



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB5823

Introduced 11/16/2022, by Rep. Mary E. Flowers

#### SYNOPSIS AS INTRODUCED:

See Index

Provides that the amendatory Act may be referred to as the Reproductive Liberty and Justice Act. Amends the Department of Public Health Powers and Duties Law. Requires the Department of Public Health to establish reproductive health centers throughout the State to provide comprehensive access to essential reproductive health care services. Amends the Equity and Representation in Health Care Act. Expands the definition of "medical facility" to include a reproductive health center established at a nonprofit community health center. Makes other changes. Amends the Birth Center Licensing Act. Makes changes to the definition of "birth center". Amends the Licensed Certified Professional Midwife Practice Act. Provides that a licensed certified professional midwife may provide out-of-hospital care to a childbearing individual who has had a previous cesarean section, if authorized by the Department of Financial and Professional Regulation. Removes language prohibiting a licensed certified professional midwife from (1) performing an abortion or (2) knowingly accepting responsibility for prenatal or intrapartum care of a client with alcohol abuse or drug addiction. Amends the Abused and Neglected Child Reporting Act. Removes from the definition of "neglected child" any child who is a newborn infant whose blood, urine, or meconium contains any amount of a controlled substance. Makes corresponding changes to the Juvenile Court Act of 1987, the Adoption Act, and the Vital Records Act. Contains provisions concerning CAPTA notifications and prohibited disclosures regarding the results of a toxicology test administered on a newborn or pregnant person. Amends the Substance Use Disorder Act. Contains provisions concerning Plans of Safe Care. Amends the Medical Patient Rights Act. Provides that a patient has the right for a physician and other health care service providers to administer specified medical tests without disclosing the results of the test to a law enforcement agency or to the Department of Children and Family Services. Amends the Illinois Health and Hazardous Substances Registry Act. Makes changes to the definition of "adverse pregnancy outcome". Contains provisions concerning certificates of birth resulting in stillbirth. Makes other changes.

LRB102 29295 KTG 41264 b

1 AN ACT concerning health.

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

4 Section 1. This Act may be referred to as the Reproductive  
5 Liberty and Justice Act.

6 Section 3. Purpose. The purposes of this Act are to reduce  
7 racial and geographic inequities that currently preclude  
8 segments of the Illinois population from autonomously  
9 exercising the fundamental rights and liberties provided by  
10 the Reproductive Health Act; to provide patients with a secure  
11 knowledge that the personal information they disclose to  
12 providers of reproductive health care services will remain  
13 private and confidential; to correct deficiencies in the  
14 implementation of Public Act 93-578, such that families who  
15 experience stillbirth are treated with dignity and respect by  
16 this State; and to ensure that the increasing number of  
17 patients traveling to Illinois from out-of-state for legal  
18 abortion care does not compound inequities in the availability  
19 of and access to maternity care among childbearing families  
20 who reside in Illinois.

21 Section 4. The Substance Use Disorder Act is amended by  
22 adding Section 35-15 as follows:

1 (20 ILCS 301/35-15 new)

2 Sec. 35-15. Plans of Safe Care. The Division of Substance  
3 Use Prevention and Recovery, in consultation with the Illinois  
4 Perinatal Quality Collaborative or its successor organization,  
5 shall develop a standardized Plan of Safe Care form to support  
6 discharge planning for mothers and infants affected by  
7 prenatal substance exposure. Plans of Safe Care shall not be  
8 recorded in the State Central Registry described in Section 7  
9 of the Abused and Neglected Child Reporting Act and shall not  
10 be discoverable or admissible as evidence in any proceeding  
11 pursuant to the Juvenile Court Act of 1987 or the Adoption Act  
12 unless the named party waives his or her right to  
13 confidentiality in writing.

14 As used in this Section, "Plan of Safe Care" means a  
15 written or electronic document designed to ensure the safety  
16 and well-being of a newborn who has been identified by his or  
17 her healthcare provider as being affected by prenatal  
18 substance exposure or withdrawal symptoms, or a fetal alcohol  
19 spectrum disorder (FASD), and his or her gestational parent.

20 Section 5. The Department of Public Health Powers and  
21 Duties Law of the Civil Administrative Code of Illinois is  
22 amended by adding Section 2310-438 as follows:

23 (20 ILCS 2310/2310-438 new)

1       Sec. 2310-438. Reproductive health centers.

2       (a) As used in this Section, "reproductive health care"  
3 has the meaning ascribed to that term in Section 1-10 of the  
4 Reproductive Health Act.

5       (b) The Department shall establish reproductive health  
6 centers throughout the State to provide comprehensive access  
7 to essential reproductive health care services. The essential  
8 reproductive health care services shall be provided at an  
9 affordable price and shall include, but are not limited to,  
10 all of the following:

11           (1) Annual women's health examinations, including, but  
12 not limited to, Papanicolaou tests and breast  
13 examinations.

14           (2) Recovery support services for pregnant and  
15 postpartum individuals affected by a substance use  
16 disorder, including, but not limited to, the prescription  
17 of medications that are approved by the United States Food  
18 and Drug Administration and the Center for Substance Abuse  
19 Treatment for the treatment of an opioid use disorder in  
20 pregnant individuals. As used in this paragraph, "recovery  
21 support" has the meaning ascribed to that term in Section  
22 1-10 of the Substance Use Disorder Act.

23           (3) Preconception wellness visits.

24           (4) Prenatal care, including, but not limited to,  
25 ultrasound examinations.

26           (5) Labor and delivery services led by a physician,

1 certified nurse midwife, or licensed certified  
2 professional midwife.

3 (6) Postpartum care and support.

4 (7) Examinations and prescriptions for contraceptives.

5 (8) Abortion care and post-abortion care, including,  
6 but not limited to, induced terminations and management of  
7 spontaneous fetal death.

8 (9) Examinations, care, and prescriptions for sexually  
9 transmitted infections.

10 (10) Assessment for and prescription of pre-exposure  
11 prophylaxis (PrEP).

12 (11) Perinatal doulas and community health workers who  
13 specialize in reproductive health care issues.

14 (c) A reproductive health center established under this  
15 Section shall not refuse access to essential reproductive  
16 health care services described under subsection (b) to a  
17 patient seeking access to any of those services on the basis of  
18 his or her immigration status, state or territory of  
19 residence, insurance status, or of any other characteristic  
20 protected under the Illinois Human Rights Act.

21 (d) A reproductive health center established under this  
22 Section must obtain a certificate of need from the Health  
23 Facilities and Services Review Board under the Health  
24 Facilities Planning Act to operate an obstetric bed unit with  
25 a bed capacity of no more than 8 beds.

26 (e) A reproductive health center shall link and integrate

1 labor and delivery services with at least one hospital with a  
2 minimum Level 3 perinatal designation.

3 (f) A reproductive health center shall be eligible to  
4 receive funding through the Department of Human Services for  
5 programming described in subsection (h) and (i) of Section  
6 35-5 of the Substance Use Disorder Act.

7 Section 10. The Equity and Representation in Health Care  
8 Act is amended by changing Section 10 as follows:

9 (110 ILCS 932/10)

10 (This Section may contain text from a Public Act with a  
11 delayed effective date)

12 Sec. 10. Definitions. As used in this Act:

13 "Accredited school" means a college or university in which  
14 a degree in allopathic medicine, osteopathic medicine,  
15 dentistry, physical therapy, or an equivalent credential for a  
16 health program is earned and for which the Council for Higher  
17 Education Accreditation or its affiliates has determined that  
18 the school meets specific standards for its programs, faculty,  
19 and curriculum.

20 "Advanced practice registered nurse" or "APRN" means an  
21 advanced practice registered nurse as defined under Section  
22 50-10 of the Nurse Practice Act.

23 "Allopathic medicine" means the use of pharmacological  
24 agents or physical interventions to treat or suppress symptoms

1 or processes of diseases or conditions.

2 "Applicant" means a health care professional or medical  
3 facility who applies for loan repayment assistance or  
4 scholarship funds under this Act.

5 "Approved graduate training" means training in medicine,  
6 dentistry, or any other health profession that leads to  
7 eligibility for board certification, provides evidence of  
8 completion, and is approved by the appropriate health care  
9 professional's body.

10 "Behavioral health provider" means a provider of a  
11 commonly recognized discipline in the behavioral health  
12 industry, including, but not limited to, licensed clinical  
13 social workers, behavioral health therapists, certified  
14 marriage and family counselors, licensed social workers, and  
15 addiction counselors.

16 "Breach of service obligation" means failure for any  
17 reason to begin or complete a contractual service commitment.

18 "Commercial loan" means a loan made by a bank, credit  
19 union, savings and loan association, insurance company,  
20 school, or other financial institution.

21 "Community health center" means a migrant health center,  
22 community health center, health care program for the homeless  
23 or for residents of public housing supported under Section 330  
24 of the federal Public Health Service Act, or FQHC, including  
25 an FQHC Look-Alike, as designated by the U.S. Department of  
26 Health and Human Services, that operates at least one

1 federally designated primary health care delivery site in  
2 Illinois.

3 "Default" means failure to meet a legal obligation or  
4 condition of a loan.

5 "Department" means the Department of Public Health.

6 "Dental assistant" means a person who serves as a member  
7 of a dental care team, working directly with a dentist to  
8 perform duties that include, but are not limited to, assisting  
9 with dental procedures, preparing patients for procedures,  
10 preparing examinations, and sterilizing equipment.

