



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB0003

Introduced 1/12/2023, 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 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". Provides that a birth center and any licensed provider of abortion and birth control services on-site may be co-located at the same facility. Requires the Department of Public Health to adopt rules for licensing and designating co-located facilities to provide specified essential reproductive health care services. Contains other provisions. 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.

LRB103 03564 CPF 48570 b

A BILL FOR

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

22 (110 ILCS 932/10)

23 (This Section may contain text from a Public Act with a

1 delayed effective date)

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

3 "Accredited school" means a college or university in which
4 a degree in allopathic medicine, osteopathic medicine,
5 dentistry, physical therapy, or an equivalent credential for a
6 health program is earned and for which the Council for Higher
7 Education Accreditation or its affiliates has determined that
8 the school meets specific standards for its programs, faculty,
9 and curriculum.

10 "Advanced practice registered nurse" or "APRN" means an
11 advanced practice registered nurse as defined under Section
12 50-10 of the Nurse Practice Act.

13 "Allopathic medicine" means the use of pharmacological
14 agents or physical interventions to treat or suppress symptoms
15 or processes of diseases or conditions.

16 "Applicant" means a health care professional or medical
17 facility who applies for loan repayment assistance or
18 scholarship funds under this Act.

19 "Approved graduate training" means training in medicine,
20 dentistry, or any other health profession that leads to
21 eligibility for board certification, provides evidence of
22 completion, and is approved by the appropriate health care
23 professional's body.

24 "Behavioral health provider" means a provider of a
25 commonly recognized discipline in the behavioral health
26 industry, including, but not limited to, licensed clinical

1 social workers, behavioral health therapists, certified
2 marriage and family counselors, licensed social workers, and
3 addiction counselors.

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

6 "Commercial loan" means a loan made by a bank, credit
7 union, savings and loan association, insurance company,
8 school, or other financial institution.

9 "Community health center" means a migrant health center,
10 community health center, health care program for the homeless
11 or for residents of public housing supported under Section 330
12 of the federal Public Health Service Act, or FQHC, including
13 an FQHC Look-Alike, as designated by the U.S. Department of
14 Health and Human Services, that operates at least one
15 federally designated primary health care delivery site in
16 Illinois.

17 "Default" means failure to meet a legal obligation or
18 condition of a loan.

19 "Department" means the Department of Public Health.

20 "Dental assistant" means a person who serves as a member
21 of a dental care team, working directly with a dentist to
22 perform duties that include, but are not limited to, assisting
23 with dental procedures, preparing patients for procedures,
24 preparing examinations, and sterilizing equipment.

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

1 "Director" means the Director of Public Health.

2 "Equity and Representation in Health Care Workforce
3 Repayment Program" or "Repayment Program" means the Equity and
4 Representation in Health Care Workforce Repayment Program
5 created under subsection (a) of Section 15.

6 "Equity and Representation in Health Care Workforce
7 Scholarship Program" or "Scholarship Program" means the Equity
8 and Representation in Health Care Workforce Scholarship
9 Program created under subsection (b) of Section 15.

10 "Federally Qualified Health Center" or "FQHC" means a
11 health center funded under Section 330 of the federal Public
12 Health Service Act.

13 "Federally Qualified Health Center Look-Alike" or "FQHC
14 Look-Alike" means a health center that meets the requirements
15 for receiving a grant under Section 330 of the federal Public
16 Health Service Act but does not receive funding under that
17 authority.

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

20 "Health care professional" means a physician, physician
21 assistant, advanced practice registered nurse, nurse, licensed
22 certified professional midwife, chiropractic physician,
23 podiatrist, physical therapist, physical therapist assistant,
24 occupational therapist, speech therapist, behavioral health
25 provider, psychiatrist, psychologist, pharmacist, dentist,
26 medical assistant, dental assistant, or dental hygienist.

1 "Health professional shortage area" or "HPSA" means a
2 designation from the U.S. Department of Health and Human
3 Services that indicates the shortage of primary medical care
4 or dental or mental health providers. The designation may be
5 geographic, such as a county or service area; demographic,
6 such as low-income population; or institutional, such as a
7 comprehensive health center, FQHC, or other public facility.

