

1 AN ACT in relation to minors.

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

4 Section 5. The Juvenile Court Act of 1987 is amended by  
5 changing Section 2-18 as follows:

6 (705 ILCS 405/2-18) (from Ch. 37, par. 802-18)  
7 Sec. 2-18. Evidence.

8 (1) At the adjudicatory hearing, the court shall first  
9 consider only the question whether the minor is abused,  
10 neglected or dependent. The standard of proof and the rules  
11 of evidence in the nature of civil proceedings in this State  
12 are applicable to proceedings under this Article. If the  
13 petition also seeks the appointment of a guardian of the  
14 person with power to consent to adoption of the minor under  
15 Section 2-29 or subsection (5) of Section 2-21, the court may  
16 also consider legally admissible evidence at the adjudicatory  
17 hearing that one or more grounds of unfitness exists under  
18 subdivision D of Section 1 of the Adoption Act.

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

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

24 (b) proof that a minor has a medical diagnosis of  
25 failure to thrive syndrome is prima facie evidence of  
26 neglect;

27 (c) proof that a minor has a medical diagnosis of  
28 fetal alcohol syndrome is prima facie evidence of  
29 neglect;

30 (d) proof that a minor has a medical diagnosis at  
31 birth of withdrawal symptoms from narcotics or

1       barbiturates is prima facie evidence of neglect;

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

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

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

25              (h) proof that a newborn infant's blood, urine, or  
26       meconium contains any amount of a controlled substance as  
27       defined in subsection (f) of Section 102 of the Illinois  
28       Controlled Substances Act, or a metabolite of a  
29       controlled substance, with the exception of controlled  
30       substances or metabolites of those substances, the  
31       presence of which is the result of medical treatment  
32       administered to the mother or the newborn, is prime facie  
33       evidence of neglect.

34       (3) In any hearing under this Act, proof of the abuse,

1 neglect or dependency of one minor shall be admissible  
2 evidence on the issue of the abuse, neglect or dependency of  
3 any other minor for whom the respondent is responsible.

4 (4) (a) Any writing, record, photograph or x-ray of any  
5 hospital or public or private agency, whether in the form of  
6 an entry in a book or otherwise, made as a memorandum or  
7 record of any condition, act, transaction, occurrence or  
8 event relating to a minor in an abuse, neglect or dependency  
9 proceeding, shall be admissible in evidence as proof of that  
10 condition, act, transaction, occurrence or event, if the  
11 court finds that the document was made in the regular course  
12 of the business of the hospital or agency and that it was in  
13 the regular course of such business to make it, at the time  
14 of the act, transaction, occurrence or event, or within a  
15 reasonable time thereafter. A certification by the head or  
16 responsible employee of the hospital or agency that the  
17 writing, record, photograph or x-ray is the full and complete  
18 record of the condition, act, transaction, occurrence or  
19 event and that it satisfies the conditions of this paragraph  
20 shall be prima facie evidence of the facts contained in such  
21 certification. A certification by someone other than the head  
22 of the hospital or agency shall be accompanied by a photocopy  
23 of a delegation of authority signed by both the head of the  
24 hospital or agency and by such other employee. All other  
25 circumstances of the making of the memorandum, record,  
26 photograph or x-ray, including lack of personal knowledge of  
27 the maker, may be proved to affect the weight to be accorded  
28 such evidence, but shall not affect its admissibility.

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

32 (c) Previous statements made by the minor relating to  
33 any allegations of abuse or neglect shall be admissible in  
34 evidence. However, no such statement, if uncorroborated and

1 not subject to cross-examination, shall be sufficient in  
2 itself to support a finding of abuse or neglect.

3 (d) There shall be a rebuttable presumption that a minor  
4 is competent to testify in abuse or neglect proceedings. The  
5 court shall determine how much weight to give to the minor's  
6 testimony, and may allow the minor to testify in chambers  
7 with only the court, the court reporter and attorneys for the  
8 parties present.

9 (e) The privileged character of communication between  
10 any professional person and patient or client, except  
11 privilege between attorney and client, shall not apply to  
12 proceedings subject to this Article.

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

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

33 (6) In any hearing under this Act, the court may take  
34 judicial notice of prior sworn testimony or evidence admitted

1 in prior proceedings involving the same minor if (a) the  
2 parties were either represented by counsel at such prior  
3 proceedings or the right to counsel was knowingly waived and  
4 (b) the taking of judicial notice would not result in  
5 admitting hearsay evidence at a hearing where it would  
6 otherwise be prohibited.

7 (Source: P.A. 89-704, eff. 8-16-97 (changed from 1-1-98 by  
8 P.A. 90-443); 90-608, eff. 6-30-98.)

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

11 (750 ILCS 50/1) (from Ch. 40, par. 1501)

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

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

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

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

30 D. "Unfit person" means any person whom the court shall  
31 find to be unfit to have a child, without regard to the  
32 likelihood that the child will be placed for adoption. The

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

6 (a) Abandonment of the child.

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

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

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

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

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

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

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

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

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

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

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

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

1 convictions took place within 5 years of the filing of  
2 the petition or motion seeking termination of parental  
3 rights.

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

10 (j) Open and notorious adultery or fornication.

11 (j-1) (Blank).

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

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

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

34 (m) Failure by a parent (i) to make reasonable



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

31 (m-1) Pursuant to the Juvenile Court Act of 1987, a  
32 child has been in foster care for 15 months out of any 22  
33 month period which begins on or after the effective date  
34 of this amendatory Act of 1998 unless the child's parent

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

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

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

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

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

1 a preponderance of the evidence.

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

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

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

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

34 (s) The child is in the temporary custody or

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

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

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

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

34 (a) a child who has been surrendered for adoption

1 to an agency and to whose adoption the agency has  
2 thereafter consented;

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

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

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

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

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

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

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

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

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

32 J. "Immediate relatives" means the biological parents,  
33 the parents of the biological parents and siblings of the  
34 biological parents.

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

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

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

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

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

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

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

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

33 (c) commits or allows to be committed any sex  
34 offense against the child, as sex offenses are defined in

1 the Criminal Code of 1961 and extending those definitions  
2 of sex offenses to include children under 18 years of  
3 age;

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

6 (e) inflicts excessive corporal punishment.

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

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

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. A child shall not be considered neglected or abused for  
7 the sole reason that the child's parent or other person  
8 responsible for the child's welfare failed to vaccinate,  
9 delayed vaccination, or refused vaccination for the child due  
10 to a waiver on religious or medical grounds as permitted by  
11 the law.

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

18 T. "Terminally ill parent" means a person who has a  
19 medical prognosis by a physician licensed to practice  
20 medicine in all of its branches that the person has an  
21 incurable and irreversible condition which will lead to  
22 death.

23 (Source: P.A. 91-357, eff. 7-29-99; 91-373, eff. 1-1-00;  
24 91-572, eff. 1-1-00; 92-16, eff. 6-28-01; 92-375, eff.  
25 1-1-02; 92-408, eff. 8-17-01; 92-432, eff. 8-17-01; revised  
26 10-15-01.)

27 Section 99. Effective date. This Act takes effect upon  
28 becoming law.