

1 AN ACT concerning courts.

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 2-13 as follows:

6 (705 ILCS 405/2-13) (from Ch. 37, par. 802-13)
7 Sec. 2-13. Petition.

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

15 (2) The petition shall be verified but the statements may
16 be made upon information and belief. It shall allege that the
17 minor is abused, neglected, or dependent, with citations to the
18 appropriate provisions of this Act, and set forth (a) facts
19 sufficient to bring the minor under Section 2-3 or 2-4 and to
20 inform respondents of the cause of action, including, but not
21 limited to, a plain and concise statement of the factual
22 allegations that form the basis for the filing of the petition;
23 (b) the name, age and residence of the minor; (c) the names and

1 residences of his parents; (d) the name and residence of his
2 legal guardian or the person or persons having custody or
3 control of the minor, or of the nearest known relative if no
4 parent or guardian can be found; and (e) if the minor upon
5 whose behalf the petition is brought is sheltered in custody,
6 the date on which such temporary custody was ordered by the
7 court or the date set for a temporary custody hearing. If any
8 of the facts herein required are not known by the petitioner,
9 the petition shall so state.

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

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

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

1 a dispositional order under Section 2-22.

2 (4.5) (a) Unless good cause exists that filing a petition
3 to terminate parental rights is contrary to the child's best
4 interests, with respect to any minors committed to its care
5 pursuant to this Act, the Department of Children and Family
6 Services shall request the State's Attorney to file a petition
7 or motion for termination of parental rights and appointment of
8 guardian of the person with power to consent to adoption of the
9 minor under Section 2-29 if:

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

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

16 (iii) the parent is criminally convicted of:

17 (A) first degree murder or second degree murder of
18 any child; τ

19 (B) attempt or conspiracy to commit first degree
20 murder or second degree murder of any child; τ

21 (C) solicitation to commit murder of any child,
22 solicitation to commit murder for hire of any child, or
23 solicitation to commit second degree murder of any
24 child; τ

25 (D) aggravated battery, aggravated battery of a
26 child, or felony domestic battery, any of which has

1 resulted in serious injury to the minor or a sibling of
2 the minor; ~~τ~~

3 (E) predatory criminal sexual assault of a child;
4 ~~aggravated criminal sexual assault in violation of~~
5 ~~subdivision (a) (1) of Section 11-1.40 or subdivision~~
6 ~~(a) (1) of Section 12-14.1 of the Criminal Code of 1961~~
7 ~~or the Criminal Code of 2012, or~~

8 (E-5) aggravated criminal sexual assault;

9 (E-10) criminal sexual abuse in violation of
10 subsection (a) of Section 11-1.50 of the Criminal Code
11 of 1961 or the Criminal Code of 2012;

12 (E-15) sexual exploitation of a child;

13 (E-20) permitting sexual abuse of a child;

14 (E-25) criminal sexual assault; or

15 (F) an offense in any other state the elements of
16 which are similar and bear a substantial relationship
17 to any of the foregoing offenses.

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

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

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

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

1 (iv) the parent is incarcerated, or the parent's prior
2 incarceration is a significant factor in why the child has
3 been in foster care for 15 months out of any 22-month
4 period, the parent maintains a meaningful role in the
5 child's life, and the Department has not documented another
6 reason why it would otherwise be appropriate to file a
7 petition to terminate parental rights pursuant to this
8 Section and the Adoption Act. The assessment of whether an
9 incarcerated parent maintains a meaningful role in the
10 child's life may include consideration of the following:

11 (A) the child's best interest;

12 (B) the parent's expressions or acts of
13 manifesting concern for the child, such as letters,
14 telephone calls, visits, and other forms of
15 communication with the child and the impact of the
16 communication on the child;

17 (C) the parent's efforts to communicate with and
18 work with the Department for the purpose of complying
19 with the service plan and repairing, maintaining, or
20 building the parent-child relationship; or

21 (D) limitations in the parent's access to family
22 support programs, therapeutic services, visiting
23 opportunities, telephone and mail services, and
24 meaningful participation in court proceedings.

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

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

4 (2) 60 days after the date on which the child is
5 removed from his or her parent, guardian, or legal
6 custodian.

7 (c) (Blank).

8 (d) (Blank).

9 (5) The court shall liberally allow the petitioner to amend
10 the petition to set forth a cause of action or to add, amend,
11 or supplement factual allegations that form the basis for a
12 cause of action up until 14 days before the adjudicatory
13 hearing. The petitioner may amend the petition after that date
14 and prior to the adjudicatory hearing if the court grants leave
15 to amend upon a showing of good cause. The court may allow
16 amendment of the petition to conform with the evidence at any
17 time prior to ruling. In all cases in which the court has
18 granted leave to amend based on new evidence or new
19 allegations, the court shall permit the respondent an adequate
20 opportunity to prepare a defense to the amended petition.

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

26 (Source: P.A. 99-836, eff. 1-1-17.)