8 "Lender" means the commercial or government entity that
9 makes a qualifying loan.

10 "Licensed certified professional midwife" means a person
11 who meets the requirements under Section 45 of the Licensed
12 Certified Professional Midwife Practice Act and holds an
13 active license to practice as a certified professional midwife
14 in Illinois.

15 "Loan repayment award" or "award" means the amount of
16 funding awarded to a recipient based upon his or her
17 reasonable educational expenses, up to a maximum established
18 by the program.

19 "Loan repayment agreement" or "agreement" means the
20 written instrument defining a legal relationship entered into
21 between the Department and a recipient.

22 "Medical assistant" means a person who serves as a member
23 of a medical care team working directly with other providers
24 to perform duties that include, but are not limited to,
25 gathering patient information, taking vital signs, preparing
26 patients for examinations, and assisting physicians during

1 examinations.

2 "Medical facility" means a facility in which the delivery
3 of health services is provided. A medical facility must be a
4 nonprofit or public facility located in Illinois and includes
5 the following:

6 (1) A Federally Qualified Health Center.

7 (2) An FQHC Look-Alike.

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

10 (4) A reproductive health center established at a
11 nonprofit community health center under Section 2310-438
12 of the Department of Public Health Powers and Duties Law
13 of the Civil Administrative Code of Illinois, if approved
14 by the Department.

15 "Medically underserved area" or "MUA" means an area
16 designated by the U.S. Department of Health and Human
17 Services' Health Resources and Services Administration as
18 having too few primary care providers, high infant mortality,
19 high poverty, or a high elderly population.

20 "Nurse" means a person who is licensed as a licensed
21 practical nurse or as a registered nurse under the Nurse
22 Practice Act.

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

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

3 "Physical therapist assistant" means an individual
4 licensed as a physical therapist assistant under the Illinois
5 Physical Therapy Act.

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

8 "Physician assistant" means an individual licensed under
9 the Physician Assistant Practice Act of 1987.

10 "Primary care" means health care that encompasses
11 prevention services, basic diagnostic and treatment services,
12 and support services, including laboratory, radiology,
13 transportation, and pharmacy services.

14 "Psychiatrist" means a physician licensed to practice
15 medicine in Illinois under the Medical Practice Act of 1987
16 who has successfully completed an accredited residency program
17 in psychiatry.

18 "Qualifying loan" means a government loan or commercial
19 loan used for tuition and reasonable educational and living
20 expenses related to undergraduate or graduate education that
21 was obtained by the recipient prior to his or her application
22 for loan repayment and that is contemporaneous with the
23 education received.

24 "Reasonable educational expenses" means costs for
25 education, exclusive of tuition. These costs include, but are
26 not limited to, fees, books, supplies, clinical travel,

1 educational equipment, materials, board certification, or
2 licensing examinations. "Reasonable educational expenses" do
3 not exceed the estimated standard budget for expenses for the
4 degree program and for the years of enrollment.

5 "Reasonable living expenses" means room and board,
6 transportation, and commuting costs associated with the
7 applicant's attendance and participation in an educational and
8 workforce training program. "Reasonable living expenses" do
9 not exceed the estimated standard budget for the recipient's
10 degree program and for the years of enrollment.

11 "Recognized training entity" means an entity approved by
12 the Department to provide training and education for medical
13 assistants and dental assistants.

14 "Recipient" means a health care professional or medical
15 facility that may use loan repayment funds.

16 "Rural" has the same meaning that is used by the federal
17 Health Resources and Services Administration to determine
18 eligibility for Rural Health Grants.

19 "State" means the State of Illinois.

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

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

23 (210 ILCS 85/11.4)

24 Sec. 11.4. Disposition of fetus. A hospital having custody

1 of a fetus following a spontaneous fetal demise occurring
2 during or after a gestation period of less than 20 completed
3 weeks must notify the mother of her right to arrange for the
4 burial or cremation of the fetus. Notification may also
5 include other options such as, but not limited to, a ceremony,
6 a certificate, or common burial or cremation of fetal tissue.
7 If, within 24 hours after being notified under this Section,
8 the mother elects in writing to arrange for the burial or
9 cremation of the fetus, the disposition of the fetus shall be
10 subject to the same laws and rules that apply in the case of a
11 fetal death that occurs in this State after a gestation period
12 of 20 completed weeks or more. The Department of Public Health
13 shall develop forms to be used for notifications and elections
14 under this Section and hospitals shall provide the forms to
15 the mother.

