

1 AN ACT concerning State government.

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

4 Section 5. The Children and Family Services Act is amended  
5 by changing Sections 6a and 7 as follows:

6 (20 ILCS 505/6a) (from Ch. 23, par. 5006a)

7 Sec. 6a. Case Plan.

8 (a) With respect to each Department client for whom the  
9 Department is providing placement service, the Department  
10 shall develop a case plan designed to stabilize the family  
11 situation and prevent placement of a child outside the home of  
12 the family when the child can be cared for at home without  
13 endangering the child's health or safety, reunify the family if  
14 temporary placement is necessary when safe and appropriate, or  
15 move the child toward the most permanent living arrangement and  
16 permanent legal status. Such case plan shall provide for the  
17 utilization of family preservation services as defined in  
18 Section 8.2 of the Abused and Neglected Child Reporting Act.  
19 Such case plan shall be reviewed and updated every 6 months.  
20 The Department shall ensure that incarcerated parents are able  
21 to participate in case plan reviews via teleconference or  
22 videoconference. Where appropriate, the case plan shall  
23 include recommendations concerning alcohol or drug abuse

1 evaluation.

2 If the parent is incarcerated, the case plan must address  
3 the tasks that must be completed by the parent and how the  
4 parent will participate in the administrative case review and  
5 permanency planning hearings and, wherever possible, must  
6 include treatment that reflects the resources available at the  
7 facility where the parent is confined. The case plan must  
8 provide for visitation opportunities, unless visitation is not  
9 in the best interests of the child.

10 (b) The Department may enter into written agreements with  
11 child welfare agencies to establish and implement case plan  
12 demonstration projects. The demonstration projects shall  
13 require that service providers develop, implement, review and  
14 update client case plans. The Department shall examine the  
15 effectiveness of the demonstration projects in promoting the  
16 family reunification or the permanent placement of each client  
17 and shall report its findings to the General Assembly no later  
18 than 90 days after the end of the fiscal year in which any such  
19 demonstration project is implemented.

20 (Source: P.A. 89-704, eff. 8-16-97 (changed from 1-1-98 by P.A.  
21 90-443); 90-28, eff. 1-1-98; 90-443, eff. 8-16-97.)

22 (20 ILCS 505/7) (from Ch. 23, par. 5007)

23 Sec. 7. Placement of children; considerations.

24 (a) In placing any child under this Act, the Department  
25 shall place the child, as far as possible, in the care and

1 custody of some individual holding the same religious belief as  
2 the parents of the child, or with some child care facility  
3 which is operated by persons of like religious faith as the  
4 parents of such child.

5 (a-5) In placing a child under this Act, the Department  
6 shall place the child with the child's sibling or siblings  
7 under Section 7.4 of this Act unless the placement is not in  
8 each child's best interest, or is otherwise not possible under  
9 the Department's rules. If the child is not placed with a  
10 sibling under the Department's rules, the Department shall  
11 consider placements that are likely to develop, preserve,  
12 nurture, and support sibling relationships, where doing so is  
13 in each child's best interest.

14 (b) In placing a child under this Act, the Department may  
15 place a child with a relative if the Department determines that  
16 the relative will be able to adequately provide for the child's  
17 safety and welfare based on the factors set forth in the  
18 Department's rules governing relative placements, and that the  
19 placement is consistent with the child's best interests, taking  
20 into consideration the factors set out in subsection (4.05) of  
21 Section 1-3 of the Juvenile Court Act of 1987.

22 When the Department first assumes custody of a child, in  
23 placing that child under this Act, the Department shall make  
24 reasonable efforts to identify, locate, and provide notice to  
25 all adult grandparents and other adult relatives of the child  
26 who are ready, willing, and able to care for the child. At a

1 minimum, these efforts shall be renewed each time the child  
2 requires a placement change and it is appropriate for the child  
3 to be cared for in a home environment. The Department must  
4 document its efforts to identify, locate, and provide notice to  
5 such potential relative placements and maintain the  
6 documentation in the child's case file.

7 If the Department determines that a placement with any  
8 identified relative is not in the child's best interests or  
9 that the relative does not meet the requirements to be a  
10 relative caregiver, as set forth in Department rules or by  
11 statute, the Department must document the basis for that  
12 decision and maintain the documentation in the child's case  
13 file.

14 If, pursuant to the Department's rules, any person files an  
15 administrative appeal of the Department's decision not to place  
16 a child with a relative, it is the Department's burden to prove  
17 that the decision is consistent with the child's best  
18 interests.