1 Section 10. The Adoption Act is amended by changing Section
2 1 as follows:

3 (750 ILCS 50/1) (from Ch. 40, par. 1501)

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

6 A. "Child" means a person under legal age subject to
7 adoption under this Act.

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

1 the parent of the child executed a consent to adoption by a
2 specified person or persons pursuant to subsection A-1 of
3 Section 10 of this Act and a court of competent jurisdiction
4 finds that such consent is void; or (3) the order terminating
5 the parental rights of the parent is vacated by a court of
6 competent jurisdiction.

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

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

16 (a) Abandonment of the child.

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

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

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

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

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

1 repeated.

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

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

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

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

15 (2) The parent has been convicted or found not
16 guilty by reason of insanity and the conviction or
17 finding resulted from the death of any child by
18 physical abuse; or

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

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

26 (g) Failure to protect the child from conditions within

1 his environment injurious to the child's welfare.

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

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

1 commit second degree murder of any child in violation of
2 the Criminal Code of 1961 or the Criminal Code of 2012; (5)
3 predatory criminal sexual assault of a child in violation
4 of Section 11-1.40 or 12-14.1 of the Criminal Code of 1961
5 or the Criminal Code of 2012; (6) heinous battery of any
6 child in violation of the Criminal Code of 1961; ~~or~~ (7)
7 aggravated battery of any child in violation of the
8 Criminal Code of 1961 or the Criminal Code of 2012; (8) any
9 violation of Section 11-1.20 or Section 12-13 of the
10 Criminal Code of 1961 or the Criminal Code of 2012; (9) any
11 violation of subsection (a) of Section 11-1.50 or Section
12 12-16 of the Criminal Code of 1961 or the Criminal Code of
13 2012; (10) any violation of Section 11-9.1 of the Criminal
14 Code of 1961 or the Criminal Code of 2012; (11) any
15 violation of Section 11-9.1A of the Criminal Code of 1961
16 or the Criminal Code of 2012; or (12) an offense in any
17 other state the elements of which are similar and bear a
18 substantial relationship to any of the enumerated offenses
19 in this subsection (i).

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

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

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

11 (j) Open and notorious adultery or fornication.

12 (j-1) (Blank).

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

1 this child is the biological mother of at least one other
2 child who was adjudicated a neglected minor under
3 subsection (c) of Section 2-3 of the Juvenile Court Act of
4 1987.

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

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

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

16 (m-1) (Blank).

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

1 the child's birth, (i) to commence legal proceedings to
2 establish his paternity under the Illinois Parentage Act of
3 1984, the Illinois Parentage Act of 2015, or the law of the
4 jurisdiction of the child's birth within 30 days of being
5 informed, pursuant to Section 12a of this Act, that he is
6 the father or the likely father of the child or, after
7 being so informed where the child is not yet born, within
8 30 days of the child's birth, or (ii) to make a good faith
9 effort to pay a reasonable amount of the expenses related
10 to the birth of the child and to provide a reasonable
11 amount for the financial support of the child, the court to
12 consider in its determination all relevant circumstances,
13 including the financial condition of both parents;
14 provided that the ground for termination provided in this
15 subparagraph (n)(2)(ii) shall only be available where the
16 petition is brought by the mother or the husband of the
17 mother.

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

1 preclude a determination that the parent has intended to
2 forgo his or her parental rights. In making this
3 determination, the court may consider but shall not require
4 a showing of diligent efforts by an authorized agency to
5 encourage the parent to perform the acts specified in
6 subdivision (n).

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

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

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

1 licensed clinical social worker to conduct any medical
2 diagnosis to determine mental illness or mental
3 impairment.

4 (q) (Blank).

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

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

24 (t) A finding that at birth the child's blood, urine,
25 or meconium contained any amount of a controlled substance
26 as defined in subsection (f) of Section 102 of the Illinois

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

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

1 person is vacated by a court of competent jurisdiction.

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

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

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

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

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

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 Act.

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

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

24 H. (Blank).

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

1 promulgated thereunder.

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

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

11 L. (Blank).

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

17 N. (Blank).

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

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

26 (a) inflicts, causes to be inflicted, or allows to be

1 inflicted upon the child physical injury, by other than
2 accidental means, that causes death, disfigurement,
3 impairment of physical or emotional health, or loss or
4 impairment of any bodily function;

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

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

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

16 (e) inflicts excessive corporal punishment.

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

1 including adequate food, clothing and shelter; or who is
2 abandoned by his or her parents or other person responsible for
3 the child's welfare.

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

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

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

1 is either the death of the parent or the request of the parent
2 for the entry of a final judgment of adoption.

3 T. (Blank).

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

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

12 V. (Blank).

13 W. (Blank).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 EE. "Post-placement and post-adoption support services"
26 means support services for placed or adopted children and

1 families that include, but are not limited to, counseling for
2 emotional, behavioral, or developmental needs.

3 (Source: P.A. 99-49, eff. 7-15-15; 99-85, eff. 1-1-16; 99-642,
4 eff. 7-28-16; 99-836, eff. 1-1-17; 100-159, eff. 8-18-17.)