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

17 (210 ILCS 85/11.9 new)

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

20 A hospital having custody of a fetus following a
21 spontaneous fetal death occurring during or after a gestation
22 period of at least 20 completed weeks must notify the
23 gestational parent of the parent's right to receive a
24 certificate of birth resulting in stillbirth as described in
25 Section 20.5 of the Vital Records Act. The Department of

1 Public Health shall develop a form to be used for notification
2 under this Section and hospitals shall provide the form to the
3 gestational parent. This form shall be known as a "Liam's Law
4 notice." The Department of Public Health shall consult with
5 the 2 Illinois-based Fetal Infant Mortality Review Project
6 Community Action Teams, or their successor organizations, to
7 ensure that any language included in the standardized "Liam's
8 Law notice" is culturally sensitive to the needs of bereaved
9 families. The "Liam's Law notice" shall be available in both
10 English and Spanish.

11 Section 20. The Birth Center Licensing Act is amended by
12 changing Section 5 and by adding Section 65 as follows:

13 (210 ILCS 170/5)

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

15 Sec. 5. Definitions. In this Act:

16 "Birth center" means a designated site, other than a
17 hospital:

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

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

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

1 10 beds;

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

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

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

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

15 "Department" means the Illinois Department of Public
16 Health.

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

21 "Physician" means a physician licensed to practice
22 medicine in all its branches in Illinois.

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

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

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

2 Sec. 5. Definitions. In this Act:

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

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

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

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

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

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

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

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

26 "Department" means the Illinois Department of Public

1 Health.

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

6 "Licensed certified professional midwife" means a person
7 who has successfully met the requirements under Section 45 of
8 the Licensed Certified Professional Midwife Practice Act and
9 holds an active license to practice as a licensed certified
10 professional midwife in Illinois.

11 "Physician" means a physician licensed to practice
12 medicine in all its branches in Illinois.

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

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

16 (210 ILCS 170/65 new)

17 Sec. 65. Co-located facilities; essential reproductive
18 health care services.

19 (a) In this Section, "co-located facility" means a
20 facility licensed in accordance with rules adopted by the
21 Department under subsection (c).

22 (b) Notwithstanding any other provision of law, a birth
23 center licensed under this Act, a birth center operating under
24 the Alternative Health Care Delivery Act, or any licensed
25 provider of abortion services and birth control services

1 on-site may be co-located at the same facility.

2 (c) The Department shall adopt rules creating a licensing
3 scheme and designation for co-located facilities.

4 (d) A co-located facility shall provide essential
5 reproductive health care services according to a sliding fee
6 schedule for uninsured patients, such as the Sliding Fee
7 Discount Program's fee schedule used by Federally Qualified
8 Health Centers. The essential reproductive health care
9 services include, but are not limited to, all of the
10 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 (e) A co-located facility shall not refuse access to
15 essential reproductive health care services described under
16 subsection (d) to a patient seeking access to any of those
17 services on the basis of his or her immigration status, state
18 or territory of residence, insurance status, or of any other
19 characteristic protected under the Illinois Human Rights Act.

20 (f) A co-located facility must obtain a certificate of
21 need from the Health Facilities and Services Review Board
22 under the Health Facilities Planning Act to operate an
23 obstetric bed unit with a bed capacity of no more than 8 beds.

24 (g) A co-located facility shall link and integrate labor
25 and delivery services with at least one hospital with a
26 minimum Level 3 perinatal designation.

1 (h) A co-located facility shall be eligible to receive
2 funding through the Department of Human Services for
3 programming described in subsections (h) and (i) of Section
4 35-5 of the Substance Use Disorder Act.