19 When the Department determines that the child requires  
20 placement in an environment, other than a home environment, the  
21 Department shall continue to make reasonable efforts to  
22 identify and locate relatives to serve as visitation resources  
23 for the child and potential future placement resources, except  
24 when the Department determines that those efforts would be  
25 futile or inconsistent with the child's best interests.

26 If the Department determines that efforts to identify and

1 locate relatives would be futile or inconsistent with the  
2 child's best interests, the Department shall document the basis  
3 of its determination and maintain the documentation in the  
4 child's case file.

5 If the Department determines that an individual or a group  
6 of relatives are inappropriate to serve as visitation resources  
7 or possible placement resources, the Department shall document  
8 the basis of its determination and maintain the documentation  
9 in the child's case file.

10 When the Department determines that an individual or a  
11 group of relatives are appropriate to serve as visitation  
12 resources or possible future placement resources, the  
13 Department shall document the basis of its determination,  
14 maintain the documentation in the child's case file, create a  
15 visitation or transition plan, or both, and incorporate the  
16 visitation or transition plan, or both, into the child's case  
17 plan. For the purpose of this subsection, any determination as  
18 to the child's best interests shall include consideration of  
19 the factors set out in subsection (4.05) of Section 1-3 of the  
20 Juvenile Court Act of 1987.

21 The Department may not place a child with a relative, with  
22 the exception of certain circumstances which may be waived as  
23 defined by the Department in rules, if the results of a check  
24 of the Law Enforcement Agencies Data System (LEADS) identifies  
25 a prior criminal conviction of the relative or any adult member  
26 of the relative's household for any of the following offenses

1 under the Criminal Code of 1961 or the Criminal Code of 2012:

2 (1) murder;

3 (1.1) solicitation of murder;

4 (1.2) solicitation of murder for hire;

5 (1.3) intentional homicide of an unborn child;

6 (1.4) voluntary manslaughter of an unborn child;

7 (1.5) involuntary manslaughter;

8 (1.6) reckless homicide;

9 (1.7) concealment of a homicidal death;

10 (1.8) involuntary manslaughter of an unborn child;

11 (1.9) reckless homicide of an unborn child;

12 (1.10) drug-induced homicide;

13 (2) a sex offense under Article 11, except offenses  
14 described in Sections 11-7, 11-8, 11-12, 11-13, 11-35,  
15 11-40, and 11-45;

16 (3) kidnapping;

17 (3.1) aggravated unlawful restraint;

18 (3.2) forcible detention;

19 (3.3) aiding and abetting child abduction;

20 (4) aggravated kidnapping;

21 (5) child abduction;

22 (6) aggravated battery of a child as described in  
23 Section 12-4.3 or subdivision (b) (1) of Section 12-3.05;

24 (7) criminal sexual assault;

25 (8) aggravated criminal sexual assault;

26 (8.1) predatory criminal sexual assault of a child;

- 1 (9) criminal sexual abuse;
- 2 (10) aggravated sexual abuse;
- 3 (11) heinous battery as described in Section 12-4.1 or
- 4 subdivision (a) (2) of Section 12-3.05;
- 5 (12) aggravated battery with a firearm as described in
- 6 Section 12-4.2 or subdivision (e) (1), (e) (2), (e) (3), or
- 7 (e) (4) of Section 12-3.05;
- 8 (13) tampering with food, drugs, or cosmetics;
- 9 (14) drug-induced infliction of great bodily harm as
- 10 described in Section 12-4.7 or subdivision (g) (1) of
- 11 Section 12-3.05;
- 12 (15) aggravated stalking;
- 13 (16) home invasion;
- 14 (17) vehicular invasion;
- 15 (18) criminal transmission of HIV;
- 16 (19) criminal abuse or neglect of an elderly person or
- 17 person with a disability as described in Section 12-21 or
- 18 subsection (b) of Section 12-4.4a;
- 19 (20) child abandonment;
- 20 (21) endangering the life or health of a child;
- 21 (22) ritual mutilation;
- 22 (23) ritualized abuse of a child;
- 23 (24) an offense in any other state the elements of
- 24 which are similar and bear a substantial relationship to
- 25 any of the foregoing offenses.
- 26 For the purpose of this subsection, "relative" shall

