



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB4380

by Rep. Jack D. Franks

SYNOPSIS AS INTRODUCED:

40 ILCS 5/1-104.2	from Ch. 108 1/2, par. 1-104.2
40 ILCS 5/15-129	from Ch. 108 1/2, par. 15-129
105 ILCS 5/27-9.1	from Ch. 122, par. 27-9.1
215 ILCS 5/356i	from Ch. 73, par. 968i
215 ILCS 125/4-2	from Ch. 111 1/2, par. 1408.2
215 ILCS 165/15.12	from Ch. 32, par. 609.12
305 ILCS 5/10-2	from Ch. 23, par. 10-2
305 ILCS 5/10-4	from Ch. 23, par. 10-4
305 ILCS 5/10-6	from Ch. 23, par. 10-6
305 ILCS 5/11-9	from Ch. 23, par. 11-9
740 ILCS 45/2	from Ch. 70, par. 72
750 ILCS 5/205	from Ch. 40, par. 205
750 ILCS 5/607	from Ch. 40, par. 607
750 ILCS 30/3-3	from Ch. 40, par. 2203-3
750 ILCS 50/1	from Ch. 40, par. 1501
750 ILCS 50/12.1	
750 ILCS 50/18	from Ch. 40, par. 1522
755 ILCS 5/2-2	from Ch. 110 1/2, par. 2-2
755 ILCS 5/5-3	from Ch. 110 1/2, par. 5-3
820 ILCS 315/3	from Ch. 48, par. 283

Amends the Illinois Pension Code, the School Code, the Illinois Insurance Code, the Health Maintenance Organization Act, the Voluntary Health Services Plans Act, the Illinois Public Aid Code, the Crime Victims Compensation Act, the Illinois Marriage and Dissolution of Marriage Act, the Emancipation of Minors Act, the Adoption Act, the Probate Act of 1975, and the Line of Duty Compensation Act. Replaces references to children born out of wedlock with references to nonmarital children and a reference to children born in wedlock with a reference to marital children. Prohibits the use of the word "nonmarital" in an adoption proceeding.

LRB098 14743 HEP 49634 b

1 AN ACT concerning children.

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

4 Section 5. The Illinois Pension Code is amended by changing
5 Sections 1-104.2 and 15-129 as follows:

6 (40 ILCS 5/1-104.2) (from Ch. 108 1/2, par. 1-104.2)

7 Sec. 1-104.2. Beginning January 1, 1986, nonmarital
8 children ~~not conceived in lawful wedlock~~ shall be entitled to
9 the same benefits as other children, and no child's or
10 survivor's benefit shall be disallowed because of the fact that
11 the child was a nonmarital child ~~born out of wedlock~~; however,
12 in cases where the father is the employee parent, paternity
13 must first be established. Paternity may be established by any
14 one of the following means: (1) acknowledgment by the father,
15 or (2) adjudication before or after the death of the father, or
16 (3) any other means acceptable to the board of trustees of the
17 pension fund or retirement system.

18 (Source: P.A. 94-229, eff. 1-1-06.)

19 (40 ILCS 5/15-129) (from Ch. 108 1/2, par. 15-129)

20 Sec. 15-129. Child.

21 "Child": The child of a participant or an annuitant,
22 including a nonmarital child ~~born out of wedlock~~, a stepchild

1 who has been such for not less than 1 year immediately
2 preceding the death of the participant or annuitant, and an
3 adopted child.

4 (Source: P.A. 94-229, eff. 1-1-06; 95-279, eff. 1-1-08.)

5 Section 10. The School Code is amended by changing Section
6 27-9.1 as follows:

7 (105 ILCS 5/27-9.1) (from Ch. 122, par. 27-9.1)

8 Sec. 27-9.1. Sex Education.

9 (a) In this Section:

10 "Adapt" means to modify an evidence-based program model for
11 use with a particular demographic, ethnic, linguistic, or
12 cultural group.

13 "Age appropriate" means suitable to particular ages or age
14 groups of children and adolescents, based on the developing
15 cognitive, emotional, and behavioral capacity typical for the
16 age or age group.

17 "Evidence-based program" means a program for which
18 systematic, empirical research or evaluation has provided
19 evidence of effectiveness.

20 "Medically accurate" means verified or supported by the
21 weight of research conducted in compliance with accepted
22 scientific methods and published in peer-reviewed journals, if
23 applicable, or comprising information recognized as accurate,
24 objective, and complete.

1 (a-5) No pupil shall be required to take or participate in
2 any class or course in comprehensive sex education if his
3 parent or guardian submits written objection thereto, and
4 refusal to take or participate in such course or program shall
5 not be reason for suspension or expulsion of such pupil. Each
6 class or course in comprehensive sex education offered in any
7 of grades 6 through 12 shall include instruction on both
8 abstinence and contraception for the prevention of pregnancy
9 and sexually transmitted diseases, including HIV/AIDS. Nothing
10 in this Section prohibits instruction in sanitation, hygiene or
11 traditional courses in biology.

12 (b) All public school classes that teach sex education and
13 discuss sexual intercourse in grades 6 through 12 shall
14 emphasize that abstinence from sexual intercourse is a
15 responsible and positive decision and is the only protection
16 that is 100% effective against unwanted teenage pregnancy,
17 sexually transmitted diseases, and acquired immune deficiency
18 syndrome (AIDS) when transmitted sexually.

19 (c) All classes that teach sex education and discuss sexual
20 intercourse in grades 6 through 12 shall satisfy the following
21 criteria:

22 (1) Course material and instruction shall be
23 developmentally and age appropriate, medically accurate,
24 and complete.

25 (1.5) Course material and instruction shall replicate
26 evidence-based programs or substantially incorporate

1 elements of evidence-based programs.

2 (2) Course material and instruction shall teach honor
3 and respect for monogamous heterosexual marriage.

4 (3) Course material and instruction shall place
5 substantial emphasis on both abstinence, including
6 abstinence until marriage, and contraception for the
7 prevention of pregnancy and sexually transmitted diseases
8 among youth and shall stress that abstinence is the ensured
9 method of avoiding unintended pregnancy, sexually
10 transmitted diseases, and HIV/AIDS.

11 (4) Course material and instruction shall include a
12 discussion of the possible emotional and psychological
13 consequences of preadolescent and adolescent sexual
14 intercourse and the consequences of unwanted adolescent
15 pregnancy.

16 (5) Course material and instruction shall stress that
17 sexually transmitted diseases are serious possible hazards
18 of sexual intercourse. Pupils shall be provided with
19 statistics based on the latest medical information citing
20 the failure and success rates of condoms in preventing AIDS
21 and other sexually transmitted diseases.

22 (6) Course material and instruction shall advise
23 pupils of the laws pertaining to their financial
24 responsibility to marital and nonmarital children ~~born in~~
25 ~~and out of wedlock~~.

26 (7) Course material and instruction shall advise

1 pupils of the circumstances under which it is unlawful for
2 males to have sexual relations with females under the age
3 of 18 to whom they are not married pursuant to Article 11
4 of the Criminal Code of 2012.

5 (8) Course material and instruction shall teach pupils
6 to not make unwanted physical and verbal sexual advances
7 and how to say no to unwanted sexual advances. Pupils shall
8 be taught that it is wrong to take advantage of or to
9 exploit another person. The material and instruction shall
10 also encourage youth to resist negative peer pressure.

11 (9) (Blank).

12 (10) Course material and instruction shall teach
13 pupils about the dangers associated with drug and alcohol
14 consumption during pregnancy.

15 (d) An opportunity shall be afforded to individuals,
16 including parents or guardians, to examine the instructional
17 materials to be used in such class or course.

18 (e) The State Board of Education shall make available
19 resource materials, with the cooperation and input of the
20 agency that administers grant programs consistent with
21 criteria (1) and (1.5) of subsection (c) of this Section, for
22 educating children regarding sex education and may take into
23 consideration the curriculum on this subject developed by other
24 states, as well as any other curricular materials suggested by
25 education experts and other groups that work on sex education
26 issues. Materials may include without limitation model sex

1 education curriculums and sexual health education programs.
2 The State Board of Education shall make these resource
3 materials available on its Internet website. School districts
4 that do not currently provide sex education are not required to
5 teach sex education. If a sex education class or course is
6 offered in any of grades 6 through 12, the school district may
7 choose and adapt the developmentally and age-appropriate,
8 medically accurate, evidence-based, and complete sex education
9 curriculum that meets the specific needs of its community.
10 (Source: P.A. 97-1150, eff. 1-25-13; 98-441, eff. 1-1-14.)

11 Section 15. The Illinois Insurance Code is amended by
12 changing Section 356i as follows:

13 (215 ILCS 5/356i) (from Ch. 73, par. 968i)

14 Sec. 356i. Medical assistance; coverage of child.

15 (a) In this Section, "Medicaid" means medical assistance
16 authorized under Section 1902 of the Social Security Act.

17 (b) An individual or group policy of accident and health
18 insurance that is delivered or issued for delivery to any
19 person in this State or renewed or amended may not contain any
20 provision which limits or excludes payments of hospital or
21 medical benefits coverage to or on behalf of the insured
22 because the insured or any covered dependent is eligible for or
23 receiving Medicaid benefits in this or any other state.

24 (c) To the extent that payment for covered expenses has

1 been made under Article V, VI, or VII of the Illinois Public
2 Aid Code for health care services provided to an individual, if
3 a third party has a legal liability to make payments for those
4 health care services, the State is considered to have acquired
5 the rights of the individual to payment.

6 (d) If a child is covered under an accident and health
7 insurance policy issued to the child's noncustodial parent, the
8 issuer of the policy shall do all of the following:

9 (1) Provide necessary information to the child's
10 custodial parent to enable the child to obtain benefits
11 under that coverage.

12 (2) Permit the child's custodial parent (or the
13 provider, with the custodial parent's approval) to submit
14 claims for payment for covered services without the
15 approval of the noncustodial parent.

16 (3) Make payments on claims submitted in accordance
17 with paragraph (2) directly to the custodial parent, the
18 provider of health care services, or the state Medicaid
19 agency.

20 (e) An insurer may not deny enrollment of a child under the
21 accident and health insurance coverage of the child's parent on
22 any of the following grounds:

23 (1) The child was a nonmarital child ~~born out of~~
24 ~~wedlock~~.

25 (2) The child is not claimed as a dependent on the
26 parent's federal income tax return.

1 (3) The child does not reside with the parent or in the
2 insurer's service area.

3 (f) If a parent is required by a court or administrative
4 order to provide accident and health insurance coverage for a
5 child and the parent is insured under a plan that offers
6 coverage for eligible dependents, the insurer, upon receiving a
7 copy of the order, shall:

8 (1) Upon application, permit the parent to add to the
9 parent's coverage such a child who is otherwise eligible
10 for that coverage, without regard to any enrollment season
11 restrictions.

12 (2) Add the child to the parent's coverage upon
13 application of the child's other parent, the state agency
14 administering the Medicaid program, or the state agency
15 administering a program for enforcing child support and
16 establishing paternity under 42 U.S.C. 651 through 669 (or
17 another child support enforcement program), if the parent
18 is covered but fails to apply for coverage for the child.

19 (g) An insurer may not impose, on a state agency that has
20 been assigned the rights of a covered individual who receives
21 Medicaid benefits, requirements that are different from
22 requirements applicable to an assignee of any other individual
23 covered under the same insurance policy.