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

7 (225 ILCS 64/85)

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

9 Sec. 85. Prohibited practices.

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

12 (1) administer prescription pharmacological agents
13 intended to induce or augment labor;

14 (2) administer prescription pharmacological agents to
15 provide pain management;

16 (3) use vacuum extractors or forceps;

17 (4) prescribe medications;

18 (5) provide out-of-hospital intrapartum care to a
19 childbearing individual who has had a previous cesarean
20 section;

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

24 (7) knowingly accept responsibility for prenatal or

1 intrapartum care of a client with any of the following
2 risk factors:

3 (A) chronic significant maternal cardiac,
4 pulmonary, renal, or hepatic disease;

5 (B) malignant disease in an active phase;

6 (C) significant hematological disorders,
7 coagulopathies, or pulmonary embolism;

8 (D) insulin requiring diabetes mellitus;

9 (E) known maternal congenital abnormalities
10 affecting childbirth;

11 (F) confirmed isoimmunization, Rh disease with
12 positive titer;

13 (G) active tuberculosis;

14 (H) active syphilis or gonorrhea;

15 (I) active genital herpes infection 2 weeks prior
16 to labor or in labor;

17 (J) pelvic or uterine abnormalities affecting
18 normal vaginal births, including tumors and
19 malformations;

20 (K) (blank) ~~alcoholism or alcohol abuse~~;

21 (L) (blank) ~~drug addiction or abuse~~; or

22 (M) confirmed AIDS status.

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

1 licensed certified professional midwives.

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

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

6 (325 ILCS 5/3) (from Ch. 23, par. 2053)

7 Sec. 3. As used in this Act unless the context otherwise
8 requires:

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

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

20 "Blatant disregard" means an incident where the real,
21 significant, and imminent risk of harm would be so obvious to a
22 reasonable parent or caretaker that it is unlikely that a
23 reasonable parent or caretaker would have exposed the child to
24 the danger without exercising precautionary measures to

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

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

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

21 "Department" means Department of Children and Family
22 Services.

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

1 "Abused child" means a child whose parent or immediate
2 family member, or any person responsible for the child's
3 welfare, or any individual residing in the same home as the
4 child, or a paramour of the child's parent:

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

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

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

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

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

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

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

14 (h) commits or allows to be committed the offense of
15 involuntary servitude, involuntary sexual servitude of a
16 minor, or trafficking in persons as defined in Section
17 10-9 of the Criminal Code of 2012 against the child; or

18 (i) commits the offense of grooming, as defined in
19 Section 11-25 of the Criminal Code of 2012, against the
20 child.

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

24 "Neglected child" means any child who is not receiving the
25 proper or necessary nourishment or medically indicated
26 treatment including food or care not provided solely on the

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

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

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

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

1 "Great bodily harm" includes bodily injury which creates a
2 high probability of death, or which causes serious permanent
3 disfigurement, or which causes a permanent or protracted loss
4 or impairment of the function of any bodily member or organ, or
5 other serious bodily harm.

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

25 "Temporary protective custody" means custody within a
26 hospital or other medical facility or a place previously

1 designated for such custody by the Department, subject to
2 review by the Court, including a licensed foster home, group
3 home, or other institution; but such place shall not be a jail
4 or other place for the detention of criminal or juvenile
5 offenders.

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

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

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

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

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

26 "Member of the clergy" means a clergyman or practitioner

1 of any religious denomination accredited by the religious body
2 to which he or she belongs.

3 (Source: P.A. 102-567, eff. 1-1-22; 102-676, eff. 12-3-21;
4 102-813, eff. 5-13-22.)

5 (325 ILCS 5/3.5 new)

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

17 (325 ILCS 5/5) (from Ch. 23, par. 2055)

18 Sec. 5. An officer of a local law enforcement agency,
19 designated employee of the Department, or a physician treating
20 a child may take or retain temporary protective custody of the
21 child without the consent of the person responsible for the
22 child's welfare, if (1) he has reason to believe that there
23 exists a substantial and imminent risk of death, serious
24 illness, or severe personal injury to the child if he or she is