1 include any person, 21 years of age or over, other than the  
2 parent, who (i) is currently related to the child in any of the  
3 following ways by blood or adoption: grandparent, sibling,  
4 great-grandparent, uncle, aunt, nephew, niece, first cousin,  
5 second cousin, godparent, great-uncle, or great-aunt; or (ii)  
6 is the spouse of such a relative; or (iii) is the child's  
7 step-father, step-mother, or adult step-brother or  
8 step-sister; or (iv) is a fictive kin; "relative" also includes  
9 a person related in any of the foregoing ways to a sibling of a  
10 child, even though the person is not related to the child, when  
11 the child and its sibling are placed together with that person.  
12 For children who have been in the guardianship of the  
13 Department, have been adopted, and are subsequently returned to  
14 the temporary custody or guardianship of the Department, a  
15 "relative" may also include any person who would have qualified  
16 as a relative under this paragraph prior to the adoption, but  
17 only if the Department determines, and documents, that it would  
18 be in the child's best interests to consider this person a  
19 relative, based upon the factors for determining best interests  
20 set forth in subsection (4.05) of Section 1-3 of the Juvenile  
21 Court Act of 1987. A relative with whom a child is placed  
22 pursuant to this subsection may, but is not required to, apply  
23 for licensure as a foster family home pursuant to the Child  
24 Care Act of 1969; provided, however, that as of July 1, 1995,  
25 foster care payments shall be made only to licensed foster  
26 family homes pursuant to the terms of Section 5 of this Act.



1           Notwithstanding any other provision under this subsection  
2 to the contrary, a fictive kin with whom a child is placed  
3 pursuant to this subsection shall apply for licensure as a  
4 foster family home pursuant to the Child Care Act of 1969  
5 within 6 months of the child's placement with the fictive kin.  
6 The Department shall not remove a child from the home of a  
7 fictive kin on the basis that the fictive kin fails to apply  
8 for licensure within 6 months of the child's placement with the  
9 fictive kin, or fails to meet the standard for licensure. All  
10 other requirements established under the rules and procedures  
11 of the Department concerning the placement of a child, for whom  
12 the Department is legally responsible, with a relative shall  
13 apply. By June 1, 2015, the Department shall promulgate rules  
14 establishing criteria and standards for placement,  
15 identification, and licensure of fictive kin.

16           For purposes of this subsection, "fictive kin" means any  
17 individual, unrelated by birth or marriage, who:

18           (i) is shown to have close personal or emotional ties  
19           with the child or the child's family prior to the child's  
20           placement with the individual; or

21           (ii) is the current foster parent of a child in the  
22           custody or guardianship of the Department pursuant to this  
23           Act and the Juvenile Court Act of 1987, if the child has  
24           been placed in the home for at least one year and has  
25           established a significant and family-like relationship  
26           with the foster parent, and the foster parent has been

1       identified by the Department as the child's permanent  
2       connection, as defined by Department rule.

3       The provisions added to this subsection (b) by Public Act  
4       98-846 ~~this amendatory Act of the 98th General Assembly~~ shall  
5       become operative on and after June 1, 2015.

6       (c) In placing a child under this Act, the Department shall  
7       ensure that the child's health, safety, and best interests are  
8       met. In rejecting placement of a child with an identified  
9       relative, the Department shall ensure that the child's health,  
10      safety, and best interests are met. In evaluating the best  
11      interests of the child, the Department shall take into  
12      consideration the factors set forth in subsection (4.05) of  
13      Section 1-3 of the Juvenile Court Act of 1987.

14      The Department shall consider the individual needs of the  
15      child and the capacity of the prospective foster or adoptive  
16      parents to meet the needs of the child. When a child must be  
17      placed outside his or her home and cannot be immediately  
18      returned to his or her parents or guardian, a comprehensive,  
19      individualized assessment shall be performed of that child at  
20      which time the needs of the child shall be determined. Only if  
21      race, color, or national origin is identified as a legitimate  
22      factor in advancing the child's best interests shall it be  
23      considered. Race, color, or national origin shall not be  
24      routinely considered in making a placement decision. The  
25      Department shall make special efforts for the diligent  
26      recruitment of potential foster and adoptive families that

1 reflect the ethnic and racial diversity of the children for  
2 whom foster and adoptive homes are needed. "Special efforts"  
3 shall include contacting and working with community  
4 organizations and religious organizations and may include  
5 contracting with those organizations, utilizing local media  
6 and other local resources, and conducting outreach activities.