11 "Dentist" means a person licensed to practice dentistry  
12 under the Illinois Dental Practice Act.

13 "Director" means the Director of Public Health.

14 "Equity and Representation in Health Care Workforce  
15 Repayment Program" or "Repayment Program" means the Equity and  
16 Representation in Health Care Workforce Repayment Program  
17 created under subsection (a) of Section 15.

18 "Equity and Representation in Health Care Workforce  
19 Scholarship Program" or "Scholarship Program" means the Equity  
20 and Representation in Health Care Workforce Scholarship  
21 Program created under subsection (b) of Section 15.

22 "Federally Qualified Health Center" or "FQHC" means a  
23 health center funded under Section 330 of the federal Public  
24 Health Service Act.

25 "Federally Qualified Health Center Look-Alike" or "FQHC  
26 Look-Alike" means a health center that meets the requirements

1 for receiving a grant under Section 330 of the federal Public  
2 Health Service Act but does not receive funding under that  
3 authority.

4 "Government loan" means a loan made by a federal, State,  
5 county, or city agency authorized to make the loan.

6 "Health care professional" means a physician, physician  
7 assistant, advanced practice registered nurse, nurse, licensed  
8 certified professional midwife, chiropractic physician,  
9 podiatrist, physical therapist, physical therapist assistant,  
10 occupational therapist, speech therapist, behavioral health  
11 provider, psychiatrist, psychologist, pharmacist, dentist,  
12 medical assistant, dental assistant, or dental hygienist.

13 "Health professional shortage area" or "HPSA" means a  
14 designation from the U.S. Department of Health and Human  
15 Services that indicates the shortage of primary medical care  
16 or dental or mental health providers. The designation may be  
17 geographic, such as a county or service area; demographic,  
18 such as low-income population; or institutional, such as a  
19 comprehensive health center, FQHC, or other public facility.

20 "Lender" means the commercial or government entity that  
21 makes a qualifying loan.

22 "Licensed certified professional midwife" means a person  
23 who meets the requirements under Section 45 of the Licensed  
24 Certified Professional Midwife Practice Act and holds an  
25 active license to practice as a certified professional midwife  
26 in Illinois.

1 "Loan repayment award" or "award" means the amount of  
2 funding awarded to a recipient based upon his or her  
3 reasonable educational expenses, up to a maximum established  
4 by the program.

5 "Loan repayment agreement" or "agreement" means the  
6 written instrument defining a legal relationship entered into  
7 between the Department and a recipient.

8 "Medical assistant" means a person who serves as a member  
9 of a medical care team working directly with other providers  
10 to perform duties that include, but are not limited to,  
11 gathering patient information, taking vital signs, preparing  
12 patients for examinations, and assisting physicians during  
13 examinations.

14 "Medical facility" means a facility in which the delivery  
15 of health services is provided. A medical facility must be a  
16 nonprofit or public facility located in Illinois and includes  
17 the following:

18 (1) A Federally Qualified Health Center.

19 (2) An FQHC Look-Alike.

20 (3) A hospital system operated by a county with more  
21 than 3,000,000 residents.

22 (4) A reproductive health center established at a  
23 nonprofit community health center under Section 2310-438  
24 of the Department of Public Health Powers and Duties Law  
25 of the Civil Administrative Code of Illinois, if approved  
26 by the Department.

1 "Medically underserved area" or "MUA" means an area  
2 designated by the U.S. Department of Health and Human  
3 Services' Health Resources and Services Administration as  
4 having too few primary care providers, high infant mortality,  
5 high poverty, or a high elderly population.

6 "Nurse" means a person who is licensed as a licensed  
7 practical nurse or as a registered nurse under the Nurse  
8 Practice Act.

9 "Osteopathic medicine" means medical practice based upon  
10 the theory that diseases are due to loss of structural  
11 integrity, which can be restored by manipulation of the parts  
12 and supplemented by therapeutic measures.

13 "Physical therapist" means an individual licensed as a  
14 physical therapist under the Illinois Physical Therapy Act.

15 "Physical therapist assistant" means an individual  
16 licensed as a physical therapist assistant under the Illinois  
17 Physical Therapy Act.

18 "Physician" means a person licensed to practice medicine  
19 in all of its branches under the Medical Practice Act of 1987.

20 "Physician assistant" means an individual licensed under  
21 the Physician Assistant Practice Act of 1987.

22 "Primary care" means health care that encompasses  
23 prevention services, basic diagnostic and treatment services,  
24 and support services, including laboratory, radiology,  
25 transportation, and pharmacy services.

26 "Psychiatrist" means a physician licensed to practice

1 medicine in Illinois under the Medical Practice Act of 1987  
2 who has successfully completed an accredited residency program  
3 in psychiatry.

4 "Qualifying loan" means a government loan or commercial  
5 loan used for tuition and reasonable educational and living  
6 expenses related to undergraduate or graduate education that  
7 was obtained by the recipient prior to his or her application  
8 for loan repayment and that is contemporaneous with the  
9 education received.

10 "Reasonable educational expenses" means costs for  
11 education, exclusive of tuition. These costs include, but are  
12 not limited to, fees, books, supplies, clinical travel,  
13 educational equipment, materials, board certification, or  
14 licensing examinations. "Reasonable educational expenses" do  
15 not exceed the estimated standard budget for expenses for the  
16 degree program and for the years of enrollment.

17 "Reasonable living expenses" means room and board,  
18 transportation, and commuting costs associated with the  
19 applicant's attendance and participation in an educational and  
20 workforce training program. "Reasonable living expenses" do  
21 not exceed the estimated standard budget for the recipient's  
22 degree program and for the years of enrollment.

23 "Recognized training entity" means an entity approved by  
24 the Department to provide training and education for medical  
25 assistants and dental assistants.

26 "Recipient" means a health care professional or medical

1 facility that may use loan repayment funds.

2 "Rural" has the same meaning that is used by the federal  
3 Health Resources and Services Administration to determine  
4 eligibility for Rural Health Grants.

5 "State" means the State of Illinois.

6 (Source: P.A. 102-942, eff. 1-1-23; revised 9-2-22.)

7 Section 15. The Hospital Licensing Act is amended by  
8 changing Section 11.4 and by adding Section 11.9 as follows:

9 (210 ILCS 85/11.4)

10 Sec. 11.4. Disposition of fetus. A hospital having custody  
11 of a fetus following a spontaneous fetal demise occurring  
12 during or after a gestation period of less than 20 completed  
13 weeks must notify the mother of her right to arrange for the  
14 burial or cremation of the fetus. Notification may also  
15 include other options such as, but not limited to, a ceremony,  
16 a certificate, or common burial or cremation of fetal tissue.  
17 If, within 24 hours after being notified under this Section,  
18 the mother elects in writing to arrange for the burial or  
19 cremation of the fetus, the disposition of the fetus shall be  
20 subject to the same laws and rules that apply in the case of a  
21 fetal death that occurs in this State after a gestation period  
22 of 20 completed weeks or more. The Department of Public Health  
23 shall develop forms to be used for notifications and elections  
24 under this Section and hospitals shall provide the forms to

1 the mother.

2 (Source: P.A. 96-338, eff. 1-1-10.)

3 (210 ILCS 85/11.9 new)

4 Sec. 11.9. Certificate of birth resulting in stillbirth;  
5 notification. This Section may be referred to as Liam's Law.

6 A hospital having custody of a fetus following a  
7 spontaneous fetal death occurring during or after a gestation  
8 period of at least 20 completed weeks must notify the  
9 gestational parent of the parent's right to receive a  
10 certificate of birth resulting in stillbirth as described in  
11 Section 20.5 of the Vital Records Act. The Department of  
12 Public Health shall develop a form to be used for notification  
13 under this Section and hospitals shall provide the form to the  
14 gestational parent. This form shall be known as a "Liam's Law  
15 notice." The Department of Public Health shall consult with  
16 the 2 Illinois-based Fetal Infant Mortality Review Project  
17 Community Action Teams, or their successor organizations, to  
18 ensure that any language included in the standardized "Liam's  
19 Law notice" is culturally sensitive to the needs of bereaved  
20 families. The "Liam's Law notice" shall be available in both  
21 English and Spanish.

22 Section 20. The Birth Center Licensing Act is amended by  
23 changing Section 5 as follows:

1 (210 ILCS 170/5)

2 (Text of Section before amendment by P.A. 102-964)

3 Sec. 5. Definitions. In this Act:

4 "Birth center" means a designated site, other than a  
5 hospital:

6 (1) in which births are planned to occur following a  
7 normal, uncomplicated, and low-risk pregnancy;

8 (2) that is not the pregnant person's usual place of  
9 residence;

10 (3) that is exclusively dedicated to serving the  
11 reproductive health care ~~childbirth-related~~ needs of  
12 pregnant persons and ~~their~~ newborns, and has no more than  
13 10 beds;

14 (4) that offers prenatal care and community education  
15 services and coordinates these services with other health  
16 care services available in the community; ~~and~~

17 (5) that does not provide general anesthesia; and ~~or~~  
18 ~~surgery.~~

19 (6) that does not provide surgery except as allowed by  
20 the Department by rule.