24 (h) Nothing in subsections (e) and (f) prevents an insurer
25 from denying any such application if the child is not eligible
26 for coverage according to the insurer's medical underwriting

1 standards.

2 (i) The insurer may not eliminate coverage of such a child
3 unless the insurer is provided satisfactory written evidence of
4 either of the following:

5 (1) The court or administrative order is no longer in
6 effect.

7 (2) The child is or will be covered under a comparable
8 health care plan obtained by the parent under such order
9 and that coverage is currently in effect or will take
10 effect not later than the date the prior coverage is
11 terminated.

12 (Source: P.A. 89-183, eff. 1-1-96.)

13 Section 20. The Health Maintenance Organization Act is
14 amended by changing Section 4-2 as follows:

15 (215 ILCS 125/4-2) (from Ch. 111 1/2, par. 1408.2)

16 Sec. 4-2. Medical assistance; coverage of child.

17 (a) In this Section, "Medicaid" means medical assistance
18 authorized under Section 1902 of the Social Security Act.

19 (b) A contract or evidence of coverage delivered, issued
20 for delivery, renewed, or amended by a Health Maintenance
21 Organization may not contain any provision which limits or
22 excludes payments of health care services to or on behalf of
23 the enrollee because the enrollee or any covered dependent is
24 eligible for or is receiving Medicaid benefits in this or any

1 other state.

2 (c) To the extent that payment for covered expenses has
3 been made under Article V, VI, or VII of the Illinois Public
4 Aid Code for health care services provided to an individual, if
5 a third party has a legal liability to make payments for those
6 health care services, the State is considered to have acquired
7 the rights of the individual to payment.

8 (d) If a child is covered under a health care plan of a
9 Health Maintenance Organization in which the child's
10 noncustodial parent is an enrollee, the Health Maintenance
11 Organization shall:

12 (1) Provide necessary information to the child's
13 custodial parent to enable the child to obtain benefits
14 under that health care plan.

15 (2) Permit the child's custodial parent (or the
16 provider, with the custodial parent's approval) to submit
17 claims for payment for covered services without the
18 approval of the noncustodial parent.

19 (3) Make payments on claims submitted in accordance
20 with paragraph (2) directly to the custodial parent, the
21 provider of health care services, or the state Medicaid
22 agency.

23 (e) A Health Maintenance Organization may not deny
24 enrollment of a child under the health care plan in which the
25 child's parent is an enrollee on any of the following grounds:

26 (1) The child was a nonmarital child ~~born out of~~

1 ~~wedlock.~~

2 (2) The child is not claimed as a dependent on the
3 parent's federal income tax return.

4 (3) The child does not reside with the parent or in the
5 service area covered by the health care plan.

6 (f) If a parent is required by a court or administrative
7 order to provide coverage for a child under a health care plan
8 in which the parent is enrolled, and that offers coverage for
9 eligible dependents, the Health Maintenance Organization, upon
10 receiving a copy of the order, shall:

11 (1) Upon application, permit the parent to enroll in
12 the health care plan a child who is otherwise eligible for
13 that coverage, without regard to any enrollment season
14 restrictions that might otherwise be applicable as to the
15 time period within which a person may enroll in the plan.

16 (2) Enroll the child in the health care plan upon
17 application of the child's other parent, the state agency
18 administering the Medicaid program, or the state agency
19 administering a program for enforcing child support and
20 establishing paternity under 42 U.S.C. 651 through 669 (or
21 another child support enforcement program), if the parent
22 is enrolled in the health care plan but fails to apply for
23 enrollment of the child.

24 (g) A Health Maintenance Organization may not impose, on a
25 state agency that has been assigned the rights of an enrollee
26 in a health care plan who receives Medicaid benefits,

1 requirements that are different from requirements applicable
2 to an assignee of any other enrollee in that health care plan.

3 (h) Nothing in subsections (e) and (f) prevents a Health
4 Maintenance Organization from denying any such application if
5 the child is not eligible for coverage according to the Health
6 Maintenance Organization's medical underwriting standards.

7 (i) The Health Maintenance Organization may not disenroll
8 (or otherwise eliminate coverage of) the child from the health
9 care plan unless the Health Maintenance Organization is
10 provided satisfactory written evidence of either of the
11 following:

12 (1) The court or administrative order is no longer in
13 effect.

14 (2) The child is or will be enrolled in a comparable
15 health care plan obtained by the parent under such order
16 and that enrollment is currently in effect or will take
17 effect not later than the date the prior coverage is
18 terminated.

19 (Source: P.A. 89-183, eff. 1-1-96.)

20 Section 25. The Voluntary Health Services Plans Act is
21 amended by changing Section 15.12 as follows:

22 (215 ILCS 165/15.12) (from Ch. 32, par. 609.12)

23 Sec. 15.12. Medical assistance; coverage of child.

24 (a) In this Section, "Medicaid" means medical assistance

1 authorized under Section 1902 of the Social Security Act.

2 (b) A contract delivered, issued for delivery, renewed, or
3 amended by a health services plan corporation may not contain
4 any provision which limits or excludes payments of hospital or
5 medical benefits coverage to or on behalf of the subscriber
6 because the subscriber or any covered dependent is eligible for
7 or receiving Medicaid benefits in this or any other state.

8 (c) To the extent that payment for covered expenses has
9 been made under Article V, VI, or VII of the Illinois Public
10 Aid Code for health care services provided to an individual, if
11 a third party has a legal liability to make payments for those
12 health care services, the State is considered to have acquired
13 the rights of the individual to payment.

14 (d) If a child is covered under a voluntary health services
15 plan in which the child's noncustodial parent is a beneficiary,
16 the health services plan corporation shall:

17 (1) Provide necessary information to the child's
18 custodial parent to enable the child to obtain benefits
19 under that voluntary health services plan.

20 (2) Permit the child's custodial parent (or the
21 provider, with the custodial parent's approval) to submit
22 claims for payment for covered services without the
23 approval of the noncustodial parent.

24 (3) Make payments on claims submitted in accordance
25 with paragraph (2) directly to the custodial parent, the
26 provider of health care services, or the state Medicaid

1 agency.

2 (e) A health services plan corporation may not deny
3 enrollment of a child under a voluntary health services plan in
4 which the child's parent is a beneficiary on any of the
5 following grounds:

6 (1) The child was a nonmarital child ~~born out of~~
7 ~~wedlock~~.

8 (2) The child is not claimed as a dependent on the
9 parent's federal income tax return.

10 (3) The child does not reside with the parent or in the
11 area covered by the plan.

12 (f) If a parent is required by a court or administrative
13 order to provide coverage for a child under a voluntary health
14 services plan and has a plan which offers coverage for eligible
15 dependents, the health services plan corporation, upon
16 receiving a copy of the order, shall:

17 (1) Upon application, permit the parent to enroll, as a
18 subscriber to the plan, a child who is otherwise eligible
19 for that coverage, without regard to any enrollment season
20 restrictions that might otherwise be applicable as to the
21 time period within which a person may subscribe to the
22 plan.

23 (2) Enroll the child as a subscriber to the plan upon
24 application of the child's other parent, the state agency
25 administering the Medicaid program, or the state agency
26 administering a program for enforcing child support and

1 establishing paternity under 42 U.S.C. 651 through 669 (or
2 another child support enforcement program), if the parent
3 is a beneficiary to the plan but fails to apply for
4 enrollment of the child.

5 (g) A health services plan corporation may not impose, on a
6 state agency that has been assigned the rights of an individual
7 who is a beneficiary to a voluntary health services plan who
8 receives Medicaid benefits, requirements that are different
9 from requirements applicable to an assignee of any other
10 individual who is a beneficiary to that plan.

11 (h) Nothing in subsections (e) and (f) prevents a health
12 services plan corporation from denying any such application if
13 the child is not eligible for coverage according to the health
14 services plan corporation's medical underwriting standards.

15 (i) The health services plan corporation may not disenroll
16 (or otherwise eliminate coverage of) the child from the plan
17 unless the corporation is provided satisfactory written
18 evidence of either of the following:

19 (1) The court or administrative order is no longer in
20 effect.

21 (2) The child is or will be enrolled in a comparable
22 health care plan obtained by the parent under such order
23 and that enrollment is currently in effect or will take
24 effect not later than the date the prior coverage is
25 terminated.

26 (Source: P.A. 89-183, eff. 1-1-96.)

1 Section 30. The Illinois Public Aid Code is amended by
2 changing Sections 10-2, 10-4, 10-6, and 11-9 as follows:

3 (305 ILCS 5/10-2) (from Ch. 23, par. 10-2)

4 Sec. 10-2. Extent of Liability. A husband is liable for the
5 support of his wife and a wife for the support of her husband.
6 Unless the child is otherwise emancipated, the parents are
7 severally liable for the support of any child under age 18, and
8 for any child aged 18 who is attending high school, until that
9 child graduates from high school, or attains the age of 19,
10 whichever is earlier. The term "child" includes a nonmarital
11 ~~child born out of wedlock,~~ or legally adopted child.

12 In addition to the primary obligation of support imposed
13 upon responsible relatives, such relatives, if individually or
14 together in any combination they have sufficient income or
15 other resources to support a needy person, in whole or in part,
16 shall be liable for any financial aid extended under this Code
17 to a person for whose support they are responsible, including
18 amounts expended for funeral and burial costs.

19 (Source: P.A. 92-876, eff. 6-1-03.)

20 (305 ILCS 5/10-4) (from Ch. 23, par. 10-4)

21 Sec. 10-4. Notification of Support Obligation. The
22 administrative enforcement unit within the authorized area of
23 its operation shall notify each responsible relative of an

1 applicant or recipient, or responsible relatives of other
2 persons given access to the child support enforcement services
3 of this Article, of his legal obligation to support and shall
4 request such information concerning his financial status as may
5 be necessary to determine whether he is financially able to
6 provide such support, in whole or in part. In cases involving a
7 nonmarital child ~~born out of wedlock~~, the notification shall
8 include a statement that the responsible relative has been
9 named as the biological father of the child identified in the
10 notification.

11 In the case of applicants, the notification shall be sent
12 as soon as practical after the filing of the application. In
13 the case of recipients, the notice shall be sent at such time
14 as may be established by rule of the Illinois Department.

15 The notice shall be accompanied by the forms or
16 questionnaires provided in Section 10-5. It shall inform the
17 relative that he may be liable for reimbursement of any support
18 furnished from public aid funds prior to determination of the
19 relative's financial circumstances, as well as for future
20 support. In the alternative, when support is sought on behalf
21 of applicants for or recipients of financial aid under Article
22 IV of this Code and other persons who are given access to the
23 child support enforcement services of this Article as provided
24 in Section 10-1, the notice shall inform the relative that the
25 relative may be required to pay support for a period before the
26 date an administrative support order is entered, as well as

1 future support.

2 Neither the mailing nor receipt of such notice shall be
3 deemed a jurisdictional requirement for the subsequent
4 exercise of the investigative procedures undertaken by an
5 administrative enforcement unit or the entry of any order or
6 determination of paternity or support or reimbursement by the
7 administrative enforcement unit; except that notice shall be
8 served by certified mail addressed to the responsible relative
9 at his or her last known address, return receipt requested, or
10 by a person who is licensed or registered as a private
11 detective under the Private Detective, Private Alarm, Private
12 Security, Fingerprint Vendor, and Locksmith Act of 2004 or by a
13 registered employee of a private detective agency certified
14 under that Act, or in counties with a population of less than
15 2,000,000 by any method provided by law for service of summons,
16 in cases where a determination of paternity or support by
17 default is sought on behalf of applicants for or recipients of
18 financial aid under Article IV of this Act and other persons
19 who are given access to the child support enforcement services
20 of this Article as provided in Section 10-1.