7 (c-1) At the time of placement, the Department shall  
8 consider concurrent planning, as described in subsection (1-1)  
9 of Section 5, so that permanency may occur at the earliest  
10 opportunity. Consideration should be given so that if  
11 reunification fails or is delayed, the placement made is the  
12 best available placement to provide permanency for the child.  
13 To the extent that doing so is in the child's best interests as  
14 set forth in subsection (4.05) of Section 1-3 of the Juvenile  
15 Court Act of 1987, the Department should consider placements  
16 that will permit the child to maintain a meaningful  
17 relationship with his or her parents.

18 (d) The Department may accept gifts, grants, offers of  
19 services, and other contributions to use in making special  
20 recruitment efforts.

21 (e) The Department in placing children in adoptive or  
22 foster care homes may not, in any policy or practice relating  
23 to the placement of children for adoption or foster care,  
24 discriminate against any child or prospective adoptive or  
25 foster parent on the basis of race.

26 (Source: P.A. 98-846, eff. 1-1-15; 99-143, eff. 7-27-15;

1 99-340, eff. 1-1-16; revised 10-19-15.)

2 Section 10. The Juvenile Court Act of 1987 is amended by  
3 changing Section 2-13 as follows:

4 (705 ILCS 405/2-13) (from Ch. 37, par. 802-13)

5 Sec. 2-13. Petition.

6 (1) Any adult person, any agency or association by its  
7 representative may file, or the court on its own motion,  
8 consistent with the health, safety and best interests of the  
9 minor may direct the filing through the State's Attorney of a  
10 petition in respect of a minor under this Act. The petition and  
11 all subsequent court documents shall be entitled "In the  
12 interest of ....., a minor".

13 (2) The petition shall be verified but the statements may  
14 be made upon information and belief. It shall allege that the  
15 minor is abused, neglected, or dependent, with citations to the  
16 appropriate provisions of this Act, and set forth (a) facts  
17 sufficient to bring the minor under Section 2-3 or 2-4 and to  
18 inform respondents of the cause of action, including, but not  
19 limited to, a plain and concise statement of the factual  
20 allegations that form the basis for the filing of the petition;  
21 (b) the name, age and residence of the minor; (c) the names and  
22 residences of his parents; (d) the name and residence of his  
23 legal guardian or the person or persons having custody or  
24 control of the minor, or of the nearest known relative if no

1 parent or guardian can be found; and (e) if the minor upon  
2 whose behalf the petition is brought is sheltered in custody,  
3 the date on which such temporary custody was ordered by the  
4 court or the date set for a temporary custody hearing. If any  
5 of the facts herein required are not known by the petitioner,  
6 the petition shall so state.

7 (3) The petition must allege that it is in the best  
8 interests of the minor and of the public that he be adjudged a  
9 ward of the court and may pray generally for relief available  
10 under this Act. The petition need not specify any proposed  
11 disposition following adjudication of wardship. The petition  
12 may request that the minor remain in the custody of the parent,  
13 guardian, or custodian under an Order of Protection.

14 (4) If termination of parental rights and appointment of a  
15 guardian of the person with power to consent to adoption of the  
16 minor under Section 2-29 is sought, the petition shall so  
17 state. If the petition includes this request, the prayer for  
18 relief shall clearly and obviously state that the parents could  
19 permanently lose their rights as a parent at this hearing.

20 In addition to the foregoing, the petitioner, by motion,  
21 may request the termination of parental rights and appointment  
22 of a guardian of the person with power to consent to adoption  
23 of the minor under Section 2-29 at any time after the entry of  
24 a dispositional order under Section 2-22.

25 (4.5) (a) Unless good cause exists that filing a petition  
26 to terminate parental rights is contrary to the child's best

1 interests, with ~~With~~ respect to any minors committed to its  
2 care pursuant to this Act, the Department of Children and  
3 Family Services shall request the State's Attorney to file a  
4 petition or motion for termination of parental rights and  
5 appointment of guardian of the person with power to consent to  
6 adoption of the minor under Section 2-29 if:

7 (i) a minor has been in foster care, as described in  
8 subsection (b), for 15 months of the most recent 22 months;  
9 or

10 (ii) a minor under the age of 2 years has been  
11 previously determined to be abandoned at an adjudicatory  
12 hearing; or

13 (iii) the parent is criminally convicted of (A) first  
14 degree murder or second degree murder of any child, (B)  
15 attempt or conspiracy to commit first degree murder or  
16 second degree murder of any child, (C) solicitation to  
17 commit murder of any child, solicitation to commit murder  
18 for hire of any child, or solicitation to commit second  
19 degree murder of any child, (D) aggravated battery,  
20 aggravated battery of a child, or felony domestic battery,  
21 any of which has resulted in serious injury to the minor or  
22 a sibling of the minor, (E) aggravated criminal sexual  
23 assault in violation of subdivision (a)(1) of Section  
24 11-1.40 or subdivision (a)(1) of Section 12-14.1 of the  
25 Criminal Code of 1961 or the Criminal Code of 2012, or (F)  
26 an offense in any other state the elements of which are

1 similar and bear a substantial relationship to any of the  
2 foregoing offenses.