21 "Certified nurse midwife" means an advanced practice  
22 registered nurse licensed in Illinois under the Nurse Practice  
23 Act with full practice authority or who is delegated such  
24 authority as part of a written collaborative agreement with a  
25 physician who is associated with the birthing center or who  
26 has privileges at a nearby birthing hospital.

1 "Department" means the Illinois Department of Public  
2 Health.

3 "Hospital" does not include places where pregnant females  
4 are received, cared for, or treated during delivery if it is in  
5 a licensed birth center, nor include any facility required to  
6 be licensed as a birth center.

7 "Physician" means a physician licensed to practice  
8 medicine in all its branches in Illinois.

9 "Reproductive health care" has the meaning ascribed to  
10 that term in Section 1-10 of the Reproductive Health Act.

11 (Source: P.A. 102-518, eff. 8-20-21.)

12 (Text of Section after amendment by P.A. 102-964)

13 Sec. 5. Definitions. In this Act:

14 "Birth center" means a designated site, other than a  
15 hospital:

16 (1) in which births are planned to occur following a  
17 normal, uncomplicated, and low-risk pregnancy;

18 (2) that is not the pregnant person's usual place of  
19 residence;

20 (3) that is exclusively dedicated to serving the  
21 reproductive health care ~~childbirth-related~~ needs of  
22 pregnant persons and ~~their~~ newborns, and has no more than  
23 10 beds;

24 (4) that offers prenatal care and community education  
25 services and coordinates these services with other health

1 care services available in the community; ~~and~~

2 (5) that does not provide general anesthesia; and ~~or~~  
3 ~~surgery.~~

4 (6) that does not provide surgery except as allowed by  
5 the Department by rule.

6 "Certified nurse midwife" means an advanced practice  
7 registered nurse licensed in Illinois under the Nurse Practice  
8 Act with full practice authority or who is delegated such  
9 authority as part of a written collaborative agreement with a  
10 physician who is associated with the birthing center or who  
11 has privileges at a nearby birthing hospital.

12 "Department" means the Illinois Department of Public  
13 Health.

14 "Hospital" does not include places where pregnant females  
15 are received, cared for, or treated during delivery if it is in  
16 a licensed birth center, nor include any facility required to  
17 be licensed as a birth center.

18 "Licensed certified professional midwife" means a person  
19 who has successfully met the requirements under Section 45 of  
20 the Licensed Certified Professional Midwife Practice Act and  
21 holds an active license to practice as a licensed certified  
22 professional midwife in Illinois.

23 "Physician" means a physician licensed to practice  
24 medicine in all its branches in Illinois.

25 "Reproductive health care" has the meaning ascribed to  
26 that term Section 1-10 of the Reproductive Health Act.

1 (Source: P.A. 102-518, eff. 8-20-21; 102-964, eff. 1-1-23.)

2 Section 25. The Licensed Certified Professional Midwife  
3 Practice Act is amended by changing Section 85 as follows:

4 (225 ILCS 64/85)

5 (Section scheduled to be repealed on January 1, 2027)

6 Sec. 85. Prohibited practices.

7 (a) A licensed certified professional midwife may not do  
8 any of the following:

9 (1) administer prescription pharmacological agents  
10 intended to induce or augment labor;

11 (2) administer prescription pharmacological agents to  
12 provide pain management;

13 (3) use vacuum extractors or forceps;

14 (4) prescribe medications;

15 (5) provide out-of-hospital intrapartum care to a  
16 childbearing individual who has had a previous cesarean  
17 section;

18 (6) perform ~~abortions~~ or surgical procedures,  
19 including, but not limited to, cesarean sections and  
20 circumcisions, except for an emergency episiotomy;

21 (7) knowingly accept responsibility for prenatal or  
22 intrapartum care of a client with any of the following  
23 risk factors:

24 (A) chronic significant maternal cardiac,

- 1 pulmonary, renal, or hepatic disease;
- 2 (B) malignant disease in an active phase;
- 3 (C) significant hematological disorders,  
4 coagulopathies, or pulmonary embolism;
- 5 (D) insulin requiring diabetes mellitus;
- 6 (E) known maternal congenital abnormalities  
7 affecting childbirth;
- 8 (F) confirmed isoimmunization, Rh disease with  
9 positive titer;
- 10 (G) active tuberculosis;
- 11 (H) active syphilis or gonorrhea;
- 12 (I) active genital herpes infection 2 weeks prior  
13 to labor or in labor;
- 14 (J) pelvic or uterine abnormalities affecting  
15 normal vaginal births, including tumors and  
16 malformations;
- 17 (K) (blank) ~~alcoholism or alcohol abuse~~;
- 18 (L) (blank) ~~drug addiction or abuse~~; or
- 19 (M) confirmed AIDS status.

20 (b) A licensed certified professional midwife shall not  
21 administer Schedule II through IV controlled substances.  
22 Subject to a prescription by a health care professional,  
23 Schedule V controlled substances may be administered by  
24 licensed certified professional midwives.

25 (Source: P.A. 102-683, eff. 10-1-22.)

1 Section 30. The Abused and Neglected Child Reporting Act  
2 is amended by changing Sections 3, 5, and 7.3 and by adding  
3 Section 3.5 as follows:

4 (325 ILCS 5/3) (from Ch. 23, par. 2053)

5 Sec. 3. As used in this Act unless the context otherwise  
6 requires:

7 "Adult resident" means any person between 18 and 22 years  
8 of age who resides in any facility licensed by the Department  
9 under the Child Care Act of 1969. For purposes of this Act, the  
10 criteria set forth in the definitions of "abused child" and  
11 "neglected child" shall be used in determining whether an  
12 adult resident is abused or neglected.

13 "Agency" means a child care facility licensed under  
14 Section 2.05 or Section 2.06 of the Child Care Act of 1969 and  
15 includes a transitional living program that accepts children  
16 and adult residents for placement who are in the guardianship  
17 of the Department.

18 "Blatant disregard" means an incident where the real,  
19 significant, and imminent risk of harm would be so obvious to a  
20 reasonable parent or caretaker that it is unlikely that a  
21 reasonable parent or caretaker would have exposed the child to  
22 the danger without exercising precautionary measures to  
23 protect the child from harm. With respect to a person working  
24 at an agency in his or her professional capacity with a child  
25 or adult resident, "blatant disregard" includes a failure by

1 the person to perform job responsibilities intended to protect  
2 the child's or adult resident's health, physical well-being,  
3 or welfare, and, when viewed in light of the surrounding  
4 circumstances, evidence exists that would cause a reasonable  
5 person to believe that the child was neglected. With respect  
6 to an agency, "blatant disregard" includes a failure to  
7 implement practices that ensure the health, physical  
8 well-being, or welfare of the children and adult residents  
9 residing in the facility.

10 "CAPTA notification" refers to notification to the  
11 Department of an infant who has been born and identified as  
12 affected by prenatal substance exposure or a fetal alcohol  
13 spectrum disorder as required under the federal Child Abuse  
14 Prevention and Treatment Act.

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

18 "Department" means Department of Children and Family  
19 Services.

20 "Local law enforcement agency" means the police of a city,  
21 town, village or other incorporated area or the sheriff of an  
22 unincorporated area or any sworn officer of the Illinois State  
23 Police.

24 "Abused child" means a child whose parent or immediate  
25 family member, or any person responsible for the child's  
26 welfare, or any individual residing in the same home as the

1 child, or a paramour of the child's parent:

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

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

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

17 (d) commits or allows to be committed an act or acts of  
18 torture upon such child;

19 (e) inflicts excessive corporal punishment or, in the  
20 case of a person working for an agency who is prohibited  
21 from using corporal punishment, inflicts corporal  
22 punishment upon a child or adult resident with whom the  
23 person is working in his or her professional capacity;

24 (f) commits or allows to be committed the offense of  
25 female genital mutilation, as defined in Section 12-34 of  
26 the Criminal Code of 2012, against the child;

1 (g) causes to be sold, transferred, distributed, or  
2 given to such child under 18 years of age, a controlled  
3 substance as defined in Section 102 of the Illinois  
4 Controlled Substances Act in violation of Article IV of  
5 the Illinois Controlled Substances Act or in violation of  
6 the Methamphetamine Control and Community Protection Act,  
7 except for controlled substances that are prescribed in  
8 accordance with Article III of the Illinois Controlled  
9 Substances Act and are dispensed to such child in a manner  
10 that substantially complies with the prescription;

11 (h) commits or allows to be committed the offense of  
12 involuntary servitude, involuntary sexual servitude of a  
13 minor, or trafficking in persons as defined in Section  
14 10-9 of the Criminal Code of 2012 against the child; or

15 (i) commits the offense of grooming, as defined in  
16 Section 11-25 of the Criminal Code of 2012, against the  
17 child.