1 not immediately removed from his or her ~~the child cannot be~~
2 ~~caared for at~~ home or from ~~in~~ the custody of the person
3 responsible for the child's welfare ~~without endangering the~~
4 ~~child's health or safety~~; and (2) there is not time to apply
5 for a court order under the Juvenile Court Act of 1987 for
6 temporary custody of the child. The person taking or retaining
7 a child in temporary protective custody shall immediately make
8 every reasonable effort to notify the person responsible for
9 the child's welfare and shall immediately notify the
10 Department. The Department shall provide to the temporary
11 caretaker of a child any information in the Department's
12 possession concerning the positive results of a test performed
13 on the child to determine the presence of the antibody or
14 antigen to Human Immunodeficiency Virus (HIV), or of HIV
15 infection, as well as any communicable diseases or
16 communicable infections that the child has. The temporary
17 caretaker of a child shall not disclose to another person any
18 information received by the temporary caretaker from the
19 Department concerning the results of a test performed on the
20 child to determine the presence of the antibody or antigen to
21 HIV, or of HIV infection, except pursuant to Section 9 of the
22 AIDS Confidentiality Act, as now or hereafter amended. The
23 Department shall promptly initiate proceedings under the
24 Juvenile Court Act of 1987 for the continued temporary custody
25 of the child.

26 Where the physician keeping a child in his custody does so

1 in his capacity as a member of the staff of a hospital or
2 similar institution, he shall notify the person in charge of
3 the institution or his designated agent, who shall then become
4 responsible for the further care of such child in the hospital
5 or similar institution under the direction of the Department.

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

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

22 With respect to any child taken into temporary protective
23 custody pursuant to this Section, the Department of Children
24 and Family Services Guardianship Administrator or his designee
25 shall be deemed the child's legally authorized representative
26 for purposes of consenting to an HIV test if deemed necessary

1 and appropriate by the Department's Guardianship Administrator
2 or designee and obtaining and disclosing information
3 concerning such test pursuant to the AIDS Confidentiality Act
4 if deemed necessary and appropriate by the Department's
5 Guardianship Administrator or designee and for purposes of
6 consenting to the release of information pursuant to the
7 Illinois Sexually Transmissible Disease Control Act if deemed
8 necessary and appropriate by the Department's Guardianship
9 Administrator or designee.

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

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

21 (325 ILCS 5/7.3) (from Ch. 23, par. 2057.3)

22 Sec. 7.3. (a) The Department shall be the sole agency
23 responsible for receiving and investigating reports of child
24 abuse or neglect made under this Act, including reports of
25 adult resident abuse or neglect as defined in this Act, except

1 where investigations by other agencies may be required with
2 respect to reports alleging the abuse or neglect of a child by
3 a person who is not the child's parent, a member of the child's
4 immediate family, a person responsible for the child's
5 welfare, an individual residing in the same home as the child,
6 or a paramour of the child's parent, the death of a child,
7 serious injury to a child or sexual abuse to a child made
8 pursuant to Sections 4.1 or 7 of this Act, and except that the
9 Department may delegate the performance of the investigation
10 to the Illinois State Police, a law enforcement agency and to
11 those private social service agencies which have been
12 designated for this purpose by the Department prior to July 1,
13 1980.

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

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

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

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

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

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

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

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

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

23 (325 ILCS 5/4.4 rep.)

24 Section 35. The Abused and Neglected Child Reporting Act
25 is amended by repealing Section 4.4.

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

3 (410 ILCS 50/3.4)

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

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

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

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

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

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

23 (5) The right to leave her maternity care provider
24 ~~professional~~ and select another if she becomes

1 dissatisfied with her care,~~except as otherwise provided~~
2 ~~by law.~~

3 (6) The right to receive information about the names
4 of those health care professionals involved in her care.

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

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

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

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

15 (11) The right to access her medical records in
16 accordance with Section 8-2001 of the Code of Civil
17 Procedure.

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

20 (13) The right to receive emotional and physical
21 support during labor and birth.

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

25 (15) The right to contact with her newborn,~~except~~
26 ~~where necessary care must be provided to the mother or~~

1 ~~infant.~~

2 (16) The right to receive information about
3 breastfeeding.

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

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

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

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

1 information about these rights in a prominent place and on
2 their websites, if applicable.

3 (c) The Department of Public Health shall adopt rules to
4 implement this Section.

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

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

12 (410 ILCS 50/3.5 new)

13 Sec. 3.5. Disclosure of medical information.

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

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

23 (2) Any toxicology test administered to a person who
24 is pregnant or has given birth within the previous 12
25 weeks.

