymous
26 if he or she completes a Denial of Information Exchange, and
27 that the person has the option to provide medical information
28 only and still remain anonymous. The information packet must
29 include all of the following:

30 (1) All Illinois Adoption Registry and Medical
31 Information Exchange application forms, including the
32 Medical Information Exchange Questionnaire and the web
33 site address and toll-free phone number of the Registry.

1 (2) Written notice of the following:

2 (A) No sooner than 60 days following the date
3 of the initial relinquishment of the infant to a
4 hospital, fire station, or emergency medical
5 facility, the child-placing agency or the Department
6 will commence proceedings for the termination of
7 parental rights and placement of the infant for
8 adoption.

9 (B) Failure of a parent of the infant to
10 contact the Department and petition for the return
11 of custody of the infant before termination of
12 parental rights bars any future action asserting
13 legal rights with respect to the infant.

14 (3) A resource list of providers of counseling
15 services including grief counseling, pregnancy
16 counseling, and counseling regarding adoption and other
17 available options for placement of the infant.

18 Upon request, the Department of Public Health shall
19 provide the application forms for the Illinois Adoption
20 Registry and Medical Information Exchange to hospitals, fire
21 stations, and emergency medical facilities.

22 Section 40. Reporting requirements.

23 (a) Within 12 hours after accepting a newborn infant
24 from a relinquishing person or from a fire station or
25 emergency medical facility in accordance with this Act, a
26 hospital must report to the Department's State Central
27 Registry for the purpose of transferring physical custody of
28 the infant from the hospital to either a child-placing agency
29 or the Department.

30 (b) Within 24 hours after receiving a report under
31 subsection (a), the Department must request assistance from
32 law enforcement officials to investigate the matter using the
33 National Crime Information Center to ensure that the

1 relinquished newborn infant is not a missing child.

2 (c) Once a hospital has made a report to the Department
3 under subsection (a), the Department must arrange for a
4 licensed child-placing agency to accept physical custody of
5 the relinquished newborn infant.

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

9 Section 45. Medical assistance. Notwithstanding any
10 other provision of law, a newborn infant relinquished in
11 accordance with this Act shall be deemed eligible for medical
12 assistance under the Illinois Public Aid Code, and a hospital
13 providing medical services to such an infant shall be
14 reimbursed for those services in accordance with the payment
15 methodologies authorized under that Code. In addition, for
16 any day that a hospital has custody of a newborn infant
17 relinquished in accordance with this Act and the infant does
18 not require medically necessary care, the hospital shall be
19 reimbursed by the Illinois Department of Public Aid at the
20 general acute care per diem rate, in accordance with 89 Ill.
21 Adm. Code 148.270(c).

22 Section 50. Child-placing agency procedures.

23 (a) The Department's State Central Registry must
24 maintain a list of licensed child-placing agencies willing to
25 take legal custody of newborn infants relinquished in
26 accordance with this Act. The child-placing agencies on the
27 list must be contacted by the Department on a rotating basis
28 upon notice from a hospital that a newborn infant has been
29 relinquished in accordance with this Act.

30 (b) Upon notice from the Department that a newborn
31 infant has been relinquished in accordance with this Act, a
32 child-placing agency must accept the newborn infant if the

1 agency has the accommodations to do so. The child-placing
2 agency must seek an order for legal custody of the infant
3 upon its acceptance of the infant.

4 (c) Within 3 business days after assuming physical
5 custody of the infant, the child-placing agency shall file a
6 petition in the division of the circuit court in which
7 petitions for adoption would normally be heard. The petition
8 shall allege that the newborn infant has been relinquished in
9 accordance with this Act and shall state that the
10 child-placing agency intends to place the infant in an
11 adoptive home.

12 (d) If no licensed child-placing agency is able to
13 accept the relinquished newborn infant, then the Department
14 must assume responsibility for the infant as soon as
15 practicable.

16 (e) A custody order issued under subsection (b) shall
17 remain in effect until a final adoption order based on the
18 relinquished newborn infant's best interests is issued in
19 accordance with this Act and the Adoption Act.

20 (f) When possible, the child-placing agency must place a
21 relinquished newborn infant in a prospective adoptive home.

22 (g) The Department or child-placing agency must initiate
23 proceedings to (i) terminate the parental rights of the
24 relinquished newborn infant's known or unknown parents, (ii)
25 appoint a guardian for the infant, and (iii) obtain consent
26 to the infant's adoption in accordance with this Act no
27 sooner than 60 days following the date of the initial
28 relinquishment of the infant to the hospital, fire station,
29 or emergency medical facility.