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

21 "Neglected child" means any child who is not receiving the  
22 proper or necessary nourishment or medically indicated  
23 treatment including food or care not provided solely on the  
24 basis of the present or anticipated mental or physical  
25 impairment as determined by a physician acting alone or in  
26 consultation with other physicians or otherwise is not

1 receiving the proper or necessary support or medical or other  
2 remedial care recognized under State law as necessary for a  
3 child's well-being, or other care necessary for his or her  
4 well-being, including adequate food, clothing and shelter; or  
5 who is subjected to an environment which is injurious insofar  
6 as (i) the child's environment creates a likelihood of harm to  
7 the child's health, physical well-being, or welfare and (ii)  
8 the likely harm to the child is the result of a blatant  
9 disregard of parent, caretaker, person responsible for the  
10 child's welfare, or agency responsibilities; or who is  
11 abandoned by his or her parents or other person responsible  
12 for the child's welfare without a proper plan of care; or who  
13 has been provided with interim crisis intervention services  
14 under Section 3-5 of the Juvenile Court Act of 1987 and whose  
15 parent, guardian, or custodian refuses to permit the child to  
16 return home and no other living arrangement agreeable to the  
17 parent, guardian, or custodian can be made, and the parent,  
18 guardian, or custodian has not made any other appropriate  
19 living arrangement for the child; ~~or who is a newborn infant~~  
20 ~~whose blood, urine, or meconium contains any amount of a~~  
21 ~~controlled substance as defined in subsection (f) of Section~~  
22 ~~102 of the Illinois Controlled Substances Act or a metabolite~~  
23 ~~thereof, with the exception of a controlled substance or~~  
24 ~~metabolite thereof whose presence in the newborn infant is the~~  
25 ~~result of medical treatment administered to the mother or the~~  
26 ~~newborn infant.~~ A child shall not be considered neglected for

1 the sole reason that the child's parent or other person  
2 responsible for his or her welfare has left the child in the  
3 care of an adult relative for any period of time. A child shall  
4 not be considered neglected for the sole reason that the child  
5 has been relinquished in accordance with the Abandoned Newborn  
6 Infant Protection Act. A child shall not be considered  
7 neglected or abused for the sole reason that such child's  
8 parent or other person responsible for his or her welfare  
9 depends upon spiritual means through prayer alone for the  
10 treatment or cure of disease or remedial care as provided  
11 under Section 4 of this Act. A child shall not be considered  
12 neglected or abused solely because the child is not attending  
13 school in accordance with the requirements of Article 26 of  
14 The School Code, as amended.

15 "Child Protective Service Unit" means certain specialized  
16 State employees of the Department assigned by the Director to  
17 perform the duties and responsibilities as provided under  
18 Section 7.2 of this Act.

19 "Near fatality" means an act that, as certified by a  
20 physician, places the child in serious or critical condition,  
21 including acts of great bodily harm inflicted upon children  
22 under 13 years of age, and as otherwise defined by Department  
23 rule.

24 "Great bodily harm" includes bodily injury which creates a  
25 high probability of death, or which causes serious permanent  
26 disfigurement, or which causes a permanent or protracted loss

1 or impairment of the function of any bodily member or organ, or  
2 other serious bodily harm.

3 "Person responsible for the child's welfare" means the  
4 child's parent; guardian; foster parent; relative caregiver;  
5 any person responsible for the child's welfare in a public or  
6 private residential agency or institution; any person  
7 responsible for the child's welfare within a public or private  
8 profit or not for profit child care facility; or any other  
9 person responsible for the child's welfare at the time of the  
10 alleged abuse or neglect, including any person who commits or  
11 allows to be committed, against the child, the offense of  
12 involuntary servitude, involuntary sexual servitude of a  
13 minor, or trafficking in persons for forced labor or services,  
14 as provided in Section 10-9 of the Criminal Code of 2012,  
15 including, but not limited to, the custodian of the minor, or  
16 any person who came to know the child through an official  
17 capacity or position of trust, including, but not limited to,  
18 health care professionals, educational personnel, recreational  
19 supervisors, members of the clergy, and volunteers or support  
20 personnel in any setting where children may be subject to  
21 abuse or neglect.

22 "Temporary protective custody" means custody within a  
23 hospital or other medical facility or a place previously  
24 designated for such custody by the Department, subject to  
25 review by the Court, including a licensed foster home, group  
26 home, or other institution; but such place shall not be a jail

1 or other place for the detention of criminal or juvenile  
2 offenders.

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

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

9 "An undetermined report" means any report made under this  
10 Act in which it was not possible to initiate or complete an  
11 investigation on the basis of information provided to the  
12 Department.

13 "Subject of report" means any child reported to the  
14 central register of child abuse and neglect established under  
15 Section 7.7 of this Act as an alleged victim of child abuse or  
16 neglect and the parent or guardian of the alleged victim or  
17 other person responsible for the alleged victim's welfare who  
18 is named in the report or added to the report as an alleged  
19 perpetrator of child abuse or neglect.

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

23 "Member of the clergy" means a clergyman or practitioner  
24 of any religious denomination accredited by the religious body  
25 to which he or she belongs.

26 (Source: P.A. 102-567, eff. 1-1-22; 102-676, eff. 12-3-21;

1 102-813, eff. 5-13-22.)

2 (325 ILCS 5/3.5 new)

3 Sec. 3.5. CAPTA notification. The Department shall develop  
4 a standardized CAPTA notification form that is separate and  
5 distinct from the form for written confirmation reports of  
6 child abuse or neglect as described in Section 7 of this Act. A  
7 CAPTA notification shall not be treated as a report of  
8 suspected child abuse or neglect under this Act. CAPTA  
9 notifications shall not be recorded in the State Central  
10 Registry and shall not be discoverable or admissible as  
11 evidence in any proceeding pursuant to the Juvenile Court Act  
12 of 1987 or the Adoption Act unless the named party waives his  
13 or her right to confidentiality in writing.

14 (325 ILCS 5/5) (from Ch. 23, par. 2055)

15 Sec. 5. An officer of a local law enforcement agency,  
16 designated employee of the Department, or a physician treating  
17 a child may take or retain temporary protective custody of the  
18 child without the consent of the person responsible for the  
19 child's welfare, if (1) he has reason to believe that there  
20 exists a substantial and imminent risk of death, serious  
21 illness, or severe personal injury to the child if he or she is  
22 not immediately removed from his or her ~~the child cannot be~~  
23 ~~eared for at home or~~ from ~~in~~ the custody of the person  
24 responsible for the child's welfare ~~without endangering the~~

1 ~~child's health or safety~~; and (2) there is not time to apply  
2 for a court order under the Juvenile Court Act of 1987 for  
3 temporary custody of the child. The person taking or retaining  
4 a child in temporary protective custody shall immediately make  
5 every reasonable effort to notify the person responsible for  
6 the child's welfare and shall immediately notify the  
7 Department. The Department shall provide to the temporary  
8 caretaker of a child any information in the Department's  
9 possession concerning the positive results of a test performed  
10 on the child to determine the presence of the antibody or  
11 antigen to Human Immunodeficiency Virus (HIV), or of HIV  
12 infection, as well as any communicable diseases or  
13 communicable infections that the child has. The temporary  
14 caretaker of a child shall not disclose to another person any  
15 information received by the temporary caretaker from the  
16 Department concerning the results of a test performed on the  
17 child to determine the presence of the antibody or antigen to  
18 HIV, or of HIV infection, except pursuant to Section 9 of the  
19 AIDS Confidentiality Act, as now or hereafter amended. The  
20 Department shall promptly initiate proceedings under the  
21 Juvenile Court Act of 1987 for the continued temporary custody  
22 of the child.

23 Where the physician keeping a child in his custody does so  
24 in his capacity as a member of the staff of a hospital or  
25 similar institution, he shall notify the person in charge of  
26 the institution or his designated agent, who shall then become

1 responsible for the further care of such child in the hospital  
2 or similar institution under the direction of the Department.

3 Said care includes, but is not limited to the granting of  
4 permission to perform emergency medical treatment to a minor  
5 where the treatment itself does not involve a substantial risk  
6 of harm to the minor and the failure to render such treatment  
7 will likely result in death or permanent harm to the minor, and  
8 there is not time to apply for a court order under the Juvenile  
9 Court Act of 1987.

10 Any person authorized and acting in good faith in the  
11 removal of a child under this Section shall have immunity from  
12 any liability, civil or criminal that might otherwise be  
13 incurred or imposed as a result of such removal. Any physician  
14 authorized and acting in good faith and in accordance with  
15 acceptable medical practice in the treatment of a child under  
16 this Section shall have immunity from any liability, civil or  
17 criminal, that might otherwise be incurred or imposed as a  
18 result of granting permission for emergency treatment.

19 With respect to any child taken into temporary protective  
20 custody pursuant to this Section, the Department of Children  
21 and Family Services Guardianship Administrator or his designee  
22 shall be deemed the child's legally authorized representative  
23 for purposes of consenting to an HIV test if deemed necessary  
24 and appropriate by the Department's Guardianship Administrator  
25 or designee and obtaining and disclosing information  
26 concerning such test pursuant to the AIDS Confidentiality Act

1 if deemed necessary and appropriate by the Department's  
2 Guardianship Administrator or designee and for purposes of  
3 consenting to the release of information pursuant to the  
4 Illinois Sexually Transmissible Disease Control Act if deemed  
5 necessary and appropriate by the Department's Guardianship  
6 Administrator or designee.

7 Any person who administers an HIV test upon the consent of  
8 the Department of Children and Family Services Guardianship  
9 Administrator or his designee, or who discloses the results of  
10 such tests to the Department's Guardianship Administrator or  
11 his designee, shall have immunity from any liability, civil,  
12 criminal or otherwise, that might result by reason of such  
13 actions. For the purpose of any proceedings, civil or  
14 criminal, the good faith of any persons required to administer  
15 or disclose the results of tests, or permitted to take such  
16 actions, shall be presumed.

17 (Source: P.A. 90-28, eff. 1-1-98.)