21 (Source: P.A. 94-92, eff. 6-30-05; 95-613, eff. 9-11-07.)

22 (305 ILCS 5/10-6) (from Ch. 23, par. 10-6)

23 Sec. 10-6. Investigation and Determination. The
24 administrative enforcement unit shall review the forms or
25 questionnaires returned by each responsible relative and

1 supplement the information provided therein, where required,
2 by such additional consultations with the responsible relative
3 and such other investigations as may be necessary, including
4 genetic testing if paternity is an issue and, applying the
5 standard or guidelines and regulations established by the
6 Illinois Department, shall determine whether and the extent to
7 which, the responsible relative individually or together in any
8 combination, are reasonably able to provide support. If the
9 child is a nonmarital child ~~was born out of wedlock~~ and the
10 case is subject to the voluntary acknowledgment of paternity or
11 the administrative determination of paternity under rules
12 established under Section 10-17.7, the Child and Spouse Support
13 Unit of the Illinois Department shall determine the child
14 support obligation under subsection (b) of Section 10-7 upon
15 establishing the child's paternity. If the child's paternity
16 was established by judicial or administrative process in any
17 other state, the Illinois Department may use administrative
18 processes contained in this Article X to establish a child
19 support order.

20 In aid of its investigative authority, the Child and Spouse
21 Support Unit of the Illinois Department may use the subpoena
22 power as set forth in this Article.

23 The Illinois Department, by rule, may authorize the
24 administrative enforcement units to conduct periodic or other
25 reinvestigations and redeterminations of the financial ability
26 of responsible relatives. Any redeterminations shall have the

1 effect of altering, amending, or modifying previous
2 determinations and administrative orders entered pursuant to
3 Sections 10-7 and 10-11. However, any redetermination which
4 establishes liability for support or reimbursement, or which
5 modifies the support or reimbursement liability specified in a
6 prior order, shall be subject to the provisions of Section
7 10-12 and the administrative and judicial review procedures
8 herein provided for original orders.

9 (Source: P.A. 89-641, eff. 8-9-96; 90-18, eff. 7-1-97.)

10 (305 ILCS 5/11-9) (from Ch. 23, par. 11-9)

11 Sec. 11-9. Protection of records - Exceptions. For the
12 protection of applicants and recipients, the Illinois
13 Department, the county departments and local governmental
14 units and their respective officers and employees are
15 prohibited, except as hereinafter provided, from disclosing
16 the contents of any records, files, papers and communications,
17 except for purposes directly connected with the administration
18 of public aid under this Code.

19 In any judicial proceeding, except a proceeding directly
20 concerned with the administration of programs provided for in
21 this Code, such records, files, papers and communications, and
22 their contents shall be deemed privileged communications and
23 shall be disclosed only upon the order of the court, where the
24 court finds such to be necessary in the interest of justice.

25 The Illinois Department shall establish and enforce

1 reasonable rules and regulations governing the custody, use and
2 preservation of the records, papers, files, and communications
3 of the Illinois Department, the county departments and local
4 governmental units receiving State or Federal funds or aid. The
5 governing body of other local governmental units shall in like
6 manner establish and enforce rules and regulations governing
7 the same matters.

8 The contents of case files pertaining to recipients under
9 Articles IV, V, and VI shall be made available without subpoena
10 or formal notice to the officers of any court, to all law
11 enforcing agencies, and to such other persons or agencies as
12 from time to time may be authorized by any court. In
13 particular, the contents of those case files shall be made
14 available upon request to a law enforcement agency for the
15 purpose of determining the current address of a recipient with
16 respect to whom an arrest warrant is outstanding, and the
17 current address of a recipient who was a victim of a felony or
18 a witness to a felony shall be made available upon request to a
19 State's Attorney of this State or a State's Attorney's
20 investigator. Information shall also be disclosed to the
21 Illinois State Scholarship Commission pursuant to an
22 investigation or audit by the Illinois State Scholarship
23 Commission of a delinquent student loan or monetary award.

24 This Section does not prevent the Illinois Department and
25 local governmental units from reporting to appropriate law
26 enforcement officials the desertion or abandonment by a parent

1 of a child, as a result of which financial aid has been
2 necessitated under Articles IV, V, or VI, or reporting to
3 appropriate law enforcement officials instances in which a
4 mother under age 18 has a nonmarital child ~~out of wedlock~~ and
5 is an applicant for or recipient of aid under any Article of
6 this Code. The Illinois Department may provide by rule for the
7 county departments and local governmental units to initiate
8 proceedings under the Juvenile Court Act of 1987 to have
9 children declared to be neglected when they deem such action
10 necessary to protect the children from immoral influences
11 present in their home or surroundings.

12 This Section does not preclude the full exercise of the
13 powers of the Board of Public Aid Commissioners to inspect
14 records and documents, as provided for all advisory boards
15 pursuant to Section 5-505 of the Departments of State
16 Government Law (20 ILCS 5/5-505).

17 This Section does not preclude exchanges of information
18 among the Department of Healthcare and Family Services
19 (formerly Illinois Department of Public Aid), the Department of
20 Human Services (as successor to the Department of Public Aid),
21 and the Illinois Department of Revenue for the purpose of
22 verifying sources and amounts of income and for other purposes
23 directly connected with the administration of this Code and of
24 the Illinois Income Tax Act.

25 The provisions of this Section and of Section 11-11 as they
26 apply to applicants and recipients of public aid under Article

1 V shall be operative only to the extent that they do not
2 conflict with any Federal law or regulation governing Federal
3 grants to this State for such programs.

4 The Department of Healthcare and Family Services and the
5 Department of Human Services (as successor to the Illinois
6 Department of Public Aid) shall enter into an inter-agency
7 agreement with the Department of Children and Family Services
8 to establish a procedure by which employees of the Department
9 of Children and Family Services may have immediate access to
10 records, files, papers, and communications (except medical,
11 alcohol or drug assessment or treatment, mental health, or any
12 other medical records) of the Illinois Department, county
13 departments, and local governmental units receiving State or
14 federal funds or aid, if the Department of Children and Family
15 Services determines the information is necessary to perform its
16 duties under the Abused and Neglected Child Reporting Act, the
17 Child Care Act of 1969, and the Children and Family Services
18 Act.

19 (Source: P.A. 95-331, eff. 8-21-07.)

20 Section 35. The Crime Victims Compensation Act is amended
21 by changing Section 2 as follows:

22 (740 ILCS 45/2) (from Ch. 70, par. 72)

23 Sec. 2. Definitions. As used in this Act, unless the
24 context otherwise requires:

1 (a) "Applicant" means any person who applies for
2 compensation under this Act or any person the Court of Claims
3 finds is entitled to compensation, including the guardian of a
4 minor or of a person under legal disability. It includes any
5 person who was a dependent of a deceased victim of a crime of
6 violence for his or her support at the time of the death of
7 that victim.

8 (b) "Court of Claims" means the Court of Claims created by
9 the Court of Claims Act.

10 (c) "Crime of violence" means and includes any offense
11 defined in Sections 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 10-1,
12 10-2, 10-9, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60,
13 11-11, 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 12-1, 12-2, 12-3,
14 12-3.1, 12-3.2, 12-3.3, 12-3.4, 12-4, 12-4.1, 12-4.2, 12-4.3,
15 12-5, 12-7.1, 12-7.3, 12-7.4, 12-13, 12-14, 12-14.1, 12-15,
16 12-16, 12-20.5, 12-30, 20-1 or 20-1.1, or Section 12-3.05
17 except for subdivision (a) (4) or (g) (1), or subdivision (a) (4)
18 of Section 11-14.4, of the Criminal Code of 1961 or the
19 Criminal Code of 2012, Sections 1(a) and 1(a-5) of the Cemetery
20 Protection Act, Section 125 of the Stalking No Contact Order
21 Act, Section 219 of the Civil No Contact Order Act, driving
22 under the influence as defined in Section 11-501 of the
23 Illinois Vehicle Code, a violation of Section 11-401 of the
24 Illinois Vehicle Code, provided the victim was a pedestrian or
25 was operating a vehicle moved solely by human power or a
26 mobility device at the time of contact, and a violation of

1 Section 11-204.1 of the Illinois Vehicle Code; so long as the
2 offense did not occur during a civil riot, insurrection or
3 rebellion. "Crime of violence" does not include any other
4 offense or accident involving a motor vehicle except those
5 vehicle offenses specifically provided for in this paragraph.
6 "Crime of violence" does include all of the offenses
7 specifically provided for in this paragraph that occur within
8 this State but are subject to federal jurisdiction and crimes
9 involving terrorism as defined in 18 U.S.C. 2331.

10 (d) "Victim" means (1) a person killed or injured in this
11 State as a result of a crime of violence perpetrated or
12 attempted against him or her, (2) the spouse or parent of a
13 person killed or injured in this State as a result of a crime
14 of violence perpetrated or attempted against the person, (3) a
15 person killed or injured in this State while attempting to
16 assist a person against whom a crime of violence is being
17 perpetrated or attempted, if that attempt of assistance would
18 be expected of a reasonable person under the circumstances, (4)
19 a person killed or injured in this State while assisting a law
20 enforcement official apprehend a person who has perpetrated a
21 crime of violence or prevent the perpetration of any such crime
22 if that assistance was in response to the express request of
23 the law enforcement official, (5) a person who personally
24 witnessed a violent crime, (5.1) solely for the purpose of
25 compensating for pecuniary loss incurred for psychological
26 treatment of a mental or emotional condition caused or

1 aggravated by the crime, any other person under the age of 18
2 who is the brother, sister, half brother, half sister, child,
3 or stepchild of a person killed or injured in this State as a
4 result of a crime of violence, (6) an Illinois resident who is
5 a victim of a "crime of violence" as defined in this Act
6 except, if the crime occurred outside this State, the resident
7 has the same rights under this Act as if the crime had occurred
8 in this State upon a showing that the state, territory,
9 country, or political subdivision of a country in which the
10 crime occurred does not have a compensation of victims of
11 crimes law for which that Illinois resident is eligible, (7) a
12 deceased person whose body is dismembered or whose remains are
13 desecrated as the result of a crime of violence, or (8) solely
14 for the purpose of compensating for pecuniary loss incurred for
15 psychological treatment of a mental or emotional condition
16 caused or aggravated by the crime, any parent, spouse, or child
17 under the age of 18 of a deceased person whose body is
18 dismembered or whose remains are desecrated as the result of a
19 crime of violence.

20 (e) "Dependent" means a relative of a deceased victim who
21 was wholly or partially dependent upon the victim's income at
22 the time of his or her death and shall include the child of a
23 victim born after his or her death.

24 (f) "Relative" means a spouse, parent, grandparent,
25 stepfather, stepmother, child, grandchild, brother,
26 brother-in-law, sister, sister-in-law, half brother, half

1 sister, spouse's parent, nephew, niece, uncle or aunt.

2 (g) "Child" means an unmarried son or daughter who is under
3 18 years of age and includes a stepchild, an adopted child or a
4 nonmarital child ~~born out of wedlock~~.