3 ~~unless:~~

4 (a-1) For purposes of this subsection (4.5), good cause  
5 exists in the following circumstances:

6 (i) the child is being cared for by a relative,

7 (ii) the Department has documented in the case plan a  
8 compelling reason for determining that filing such  
9 petition would not be in the best interests of the child,

10 (iii) the court has found within the preceding 12  
11 months that the Department has failed to make reasonable  
12 efforts to reunify the child and family, or

13 (iv) the parent is incarcerated, or the parent's prior  
14 incarceration is a significant factor in why the child has  
15 been in foster care for 15 months out of any 22-month  
16 period, the parent maintains a meaningful role in the  
17 child's life, and the Department has not documented another  
18 reason why it would otherwise be appropriate to file a  
19 petition to terminate parental rights pursuant to this  
20 Section and the Adoption Act. The assessment of whether an  
21 incarcerated parent maintains a meaningful role in the  
22 child's life may include consideration of the following:  
23 ~~paragraph (c) of this subsection (4.5) provides otherwise.~~

24 (A) the child's best interest;

25 (B) the parent's expressions or acts of  
26 manifesting concern for the child, such as letters,

1           telephone calls, visits, and other forms of  
2           communication with the child and the impact of the  
3           communication on the child;

4           (C) the parent's efforts to communicate with and  
5           work with the Department for the purpose of complying  
6           with the service plan and repairing, maintaining, or  
7           building the parent-child relationship; or

8           (D) limitations in the parent's access to family  
9           support programs, therapeutic services, visiting  
10           opportunities, telephone and mail services, and  
11           meaningful participation in court proceedings.

12           (b) For purposes of this subsection, the date of entering  
13 foster care is defined as the earlier of:

14           (1) The date of a judicial finding at an adjudicatory  
15 hearing that the child is an abused, neglected, or  
16 dependent minor; or

17           (2) 60 days after the date on which the child is  
18 removed from his or her parent, guardian, or legal  
19 custodian.

20           (c) (Blank). ~~With respect to paragraph (a)(i), the~~  
21 ~~following transition rules shall apply:~~

22           ~~(1) If the child entered foster care after November 19,~~  
23 ~~1997 and this amendatory Act of 1998 takes effect before~~  
24 ~~the child has been in foster care for 15 months of the~~  
25 ~~preceding 22 months, then the Department shall comply with~~  
26 ~~the requirements of paragraph (a) of this subsection (4.5)~~



1 ~~for that child as soon as the child has been in foster care~~  
2 ~~for 15 of the preceding 22 months.~~

3 ~~(2) If the child entered foster care after November 19,~~  
4 ~~1997 and this amendatory Act of 1998 takes effect after the~~  
5 ~~child has been in foster care for 15 of the preceding 22~~  
6 ~~months, then the Department shall comply with the~~  
7 ~~requirements of paragraph (a) of this subsection (4.5) for~~  
8 ~~that child within 3 months after the end of the next~~  
9 ~~regular session of the General Assembly.~~

10 ~~(3) If the child entered foster care prior to November~~  
11 ~~19, 1997, then the Department shall comply with the~~  
12 ~~requirements of paragraph (a) of this subsection (4.5) for~~  
13 ~~that child in accordance with Department policy or rule.~~

14 (d) (Blank). ~~If the State's Attorney determines that the~~  
15 ~~Department's request for filing of a petition or motion~~  
16 ~~conforms to the requirements set forth in subdivisions (a),~~  
17 ~~(b), and (c) of this subsection (4.5), then the State's~~  
18 ~~Attorney shall file the petition or motion as requested.~~

19 (5) The court shall liberally allow the petitioner to amend  
20 the petition to set forth a cause of action or to add, amend,  
21 or supplement factual allegations that form the basis for a  
22 cause of action up until 14 days before the adjudicatory  
23 hearing. The petitioner may amend the petition after that date  
24 and prior to the adjudicatory hearing if the court grants leave  
25 to amend upon a showing of good cause. The court may allow  
26 amendment of the petition to conform with the evidence at any

1 time prior to ruling. In all cases in which the court has  
2 granted leave to amend based on new evidence or new  
3 allegations, the court shall permit the respondent an adequate  
4 opportunity to prepare a defense to the amended petition.