18 (325 ILCS 5/7.3) (from Ch. 23, par. 2057.3)

19 Sec. 7.3. (a) The Department shall be the sole agency  
20 responsible for receiving and investigating reports of child  
21 abuse or neglect made under this Act, including reports of  
22 adult resident abuse or neglect as defined in this Act, except  
23 where investigations by other agencies may be required with  
24 respect to reports alleging the abuse or neglect of a child by  
25 a person who is not the child's parent, a member of the child's

1 immediate family, a person responsible for the child's  
2 welfare, an individual residing in the same home as the child,  
3 or a paramour of the child's parent, the death of a child,  
4 serious injury to a child or sexual abuse to a child made  
5 pursuant to Sections 4.1 or 7 of this Act, and except that the  
6 Department may delegate the performance of the investigation  
7 to the Illinois State Police, a law enforcement agency and to  
8 those private social service agencies which have been  
9 designated for this purpose by the Department prior to July 1,  
10 1980.

11 (b) Notwithstanding any other provision of this Act, the  
12 Department shall adopt rules expressly allowing law  
13 enforcement personnel to investigate reports of suspected  
14 child abuse or neglect concurrently with the Department,  
15 without regard to whether the Department determines a report  
16 to be "indicated" or "unfounded" or deems a report to be  
17 "undetermined".

18 (b-1) It shall be unlawful for any person described in  
19 paragraphs (1), (2), (3), and (10) of subsection (a) of  
20 Section 4 to disclose to the Department or to any law  
21 enforcement agency the results of:

22 (1) any verbal screening questions concerning drug or  
23 alcohol use of a pregnant or postpartum person;

24 (2) any toxicology test administered to a person who  
25 is pregnant or has given birth within the 12 weeks prior to  
26 the administration of the toxicology test; or

1           (3) any toxicology test administered to a newborn.

2           A mandated reporter described in this subsection shall not  
3 disclose a patient or client's confidential information  
4 described under paragraphs (1), (2), or (3) to a law  
5 enforcement agency or to the Department unless a law  
6 enforcement agency has successfully obtained and furnished a  
7 search warrant issued under Section 108-3 of the Code of  
8 Criminal Procedure of 1963.

9           Any person who knowingly and willfully violates any  
10 provision of this Section is guilty of a Class A misdemeanor  
11 for a first violation and a Class 4 felony for a second or  
12 subsequent violation.

13           (c) By June 1, 2016, the Department shall adopt rules that  
14 address and set forth criteria and standards relevant to  
15 investigations of reports of abuse or neglect committed by any  
16 agency, as defined in Section 3 of this Act, or person working  
17 for an agency responsible for the welfare of a child or adult  
18 resident.

19           (Source: P.A. 101-583, eff. 1-1-20; 102-538, eff. 8-20-21.)

20           (325 ILCS 5/4.4 rep.)

21           Section 35. The Abused and Neglected Child Reporting Act  
22 is amended by repealing Section 4.4.

23           Section 40. The Medical Patient Rights Act is amended by  
24 changing Section 3.4 and by adding Section 3.5 as follows:

1 (410 ILCS 50/3.4)

2 Sec. 3.4. Rights of women; pregnancy and childbirth.

3 (a) In addition to any other right provided under this  
4 Act, every woman has the following rights with regard to  
5 pregnancy and childbirth:

6 (1) The right to receive health care before, during,  
7 and after pregnancy and childbirth.

8 (2) The right to receive care for her and her infant  
9 that is consistent with WHO recommendations on newborn  
10 health: guidelines approved by the WHO Guidelines Review  
11 Committee (WHO reference number WHO/MCA/17.07) and WHO  
12 recommendations on maternal health: guidelines approved by  
13 the WHO Guidelines Review Committee (WHO reference number  
14 WHO/MCA/17.10) or the successors to those WHO  
15 recommendations ~~generally accepted medical standards.~~

16 (3) The right to choose a certified nurse midwife,  
17 licensed certified professional midwife, or physician as  
18 her maternity care professional.

19 (4) The right to choose her birth setting from the  
20 full range of birthing options available in her community.

21 (5) The right to leave her maternity care provider  
22 ~~professional~~ and select another if she becomes  
23 dissatisfied with her care, ~~except as otherwise provided~~  
24 ~~by law.~~

25 (6) The right to receive information about the names

1 of those health care professionals involved in her care.

2 (7) The right to privacy and confidentiality of  
3 records, ~~except as provided by law.~~

4 (8) The right to receive information concerning her  
5 condition and proposed treatment, including methods of  
6 relieving pain.

7 (9) The right to accept or refuse any treatment, ~~to~~  
8 ~~the extent medically possible.~~

9 (10) The right to be informed if her caregivers wish  
10 to enroll her or her infant in a research study in  
11 accordance with Section 3.1 of this Act.

12 (11) The right to access her medical records in  
13 accordance with Section 8-2001 of the Code of Civil  
14 Procedure.

15 (12) The right to receive information in a language in  
16 which she can communicate in accordance with federal law.

17 (13) The right to receive emotional and physical  
18 support during labor and birth.

19 (14) The right to freedom of movement during labor and  
20 to give birth in the position of her choice, ~~within~~  
21 ~~generally accepted medical standards.~~

22 (15) The right to contact with her newborn, ~~except~~  
23 ~~where necessary care must be provided to the mother or~~  
24 ~~infant.~~

25 (16) The right to receive information about  
26 breastfeeding.

1           (17) The right to decide ~~collaboratively with~~  
2           ~~caregivers~~ when she and her newborn baby will leave the  
3           birth site for home, based on their conditions and  
4           circumstances.

5           (18) The right to be treated with respect at all times  
6           before, during, and after pregnancy by her and her  
7           newborn's health care professionals.

8           (19) The right of each patient, regardless of source  
9           of payment, to examine and receive a reasonable  
10          explanation of her total bill for services rendered by her  
11          maternity care professional or health care provider,  
12          including itemized charges for specific services received.  
13          Each maternity care professional or health care provider  
14          shall be responsible only for a reasonable explanation of  
15          those specific services provided by the maternity care  
16          professional or health care provider.

17          (b) The Department of Public Health, Department of  
18          Healthcare and Family Services, Department of Children and  
19          Family Services, and Department of Human Services shall post,  
20          either by physical or electronic means, information about  
21          these rights on their publicly available websites. Every  
22          health care provider, day care center licensed under the Child  
23          Care Act of 1969, Head Start, and community center shall post  
24          information about these rights in a prominent place and on  
25          their websites, if applicable.

26          (c) The Department of Public Health shall adopt rules to

1 implement this Section.

2 (d) Nothing in this Section or any rules adopted under  
3 subsection (c) shall be construed to require a physician,  
4 health care professional, hospital, hospital affiliate, or  
5 health care provider to provide care inconsistent with  
6 generally accepted medical standards or available capabilities  
7 or resources.

8 (Source: P.A. 101-445, eff. 1-1-20; 102-4, eff. 4-27-21.)

9 (410 ILCS 50/3.5 new)

10 Sec. 3.5. Disclosure of medical information.

11 (a) Notwithstanding any other provision of law, and except  
12 as otherwise provided under this subsection, a patient has the  
13 right for a physician, health care provider, health services  
14 corporation, or insurance company to administer any of the  
15 following medical tests without disclosing the results of the  
16 test to a State or local law enforcement agency or to the  
17 Department of Children and Family Services:

18 (1) Any verbal screening or questioning concerning the  
19 drug or alcohol use of a pregnant or postpartum person.

20 (2) Any toxicology test administered to a person who  
21 is pregnant or has given birth within the previous 12  
22 weeks.

23 (3) Any toxicology test administered to a newborn.

24 A physician, health care provider, health services  
25 corporation, or insurance company who administers a medical

1 test described under paragraph (1), (2), or (3) may disclose  
2 the results of the test to a law enforcement agency or to the  
3 Department of Children and Family Services if a law  
4 enforcement agency has successfully obtained and furnished a  
5 search warrant issued under Section 108-3 of the Code of  
6 Criminal Procedure of 1963.

7 (b) A health care provider shall not disclose any private  
8 information regarding a patient's reproductive health care to  
9 any out-of-state law enforcement person or entity unless  
10 disclosure of the information has been authorized pursuant to  
11 a State or federal court order.

12 (c) The rights described under this Section are granted to  
13 any person who is capable of becoming pregnant and who seeks  
14 reproductive health care within the borders of Illinois.

15 (d) Any person who knowingly and willfully violates any  
16 provision of this Section is guilty of a Class A misdemeanor  
17 for a first violation and a Class 4 felony for a second or  
18 subsequent violation.

19 (e) In this Section, "reproductive health care" has the  
20 same meaning as provided in Section 1-10 of the Reproductive  
21 Health Act.

22 Section 45. The Illinois Health and Hazardous Substances  
23 Registry Act is amended by changing Section 3 as follows:

24 (410 ILCS 525/3) (from Ch. 111 1/2, par. 6703)

1           Sec. 3. For the purposes of this Act, unless the context  
2 requires otherwise:

3           (a) "Department" means the Illinois Department of Public  
4 Health.

5           (b) "Director" means the Director of the Illinois  
6 Department of Public Health.

7           (c) "Council" means the Health and Hazardous Substances  
8 Coordinating Council created by this Act.

9           (d) "Registry" means the Illinois Health and Hazardous  
10 Substances Registry established by the Department of Public  
11 Health under Section 6 of this Act.