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

2 A physician, health care provider, health services
3 corporation, or insurance company who administers a medical
4 test described under paragraph (1), (2), or (3) may disclose
5 the results of the test to a law enforcement agency or to the
6 Department of Children and Family Services if a law
7 enforcement agency has successfully obtained and furnished a
8 search warrant issued under Section 108-3 of the Code of
9 Criminal Procedure of 1963.

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

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

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

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

25 Section 45. The Illinois Health and Hazardous Substances

1 Registry Act is amended by changing Section 3 as follows:

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

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

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

7 (b) "Director" means the Director of the Illinois
8 Department of Public Health.

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

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

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

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

24 (g) "Occupational disease" includes but is not limited to
25 all occupational diseases covered by the Workers' Occupational

1 Diseases Act.

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

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

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

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

1 (1) "Adverse pregnancy outcome" includes, but is not
2 limited to, birth defects, spontaneous fetal death after 20
3 weeks of completed gestation fetal loss, infant mortality, low
4 birth weight, neonatal abstinence syndrome, newborn affected
5 by prenatal substance exposure, fetal alcohol spectrum
6 disorders, selected life-threatening conditions, and other
7 developmental disabilities as defined by the Department.

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

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

21 (m) "News medium" means any newspaper or other periodical
22 issued at regular intervals, whether in print or electronic
23 format, and having a general circulation; a news service,
24 whether in print or electronic format; a radio station, a
25 television station; a television network; a community antenna
26 television service; and any person or corporation engaged in

1 the making of news reels or other motion picture news for
2 public showing.

3 (n) "Researcher" means an individual who is affiliated
4 with or supported by universities, academic centers, research
5 institutions, hospitals, and governmental entities who conduct
6 scientific research or investigation on human diseases.

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

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

10 (410 ILCS 535/20) (from Ch. 111 1/2, par. 73-20)

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

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

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

1 (b) When a fetal death occurs on a moving conveyance,
2 the city, village, township, or road district in which the
3 fetus is first removed from the conveyance shall be
4 considered the place of delivery and a fetal death
5 certificate shall be filed in the registration district in
6 which the place is located.

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

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

24 (3) When a fetal death occurs without medical attendance
25 upon the mother at or after the delivery, or when
26 investigation is required under Division 3-3 of Article 3 of

1 the Counties Code, the coroner shall be responsible for the
2 completion of the fetal death certificate and shall sign the
3 medical certification within 24 hours after the delivery or
4 the finding of the fetus, except as provided by regulation in
5 special problem cases.

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

7 (410 ILCS 535/20.5)

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

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

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

25 (b-5) A person who files a fetal death certificate as

1 described under subsection (b) shall notify the gestational
2 parent of the stillborn of that parent's right to request and
3 receive a certificate of birth resulting in stillbirth under
4 subsection (b). The Department shall develop forms for
5 notification under this subsection. This form shall be titled
6 and known as a "Liam's Law notice."

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

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

17 (e) In the case of a fetal death that occurred in this
18 State after a gestation period of at least 20 ~~26~~ completed
19 weeks or, in cases where gestational age is uncertain, where
20 the fetus weighs at least 350 grams, and before the effective
21 date of this amendatory Act of the 103rd General Assembly ~~this~~
22 ~~amendatory Act of the 93rd General Assembly,~~ a parent of the
23 stillborn child may request that the person who filed a fetal
24 death certificate in connection with that death as required
25 under Section 20 shall also prepare a certificate of birth
26 resulting in stillbirth with respect to the fetus. If a parent

1 of a stillborn makes such a request under this subsection (e),
2 the person who filed a fetal death certificate shall prepare
3 the certificate of birth resulting in stillbirth and file it
4 with the designated registrar within 30 days after the request
5 by the parent.