5 (h) "Pecuniary loss" means, in the case of injury,
6 appropriate medical expenses and hospital expenses including
7 expenses of medical examinations, rehabilitation, medically
8 required nursing care expenses, appropriate psychiatric care
9 or psychiatric counseling expenses, expenses for care or
10 counseling by a licensed clinical psychologist, licensed
11 clinical social worker, licensed professional counselor, or
12 licensed clinical professional counselor and expenses for
13 treatment by Christian Science practitioners and nursing care
14 appropriate thereto; transportation expenses to and from
15 medical and counseling treatment facilities; prosthetic
16 appliances, eyeglasses, and hearing aids necessary or damaged
17 as a result of the crime; costs associated with trafficking
18 tattoo removal by a person authorized or licensed to perform
19 the specific removal procedure; replacement costs for clothing
20 and bedding used as evidence; costs associated with temporary
21 lodging or relocation necessary as a result of the crime,
22 including, but not limited to, the first month's rent and
23 security deposit of the dwelling that the claimant relocated to
24 and other reasonable relocation expenses incurred as a result
25 of the violent crime; locks or windows necessary or damaged as
26 a result of the crime; the purchase, lease, or rental of

1 equipment necessary to create usability of and accessibility to
2 the victim's real and personal property, or the real and
3 personal property which is used by the victim, necessary as a
4 result of the crime; the costs of appropriate crime scene
5 clean-up; replacement services loss, to a maximum of \$1,250 per
6 month; dependents replacement services loss, to a maximum of
7 \$1,250 per month; loss of tuition paid to attend grammar school
8 or high school when the victim had been enrolled as a student
9 prior to the injury, or college or graduate school when the
10 victim had been enrolled as a day or night student prior to the
11 injury when the victim becomes unable to continue attendance at
12 school as a result of the crime of violence perpetrated against
13 him or her; loss of earnings, loss of future earnings because
14 of disability resulting from the injury, and, in addition, in
15 the case of death, expenses for funeral, burial, and travel and
16 transport for survivors of homicide victims to secure bodies of
17 deceased victims and to transport bodies for burial all of
18 which may not exceed a maximum of \$7,500 and loss of support of
19 the dependents of the victim; in the case of dismemberment or
20 desecration of a body, expenses for funeral and burial, all of
21 which may not exceed a maximum of \$7,500. Loss of future
22 earnings shall be reduced by any income from substitute work
23 actually performed by the victim or by income he or she would
24 have earned in available appropriate substitute work he or she
25 was capable of performing but unreasonably failed to undertake.
26 Loss of earnings, loss of future earnings and loss of support

1 shall be determined on the basis of the victim's average net
2 monthly earnings for the 6 months immediately preceding the
3 date of the injury or on \$1,250 per month, whichever is less
4 or, in cases where the absences commenced more than 3 years
5 from the date of the crime, on the basis of the net monthly
6 earnings for the 6 months immediately preceding the date of the
7 first absence, not to exceed \$1,250 per month. If a divorced or
8 legally separated applicant is claiming loss of support for a
9 minor child of the deceased, the amount of support for each
10 child shall be based either on the amount of support pursuant
11 to the judgment prior to the date of the deceased victim's
12 injury or death, or, if the subject of pending litigation filed
13 by or on behalf of the divorced or legally separated applicant
14 prior to the injury or death, on the result of that litigation.
15 Real and personal property includes, but is not limited to,
16 vehicles, houses, apartments, town houses, or condominiums.
17 Pecuniary loss does not include pain and suffering or property
18 loss or damage.

19 (i) "Replacement services loss" means expenses reasonably
20 incurred in obtaining ordinary and necessary services in lieu
21 of those the injured person would have performed, not for
22 income, but for the benefit of himself or herself or his or her
23 family, if he or she had not been injured.

24 (j) "Dependents replacement services loss" means loss
25 reasonably incurred by dependents or private legal guardians of
26 minor dependents after a victim's death in obtaining ordinary

1 and necessary services in lieu of those the victim would have
2 performed, not for income, but for their benefit, if he or she
3 had not been fatally injured.

4 (k) "Survivor" means immediate family including a parent,
5 step-father, step-mother, child, brother, sister, or spouse.

6 (l) "Parent" means a natural parent, adopted parent,
7 step-parent, or permanent legal guardian of another person.

8 (m) "Trafficking tattoo" is a tattoo which is applied to a
9 victim in connection with the commission of a violation of
10 Section 10-9 of the Criminal Code of 2012.

11 (Source: P.A. 97-817, eff. 1-1-13; 97-1109, eff. 1-1-13;
12 97-1150, eff. 1-25-13; 98-435, eff. 1-1-14.)

13 Section 40. The Illinois Marriage and Dissolution of
14 Marriage Act is amended by changing Sections 205 and 607 as
15 follows:

16 (750 ILCS 5/205) (from Ch. 40, par. 205)

17 Sec. 205. Exceptions.

18 (1) Irrespective of the results of laboratory tests and
19 clinical examination relative to sexually transmitted
20 diseases, the clerks of the respective counties shall issue a
21 marriage license to parties to a proposed marriage (a) when a
22 woman is pregnant at the time of such application, or (b) when
23 a woman has, prior to the time of application, given birth to a
24 nonmarital child ~~born out of wedlock~~ which is living at the

1 time of such application and the man making such application
2 makes affidavit that he is the father of the nonmarital ~~such~~
3 child ~~born out of wedlock~~. The county clerk shall, in lieu of
4 the health certificate required hereunder, accept, as the case
5 may be, either an affidavit on a form prescribed by the State
6 Department of Public Health, signed by a physician duly
7 licensed in this State, stating that the woman is pregnant, or
8 a copy of the birth record of the nonmarital child ~~born out of~~
9 ~~wedlock~~, if one is available in this State, or if such birth
10 record is not available, an affidavit signed by the woman that
11 she is the mother of such child.

12 (2) Any judge of the circuit court within the county in
13 which the license is to be issued is authorized and empowered
14 on joint application by both applicants for a marriage license
15 to waive the requirements as to medical examination, laboratory
16 tests, and certificates, except the requirements of paragraph
17 (4) of subsection (a) of Section 212 of this Act which shall
18 not be waived; and to authorize the county clerk to issue the
19 license if all other requirements of law have been complied
20 with and the judge is satisfied, by affidavit, or other proof,
21 that the examination or tests are contrary to the tenets or
22 practices of the religious creed of which the applicant is an
23 adherent, and that the public health and welfare will not be
24 injuriously affected thereby.

25 (Source: P.A. 94-229, eff. 1-1-06.)

1 (750 ILCS 5/607) (from Ch. 40, par. 607)

2 Sec. 607. Visitation.

3 (a) A parent not granted custody of the child is entitled
4 to reasonable visitation rights unless the court finds, after a
5 hearing, that visitation would endanger seriously the child's
6 physical, mental, moral or emotional health. If the custodian's
7 street address is not identified, pursuant to Section 708, the
8 court shall require the parties to identify reasonable
9 alternative arrangements for visitation by a non-custodial
10 parent, including but not limited to visitation of the minor
11 child at the residence of another person or at a local public
12 or private facility.

13 (1) "Visitation" means in-person time spent between a
14 child and the child's parent. In appropriate
15 circumstances, it may include electronic communication
16 under conditions and at times determined by the court.

17 (2) "Electronic communication" means time that a
18 parent spends with his or her child during which the child
19 is not in the parent's actual physical custody, but which
20 is facilitated by the use of communication tools such as
21 the telephone, electronic mail, instant messaging, video
22 conferencing or other wired or wireless technologies via
23 the Internet, or another medium of communication.

24 (a-3) Grandparents, great-grandparents, and siblings of a
25 minor child, who is one year old or older, have standing to
26 bring an action in circuit court by petition, requesting

1 visitation in accordance with this Section. The term "sibling"
2 in this Section means a brother, sister, stepbrother, or
3 stepsister of the minor child. Grandparents,
4 great-grandparents, and siblings also have standing to file a
5 petition for visitation and any electronic communication
6 rights in a pending dissolution proceeding or any other
7 proceeding that involves custody or visitation issues,
8 requesting visitation in accordance with this Section. A
9 petition for visitation with a child by a person other than a
10 parent must be filed in the county in which the child resides.
11 Nothing in this subsection (a-3) and subsection (a-5) of this
12 Section shall apply to a child in whose interests a petition is
13 pending under Section 2-13 of the Juvenile Court Act of 1987 or
14 a petition to adopt an unrelated child is pending under the
15 Adoption Act.

16 (a-5) (1) Except as otherwise provided in this subsection
17 (a-5), any grandparent, great-grandparent, or sibling may file
18 a petition for visitation rights to a minor child if there is
19 an unreasonable denial of visitation by a parent and at least
20 one of the following conditions exists:

21 (A) (Blank);

22 (A-5) the child's other parent is deceased or has been
23 missing for at least 3 months. For the purposes of this
24 Section a parent is considered to be missing if the
25 parent's location has not been determined and the parent
26 has been reported as missing to a law enforcement agency;

1 (A-10) a parent of the child is incompetent as a matter
2 of law;

3 (A-15) a parent has been incarcerated in jail or prison
4 during the 3 month period preceding the filing of the
5 petition;

6 (B) the child's mother and father are divorced or have
7 been legally separated from each other or there is pending
8 a dissolution proceeding involving a parent of the child or
9 another court proceeding involving custody or visitation
10 of the child (other than any adoption proceeding of an
11 unrelated child) and at least one parent does not object to
12 the grandparent, great-grandparent, or sibling having
13 visitation with the child. The visitation of the
14 grandparent, great-grandparent, or sibling must not
15 diminish the visitation of the parent who is not related to
16 the grandparent, great-grandparent, or sibling seeking
17 visitation;

18 (C) (Blank);

19 (D) the child is a nonmarital child ~~born out of~~
20 ~~wedlock~~, the parents are not living together, and the
21 petitioner is a maternal grandparent, great-grandparent,
22 or sibling of the nonmarital child ~~born out of wedlock~~; or

23 (E) the child is a nonmarital child ~~born out of~~
24 ~~wedlock~~, the parents are not living together, the
25 petitioner is a paternal grandparent, great-grandparent,
26 or sibling, and the paternity has been established by a

1 court of competent jurisdiction.

2 (2) Any visitation rights granted pursuant to this Section
3 before the filing of a petition for adoption of a child shall
4 automatically terminate by operation of law upon the entry of
5 an order terminating parental rights or granting the adoption
6 of the child, whichever is earlier. If the person or persons
7 who adopted the child are related to the child, as defined by
8 Section 1 of the Adoption Act, any person who was related to
9 the child as grandparent, great-grandparent, or sibling prior
10 to the adoption shall have standing to bring an action pursuant
11 to this Section requesting visitation with the child.

12 (3) In making a determination under this subsection (a-5),
13 there is a rebuttable presumption that a fit parent's actions
14 and decisions regarding grandparent, great-grandparent, or
15 sibling visitation are not harmful to the child's mental,
16 physical, or emotional health. The burden is on the party
17 filing a petition under this Section to prove that the parent's
18 actions and decisions regarding visitation times are harmful to
19 the child's mental, physical, or emotional health.