12           (e) "Cancer" means all malignant neoplasms, regardless of  
13 the tissue of origin, including malignant lymphoma and  
14 leukemia.

15           (f) "Cancer incidence" means a medical diagnosis of  
16 cancer, consisting of a record of cases of cancer and  
17 specified cases of tumorous or precancerous diseases which  
18 occur in Illinois, and such other information concerning these  
19 cases as the Department deems necessary or appropriate in  
20 order to conduct thorough and complete epidemiological surveys  
21 of cancer and cancer-related diseases in Illinois.

22           (g) "Occupational disease" includes but is not limited to  
23 all occupational diseases covered by the Workers' Occupational  
24 Diseases Act.

25           (h) "Hazardous substances" means a hazardous substance as  
26 defined in the Environmental Protection Act.

1 (i) "Hazardous substances incident" includes but is not  
2 limited to a spill, fire, or accident involving hazardous  
3 substances, illegal disposal, transportation, or use of  
4 hazardous substances, and complaints or permit violations  
5 involving hazardous substances.

6 (j) "Company profile" includes but is not limited to the  
7 name of any company operating in the State of Illinois which  
8 generates, uses, disposes of or transports hazardous  
9 substances, identification of the types of permits issued in  
10 such company's name relating to transactions involving  
11 hazardous substances, inventory of hazardous substances  
12 handled by such company, and the manner in which such  
13 hazardous substances are used, disposed of, or transported by  
14 the company.

15 (k) "Hazardous nuclear material" means (1) any source or  
16 special nuclear material intended for use or used as an energy  
17 source in a production or utilization facility as defined in  
18 Sec. 11.v. or 11.cc. of the federal Atomic Energy Act of 1954  
19 as amended; (2) any fuel which has been discharged from such a  
20 facility following irradiation, the constituent elements of  
21 which have not been separated by reprocessing; or (3) any  
22 by-product material resulting from operation of such a  
23 facility.

24 (l) "Adverse pregnancy outcome" includes, but is not  
25 limited to, birth defects, spontaneous fetal death after 20  
26 weeks of completed gestation ~~fetal loss~~, infant mortality, low

1 birth weight, neonatal abstinence syndrome, newborn affected  
2 by prenatal substance exposure, fetal alcohol spectrum  
3 disorders, selected life-threatening conditions, and other  
4 developmental disabilities as defined by the Department.

5 "Neonatal abstinence syndrome" refers to the collection of  
6 signs and symptoms that occur when a newborn prenatally  
7 exposed to prescribed, diverted, or illicit opiates  
8 experiences opioid withdrawal. This syndrome is primarily  
9 characterized by irritability, tremors, feeding problems,  
10 vomiting, diarrhea, sweating, and in some cases, seizures.

11 "Newborn affected by prenatal substance exposure" means an  
12 infant born and identified as being affected by substance  
13 abuse or withdrawal symptoms resulting from prenatal exposure  
14 to controlled substances or a fetal alcohol spectrum disorder.  
15 The healthcare provider involved in the delivery or care of  
16 the newborn determines whether the infant is affected by  
17 prenatal substance exposure or withdrawal symptoms.

18 (m) "News medium" means any newspaper or other periodical  
19 issued at regular intervals, whether in print or electronic  
20 format, and having a general circulation; a news service,  
21 whether in print or electronic format; a radio station, a  
22 television station; a television network; a community antenna  
23 television service; and any person or corporation engaged in  
24 the making of news reels or other motion picture news for  
25 public showing.

26 (n) "Researcher" means an individual who is affiliated

1 with or supported by universities, academic centers, research  
2 institutions, hospitals, and governmental entities who conduct  
3 scientific research or investigation on human diseases.

4 (Source: P.A. 95-941, eff. 8-29-08.)

5 Section 50. The Vital Records Act is amended by changing  
6 Sections 20 and 20.5 as follows:

7 (410 ILCS 535/20) (from Ch. 111 1/2, par. 73-20)

8 Sec. 20. Fetal death; place of registration.

9 (1) Each fetal death which occurs in this State after a  
10 gestation period of 20 completed weeks (or ~~and~~ when the mother  
11 elects in writing to arrange for the burial or cremation of the  
12 fetus under Section 11.4 of the Hospital Licensing Act) or  
13 more shall be registered with the local or subregistrar of the  
14 district in which the delivery occurred within 7 days after  
15 the delivery and before removal of the fetus from the State,  
16 except as provided by regulation in special problem cases.

17 (a) For the purposes of this Section, if the place of  
18 fetal death is unknown, a fetal death certificate shall be  
19 filed in the registration district in which a dead fetus  
20 is found, which shall be considered the place of fetal  
21 death.

22 (b) When a fetal death occurs on a moving conveyance,  
23 the city, village, township, or road district in which the  
24 fetus is first removed from the conveyance shall be

1           considered the place of delivery and a fetal death  
2           certificate shall be filed in the registration district in  
3           which the place is located.

4           (c) The funeral director or person acting as such who  
5           first assumes custody of a fetus shall file the  
6           certificate. The personal data shall be obtained from the  
7           best qualified person or source available. The name,  
8           relationship, and address of the informant shall be  
9           entered on the certificate. The date, place, and method of  
10          final disposition of the fetus shall be recorded over the  
11          personal signature and address of the funeral director  
12          responsible for the disposition. The certificate shall be  
13          presented to the person responsible for completing the  
14          medical certification of the cause of death.

15          (2) The medical certification shall be completed and  
16          signed within 24 hours after delivery by the certifying health  
17          care professional in attendance at or after delivery, except  
18          when investigation is required under Division 3-3 of Article 3  
19          of the Counties Code and except as provided by regulation in  
20          special problem cases.

21          (3) When a fetal death occurs without medical attendance  
22          upon the mother at or after the delivery, or when  
23          investigation is required under Division 3-3 of Article 3 of  
24          the Counties Code, the coroner shall be responsible for the  
25          completion of the fetal death certificate and shall sign the  
26          medical certification within 24 hours after the delivery or

1 the finding of the fetus, except as provided by regulation in  
2 special problem cases.

3 (Source: P.A. 102-257, eff. 1-1-22.)

4 (410 ILCS 535/20.5)

5 Sec. 20.5. Certificate of birth resulting in stillbirth.

6 (a) The State Registrar shall prescribe and distribute a  
7 form for a certificate of birth resulting in stillbirth. The  
8 certificate shall be in the same format as a certificate of  
9 live birth prepared under Section 12 and shall be filed in the  
10 same manner as a certificate of live birth.

11 (b) After each fetal death that occurs in this State after  
12 a gestation period of at least 20 ~~26~~ completed weeks, or, in  
13 cases where gestational age is uncertain, where the fetus  
14 weighs at least 350 grams, the person who files a fetal death  
15 certificate in connection with that death as required under  
16 Section 20 shall, only upon request by the parent ~~woman~~ who  
17 delivered the stillborn fetus, also prepare a certificate of  
18 birth resulting in stillbirth. The person shall prepare the  
19 certificate on the form prescribed and furnished by the State  
20 Registrar and in accordance with the rules adopted by the  
21 State Registrar.

22 (b-5) A person who files a fetal death certificate as  
23 described under subsection (b) shall notify the gestational  
24 parent of the stillborn of that parent's right to request and  
25 receive a certificate of birth resulting in stillbirth under

1 subsection (b). The Department shall develop forms for  
2 notification under this subsection. This form shall be titled  
3 and known as a "Liam's Law notice."

4 (c) If the stillborn's parent or parents do not wish to  
5 provide a name for the stillborn, the person who prepares the  
6 certificate of birth resulting in stillbirth shall leave blank  
7 any references to the stillborn's name.

8 (d) When a stillbirth occurs in this State and the  
9 stillbirth has not been registered within one year after the  
10 delivery, a certificate marked "delayed" may be filed and  
11 registered in accordance with regulations adopted by the State  
12 Registrar. The certificate must show on its face the date of  
13 registration.

14 (e) In the case of a fetal death that occurred in this  
15 State after a gestation period of at least 20 ~~26~~ completed  
16 weeks or, in cases where gestational age is uncertain, where  
17 the fetus weighs at least 350 grams, and before the effective  
18 date of this amendatory Act of the 102nd General Assembly ~~this~~  
19 ~~amendatory Act of the 93rd General Assembly,~~ a parent of the  
20 stillborn child may request that the person who filed a fetal  
21 death certificate in connection with that death as required  
22 under Section 20 shall also prepare a certificate of birth  
23 resulting in stillbirth with respect to the fetus. If a parent  
24 of a stillborn makes such a request under this subsection (e),  
25 the person who filed a fetal death certificate shall prepare  
26 the certificate of birth resulting in stillbirth and file it

1 with the designated registrar within 30 days after the request  
2 by the parent.

3 (Source: P.A. 93-578, eff. 8-21-03.)