5 (6) At any time before dismissal of the petition or before  
6 final closing and discharge under Section 2-31, one or more  
7 motions in the best interests of the minor may be filed. The  
8 motion shall specify sufficient facts in support of the relief  
9 requested.

10 (Source: P.A. 97-1150, eff. 1-25-13.)

11 Section 15. The Adoption Act is amended by changing Section  
12 1 as follows:

13 (750 ILCS 50/1) (from Ch. 40, par. 1501)

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

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

18 B. "Related child" means a child subject to adoption where  
19 either or both of the adopting parents stands in any of the  
20 following relationships to the child by blood, marriage,  
21 adoption, or civil union: parent, grand-parent,  
22 great-grandparent, brother, sister, step-parent,  
23 step-grandparent, step-brother, step-sister, uncle, aunt,  
24 great-uncle, great-aunt, first cousin, or second cousin. A

1 person is related to the child as a first cousin or second  
2 cousin if they are both related to the same ancestor as either  
3 grandchild or great-grandchild. A child whose parent has  
4 executed a consent to adoption, a surrender, or a waiver  
5 pursuant to Section 10 of this Act or whose parent has signed a  
6 denial of paternity pursuant to Section 12 of the Vital Records  
7 Act or Section 12a of this Act, or whose parent has had his or  
8 her parental rights terminated, is not a related child to that  
9 person, unless (1) the consent is determined to be void or is  
10 void pursuant to subsection O of Section 10 of this Act; or (2)  
11 the parent of the child executed a consent to adoption by a  
12 specified person or persons pursuant to subsection A-1 of  
13 Section 10 of this Act and a court of competent jurisdiction  
14 finds that such consent is void; or (3) the order terminating  
15 the parental rights of the parent is vacated by a court of  
16 competent jurisdiction.

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

19 D. "Unfit person" means any person whom the court shall  
20 find to be unfit to have a child, without regard to the  
21 likelihood that the child will be placed for adoption. The  
22 grounds of unfitness are any one or more of the following,  
23 except that a person shall not be considered an unfit person  
24 for the sole reason that the person has relinquished a child in  
25 accordance with the Abandoned Newborn Infant Protection Act:

26 (a) Abandonment of the child.

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

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

5 (b) Failure to maintain a reasonable degree of  
6 interest, concern or responsibility as to the child's  
7 welfare.

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

10 (d) Substantial neglect of the child if continuous or  
11 repeated.

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

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

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

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

25 (2) The parent has been convicted or found not  
26 guilty by reason of insanity and the conviction or

1 finding resulted from the death of any child by  
2 physical abuse; or

3 (3) There is a finding of physical child abuse  
4 resulting from the death of any child under Section  
5 2-21 of the Juvenile Court Act of 1987.

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

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

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

21 (i) Depravity. Conviction of any one of the following  
22 crimes shall create a presumption that a parent is deprived  
23 which can be overcome only by clear and convincing  
24 evidence: (1) first degree murder in violation of paragraph  
25 1 or 2 of subsection (a) of Section 9-1 of the Criminal  
26 Code of 1961 or the Criminal Code of 2012 or conviction of

1 second degree murder in violation of subsection (a) of  
2 Section 9-2 of the Criminal Code of 1961 or the Criminal  
3 Code of 2012 of a parent of the child to be adopted; (2)  
4 first degree murder or second degree murder of any child in  
5 violation of the Criminal Code of 1961 or the Criminal Code  
6 of 2012; (3) attempt or conspiracy to commit first degree  
7 murder or second degree murder of any child in violation of  
8 the Criminal Code of 1961 or the Criminal Code of 2012; (4)  
9 solicitation to commit murder of any child, solicitation to  
10 commit murder of any child for hire, or solicitation to  
11 commit second degree murder of any child in violation of  
12 the Criminal Code of 1961 or the Criminal Code of 2012; (5)  
13 predatory criminal sexual assault of a child in violation  
14 of Section 11-1.40 or 12-14.1 of the Criminal Code of 1961  
15 or the Criminal Code of 2012; (6) heinous battery of any  
16 child in violation of the Criminal Code of 1961; or (7)  
17 aggravated battery of any child in violation of the  
18 Criminal Code of 1961 or the Criminal Code of 2012.