20 (4) In determining whether to grant visitation, the court
21 shall consider the following:

22 (A) the preference of the child if the child is
23 determined to be of sufficient maturity to express a
24 preference;

25 (B) the mental and physical health of the child;

26 (C) the mental and physical health of the grandparent,

1 great-grandparent, or sibling;

2 (D) the length and quality of the prior relationship
3 between the child and the grandparent, great-grandparent,
4 or sibling;

5 (E) the good faith of the party in filing the petition;

6 (F) the good faith of the person denying visitation;

7 (G) the quantity of the visitation time requested and
8 the potential adverse impact that visitation would have on
9 the child's customary activities;

10 (H) whether the child resided with the petitioner for
11 at least 6 consecutive months with or without the current
12 custodian present;

13 (I) whether the petitioner had frequent or regular
14 contact or visitation with the child for at least 12
15 consecutive months;

16 (J) any other fact that establishes that the loss of
17 the relationship between the petitioner and the child is
18 likely to harm the child's mental, physical, or emotional
19 health; and

20 (K) whether the grandparent, great-grandparent, or
21 sibling was a primary caretaker of the child for a period
22 of not less than 6 consecutive months.

23 (5) The court may order visitation rights for the
24 grandparent, great-grandparent, or sibling that include
25 reasonable access without requiring overnight or possessory
26 visitation.

1 (a-7) (1) Unless by stipulation of the parties, no motion to
2 modify a grandparent, great-grandparent, or sibling visitation
3 order may be made earlier than 2 years after the date the order
4 was filed, unless the court permits it to be made on the basis
5 of affidavits that there is reason to believe the child's
6 present environment may endanger seriously the child's mental,
7 physical, or emotional health.

8 (2) The court shall not modify an order that grants
9 visitation to a grandparent, great-grandparent, or sibling
10 unless it finds by clear and convincing evidence, upon the
11 basis of facts that have arisen since the prior visitation
12 order or that were unknown to the court at the time of entry of
13 the prior visitation, that a change has occurred in the
14 circumstances of the child or his or her custodian, and that
15 the modification is necessary to protect the mental, physical,
16 or emotional health of the child. The court shall state in its
17 decision specific findings of fact in support of its
18 modification or termination of the grandparent,
19 great-grandparent, or sibling visitation. A child's parent may
20 always petition to modify visitation upon changed
21 circumstances when necessary to promote the child's best
22 interest.

23 (3) Attorney fees and costs shall be assessed against a
24 party seeking modification of the visitation order if the court
25 finds that the modification action is vexatious and constitutes
26 harassment.

1 (4) Notice under this subsection (a-7) shall be given as
2 provided in subsections (c) and (d) of Section 601.

3 (b) (1) (Blank.)

4 (1.5) The Court may grant reasonable visitation privileges
5 to a stepparent upon petition to the court by the stepparent,
6 with notice to the parties required to be notified under
7 Section 601 of this Act, if the court determines that it is in
8 the best interests and welfare of the child, and may issue any
9 necessary orders to enforce those visitation privileges. A
10 petition for visitation privileges may be filed under this
11 paragraph (1.5) whether or not a petition pursuant to this Act
12 has been previously filed or is currently pending if the
13 following circumstances are met:

14 (A) the child is at least 12 years old;

15 (B) the child resided continuously with the parent and
16 stepparent for at least 5 years;

17 (C) the parent is deceased or is disabled and is unable
18 to care for the child;

19 (D) the child wishes to have reasonable visitation with
20 the stepparent; and

21 (E) the stepparent was providing for the care, control,
22 and welfare to the child prior to the initiation of the
23 petition for visitation.

24 (2) (A) A petition for visitation privileges shall not be
25 filed pursuant to this subsection (b) by the parents or
26 grandparents of a putative father if the paternity of the

1 putative father has not been legally established.

2 (B) A petition for visitation privileges may not be filed
3 under this subsection (b) if the child who is the subject of
4 the grandparents' or great-grandparents' petition has been
5 voluntarily surrendered by the parent or parents, except for a
6 surrender to the Illinois Department of Children and Family
7 Services or a foster care facility, or has been previously
8 adopted by an individual or individuals who are not related to
9 the biological parents of the child or is the subject of a
10 pending adoption petition by an individual or individuals who
11 are not related to the biological parents of the child.

12 (3) (Blank).

13 (c) The court may modify an order granting or denying
14 visitation rights of a parent whenever modification would serve
15 the best interest of the child; but the court shall not
16 restrict a parent's visitation rights unless it finds that the
17 visitation would endanger seriously the child's physical,
18 mental, moral or emotional health.

19 (d) If any court has entered an order prohibiting a
20 non-custodial parent of a child from any contact with a child
21 or restricting the non-custodial parent's contact with the
22 child, the following provisions shall apply:

23 (1) If an order has been entered granting visitation
24 privileges with the child to a grandparent or
25 great-grandparent who is related to the child through the
26 non-custodial parent, the visitation privileges of the

1 grandparent or great-grandparent may be revoked if:

2 (i) a court has entered an order prohibiting the
3 non-custodial parent from any contact with the child,
4 and the grandparent or great-grandparent is found to
5 have used his or her visitation privileges to
6 facilitate contact between the child and the
7 non-custodial parent; or

8 (ii) a court has entered an order restricting the
9 non-custodial parent's contact with the child, and the
10 grandparent or great-grandparent is found to have used
11 his or her visitation privileges to facilitate contact
12 between the child and the non-custodial parent in a
13 manner that violates the terms of the order restricting
14 the non-custodial parent's contact with the child.

15 Nothing in this subdivision (1) limits the authority of
16 the court to enforce its orders in any manner permitted by
17 law.

18 (2) Any order granting visitation privileges with the
19 child to a grandparent or great-grandparent who is related
20 to the child through the non-custodial parent shall contain
21 the following provision:

22 "If the (grandparent or great-grandparent, whichever
23 is applicable) who has been granted visitation privileges
24 under this order uses the visitation privileges to
25 facilitate contact between the child and the child's
26 non-custodial parent, the visitation privileges granted

1 under this order shall be permanently revoked."

2 (e) No parent, not granted custody of the child, or
3 grandparent, or great-grandparent, or stepparent, or sibling
4 of any minor child, convicted of any offense involving an
5 illegal sex act perpetrated upon a victim less than 18 years of
6 age including but not limited to offenses for violations of
7 Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-1.70,
8 or Article 12 of the Criminal Code of 1961 or the Criminal Code
9 of 2012, is entitled to visitation rights while incarcerated or
10 while on parole, probation, conditional discharge, periodic
11 imprisonment, or mandatory supervised release for that
12 offense, and upon discharge from incarceration for a
13 misdemeanor offense or upon discharge from parole, probation,
14 conditional discharge, periodic imprisonment, or mandatory
15 supervised release for a felony offense, visitation shall be
16 denied until the person successfully completes a treatment
17 program approved by the court.

18 (f) Unless the court determines, after considering all
19 relevant factors, including but not limited to those set forth
20 in Section 602(a), that it would be in the best interests of
21 the child to allow visitation, the court shall not enter an
22 order providing visitation rights and pursuant to a motion to
23 modify visitation shall revoke visitation rights previously
24 granted to any person who would otherwise be entitled to
25 petition for visitation rights under this Section who has been
26 convicted of first degree murder of the parent, grandparent,

1 great-grandparent, or sibling of the child who is the subject
2 of the order. Until an order is entered pursuant to this
3 subsection, no person shall visit, with the child present, a
4 person who has been convicted of first degree murder of the
5 parent, grandparent, great-grandparent, or sibling of the
6 child without the consent of the child's parent, other than a
7 parent convicted of first degree murder as set forth herein, or
8 legal guardian.

9 (g) (Blank).

10 (h) Upon motion, the court may allow a parent who is
11 deployed or who has orders to be deployed as a member of the
12 United States Armed Forces to designate a person known to the
13 child to exercise reasonable substitute visitation on behalf of
14 the deployed parent, if the court determines that substitute
15 visitation is in the best interest of the child. In determining
16 whether substitute visitation is in the best interest of the
17 child, the court shall consider all of the relevant factors
18 listed in subsection (a) of Section 602 and apply those factors
19 to the person designated as a substitute for the deployed
20 parent for visitation purposes.

21 (Source: P.A. 96-331, eff. 1-1-10; 97-659, eff. 6-1-12;
22 97-1150, eff. 1-25-13.)

23 Section 45. The Emancipation of Minors Act is amended by
24 changing Section 3-3 as follows:

1 (750 ILCS 30/3-3) (from Ch. 40, par. 2203-3)

2 Sec. 3-3. Parents. "Parent" means the father or mother of a
3 lawful child of the parties or a nonmarital child ~~born out of~~
4 ~~wedlock~~, and includes any adoptive parent. It does not include
5 a parent whose rights in respect to the minor have been
6 terminated in any manner provided by law.

7 (Source: P.A. 94-229, eff. 1-1-06.)

8 Section 50. The Adoption Act is amended by changing
9 Sections 1, 12.1, and 18 as follows:

10 (750 ILCS 50/1) (from Ch. 40, par. 1501)

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

13 A. "Child" means a person under legal age subject to
14 adoption under this Act.

15 B. "Related child" means a child subject to adoption where
16 either or both of the adopting parents stands in any of the
17 following relationships to the child by blood or marriage:
18 parent, grand-parent, brother, sister, step-parent,
19 step-grandparent, step-brother, step-sister, uncle, aunt,
20 great-uncle, great-aunt, or cousin of first degree. A child
21 whose parent has executed a final irrevocable consent to
22 adoption or a final irrevocable surrender for purposes of
23 adoption, or whose parent has had his or her parental rights
24 terminated, is not a related child to that person, unless the

1 consent is determined to be void or is void pursuant to
2 subsection O of Section 10.

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

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

12 (a) Abandonment of the child.

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

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

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

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

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

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

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

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

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

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

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

18 No conviction or finding of delinquency pursuant
19 to Article V ~~5~~ of the Juvenile Court Act of 1987 shall
20 be considered a criminal conviction for the purpose of
21 applying any presumption under this item (f).

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

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

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

7 (i) Depravity. Conviction of any one of the following
8 crimes shall create a presumption that a parent is deprived
9 which can be overcome only by clear and convincing
10 evidence: (1) first degree murder in violation of paragraph
11 1 or 2 of subsection (a) of Section 9-1 of the Criminal
12 Code of 1961 or the Criminal Code of 2012 or conviction of
13 second degree murder in violation of subsection (a) of
14 Section 9-2 of the Criminal Code of 1961 or the Criminal
15 Code of 2012 of a parent of the child to be adopted; (2)
16 first degree murder or second degree murder of any child in
17 violation of the Criminal Code of 1961 or the Criminal Code
18 of 2012; (3) attempt or conspiracy to commit first degree
19 murder or second degree murder of any child in violation of
20 the Criminal Code of 1961 or the Criminal Code of 2012; (4)
21 solicitation to commit murder of any child, solicitation to
22 commit murder of any child for hire, or solicitation to
23 commit second degree murder of any child in violation of
24 the Criminal Code of 1961 or the Criminal Code of 2012; (5)
25 predatory criminal sexual assault of a child in violation
26 of Section 11-1.40 or 12-14.1 of the Criminal Code of 1961

1 or the Criminal Code of 2012; (6) heinous battery of any
2 child in violation of the Criminal Code of 1961; or (7)
3 aggravated battery of any child in violation of the
4 Criminal Code of 1961 or the Criminal Code of 2012.

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

12 There is a rebuttable presumption that a parent is
13 deprived if that parent has been criminally convicted of
14 either first or second degree murder of any person as
15 defined in the Criminal Code of 1961 or the Criminal Code
16 of 2012 within 10 years of the filing date of the petition
17 or motion to terminate parental rights.

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

22 (j) Open and notorious adultery or fornication.