4 Section 55. The Juvenile Court Act of 1987 is amended by  
5 changing Sections 2-3 and 2-18 as follows:

6 (705 ILCS 405/2-3) (from Ch. 37, par. 802-3)

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

8 (1) Those who are neglected include:

9 (a) any minor under 18 years of age or a minor 18 years  
10 of age or older for whom the court has made a finding of  
11 probable cause to believe that the minor is abused,  
12 neglected, or dependent under subsection (1) of Section  
13 2-10 prior to the minor's 18th birthday who is not  
14 receiving the proper or necessary support, education as  
15 required by law, or medical or other remedial care  
16 recognized under State law as necessary for a minor's  
17 well-being, or other care necessary for his or her  
18 well-being, including adequate food, clothing and shelter,  
19 or who is abandoned by his or her parent or parents or  
20 other person or persons responsible for the minor's  
21 welfare, except that a minor shall not be considered  
22 neglected for the sole reason that the minor's parent or  
23 parents or other person or persons responsible for the  
24 minor's welfare have left the minor in the care of an adult

1 relative for any period of time, who the parent or parents  
2 or other person responsible for the minor's welfare know  
3 is both a mentally capable adult relative and physically  
4 capable adult relative, as defined by this Act; or

5 (b) any minor under 18 years of age or a minor 18 years  
6 of age or older for whom the court has made a finding of  
7 probable cause to believe that the minor is abused,  
8 neglected, or dependent under subsection (1) of Section  
9 2-10 prior to the minor's 18th birthday whose environment  
10 is injurious to his or her welfare; or

11 (c) (blank); or ~~any newborn infant whose blood, urine,~~  
12 ~~or meconium contains any amount of a controlled substance~~  
13 ~~as defined in subsection (f) of Section 102 of the~~  
14 ~~Illinois Controlled Substances Act, as now or hereafter~~  
15 ~~amended, or a metabolite of a controlled substance, with~~  
16 ~~the exception of controlled substances or metabolites of~~  
17 ~~such substances, the presence of which in the newborn~~  
18 ~~infant is the result of medical treatment administered to~~  
19 ~~the mother or the newborn infant; or~~

20 (d) any minor under the age of 14 years whose parent or  
21 other person responsible for the minor's welfare leaves  
22 the minor without supervision for an unreasonable period  
23 of time without regard for the mental or physical health,  
24 safety, or welfare of that minor; or

25 (e) any minor who has been provided with interim  
26 crisis intervention services under Section 3-5 of this Act

1 and whose parent, guardian, or custodian refuses to permit  
2 the minor to return home unless the minor is an immediate  
3 physical danger to himself, herself, or others living in  
4 the home.

5 Whether the minor was left without regard for the mental  
6 or physical health, safety, or welfare of that minor or the  
7 period of time was unreasonable shall be determined by  
8 considering the following factors, including but not limited  
9 to:

10 (1) the age of the minor;

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

12 (3) special needs of the minor, including whether the  
13 minor is a person with a physical or mental disability, or  
14 otherwise in need of ongoing prescribed medical treatment  
15 such as periodic doses of insulin or other medications;

16 (4) the duration of time in which the minor was left  
17 without supervision;

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

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

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

25 (8) the location of the parent or guardian at the time  
26 the minor was left without supervision, the physical

1 distance the minor was from the parent or guardian at the  
2 time the minor was without supervision;

3 (9) whether the minor's movement was restricted, or  
4 the minor was otherwise locked within a room or other  
5 structure;

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

9 (11) whether there was food and other provision left  
10 for the minor;

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

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

19 (14) whether the minor was left under the supervision  
20 of another person;

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

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

26 (2) Those who are abused include any minor under 18 years

1 of age or a minor 18 years of age or older for whom the court  
2 has made a finding of probable cause to believe that the minor  
3 is abused, neglected, or dependent under subsection (1) of  
4 Section 2-10 prior to the minor's 18th birthday whose parent  
5 or immediate family member, or any person responsible for the  
6 minor's welfare, or any person who is in the same family or  
7 household as the minor, or any individual residing in the same  
8 home as the minor, or a paramour of the minor's parent:

9 (i) inflicts, causes to be inflicted, or allows to be  
10 inflicted upon such minor physical injury, by other than  
11 accidental means, which causes death, disfigurement,  
12 impairment of physical or emotional health, or loss or  
13 impairment of any bodily function;

14 (ii) creates a substantial risk of physical injury to  
15 such minor by other than accidental means which would be  
16 likely to cause death, disfigurement, impairment of  
17 emotional health, or loss or impairment of any bodily  
18 function;

19 (iii) commits or allows to be committed any sex  
20 offense against such minor, as such sex offenses are  
21 defined in the Criminal Code of 1961 or the Criminal Code  
22 of 2012, or in the Wrongs to Children Act, and extending  
23 those definitions of sex offenses to include minors under  
24 18 years of age;

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

1 (v) inflicts excessive corporal punishment;

2 (vi) commits or allows to be committed the offense of  
3 involuntary servitude, involuntary sexual servitude of a  
4 minor, or trafficking in persons as defined in Section  
5 10-9 of the Criminal Code of 1961 or the Criminal Code of  
6 2012, upon such minor; or

7 (vii) allows, encourages or requires a minor to commit  
8 any act of prostitution, as defined in the Criminal Code  
9 of 1961 or the Criminal Code of 2012, and extending those  
10 definitions to include minors under 18 years of age.

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

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

18 (4) The changes made by this amendatory Act of the 101st  
19 General Assembly apply to a case that is pending on or after  
20 the effective date of this amendatory Act of the 101st General  
21 Assembly.

22 (Source: P.A. 101-79, eff. 7-12-19.)

23 (705 ILCS 405/2-18) (from Ch. 37, par. 802-18)  
24 Sec. 2-18. Evidence.

25 (1) At the adjudicatory hearing, the court shall first

1 consider only the question whether the minor is abused,  
2 neglected or dependent. The standard of proof and the rules of  
3 evidence in the nature of civil proceedings in this State are  
4 applicable to proceedings under this Article. If the petition  
5 also seeks the appointment of a guardian of the person with  
6 power to consent to adoption of the minor under Section 2-29,  
7 the court may also consider legally admissible evidence at the  
8 adjudicatory hearing that one or more grounds of unfitness  
9 exists under subdivision D of Section 1 of the Adoption Act.

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

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

15 (b) (blank); ~~proof that a minor has a medical~~  
16 ~~diagnosis of failure to thrive syndrome is prima facie~~  
17 ~~evidence of neglect;~~

18 (c) (blank); ~~proof that a minor has a medical~~  
19 ~~diagnosis of fetal alcohol syndrome is prima facie~~  
20 ~~evidence of neglect;~~

21 (d) (blank); ~~proof that a minor has a medical~~  
22 ~~diagnosis at birth of withdrawal symptoms from narcotics~~  
23 ~~or barbiturates is prima facie evidence of neglect;~~

24 (e) proof of injuries sustained by a minor or of the  
25 condition of a minor of such a nature as would ordinarily  
26 not be sustained or exist except by reason of the acts or

1 omissions of the parent, custodian or guardian of such  
2 minor shall be prima facie evidence of abuse or neglect,  
3 as the case may be;

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

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

21 (h) (blank); ~~proof that a newborn infant's blood,~~  
22 ~~urine, or meconium contains any amount of a controlled~~  
23 ~~substance as defined in subsection (f) of Section 102 of~~  
24 ~~the Illinois Controlled Substances Act, or a metabolite of~~  
25 ~~a controlled substance, with the exception of controlled~~  
26 ~~substances or metabolites of those substances, the~~

1 ~~presence of which is the result of medical treatment~~  
2 ~~administered to the mother or the newborn, is prime facie~~  
3 ~~evidence of neglect;~~

4 (i) proof that a minor was present in a structure or  
5 vehicle in which the minor's parent, custodian, or  
6 guardian was involved in the manufacture of  
7 methamphetamine constitutes prima facie evidence of abuse  
8 and neglect;

9 (j) proof that a parent, custodian, or guardian of a  
10 minor allows, encourages, or requires a minor to perform,  
11 offer, or agree to perform any act of sexual penetration  
12 as defined in Section 11-0.1 of the Criminal Code of 2012  
13 for any money, property, token, object, or article or  
14 anything of value, or any touching or fondling of the sex  
15 organs of one person by another person, for any money,  
16 property, token, object, or article or anything of value,  
17 for the purpose of sexual arousal or gratification,  
18 constitutes prima facie evidence of abuse and neglect;

19 (k) proof that a parent, custodian, or guardian of a  
20 minor commits or allows to be committed the offense of  
21 involuntary servitude, involuntary sexual servitude of a  
22 minor, or trafficking in persons as defined in Section  
23 10-9 of the Criminal Code of 1961 or the Criminal Code of  
24 2012, upon such minor, constitutes prima facie evidence of  
25 abuse and neglect.

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

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

4 (4) (a) Any writing, record, photograph or x-ray of any  
5 hospital or public or private agency, whether in the form of an  
6 entry in a book or otherwise, made as a memorandum or record of  
7 any condition, act, transaction, occurrence or event relating  
8 to a minor in an abuse, neglect or dependency proceeding,  
9 shall be admissible in evidence as proof of that condition,  
10 act, transaction, occurrence or event, if the court finds that  
11 the document was made in the regular course of the business of  
12 the hospital or agency and that it was in the regular course of  
13 such business to make it, at the time of the act, transaction,  
14 occurrence or event, or within a reasonable time thereafter. A  
15 certification by the head or responsible employee of the  
16 hospital or agency that the writing, record, photograph or  
17 x-ray is the full and complete record of the condition, act,  
18 transaction, occurrence or event and that it satisfies the  
19 conditions of this paragraph shall be prima facie evidence of  
20 the facts contained in such certification. A certification by  
21 someone other than the head of the hospital or agency shall be  
22 accompanied by a photocopy of a delegation of authority signed  
23 by both the head of the hospital or agency and by such other  
24 employee. All other circumstances of the making of the  
25 memorandum, record, photograph or x-ray, including lack of  
26 personal knowledge of the maker, may be proved to affect the

1 weight to be accorded such evidence, but shall not affect its  
2 admissibility.