30 (h) Before filing a petition for termination of parental
31 rights, the Department or child-placing agency must do the
32 following:

33 (1) Search its Putative Father Registry for the
34 purpose of determining the identity and location of the

1 putative father of the relinquished newborn infant who
2 is, or is expected to be, the subject of an adoption
3 proceeding, in order to provide notice of the proceeding
4 to the putative father. At least one search of the
5 Registry must be conducted, at least 30 days after the
6 relinquished newborn infant's estimated date of birth;
7 earlier searches may be conducted, however. Notice to any
8 potential putative father discovered in a search of the
9 Registry according to the estimated age of the
10 relinquished newborn infant must be in accordance with
11 Section 12a of the Adoption Act.

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

15 Section 55. Petition for return of custody.

16 (a) In compliance with Section 9 of the Adoption Act, if
17 the parent returns to the hospital, emergency medical
18 facility, or fire station to reclaim a child within 72 hours
19 after the child's birth, the provisions of the Adoption Act
20 shall apply, and the abandonment of the child shall not be
21 considered a relinquishment under this Act. The parent shall
22 be required to undergo genetic testing to confirm that he or
23 she is the biological parent of the child before the child
24 can be released by the hospital.

25 (b) A parent of a newborn infant relinquished in
26 accordance with this Act may petition for the return of
27 custody of the infant before the termination of parental
28 rights with respect to the infant.

29 (c) A parent of a newborn infant relinquished in
30 accordance with this Act may petition for the return of
31 custody of the infant by contacting the Department for the
32 purpose of obtaining the name of the child-placing agency and
33 then filing a petition for return of custody in the circuit

1 court in which the proceeding for the termination of parental
2 rights is pending.

3 (d) If a petition for the termination of parental rights
4 has not been filed by the Department or the child-placing
5 agency, the parent of the relinquished newborn infant must
6 contact the Department, which must notify the parent of the
7 appropriate court in which the petition for return of custody
8 must be filed.

9 (e) The circuit court may hold the proceeding for the
10 termination of parental rights in abeyance for a period not
11 to exceed 60 days from the date that the petition for return
12 of custody was filed without a showing of good cause. During
13 that period:

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

16 (2) The Department shall conduct a child protective
17 investigation and home study to develop recommendations
18 to the court.

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

28 (f) Failure to file a petition for the return of custody
29 of a relinquished newborn infant before the termination of
30 parental rights bars any future action asserting legal rights
31 with respect to the infant unless the parent's act of
32 relinquishment that led to the termination of parental rights
33 involved fraud perpetrated against and not stemming from or
34 involving the parent. No action to void or revoke the

1 termination of parental rights of a parent of a newborn
2 infant relinquished in accordance with this Act, including an
3 action based on fraud, may be commenced after 12 months after
4 the date that the newborn infant was initially relinquished
5 to a hospital, fire station, or emergency medical facility.

6 Section 60. Department's duties. The Department must
7 implement a public information program to promote safe
8 placement alternatives for newborn infants. The public
9 information program must inform the public of the following:

10 (1) The relinquishment alternative provided for in
11 this Act, which results in the adoption of a newborn
12 infant under 72 hours of age and which provides for the
13 parent's anonymity, if the parent so chooses.

14 (2) The alternative of adoption through a public or
15 private agency, in which the parent's identity may or may
16 not be known to the agency, but is kept anonymous from
17 the adoptive parents, if the birth parent so desires, and
18 which allows the parent to be actively involved in the
19 child's adoption plan.

20 The public information program may include, but need not
21 be limited to, the following elements:

22 (i) Educational and informational materials in
23 print, audio, video, electronic or other media.

24 (ii) Establishment of a web site.

25 (iii) Public service announcements and
26 advertisements.

27 (iv) Establishment of toll-free telephone hotlines
28 to provide information.

29 Section 65. Evaluation.

30 (a) The Department shall collect and analyze information
31 regarding the relinquishment of newborn infants and placement
32 of children under this Act. Fire stations, emergency medical

1 facilities, and medical professionals accepting and providing
2 services to a newborn infant under this Act shall report to
3 the Department data necessary for the Department to evaluate
4 and determine the effect of this Act in the prevention of
5 injury or death of newborn infants. Child-placing agencies
6 shall report to the Department data necessary to evaluate and
7 determine the effectiveness of these agencies in providing
8 child protective and child welfare services to newborn
9 infants relinquished under this Act.