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

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

9 (705 ILCS 405/2-3) (from Ch. 37, par. 802-3)

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

11 (1) Those who are neglected include:

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

1 neglected for the sole reason that the minor's parent or
2 parents or other person or persons responsible for the
3 minor's welfare have left the minor in the care of an adult
4 relative for any period of time, who the parent or parents
5 or other person responsible for the minor's welfare know
6 is both a mentally capable adult relative and physically
7 capable adult relative, as defined by this Act; or

8 (b) any minor under 18 years of age or a minor 18 years
9 of age or older for whom the court has made a finding of
10 probable cause to believe that the minor is abused,
11 neglected, or dependent under subsection (1) of Section
12 2-10 prior to the minor's 18th birthday whose environment
13 is injurious to his or her welfare; or

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

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

1 safety, or welfare of that minor; or

2 (e) any minor who has been provided with interim
3 crisis intervention services under Section 3-5 of this Act
4 and whose parent, guardian, or custodian refuses to permit
5 the minor to return home unless the minor is an immediate
6 physical danger to himself, herself, or others living in
7 the home.

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

13 (1) the age of the minor;

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

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

19 (4) the duration of time in which the minor was left
20 without supervision;

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

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

25 (7) the weather conditions, including whether the
26 minor was left in a location with adequate protection from

1 the natural elements such as adequate heat or light;

2 (8) the location of the parent or guardian at the time
3 the minor was left without supervision, the physical
4 distance the minor was from the parent or guardian at the
5 time the minor was without supervision;

6 (9) whether the minor's movement was restricted, or
7 the minor was otherwise locked within a room or other
8 structure;

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

12 (11) whether there was food and other provision left
13 for the minor;

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

19 (13) the age and physical and mental capabilities of
20 the person or persons who provided supervision for the
21 minor;

22 (14) whether the minor was left under the supervision
23 of another person;

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

26 A minor shall not be considered neglected for the sole

1 reason that the minor has been relinquished in accordance with
2 the Abandoned Newborn Infant Protection Act.

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

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

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

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

1 18 years of age;

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

4 (v) inflicts excessive corporal punishment;

5 (vi) commits or allows to be committed the offense of
6 involuntary servitude, involuntary sexual servitude of a
7 minor, or trafficking in persons as defined in Section
8 10-9 of the Criminal Code of 1961 or the Criminal Code of
9 2012, upon such minor; or

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

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

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

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

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

1 (705 ILCS 405/2-18) (from Ch. 37, par. 802-18)

2 Sec. 2-18. Evidence.

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

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

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

18 (b) (blank); ~~proof that a minor has a medical~~
19 ~~diagnosis of failure to thrive syndrome is prima facie~~
20 ~~evidence of neglect;~~

21 (c) (blank); ~~proof that a minor has a medical~~
22 ~~diagnosis of fetal alcohol syndrome is prima facie~~
23 ~~evidence of neglect;~~

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

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

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

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

24 (h) (blank); ~~proof that a newborn infant's blood,~~
25 ~~urine, or meconium contains any amount of a controlled~~
26 ~~substance as defined in subsection (f) of Section 102 of~~

1 ~~the Illinois Controlled Substances Act, or a metabolite of~~
2 ~~a controlled substance, with the exception of controlled~~
3 ~~substances or metabolites of those substances, the~~
4 ~~presence of which is the result of medical treatment~~
5 ~~administered to the mother or the newborn, is prime facie~~
6 ~~evidence of neglect;~~

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

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

22 (k) proof that a parent, custodian, or guardian of a
23 minor commits or allows to be committed the offense of
24 involuntary servitude, involuntary sexual servitude of a
25 minor, or trafficking in persons as defined in Section
26 10-9 of the Criminal Code of 1961 or the Criminal Code of

1 2012, upon such minor, constitutes prima facie evidence of
2 abuse and neglect.

3 (3) In any hearing under this Act, proof of the abuse,
4 neglect or dependency of one minor shall be admissible
5 evidence on the issue of the abuse, neglect or dependency of
6 any other minor for whom the respondent is responsible.

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

1 employee. All other circumstances of the making of the
2 memorandum, record, photograph or x-ray, including lack of
3 personal knowledge of the maker, may be proved to affect the
4 weight to be accorded such evidence, but shall not affect its
5 admissibility.

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

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

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

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

23 (f) Proof of the impairment of emotional health or
24 impairment of mental or emotional condition as a result of the
25 failure of the respondent to exercise a minimum degree of care
26 toward a minor may include competent opinion or expert

1 testimony, and may include proof that such impairment lessened
2 during a period when the minor was in the care, custody or
3 supervision of a person or agency other than the respondent.