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

5 (c) Previous statements made by the minor relating to any  
6 allegations of abuse or neglect shall be admissible in  
7 evidence. However, no such statement, if uncorroborated and  
8 not subject to cross-examination, shall be sufficient in  
9 itself to support a finding of abuse or neglect.

10 (d) There shall be a rebuttable presumption that a minor  
11 is competent to testify in abuse or neglect proceedings. The  
12 court shall determine how much weight to give to the minor's  
13 testimony, and may allow the minor to testify in chambers with  
14 only the court, the court reporter and attorneys for the  
15 parties present.

16 (e) The privileged character of communication between any  
17 professional person and patient or client, except privilege  
18 between attorney and client, shall not apply to proceedings  
19 subject to this Article.

20 (f) Proof of the impairment of emotional health or  
21 impairment of mental or emotional condition as a result of the  
22 failure of the respondent to exercise a minimum degree of care  
23 toward a minor may include competent opinion or expert  
24 testimony, and may include proof that such impairment lessened  
25 during a period when the minor was in the care, custody or  
26 supervision of a person or agency other than the respondent.

1           (5) In any hearing under this Act alleging neglect for  
2 failure to provide education as required by law under  
3 subsection (1) of Section 2-3, proof that a minor under 13  
4 years of age who is subject to compulsory school attendance  
5 under the School Code is a chronic truant as defined under the  
6 School Code shall be prima facie evidence of neglect by the  
7 parent or guardian in any hearing under this Act and proof that  
8 a minor who is 13 years of age or older who is subject to  
9 compulsory school attendance under the School Code is a  
10 chronic truant shall raise a rebuttable presumption of neglect  
11 by the parent or guardian. This subsection (5) shall not apply  
12 in counties with 2,000,000 or more inhabitants.

13           (6) In any hearing under this Act, the court may take  
14 judicial notice of prior sworn testimony or evidence admitted  
15 in prior proceedings involving the same minor if (a) the  
16 parties were either represented by counsel at such prior  
17 proceedings or the right to counsel was knowingly waived and  
18 (b) the taking of judicial notice would not result in  
19 admitting hearsay evidence at a hearing where it would  
20 otherwise be prohibited.

21           (Source: P.A. 96-1464, eff. 8-20-10; 97-897, eff. 1-1-13;  
22 97-1150, eff. 1-25-13.)

23           Section 60. The Adoption Act is amended by changing  
24 Section 1 as follows:

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

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

4 A. "Child" means a person under legal age subject to  
5 adoption under this Act.

6 B. "Related child" means a child subject to adoption where  
7 either or both of the adopting parents stands in any of the  
8 following relationships to the child by blood, marriage,  
9 adoption, or civil union: parent, grand-parent,  
10 great-grandparent, brother, sister, step-parent,  
11 step-grandparent, step-brother, step-sister, uncle, aunt,  
12 great-uncle, great-aunt, first cousin, or second cousin. A  
13 person is related to the child as a first cousin or second  
14 cousin if they are both related to the same ancestor as either  
15 grandchild or great-grandchild. A child whose parent has  
16 executed a consent to adoption, a surrender, or a waiver  
17 pursuant to Section 10 of this Act or whose parent has signed a  
18 denial of paternity pursuant to Section 12 of the Vital  
19 Records Act or Section 12a of this Act, or whose parent has had  
20 his or her parental rights terminated, is not a related child  
21 to that person, unless (1) the consent is determined to be void  
22 or is void pursuant to subsection O of Section 10 of this Act;  
23 or (2) the parent of the child executed a consent to adoption  
24 by a specified person or persons pursuant to subsection A-1 of  
25 Section 10 of this Act and a court of competent jurisdiction  
26 finds that such consent is void; or (3) the order terminating

1 the parental rights of the parent is vacated by a court of  
2 competent jurisdiction.

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

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

12 (a) Abandonment of the child.

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

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

17 (b) Failure to maintain a reasonable degree of  
18 interest, concern or responsibility as to the child's  
19 welfare.

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

22 (d) Substantial neglect of the child if continuous or  
23 repeated.

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

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

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

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

11 (2) The parent has been convicted or found not  
12 guilty by reason of insanity and the conviction or  
13 finding resulted from the death of any child by  
14 physical abuse; or

15 (3) There is a finding of physical child abuse  
16 resulting from the death of any child under Section  
17 2-21 of the Juvenile Court Act of 1987.

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

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

24 (h) Other neglect of, or misconduct toward the child;  
25 provided that in making a finding of unfitness the court  
26 hearing the adoption proceeding shall not be bound by any

1 previous finding, order or judgment affecting or  
2 determining the rights of the parents toward the child  
3 sought to be adopted in any other proceeding except such  
4 proceedings terminating parental rights as shall be had  
5 under either this Act, the Juvenile Court Act or the  
6 Juvenile Court Act of 1987.

7 (i) Depravity. Conviction of any one of the following  
8 crimes shall create a presumption that a parent is  
9 depraved which can be overcome only by clear and  
10 convincing evidence: (1) first degree murder in violation  
11 of paragraph (1) or (2) of subsection (a) of Section 9-1 of  
12 the Criminal Code of 1961 or the Criminal Code of 2012 or  
13 conviction of second degree murder in violation of  
14 subsection (a) of Section 9-2 of the Criminal Code of 1961  
15 or the Criminal Code of 2012 of a parent of the child to be  
16 adopted; (2) first degree murder or second degree murder  
17 of any child in violation of the Criminal Code of 1961 or  
18 the Criminal Code of 2012; (3) attempt or conspiracy to  
19 commit first degree murder or second degree murder of any  
20 child in violation of the Criminal Code of 1961 or the  
21 Criminal Code of 2012; (4) solicitation to commit murder  
22 of any child, solicitation to commit murder of any child  
23 for hire, or solicitation to commit second degree murder  
24 of any child in violation of the Criminal Code of 1961 or  
25 the Criminal Code of 2012; (5) predatory criminal sexual  
26 assault of a child in violation of Section 11-1.40 or

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

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

24 There is a rebuttable presumption that a parent is  
25 deprived if that parent has been criminally convicted of  
26 either first or second degree murder of any person as

1 defined in the Criminal Code of 1961 or the Criminal Code  
2 of 2012 within 10 years of the filing date of the petition  
3 or motion to terminate parental rights.

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

8 (j) Open and notorious adultery or fornication.

9 (j-1) (Blank).

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

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

1 ~~Act of 1987.~~

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

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

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

13 (m-1) (Blank).

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

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

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

1           require a showing of diligent efforts by an authorized  
2           agency to encourage the parent to perform the acts  
3           specified in subdivision (n).

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

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

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

1 (q) (Blank).

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

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

21 (t) (Blank). ~~A finding that at birth the child's~~  
22 ~~blood, urine, or meconium contained any amount of a~~  
23 ~~controlled substance as defined in subsection (f) of~~  
24 ~~Section 102 of the Illinois Controlled Substances Act, or~~  
25 ~~a metabolite of a controlled substance, with the exception~~  
26 ~~of controlled substances or metabolites of such~~

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

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

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

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

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

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

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

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

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

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

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

23 H. (Blank).

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

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

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

10 L. (Blank).

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

16 N. (Blank).

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

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

25 (a) inflicts, causes to be inflicted, or allows to be  
26 inflicted upon the child physical injury, by other than

1 accidental means, that causes death, disfigurement,  
2 impairment of physical or emotional health, or loss or  
3 impairment of any bodily function;

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

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

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

15 (e) inflicts excessive corporal punishment.

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

1 abandoned by his or her parents or other person responsible  
2 for the child's welfare.

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

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

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

1 for the entry of a final judgment of adoption.

2 T. (Blank).

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

7 U. "Interstate adoption" means the placement of a minor  
8 child with a prospective adoptive parent for the purpose of  
9 pursuing an adoption for that child that is subject to the  
10 provisions of the Interstate Compact on the Placement of  
11 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  
12 adoption 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  
16 occurs after a placement disruption or an adoption  
17 dissolution. "Secondary placement" does not mean secondary  
18 placements arising due to the death of the adoptive parent of  
19 the child.

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

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

26 EE. "Post-placement and post-adoption support services"

1 means support services for placed or adopted children and  
2 families that include, but are not limited to, mental health  
3 treatment, including counseling and other support services for  
4 emotional, behavioral, or developmental needs, and treatment  
5 for substance abuse.

6 FF. "Youth in care" has the meaning provided in Section 4d  
7 of the Children and Family Services Act.

8 (Source: P.A. 101-155, eff. 1-1-20; 101-529, eff. 1-1-20;  
9 102-139, eff. 1-1-22; 102-558, eff. 8-20-21.)

10 Section 95. No acceleration or delay. Where this Act makes  
11 changes in a statute that is represented in this Act by text  
12 that is not yet or no longer in effect (for example, a Section  
13 represented by multiple versions), the use of that text does  
14 not accelerate or delay the taking effect of (i) the changes  
15 made by this Act or (ii) provisions derived from any other  
16 Public Act.

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