10 (b) The information collected shall include, but need
11 not be limited to: the number of newborn infants
12 relinquished; the services provided to relinquished newborn
13 infants; the outcome of care for the relinquished newborn
14 infants; the number and disposition of cases of relinquished
15 newborn infants subject to placement; the number of children
16 accepted and served by child-placing agencies; and the
17 services provided by child-placing agencies and the
18 disposition of the cases of the children placed under this
19 Act.

20 (c) The Department shall submit a report by January 1,
21 2002, and on January 1 of each even-numbered year thereafter,
22 to the Governor and General Assembly regarding the prevention
23 of injury or death of newborn infants and the effect of
24 placements of children under this Act. The report shall
25 include, but need not be limited to, a summary of collected
26 data, an analysis of the data and conclusions regarding the
27 Act's effectiveness, a determination whether the purposes of
28 the Act are being achieved, and recommendations for changes
29 that may be considered necessary to improve the
30 administration and enforcement of this Act.

31 Section 70. Construction of Act. Nothing in this Act
32 shall be construed to preclude the courts of this State from
33 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 90. The Illinois Public Aid Code is amended by
8 changing Section 4-1.2 as follows:

9 (305 ILCS 5/4-1.2) (from Ch. 23, par. 4-1.2)

10 Sec. 4-1.2. Living Arrangements - Parents - Relatives -
11 Foster Care.

12 (a) The child or children must (1) be living with his or
13 their father, mother, grandfather, grandmother, brother,
14 sister, stepfather, stepmother, stepbrother, stepsister,
15 uncle or aunt, or other relative approved by the Illinois
16 Department, in a place of residence maintained by one or more
17 of such relatives as his or their own home, or (2) have been
18 (a) removed from the home of the parents or other relatives
19 by judicial order under the Juvenile Court Act or the
20 Juvenile Court Act of 1987, as amended, (b) placed under the
21 guardianship of the Department of Children and Family
22 Services, and (c) under such guardianship, placed in a foster
23 family home, group home or child care institution licensed
24 pursuant to the "Child Care Act of 1969", approved May 15,
25 1969, as amended, or approved by that Department as meeting
26 standards established for licensing under that Act, or (3)
27 have been relinquished in accordance with the Abandoned
28 Newborn Infant Protection Act. A child so placed in foster
29 care who was not receiving aid under this Article in or for
30 the month in which the court proceedings leading to that
31 placement were initiated may qualify only if he lived in the

1 home of his parents or other relatives at the time the
2 proceedings were initiated, or within 6 months prior to the
3 month of initiation, and would have received aid in and for
4 that month if application had been made therefor.

5 (b) The Illinois Department may, by rule, establish
6 those persons who are living together who must be included in
7 the same assistance unit in order to receive cash assistance
8 under this Article and the income and assets of those persons
9 in an assistance unit which must be considered in determining
10 eligibility.

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

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

17 (325 ILCS 5/3) (from Ch. 23, par. 2053)

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

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

23 "Department" means Department of Children and Family
24 Services.

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

29 "Abused child" means a child whose parent or immediate
30 family member, or any person responsible for the child's
31 welfare, or any individual residing in the same home as the
32 child, or a paramour of the child's parent:

1 a. inflicts, causes to be inflicted, or allows to
2 be inflicted upon such child physical injury, by other
3 than accidental means, which causes death, disfigurement,
4 impairment of physical or emotional health, or loss or
5 impairment of any bodily function;

6 b. creates a substantial risk of physical injury to
7 such child by other than accidental means which would be
8 likely to cause death, disfigurement, impairment of
9 physical or emotional health, or loss or impairment of
10 any bodily function;

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

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

18 e. inflicts excessive corporal punishment;

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

22 g. causes to be sold, transferred, distributed, or
23 given to such child under 18 years of age, a controlled
24 substance as defined in Section 102 of the Illinois
25 Controlled Substances Act in violation of Article IV of
26 the Illinois Controlled Substances Act, except for
27 controlled substances that are prescribed in accordance
28 with Article III of the Illinois Controlled Substances
29 Act and are dispensed to such child in a manner that
30 substantially complies with the prescription.