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

26 There is a rebuttable presumption that a parent is

1           depraved if that parent has been criminally convicted of  
2           either first or second degree murder of any person as  
3           defined in the Criminal Code of 1961 or the Criminal Code  
4           of 2012 within 10 years of the filing date of the petition  
5           or motion to terminate parental rights.

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

10          (j) Open and notorious adultery or fornication.

11          (j-1) (Blank).

12          (k) Habitual drunkenness or addiction to drugs, other  
13          than those prescribed by a physician, for at least one year  
14          immediately prior to the commencement of the unfitness  
15          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 as  
21          defined in subsection (f) of Section 102 of the Illinois  
22          Controlled Substances Act or metabolites of such  
23          substances, the presence of which in the newborn infant was  
24          not the result of medical treatment administered to the  
25          mother or the newborn infant; and the biological mother of  
26          this child is the biological mother of at least one other

1 child who was adjudicated a neglected minor under  
2 subsection (c) of Section 2-3 of the Juvenile Court Act of  
3 1987.

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

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



1 9-month period following the adjudication under Section  
2 2-3 or 2-4 of the Juvenile Court Act of 1987.  
3 Notwithstanding any other provision, when a petition or  
4 motion seeks to terminate parental rights on the basis of  
5 item (ii) of this subsection (m), the petitioner shall file  
6 with the court and serve on the parties a pleading that  
7 specifies the 9-month period or periods relied on. The  
8 pleading shall be filed and served on the parties no later  
9 than 3 weeks before the date set by the court for closure  
10 of discovery, and the allegations in the pleading shall be  
11 treated as incorporated into the petition or motion.  
12 Failure of a respondent to file a written denial of the  
13 allegations in the pleading shall not be treated as an  
14 admission that the allegations are true.

15 (m-1) (Blank). ~~Pursuant to the Juvenile Court Act of~~  
16 ~~1987, a child has been in foster care for 15 months out of~~  
17 ~~any 22 month period which begins on or after the effective~~  
18 ~~date of this amendatory Act of 1998 unless the child's~~  
19 ~~parent can prove by a preponderance of the evidence that it~~  
20 ~~is more likely than not that it will be in the best~~  
21 ~~interests of the child to be returned to the parent within~~  
22 ~~6 months of the date on which a petition for termination of~~  
23 ~~parental rights is filed under the Juvenile Court Act of~~  
24 ~~1987. The 15 month time limit is tolled during any period~~  
25 ~~for which there is a court finding that the appointed~~  
26 ~~custodian or guardian failed to make reasonable efforts to~~

1 ~~reunify the child with his or her family, provided that (i)~~  
2 ~~the finding of no reasonable efforts is made within 60 days~~  
3 ~~of the period when reasonable efforts were not made or (ii)~~  
4 ~~the parent filed a motion requesting a finding of no~~  
5 ~~reasonable efforts within 60 days of the period when~~  
6 ~~reasonable efforts were not made. For purposes of this~~  
7 ~~subdivision (m 1), the date of entering foster care is the~~  
8 ~~earlier of: (i) the date of a judicial finding at an~~  
9 ~~adjudicatory hearing that the child is an abused,~~  
10 ~~neglected, or dependent minor; or (ii) 60 days after the~~  
11 ~~date on which the child is removed from his or her parent,~~  
12 ~~guardian, or legal custodian.~~

13 (n) Evidence of intent to forgo his or her parental  
14 rights, whether or not the child is a ward of the court,  
15 (1) as manifested by his or her failure for a period of 12  
16 months: (i) to visit the child, (ii) to communicate with  
17 the child or agency, although able to do so and not  
18 prevented from doing so by an agency or by court order, or  
19 (iii) to maintain contact with or plan for the future of  
20 the child, although physically able to do so, or (2) as  
21 manifested by the father's failure, where he and the mother  
22 of the child were unmarried to each other at the time of  
23 the child's birth, (i) to commence legal proceedings to  
24 establish his paternity under the Illinois Parentage Act of  
25 1984, the Illinois Parentage Act of 2015, or the law of the  
26 jurisdiction of the child's birth within 30 days of being

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

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

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

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

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

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

26 (q) (Blank).