23 (j-1) (Blank).

24 (k) Habitual drunkenness or addiction to drugs, other
25 than those prescribed by a physician, for at least one year
26 immediately prior to the commencement of the unfitness

1 proceeding.

2 There is a rebuttable presumption that a parent is
3 unfit under this subsection with respect to any child to
4 which that parent gives birth where there is a confirmed
5 test result that at birth the child's blood, urine, or
6 meconium contained any amount of a controlled substance as
7 defined in subsection (f) of Section 102 of the Illinois
8 Controlled Substances Act or metabolites of such
9 substances, the presence of which in the newborn infant was
10 not the result of medical treatment administered to the
11 mother or the newborn infant; and the biological mother of
12 this child is the biological mother of at least one other
13 child who was adjudicated a neglected minor under
14 subsection (c) of Section 2-3 of the Juvenile Court Act of
15 1987.

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

19 (m) Failure by a parent (i) to make reasonable efforts
20 to correct the conditions that were the basis for the
21 removal of the child from the parent during any 9-month
22 period following the adjudication of neglected or abused
23 minor under Section 2-3 of the Juvenile Court Act of 1987
24 or dependent minor under Section 2-4 of that Act, or (ii)
25 to make reasonable progress toward the return of the child
26 to the parent during any 9-month period following the

1 adjudication of neglected or abused minor under Section 2-3
2 of the Juvenile Court Act of 1987 or dependent minor under
3 Section 2-4 of that Act. If a service plan has been
4 established as required under Section 8.2 of the Abused and
5 Neglected Child Reporting Act to correct the conditions
6 that were the basis for the removal of the child from the
7 parent and if those services were available, then, for
8 purposes of this Act, "failure to make reasonable progress
9 toward the return of the child to the parent" includes the
10 parent's failure to substantially fulfill his or her
11 obligations under the service plan and correct the
12 conditions that brought the child into care during any
13 9-month period following the adjudication under Section
14 2-3 or 2-4 of the Juvenile Court Act of 1987.
15 Notwithstanding any other provision, when a petition or
16 motion seeks to terminate parental rights on the basis of
17 item (ii) of this subsection (m), the petitioner shall file
18 with the court and serve on the parties a pleading that
19 specifies the 9-month period or periods relied on. The
20 pleading shall be filed and served on the parties no later
21 than 3 weeks before the date set by the court for closure
22 of discovery, and the allegations in the pleading shall be
23 treated as incorporated into the petition or motion.
24 Failure of a respondent to file a written denial of the
25 allegations in the pleading shall not be treated as an
26 admission that the allegations are true.

1 (m-1) Pursuant to the Juvenile Court Act of 1987, a
2 child has been in foster care for 15 months out of any 22
3 month period which begins on or after the effective date of
4 this amendatory Act of 1998 unless the child's parent can
5 prove by a preponderance of the evidence that it is more
6 likely than not that it will be in the best interests of
7 the child to be returned to the parent within 6 months of
8 the date on which a petition for termination of parental
9 rights is filed under the Juvenile Court Act of 1987. The
10 15 month time limit is tolled during any period for which
11 there is a court finding that the appointed custodian or
12 guardian failed to make reasonable efforts to reunify the
13 child with his or her family, provided that (i) the finding
14 of no reasonable efforts is made within 60 days of the
15 period when reasonable efforts were not made or (ii) the
16 parent filed a motion requesting a finding of no reasonable
17 efforts within 60 days of the period when reasonable
18 efforts were not made. For purposes of this subdivision
19 (m-1), the date of entering foster care is the earlier of:
20 (i) the date of a judicial finding at an adjudicatory
21 hearing that the child is an abused, neglected, or
22 dependent minor; or (ii) 60 days after the date on which
23 the child is removed from his or her parent, guardian, or
24 legal custodian.

25 (n) Evidence of intent to forgo his or her parental
26 rights, whether or not the child is a ward of the court,

1 (1) as manifested by his or her failure for a period of 12
2 months: (i) to visit the child, (ii) to communicate with
3 the child or agency, although able to do so and not
4 prevented from doing so by an agency or by court order, or
5 (iii) to maintain contact with or plan for the future of
6 the child, although physically able to do so, or (2) as
7 manifested by the father's failure, where he and the mother
8 of the child were unmarried to each other at the time of
9 the child's birth, (i) to commence legal proceedings to
10 establish his paternity under the Illinois Parentage Act of
11 1984 or the law of the jurisdiction of the child's birth
12 within 30 days of being informed, pursuant to Section 12a
13 of this Act, that he is the father or the likely father of
14 the child or, after being so informed where the child is
15 not yet born, within 30 days of the child's birth, or (ii)
16 to make a good faith effort to pay a reasonable amount of
17 the expenses related to the birth of the child and to
18 provide a reasonable amount for the financial support of
19 the child, the court to consider in its determination all
20 relevant circumstances, including the financial condition
21 of both parents; provided that the ground for termination
22 provided in this subparagraph (n)(2)(ii) shall only be
23 available where the petition is brought by the mother or
24 the husband of the mother.

25 Contact or communication by a parent with his or her
26 child that does not demonstrate affection and concern does

1 not constitute reasonable contact and planning under
2 subdivision (n). In the absence of evidence to the
3 contrary, the ability to visit, communicate, maintain
4 contact, pay expenses and plan for the future shall be
5 presumed. The subjective intent of the parent, whether
6 expressed or otherwise, unsupported by evidence of the
7 foregoing parental acts manifesting that intent, shall not
8 preclude a determination that the parent has intended to
9 forgo his or her parental rights. In making this
10 determination, the court may consider but shall not require
11 a showing of diligent efforts by an authorized agency to
12 encourage the parent to perform the acts specified in
13 subdivision (n).

14 It shall be an affirmative defense to any allegation
15 under paragraph (2) of this subsection that the father's
16 failure was due to circumstances beyond his control or to
17 impediments created by the mother or any other person
18 having legal custody. Proof of that fact need only be by a
19 preponderance of the evidence.

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

23 (p) Inability to discharge parental responsibilities
24 supported by competent evidence from a psychiatrist,
25 licensed clinical social worker, or clinical psychologist
26 of mental impairment, mental illness or an intellectual

1 disability as defined in Section 1-116 of the Mental Health
2 and Developmental Disabilities Code, or developmental
3 disability as defined in Section 1-106 of that Code, and
4 there is sufficient justification to believe that the
5 inability to discharge parental responsibilities shall
6 extend beyond a reasonable time period. However, this
7 subdivision (p) shall not be construed so as to permit a
8 licensed clinical social worker to conduct any medical
9 diagnosis to determine mental illness or mental
10 impairment.

11 (q) (Blank).

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

23 (s) The child is in the temporary custody or
24 guardianship of the Department of Children and Family
25 Services, the parent is incarcerated at the time the
26 petition or motion for termination of parental rights is

1 filed, the parent has been repeatedly incarcerated as a
2 result of criminal convictions, and the parent's repeated
3 incarceration has prevented the parent from discharging
4 his or her parental responsibilities for the child.

5 (t) A finding that at birth the child's blood, urine,
6 or meconium contained any amount of a controlled substance
7 as defined in subsection (f) of Section 102 of the Illinois
8 Controlled Substances Act, or a metabolite of a controlled
9 substance, with the exception of controlled substances or
10 metabolites of such substances, the presence of which in
11 the newborn infant was the result of medical treatment
12 administered to the mother or the newborn infant, and that
13 the biological mother of this child is the biological
14 mother of at least one other child who was adjudicated a
15 neglected minor under subsection (c) of Section 2-3 of the
16 Juvenile Court Act of 1987, after which the biological
17 mother had the opportunity to enroll in and participate in
18 a clinically appropriate substance abuse counseling,
19 treatment, and rehabilitation program.

20 E. "Parent" means the father or mother of a lawful child of
21 the parties or nonmarital child ~~born out of wedlock~~. For the
22 purpose of this Act, a person who has executed a final and
23 irrevocable consent to adoption or a final and irrevocable
24 surrender for purposes of adoption, or whose parental rights
25 have been terminated by a court, is not a parent of the child
26 who was the subject of the consent or surrender, unless the

1 consent is void pursuant to subsection O of Section 10.

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

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

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

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

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

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

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

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

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

24 H. "Adoption disruption" occurs when an adoptive placement
25 does not prove successful and it becomes necessary for the
26 child to be removed from placement before the adoption is

1 finalized.

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

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

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

14 L. "Intercountry Adoption Coordinator" means a staff
15 person of the Department of Children and Family Services
16 appointed by the Director to coordinate the provision of
17 services related to an intercountry adoption.

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

23 N. (Blank).

24 O. "Preadoption requirements" means any conditions or
25 standards established by the laws or administrative rules of
26 this State that must be met by a prospective adoptive parent

1 prior to the placement of a child in an adoptive home.

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

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

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

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

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

22 (e) inflicts excessive corporal punishment.

23 Q. "Neglected child" means any child whose parent or other
24 person responsible for the child's welfare withholds or denies
25 nourishment or medically indicated treatment including food or
26 care denied solely on the basis of the present or anticipated

1 mental or physical impairment as determined by a physician
2 acting alone or in consultation with other physicians or
3 otherwise does not provide the proper or necessary support,
4 education as required by law, or medical or other remedial care
5 recognized under State law as necessary for a child's
6 well-being, or other care necessary for his or her well-being,
7 including adequate food, clothing and shelter; or who is
8 abandoned by his or her parents or other person responsible for
9 the child's welfare.

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

21 R. "Putative father" means a man who may be a child's
22 father, but who (1) is not married to the child's mother on or
23 before the date that the child was or is to be born and (2) has
24 not established paternity of the child in a court proceeding
25 before the filing of a petition for the adoption of the child.
26 The term includes a male who is less than 18 years of age.

1 "Putative father" does not mean a man who is the child's father
2 as a result of criminal sexual abuse or assault as defined
3 under Article 11 of the Criminal Code of 2012.

4 S. "Standby adoption" means an adoption in which a parent
5 consents to custody and termination of parental rights to
6 become effective upon the occurrence of a future event, which
7 is either the death of the parent or the request of the parent
8 for the entry of a final judgment of adoption.

9 T. (Blank).

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 Placement of Children.

14 V. "Endorsement letter" means the letter issued by the
15 Department of Children and Family Services to document that a
16 prospective adoptive parent has met preadoption requirements
17 and has been deemed suitable by the Department to adopt a child
18 who is the subject of an intercountry adoption.

19 W. "Denial letter" means the letter issued by the
20 Department of Children and Family Services to document that a
21 prospective adoptive parent has not met preadoption
22 requirements and has not been deemed suitable by the Department
23 to adopt a child who is the subject of an intercountry
24 adoption.

25 (Source: P.A. 97-227, eff. 1-1-12; 97-1109, eff. 1-1-13;
26 97-1150, eff. 1-25-13; 98-455, eff. 1-1-14; 98-532, eff.

1 1-1-14; revised 9-24-13.)

2 (750 ILCS 50/12.1)

3 Sec. 12.1. Putative Father Registry. The Department of
4 Children and Family Services shall establish a Putative Father
5 Registry for the purpose of determining the identity and
6 location of a putative father of a minor child who is, or is
7 expected to be, the subject of an adoption proceeding, in order
8 to provide notice of such proceeding to the putative father.
9 The Department of Children and Family Services shall establish
10 rules and informational material necessary to implement the
11 provisions of this Section. The Department shall have the
12 authority to set reasonable fees for the use of the Registry.
13 All such fees for the use of the Registry that are received by
14 the Department or its agent shall be deposited into the fund
15 authorized under subsection (b) of Section 25 of the Children
16 and Family Services Act. The Department shall use the moneys in
17 that fund for the purpose of maintaining the Registry.