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

34 "Neglected child" means any child who is not receiving

1 the proper or necessary nourishment or medically indicated
2 treatment including food or care not provided solely on the
3 basis of the present or anticipated mental or physical
4 impairment as determined by a physician acting alone or in
5 consultation with other physicians or otherwise is not
6 receiving the proper or necessary support or medical or other
7 remedial care recognized under State law as necessary for a
8 child's well-being, or other care necessary for his or her
9 well-being, including adequate food, clothing and shelter; or
10 who is abandoned by his or her parents or other person
11 responsible for the child's welfare without a proper plan of
12 care; or who is a newborn infant whose blood, urine, or
13 meconium contains any amount of a controlled substance as
14 defined in subsection (f) of Section 102 of the Illinois
15 Controlled Substances Act or a metabolite thereof, with the
16 exception of a controlled substance or metabolite thereof
17 whose presence in the newborn infant is the result of medical
18 treatment administered to the mother or the newborn infant. A
19 child shall not be considered neglected for the sole reason
20 that the child's parent or other person responsible for his
21 or her welfare has left the child in the care of an adult
22 relative for any period of time. A child shall not be
23 considered neglected for the sole reason that the child has
24 been relinquished in accordance with the Abandoned Newborn
25 Infant Protection Act. A child shall not be considered
26 neglected or abused for the sole reason that such child's
27 parent or other person responsible for his or her welfare
28 depends upon spiritual means through prayer alone for the
29 treatment or cure of disease or remedial care as provided
30 under Section 4 of this Act. A child shall not be considered
31 neglected or abused solely because the child is not attending
32 school in accordance with the requirements of Article 26 of
33 The School Code, as amended.

34 "Child Protective Service Unit" means certain specialized

1 State employees of the Department assigned by the Director to
2 perform the duties and responsibilities as provided under
3 Section 7.2 of this Act.

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

17 "Temporary protective custody" means custody within a
18 hospital or other medical facility or a place previously
19 designated for such custody by the Department, subject to
20 review by the Court, including a licensed foster home, group
21 home, or other institution; but such place shall not be a
22 jail or other place for the detention of criminal or juvenile
23 offenders.

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

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

30 "An undetermined report" means any report made under this
31 Act in which it was not possible to initiate or complete an
32 investigation on the basis of information provided to the
33 Department.

34 "Subject of report" means any child reported to the

1 central register of child abuse and neglect established under
2 Section 7.7 of this Act and his or her parent, guardian or
3 other person responsible who is also named in the report.

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

7 (Source: P.A. 90-239, eff. 7-28-97; 90-684, eff. 7-31-98;
8 91-802, eff. 1-1-01.)

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

11 (705 ILCS 405/2-3) (from Ch. 37, par. 802-3)

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

13 (1) Those who are neglected include:

14 (a) any minor under 18 years of age who is not
15 receiving the proper or necessary support, education as
16 required by law, or medical or other remedial care
17 recognized under State law as necessary for a minor's
18 well-being, or other care necessary for his or her
19 well-being, including adequate food, clothing and
20 shelter, or who is abandoned by his or her parents or
21 other person responsible for the minor's welfare, except
22 that a minor shall not be considered neglected for the
23 sole reason that the minor's parent or other person
24 responsible for the minor's welfare has left the minor in
25 the care of an adult relative for any period of time; or

26 (b) any minor under 18 years of age whose
27 environment is injurious to his or her welfare; or

28 (c) any newborn infant whose blood, urine, or
29 meconium contains any amount of a controlled substance as
30 defined in subsection (f) of Section 102 of the Illinois
31 Controlled Substances Act, as now or hereafter amended,
32 or a metabolite of a controlled substance, with the

1 exception of controlled substances or metabolites of such
2 substances, the presence of which in the newborn infant
3 is the result of medical treatment administered to the
4 mother or the newborn infant; or

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

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

15 (1) the age of the minor;

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

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

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

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

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

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

30 (8) the location of the parent or guardian at the
31 time the minor was left without supervision, the physical
32 distance the minor was from the parent or guardian at the
33 time the minor was without supervision;

34 (9) whether the minor's movement was restricted, or

1 the minor was otherwise locked within a room or other
2 structure;

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

7 (11) whether there was food and other provision
8 left for the minor;

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

14 (13) the age and physical and mental capabilities
15 of the person or persons who provided supervision for the
16 minor;

17 (14) whether the minor was left under the
18 supervision of another person;

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

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

24 (2) Those who are abused include any minor under 18
25 years of age whose parent or immediate family member, or any
26 person responsible for the minor's welfare, or any person who
27 is in the same family or household as the minor, or any
28 individual residing in the same home as the minor, or a
29 paramour of the minor's parent:

30 (i) inflicts, causes to be inflicted, or allows to
31 be inflicted upon such minor physical injury, by other
32 than accidental means, which causes death, disfigurement,
33 impairment of physical or emotional health, or loss or
34 impairment of any bodily function;

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

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

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

13 (v) inflicts excessive corporal punishment.