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

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

20           (t) A finding that at birth the child's blood, urine,  
21 or meconium contained any amount of a controlled substance  
22 as defined in subsection (f) of Section 102 of the Illinois  
23 Controlled Substances Act, or a metabolite of a controlled  
24 substance, with the exception of controlled substances or  
25 metabolites of such substances, the presence of which in  
26 the newborn infant was the result of medical treatment

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

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

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

25 (a) a child who has been surrendered for adoption to an  
26 agency and to whose adoption the agency has thereafter

1 consented;

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

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

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

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

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

14 A person who would otherwise be available for adoption  
15 shall not be deemed unavailable for adoption solely by reason  
16 of his or her death.

17 G. The singular includes the plural and the plural includes  
18 the singular and the "male" includes the "female", as the  
19 context of this Act may require.

20 H. (Blank).

21 I. "Habitual residence" has the meaning ascribed to it in  
22 the federal Intercountry Adoption Act of 2000 and regulations  
23 promulgated thereunder.

24 J. "Immediate relatives" means the biological parents, the  
25 parents of the biological parents and siblings of the  
26 biological parents.

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

7           L. (Blank).

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

13          N. (Blank).

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

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

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



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

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

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

12 (e) inflicts excessive corporal punishment.

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

26 A child shall not be considered neglected or abused for the

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

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

20 S. "Standby adoption" means an adoption in which a parent  
21 consents to custody and termination of parental rights to  
22 become effective upon the occurrence of a future event, which  
23 is either the death of the parent or the request of the parent  
24 for the entry of a final judgment of adoption.

25 T. (Blank).

26 T-5. "Biological parent", "birth parent", or "natural

1 parent" of a child are interchangeable terms that mean a person  
2 who is biologically or genetically related to that child as a  
3 parent.

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

8 V. (Blank).

9 W. (Blank).

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

12 (1) because of his marriage to or civil union with the  
13 child's parent at the time of the child's birth or within  
14 300 days prior to that child's birth, unless he signed a  
15 denial of paternity pursuant to Section 12 of the Vital  
16 Records Act or a waiver pursuant to Section 10 of this Act;  
17 or

18 (2) because his paternity of the child has been  
19 established pursuant to the Illinois Parentage Act, the  
20 Illinois Parentage Act of 1984, or the Gestational  
21 Surrogacy Act; or

22 (3) because he is listed as the child's father or  
23 parent on the child's birth certificate, unless he is  
24 otherwise determined by an administrative or judicial  
25 proceeding not to be the parent of the child or unless he  
26 rescinds his acknowledgment of paternity pursuant to the

1 Illinois Parentage Act of 1984; or

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

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

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

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

13 (2) because her maternity of the child has been  
14 established pursuant to the Illinois Parentage Act of 1984  
15 or the Gestational Surrogacy Act; or

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

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

21 (5) because she is listed as the child's mother or  
22 parent on the child's birth certificate unless she is  
23 otherwise determined by an administrative or judicial  
24 proceeding not to be the parent of the child.

25 The definition in this subsection Y shall not be construed  
26 to provide greater or lesser rights as to the number of parents

1 who can be named on a final judgment order of adoption or  
2 Illinois birth certificate that otherwise exist under Illinois  
3 law.

4 Z. "Department" means the Illinois Department of Children  
5 and Family Services.

6 AA. "Placement disruption" means a circumstance where the  
7 child is removed from an adoptive placement before the adoption  
8 is finalized.

9 BB. "Secondary placement" means a placement, including but  
10 not limited to the placement of a ward of the Department, that  
11 occurs after a placement disruption or an adoption dissolution.  
12 "Secondary placement" does not mean secondary placements  
13 arising due to the death of the adoptive parent of the child.

14 CC. "Adoption dissolution" means a circumstance where the  
15 child is removed from an adoptive placement after the adoption  
16 is finalized.

17 DD. "Unregulated placement" means the secondary placement  
18 of a child that occurs without the oversight of the courts, the  
19 Department, or a licensed child welfare agency.

20 EE. "Post-placement and post-adoption support services"  
21 means support services for placed or adopted children and  
22 families that include, but are not limited to, counseling for  
23 emotional, behavioral, or developmental needs.

24 (Source: P.A. 98-455, eff. 1-1-14; 98-532, eff. 1-1-14; 98-804,  
25 eff. 1-1-15; 99-49, eff. 7-15-15; 99-85, eff. 1-1-16; revised  
26 8-4-15.)