18 (a) The Department shall maintain the following
19 information in the Registry:

20 (1) With respect to the putative father:

21 (i) Name, including any other names by which the
22 putative father may be known and that he may provide to
23 the Registry;

24 (ii) Address at which he may be served with notice
25 of a petition under this Act, including any change of

1 address;

2 (iii) Social Security Number;

3 (iv) Date of birth; and

4 (v) If applicable, a certified copy of an order by
5 a court of this State or of another state or territory
6 of the United States adjudicating the putative father
7 to be the father of the child.

8 (2) With respect to the mother of the child:

9 (i) Name, including all other names known to the
10 putative father by which the mother may be known;

11 (ii) If known to the putative father, her last
12 address;

13 (iii) Social Security Number; and

14 (iv) Date of birth.

15 (3) If known to the putative father, the name, gender,
16 place of birth, and date of birth or anticipated date of
17 birth of the child.

18 (4) The date that the Department received the putative
19 father's registration.

20 (5) Other information as the Department may by rule
21 determine necessary for the orderly administration of the
22 Registry.

23 (b) A putative father may register with the Department
24 before the birth of the child but shall register no later than
25 30 days after the birth of the child. All registrations shall
26 be in writing and signed by the putative father. No fee shall

1 be charged for the initial registration. The Department shall
2 have no independent obligation to gather the information to be
3 maintained.

4 (c) An interested party, including persons intending to
5 adopt a child, a child welfare agency with whom the mother has
6 placed or has given written notice of her intention to place a
7 child for adoption, the mother of the child, or an attorney
8 representing an interested party may request that the
9 Department search the Registry to determine whether a putative
10 father is registered in relation to a child who is or may be
11 the subject to an adoption petition.

12 (d) A search of the Registry may be proven by the
13 production of a certified copy of the registration form, or by
14 the certified statement of the administrator of the Registry
15 that after a search, no registration of a putative father in
16 relation to a child who is or may be the subject of an adoption
17 petition could be located.

18 (e) Except as otherwise provided, information contained
19 within the Registry is confidential and shall not be published
20 or open to public inspection.

21 (f) A person who knowingly or intentionally registers false
22 information under this Section commits a Class B misdemeanor. A
23 person who knowingly or intentionally releases confidential
24 information in violation of this Section commits a Class B
25 misdemeanor.

26 (g) Except as provided in subsections (b) or (c) of Section

1 8 of this Act, a putative father who fails to register with the
2 Putative Father Registry as provided in this Section is barred
3 from thereafter bringing or maintaining any action to assert
4 any interest in the child, unless he proves by clear and
5 convincing evidence that:

6 (1) it was not possible for him to register within the
7 period of time specified in subsection (b) of this Section;
8 and

9 (2) his failure to register was through no fault of his
10 own; and

11 (3) he registered within 10 days after it became
12 possible for him to file.

13 A lack of knowledge of the pregnancy or birth is not an
14 acceptable reason for failure to register.

15 (h) Except as provided in subsection (b) or (c) of Section
16 8 of this Act, failure to timely register with the Putative
17 Father Registry (i) shall be deemed to be a waiver and
18 surrender of any right to notice of any hearing in any judicial
19 proceeding for the adoption of the child, and the consent or
20 surrender of that person to the adoption of the child is not
21 required, and (ii) shall constitute an abandonment of the child
22 and shall be prima facie evidence of sufficient grounds to
23 support termination of such father's parental rights under this
24 Act.

25 (i) In any adoption proceeding pertaining to a nonmarital
26 child ~~born out of wedlock~~, if there is no showing that a

1 putative father has executed a consent or surrender or waived
2 his rights regarding the proposed adoption, certification as
3 specified in subsection (d) shall be filed with the court prior
4 to entry of a final judgment order of adoption.

5 (j) The Registry shall not be used to notify a putative
6 father who is the father of a child as a result of criminal
7 sexual abuse or assault as defined under Article 11 of the
8 Criminal Code of 2012.

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

10 (750 ILCS 50/18) (from Ch. 40, par. 1522)

11 Sec. 18. Records confidential.

12 (a) The word "illegitimate", the words "born out of
13 wedlock", the word "nonmarital", and words of similar import
14 shall not be used in any adoption proceeding in any respect.

15 (b) The court call of adoption proceedings shall not
16 identify any of the parties by name. The parties may be
17 identified by initials or pseudonyms. The case shall be
18 identified by its general number. The names of the lawyers
19 representing the parties may appear on the court call, and the
20 type of application that is being made to the court may also be
21 identified.

22 (c) All adoption records maintained by each circuit clerk
23 shall be impounded in accordance with the procedures provided
24 by the Illinois Supreme Court's General Administrative Order on
25 Recordkeeping and shall be opened for examination only upon

1 specific order of the court, which order shall name the person
2 or persons who are to be permitted to examine the file.
3 Certified copies of all papers and documents contained in any
4 file so impounded shall be made only on like order. The
5 guardian ad litem for a minor sought to be adopted shall have
6 the right to inspect the court file without leave of court
7 during the pendency of the proceeding. The attorney of record
8 for the petitioners and other parties may inspect the file only
9 with leave of court. The petitioners to the adoption, the
10 attorney of record for the petitioners, and the guardian ad
11 litem of the person who is the subject of the proceeding shall
12 be entitled to receive certified copies of the order of
13 adoption in the proceeding at any time within 30 days after the
14 entry of the judgment of adoption without order of court. After
15 30 days from the entry of the judgment of adoption, no copies
16 may be obtained without prior order of court, but good cause is
17 not necessary to be shown by one of the petitioners to the
18 adoption.

19 (d) If an appeal is taken from an adoption proceeding, the
20 papers filed in the court of review and the opinion of the
21 reviewing court shall not identify the true names of the
22 parties; instead, initials or pseudonyms shall be used to
23 identify the parties.

24 (Source: P.A. 86-493; 87-620.)

25 Section 55. The Probate Act of 1975 is amended by changing

1 Sections 2-2 and 5-3 as follows:

2 (755 ILCS 5/2-2) (from Ch. 110 1/2, par. 2-2)

3 Sec. 2-2. Nonmarital children ~~Children born out of wedlock.~~

4 The intestate real and personal estate of a resident decedent
5 who was a nonmarital child ~~born out of wedlock~~ at the time of
6 death and the intestate real estate in this State of a
7 nonresident decedent who was a nonmarital child ~~born out of~~
8 ~~wedlock~~ at the time of death, after all just claims against his
9 estate are fully paid, descends and shall be distributed as
10 provided in Section 2-1, subject to Section 2-6.5 of this Act,
11 if both parents are eligible parents. As used in this Section,
12 "eligible parent" means a parent of the decedent who, during
13 the decedent's lifetime, acknowledged the decedent as the
14 parent's child, established a parental relationship with the
15 decedent, and supported the decedent as the parent's child.
16 "Eligible parents" who are in arrears of in excess of one
17 year's child support obligations shall not receive any property
18 benefit or other interest of the decedent unless and until a
19 court of competent jurisdiction makes a determination as to the
20 effect on the deceased of the arrearage and allows a reduced
21 benefit. In no event shall the reduction of the benefit or
22 other interest be less than the amount of child support owed
23 for the support of the decedent at the time of death. The
24 court's considerations shall include but are not limited to the
25 considerations in subsections (1) through (3) of Section 2-6.5

1 of this Act.

2 If neither parent is an eligible parent, the intestate real
3 and personal estate of a resident decedent who was a nonmarital
4 child ~~born out of wedlock~~ at the time of death and the
5 intestate real estate in this State of a nonresident decedent
6 who was a nonmarital child ~~born out of wedlock~~ at the time of
7 death, after all just claims against his or her estate are
8 fully paid, descends and shall be distributed as provided in
9 Section 2-1, but the parents of the decedent shall be treated
10 as having predeceased the decedent.

11 If only one parent is an eligible parent, the intestate
12 real and personal estate of a resident decedent who was a
13 nonmarital child ~~born out of wedlock~~ at the time of death and
14 the intestate real estate in this State of a nonresident
15 decedent who was a nonmarital child ~~born out of wedlock~~ at the
16 time of death, after all just claims against his or her estate
17 are fully paid, subject to Section 2-6.5 of this Act, descends
18 and shall be distributed as follows:

19 (a) If there is a surviving spouse and also a descendant of
20 the decedent: 1/2 of the entire estate to the surviving spouse
21 and 1/2 to the decedent's descendants per stirpes.

22 (b) If there is no surviving spouse but a descendant of the
23 decedent: the entire estate to the decedent's descendants per
24 stirpes.

25 (c) If there is a surviving spouse but no descendant of the
26 decedent: the entire estate to the surviving spouse.

1 (d) If there is no surviving spouse or descendant but the
2 eligible parent or a descendant of the eligible parent of the
3 decedent: the entire estate to the eligible parent and the
4 eligible parent's descendants, allowing 1/2 to the eligible
5 parent and 1/2 to the eligible parent's descendants per
6 stirpes.

7 (e) If there is no surviving spouse, descendant, eligible
8 parent, or descendant of the eligible parent of the decedent,
9 but a grandparent on the eligible parent's side of the family
10 or descendant of such grandparent of the decedent: the entire
11 estate to the decedent's grandparents on the eligible parent's
12 side of the family in equal parts, or to the survivor of them,
13 or if there is none surviving, to their descendants per
14 stirpes.

15 (f) If there is no surviving spouse, descendant, eligible
16 parent, descendant of the eligible parent, grandparent on the
17 eligible parent's side of the family, or descendant of such
18 grandparent of the decedent: the entire estate to the
19 decedent's great-grandparents on the eligible parent's side of
20 the family in equal parts or to the survivor of them, or if
21 there is none surviving, to their descendants per stirpes.

22 (g) If there is no surviving spouse, descendant, eligible
23 parent, descendant of the eligible parent, grandparent on the
24 eligible parent's side of the family, descendant of such
25 grandparent, great-grandparent on the eligible parent's side
26 of the family, or descendant of such great-grandparent of the

1 decedent: the entire estate in equal parts to the nearest
2 kindred of the eligible parent of the decedent in equal degree
3 (computing by the rules of the civil law) and without
4 representation.

5 (h) If there is no surviving spouse, descendant, or
6 eligible parent of the decedent and no known kindred of the
7 eligible parent of the decedent: the real estate escheats to
8 the county in which it is located; the personal estate
9 physically located within this State and the personal estate
10 physically located or held outside this State which is the
11 subject of ancillary administration within this State escheats
12 to the county of which the decedent was a resident or, if the
13 decedent was not a resident of this State, to the county in
14 which it is located; all other personal property of the
15 decedent of every class and character, wherever situate, or the
16 proceeds thereof, shall escheat to this State and be delivered
17 to the State Treasurer of this State pursuant to the Uniform
18 Disposition of Unclaimed Property Act.

19 For purposes of inheritance, the changes made by this
20 amendatory Act of 1998 apply to all decedents who die on or
21 after the effective date of this amendatory Act of 1998. For
22 the purpose of determining the property rights of any person
23 under any instrument, the changes made by this amendatory Act
24 of 1998 apply to all instruments executed on or after the
25 effective date of this amendatory Act of 1998.