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

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

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

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

24 (720 ILCS 5/12-21.5)

25 Sec. 12-21.5. Child Abandonment.

26 (a) A person commits the offense of child abandonment
 27 when he or she, as a parent, guardian, or other person having
 28 physical custody or control of a child, without regard for
 29 the mental or physical health, safety, or welfare of that
 30 child, knowingly leaves that child who is under the age of 13
 31 without supervision by a responsible person over the age of
 32 14 for a period of 24 hours or more, except that a person

1 does not commit the offense of child abandonment when he or
 2 she relinquishes a child in accordance with the Abandoned
 3 Newborn Infant Protection Act.

4 (b) For the purposes of determining whether the child
 5 was left without regard for the mental or physical health,
 6 safety, or welfare of that child, the trier of fact shall
 7 consider the following factors:

8 (1) the age of the child;

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

10 (3) special needs of the child, including whether
 11 the child is physically or mentally handicapped, or
 12 otherwise in need of ongoing prescribed medical treatment
 13 such as periodic doses of insulin or other medications;

14 (4) the duration of time in which the child was
 15 left without supervision;

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

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

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

23 (8) the location of the parent, guardian, or other
 24 person having physical custody or control of the child at
 25 the time the child was left without supervision, the
 26 physical distance the child was from the parent,
 27 guardian, or other person having physical custody or
 28 control of the child at the time the child was without
 29 supervision;

30 (9) whether the child's movement was restricted, or
 31 the child was otherwise locked within a room or other
 32 structure;

33 (10) whether the child was given a phone number of
 34 a person or location to call in the event of an emergency

1 and whether the child was capable of making an emergency
2 call;

3 (11) whether there was food and other provision
4 left for the child;

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

10 (13) the age and physical and mental capabilities
11 of the person or persons who provided supervision for the
12 child;

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

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

17 (d) Child abandonment is a Class 4 felony. A second or
18 subsequent offense after a prior conviction is a Class 3
19 felony.

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

21 (720 ILCS 5/12-21.6)

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

23 (a) It is unlawful for any person to willfully cause or
24 permit the life or health of a child under the age of 18 to
25 be endangered or to willfully cause or permit a child to be
26 placed in circumstances that endanger the child's life or
27 health, except that it is not unlawful for a person to
28 relinquish a child in accordance with the Abandoned Newborn
29 Infant Protection Act.

30 (b) A violation of this Section is a Class A
31 misdemeanor. A second or subsequent violation of this
32 Section is a Class 3 felony. A violation of this Section
33 that is a proximate cause of the death of the child is a

1 Class 3 felony for which a person, if sentenced to a term of
2 imprisonment, shall be sentenced to a term of not less than 2
3 years and not more than 10 years.

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

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

7 (720 ILCS 130/2) (from Ch. 23, par. 2361)

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

20 Instead of imposing the punishment hereinbefore provided, the
21 court may release the defendant from custody on probation for
22 one year upon his or her entering into recognizance with or
23 without surety in such sum as the court directs. The
24 conditions of the recognizance shall be such that if the
25 defendant appears personally in court whenever ordered to do
26 so within the year and provides and cares for such neglected
27 and dependent child in such manner as to prevent a
28 continuance or repetition of such state of dependency and
29 neglect or as otherwise may be directed by the court then the
30 recognizance shall be void, otherwise it shall be of full
31 force and effect. If the court is satisfied by information
32 and due proof under oath that at any time during the year the

1 defendant has violated the terms of such order it may
2 forthwith revoke the order and sentence him or her under the
3 original conviction. Unless so sentenced, the defendant shall
4 at the end of the year be discharged. In case of forfeiture
5 on the recognizance the sum recovered thereon may in the
6 discretion of the court be paid in whole or in part to
7 someone designated by the court for the support of such
8 dependent and neglected child.