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

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

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

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

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

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

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

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

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

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

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

15 (a) Abandonment of the child.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 (j) Open and notorious adultery or fornication.

12 (j-1) (Blank).

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

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

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

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

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

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

16 (m-1) (Blank).

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

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

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

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

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

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

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

1 construed so as to permit a licensed clinical social
2 worker to conduct any medical diagnosis to determine
3 mental illness or mental impairment.

4 (q) (Blank).

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

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

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

~~Section 102 of the Illinois Controlled Substances Act, or a metabolite of a controlled substance, with the exception of controlled substances or metabolites of such substances, the presence of which in the newborn infant was the result of medical treatment administered to the mother or the newborn infant, and that the biological mother of this child is the biological mother of at least one other child who was adjudicated a neglected minor under subsection (c) of Section 2-3 of the Juvenile Court Act of 1987, after which the biological mother had the opportunity to enroll in and participate in a clinically appropriate substance abuse counseling, treatment, and rehabilitation program.~~

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

1 consent is void; or (3) the order terminating the parental
2 rights of the person is vacated by a court of competent
3 jurisdiction.

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

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

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

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

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

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

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

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

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

26 H. (Blank).

1 I. "Habitual residence" has the meaning ascribed to it in
2 the federal Intercountry Adoption Act of 2000 and regulations
3 promulgated thereunder.

4 J. "Immediate relatives" means the biological parents, the
5 parents of the biological parents and siblings of the
6 biological parents.

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

13 L. (Blank).

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

19 N. (Blank).

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

24 P. "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 the child physical injury, by other than
4 accidental means, that 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 the 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 the child, as sex offenses are defined in the
14 Criminal Code of 2012 and extending those definitions of
15 sex offenses to include children under 18 years of age;

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

18 (e) inflicts excessive corporal punishment.

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

1 care recognized under State law as necessary for a child's
2 well-being, or other care necessary for his or her well-being,
3 including adequate food, clothing and shelter; or who is
4 abandoned by his or her parents or other person responsible
5 for the child's welfare.

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

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

26 S. "Standby adoption" means an adoption in which a parent

1 consents to custody and termination of parental rights to
2 become effective upon the occurrence of a future event, which
3 is either the death of the parent or the request of the parent
4 for the entry of a final judgment of adoption.

5 T. (Blank).

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

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

15 V. (Blank).

16 W. (Blank).

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

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

25 (2) because his paternity of the child has been
26 established pursuant to the Illinois Parentage Act, the

1 Illinois Parentage Act of 1984, or the Gestational
2 Surrogacy Act; or

3 (3) because he is listed as the child's father or
4 parent on the child's birth certificate, unless he is
5 otherwise determined by an administrative or judicial
6 proceeding not to be the parent of the child or unless he
7 rescinds his acknowledgment of paternity pursuant to the
8 Illinois Parentage Act of 1984; or

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

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

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

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

20 (2) because her maternity of the child has been
21 established pursuant to the Illinois Parentage Act of 1984
22 or the Gestational Surrogacy Act; or

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

25 (4) because of her marriage to or civil union with the
26 child's other parent at the time of the child's birth or

1 within 300 days prior to the time of birth; or

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

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

11 Z. "Department" means the Illinois Department of Children
12 and Family Services.

13 AA. "Placement disruption" means a circumstance where the
14 child is removed from an adoptive placement before the
15 adoption is finalized.

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

23 CC. "Adoption dissolution" means a circumstance where the
24 child is removed from an adoptive placement after the adoption
25 is finalized.

26 DD. "Unregulated placement" means the secondary placement

1 of a child that occurs without the oversight of the courts, the
2 Department, or a licensed child welfare agency.

3 EE. "Post-placement and post-adoption support services"
4 means support services for placed or adopted children and
5 families that include, but are not limited to, mental health
6 treatment, including counseling and other support services for
7 emotional, behavioral, or developmental needs, and treatment
8 for substance abuse.

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

11 (Source: P.A. 101-155, eff. 1-1-20; 101-529, eff. 1-1-20;
12 102-139, eff. 1-1-22; 102-558, eff. 8-20-21.)

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

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