

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.)