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

10 Section 97. The Adoption Act is amended by changing
11 Section 1 as follows:

12 (750 ILCS 50/1) (from Ch. 40, par. 1501)

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

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

17 B. "Related child" means a child subject to adoption
18 where either or both of the adopting parents stands in any of
19 the following relationships to the child by blood or
20 marriage: parent, grand-parent, brother, sister, step-parent,
21 step-grandparent, step-brother, step-sister, uncle, aunt,
22 great-uncle, great-aunt, or cousin of first degree. A child
23 whose parent has executed a final irrevocable consent to
24 adoption or a final irrevocable surrender for purposes of
25 adoption, or whose parent has had his or her parental rights
26 terminated, is not a related child to that person, unless the
27 consent is determined to be void or is void pursuant to
28 subsection O of Section 10.

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

31 D. "Unfit person" means any person whom the court shall
32 find to be unfit to have a child, without regard to the

1 likelihood that the child will be placed for adoption. The
2 grounds of unfitness are any one or more of the following,
3 except that a person shall not be considered an unfit person
4 for the sole reason that the person has relinquished a child
5 in accordance with the Abandoned Newborn Infant Protection
6 Act:

7 (a) Abandonment of the child.

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

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

13 (b) Failure to maintain a reasonable degree of
14 interest, concern or responsibility as to the child's
15 welfare.

16 (c) Desertion of the child for more than 3 months
17 next preceding the commencement of the Adoption
18 proceeding.

19 (d) Substantial neglect of the child if continuous
20 or repeated.

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

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

25 (f) Two or more findings of physical abuse to any
26 children under Section 4-8 of the Juvenile Court Act or
27 Section 2-21 of the Juvenile Court Act of 1987, the most
28 recent of which was determined by the juvenile court
29 hearing the matter to be supported by clear and
30 convincing evidence; a criminal conviction or a finding
31 of not guilty by reason of insanity resulting from the
32 death of any child by physical child abuse; or a finding
33 of physical child abuse resulting from the death of any
34 child under Section 4-8 of the Juvenile Court Act or

1 Section 2-21 of the Juvenile Court Act of 1987.

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

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

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

31 There is a rebuttable presumption that a parent is
32 depraved if the parent has been criminally convicted of
33 at least 3 felonies under the laws of this State or any
34 other state, or under federal law, or the criminal laws

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

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

11 (j) Open and notorious adultery or fornication.

12 (j-1) (Blank).

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

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

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

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

32 (m-1) Pursuant to the Juvenile Court Act of 1987, a
33 child has been in foster care for 15 months out of any 22
34 month period which begins on or after the effective date

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

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

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

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

31 It shall be an affirmative defense to any allegation
32 under paragraph (2) of this subsection that the father's
33 failure was due to circumstances beyond his control or to
34 impediments created by the mother or any other person

1 having legal custody. Proof of that fact need only be by
2 a preponderance of the evidence.

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

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

20 (q) The parent has been criminally convicted of
21 aggravated battery, heinous battery, or attempted murder
22 of any child.

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

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

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

25 E. "Parent" means the father or mother of a legitimate
26 or illegitimate child. For the purpose of this Act, a person
27 who has executed a final and irrevocable consent to adoption
28 or a final and irrevocable surrender for purposes of
29 adoption, or whose parental rights have been terminated by a
30 court, is not a parent of the child who was the subject of
31 the consent or surrender, unless the consent is void pursuant
32 to subsection O of Section 10.

33 F. A person is available for adoption when the person
34 is:

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

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

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

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

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

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

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

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

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

29 I. "Foreign placing agency" is an agency or individual
30 operating in a country or territory outside the United States
31 that is authorized by its country to place children for
32 adoption either directly with families in the United States
33 or through United States based international agencies.

34 J. "Immediate relatives" means the biological parents,

1 the parents of the biological parents and siblings of the
2 biological parents.

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

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

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

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

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

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

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

30 (b) creates a substantial risk of physical injury
31 to the child by other than accidental means which would
32 be likely to cause death, disfigurement, impairment of
33 physical or emotional health, or loss or impairment of
34 any bodily function;

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

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

8 (e) inflicts excessive corporal punishment.

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

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

28 R. "Putative father" means a man who may be a child's
29 father, but who (1) is not married to the child's mother on
30 or before the date that the child was or is to be born and
31 (2) has not established paternity of the child in a court
32 proceeding before the filing of a petition for the adoption
33 of the child. The term includes a male who is less than 18
34 years of age. "Putative father" does not mean a man who is

1 the child's father as a result of criminal sexual abuse or
2 assault as defined under Article 12 of the Criminal Code of
3 1961.

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

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

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

21 Section 999. Effective date. This Act takes effect upon
22 becoming law.