26 A nonmarital child ~~born out of wedlock~~ is heir of his

1 mother and of any maternal ancestor and of any person from whom
2 his mother might have inherited, if living; and the descendants
3 of a person who was a nonmarital child ~~born out of wedlock~~
4 shall represent such person and take by descent any estate
5 which the parent would have taken, if living. If a decedent has
6 acknowledged paternity of a nonmarital child ~~born out of~~
7 ~~wedlock~~ or if during his lifetime or after his death a decedent
8 has been adjudged to be the father of a nonmarital child ~~born~~
9 ~~out of wedlock~~, that person is heir of his father and of any
10 paternal ancestor and of any person from whom his father might
11 have inherited, if living; and the descendants of a person who
12 was a nonmarital child ~~born out of wedlock~~ shall represent that
13 person and take by descent any estate which the parent would
14 have taken, if living. If during his lifetime the decedent was
15 adjudged to be the father of a nonmarital child ~~born out of~~
16 ~~wedlock~~ by a court of competent jurisdiction, an authenticated
17 copy of the judgment is sufficient proof of the paternity; but
18 in all other cases paternity must be proved by clear and
19 convincing evidence. A person who was a nonmarital child ~~born~~
20 ~~out of wedlock~~ whose parents intermarry and who is acknowledged
21 by the father as the father's child is a lawful child of the
22 father. After a nonmarital child ~~born out of wedlock~~ is
23 adopted, that person's relationship to his or her adopting and
24 natural parents shall be governed by Section 2-4 of this Act.
25 For purposes of inheritance, the changes made by this
26 amendatory Act of 1997 apply to all decedents who die on or

1 after January 1, 1998. For the purpose of determining the
2 property rights of any person under any instrument, the changes
3 made by this amendatory Act of 1997 apply to all instruments
4 executed on or after January 1, 1998.

5 (Source: P.A. 94-229, eff. 1-1-06.)

6 (755 ILCS 5/5-3) (from Ch. 110 1/2, par. 5-3)

7 Sec. 5-3. Power to ascertain and declare heirship -
8 evidence.) (a) The court may ascertain and declare the heirship
9 of any decedent to be entered of record in the court at any
10 time during the administration of the estate without further
11 notice or, if there is no grant of administration, upon such
12 notice and in such manner as the court directs.

13 (b) The ascertainment of heirship may be made from (1) an
14 affidavit of any person stating the facts from which the
15 heirship of the decedent can be ascertained, which affidavit
16 shall be signed and sworn to or affirmed before any notary
17 public or judge of any court of record in the United States or
18 any of its possessions or territories and certified by the
19 clerk thereof, or before any United States consul, vice-consul,
20 consular agent, secretary of legation or commissioned officer
21 in active service of the United States, within or without the
22 United States, or (2) from evidence either in narrative form or
23 by questions and answers which are reduced to writing and
24 certified by the court declaring the heirship. The seal of
25 office of any notary public, United States consul, vice-consul,

1 consular agent or secretary of legation and the designation of
2 the name, rank and branch of service of any commissioned
3 officer in active service of the armed forces of the United
4 States shall be sufficient evidence of his identity and
5 official character. The affidavit or transcript of evidence
6 shall be filed by the clerk of the court declaring the heirship
7 and remain as a part of the files in the cause.

8 (c) An order of the court declaring heirship is prima facie
9 evidence of the heirship, but any other legal method of proving
10 heirship may be resorted to by any party interested therein in
11 any place or court where the question may arise.

12 (d) For purposes of this section the court may presume, in
13 the absence of any evidence to the contrary, that the decedent
14 and any person through whom heirship is traced was not the
15 mother or father of any nonmarital child ~~born out of wedlock~~
16 and, if the decedent or the person was a male, that no
17 nonmarital child ~~born out of wedlock~~ was filiated to or
18 acknowledged or legitimated by the decedent or the person.

19 (Source: P.A. 81-598.)

20 Section 60. The Line of Duty Compensation Act is amended by
21 changing Section 3 as follows:

22 (820 ILCS 315/3) (from Ch. 48, par. 283)

23 Sec. 3. Duty death benefit.

24 (a) If a claim therefor is made within one year of the date

1 of death of a law enforcement officer, civil defense worker,
2 civil air patrol member, paramedic, fireman, chaplain, or State
3 employee killed in the line of duty, or if a claim therefor is
4 made within 2 years of the date of death of an Armed Forces
5 member killed in the line of duty, compensation shall be paid
6 to the person designated by the law enforcement officer, civil
7 defense worker, civil air patrol member, paramedic, fireman,
8 chaplain, State employee, or Armed Forces member. However, if
9 the Armed Forces member was killed in the line of duty before
10 October 18, 2004, the claim must be made within one year of
11 October 18, 2004.

12 (b) The amount of compensation, except for an Armed Forces
13 member, shall be \$10,000 if the death in the line of duty
14 occurred prior to January 1, 1974; \$20,000 if such death
15 occurred after December 31, 1973 and before July 1, 1983;
16 \$50,000 if such death occurred on or after July 1, 1983 and
17 before January 1, 1996; \$100,000 if the death occurred on or
18 after January 1, 1996 and before May 18, 2001; \$118,000 if the
19 death occurred on or after May 18, 2001 and before July 1,
20 2002; and \$259,038 if the death occurred on or after July 1,
21 2002 and before January 1, 2003. For an Armed Forces member
22 killed in the line of duty (i) at any time before January 1,
23 2005, the compensation is \$259,038 plus amounts equal to the
24 increases for 2003 and 2004 determined under subsection (c) and
25 (ii) on or after January 1, 2005, the compensation is the
26 amount determined under item (i) plus the applicable increases

1 for 2005 and thereafter determined under subsection (c).

2 (c) Except as provided in subsection (b), for deaths
3 occurring on or after January 1, 2003, the death compensation
4 rate for death in the line of duty occurring in a particular
5 calendar year shall be the death compensation rate for death
6 occurring in the previous calendar year (or in the case of
7 deaths occurring in 2003, the rate in effect on December 31,
8 2002) increased by a percentage thereof equal to the percentage
9 increase, if any, in the index known as the Consumer Price
10 Index for All Urban Consumers: U.S. city average, unadjusted,
11 for all items, as published by the United States Department of
12 Labor, Bureau of Labor Statistics, for the 12 months ending
13 with the month of June of that previous calendar year.

14 (d) If no beneficiary is designated or if no designated
15 beneficiary survives at the death of the law enforcement
16 officer, civil defense worker, civil air patrol member,
17 paramedic, fireman, chaplain, or State employee killed in the
18 line of duty, the compensation shall be paid in accordance with
19 a legally binding will left by the law enforcement officer,
20 civil defense worker, civil air patrol member, paramedic,
21 fireman, chaplain, or State employee. If the law enforcement
22 officer, civil defense worker, civil air patrol member,
23 paramedic, fireman, chaplain, or State employee did not leave a
24 legally binding will, the compensation shall be paid as
25 follows:

26 (1) when there is a surviving spouse, the entire sum

1 shall be paid to the spouse;

2 (2) when there is no surviving spouse, but a surviving
3 descendant of the decedent, the entire sum shall be paid to
4 the decedent's descendants per stirpes;

5 (3) when there is neither a surviving spouse nor a
6 surviving descendant, the entire sum shall be paid to the
7 parents of the decedent in equal parts, allowing to the
8 surviving parent, if one is dead, the entire sum; and

9 (4) when there is no surviving spouse, descendant or
10 parent of the decedent, but there are surviving brothers or
11 sisters, or descendants of a brother or sister, who were
12 receiving their principal support from the decedent at his
13 death, the entire sum shall be paid, in equal parts, to the
14 dependent brothers or sisters or dependent descendant of a
15 brother or sister. Dependency shall be determined by the
16 Court of Claims based upon the investigation and report of
17 the Attorney General.

18 The changes made to this subsection (d) by this amendatory Act
19 of the 94th General Assembly apply to any pending case as long
20 as compensation has not been paid to any party before the
21 effective date of this amendatory Act of the 94th General
22 Assembly.

23 (d-1) For purposes of subsection (d), in the case of a
24 person killed in the line of duty who was a nonmarital child
25 ~~born out of wedlock~~ and was not an adoptive child at the time
26 of the person's death, a person shall be deemed to be a parent

1 of the person killed in the line of duty only if that person
2 would be an eligible parent, as defined in Section 2-2 of the
3 Probate Act of 1975, of the person killed in the line of duty.
4 This subsection (d-1) applies to any pending claim if
5 compensation was not paid to the claimant of the pending claim
6 before the effective date of this amendatory Act of the 94th
7 General Assembly.

8 (d-2) If no beneficiary is designated or if no designated
9 beneficiary survives at the death of the Armed Forces member
10 killed in the line of duty, the compensation shall be paid in
11 entirety according to the designation made on the most recent
12 version of the Armed Forces member's Servicemembers' Group Life
13 Insurance Election and Certificate ("SGLI").

14 If no SGLI form exists at the time of the Armed Forces
15 member's death, the compensation shall be paid in accordance
16 with a legally binding will left by the Armed Forces member.

17 If no SGLI form exists for the Armed Forces member and the
18 Armed Forces member did not leave a legally binding will, the
19 compensation shall be paid to the persons and in the priority
20 as set forth in paragraphs (1) through (4) of subsection (d) of
21 this Section.

22 This subsection (d-2) applies to any pending case as long
23 as compensation has not been paid to any party before the
24 effective date of this amendatory Act of the 94th General
25 Assembly.

26 (e) If there is no beneficiary designated or if no

1 designated beneficiary survives at the death of the law
2 enforcement officer, civil defense worker, civil air patrol
3 member, paramedic, fireman, chaplain, State employee, or Armed
4 Forces member killed in the line of duty and there is no other
5 person or entity to whom compensation is payable under this
6 Section, no compensation shall be payable under this Act.

7 (f) No part of such compensation may be paid to any other
8 person for any efforts in securing such compensation.

9 (g) This amendatory Act of the 93rd General Assembly
10 applies to claims made on or after October 18, 2004 with
11 respect to an Armed Forces member killed in the line of duty.

12 (h) In any case for which benefits have not been paid
13 within 6 months of the claim being filed in accordance with
14 this Section, which is pending as of the effective date of this
15 amendatory Act of the 96th General Assembly, and in which there
16 are 2 or more beneficiaries, at least one of whom would receive
17 at least a portion of the total benefit regardless of the
18 manner in which the Court of Claims resolves the claim, the
19 Court shall direct the Comptroller to pay the minimum amount of
20 money which the determinate beneficiary would receive together
21 with all interest payment penalties which have accrued on that
22 portion of the award being paid within 30 days of the effective
23 date of this amendatory Act of the 96th General Assembly. For
24 purposes of this subsection (h), "determinate beneficiary"
25 means the beneficiary who would receive any portion of the
26 total benefit claimed regardless of the manner in which the

1 Court of Claims adjudicates the claim.

2 (i) The Court of Claims shall ensure that all individuals
3 who have filed an application to claim the duty death benefit
4 for a deceased member of the Armed Forces pursuant to this
5 Section or for a fireman pursuant to this Section, or their
6 designated representative, shall have access, on a timely basis
7 and in an efficient manner, to all information related to the
8 court's consideration, processing, or adjudication of the
9 claim, including, but not limited to, the following:

10 (1) a reliable estimate of when the Court of Claims
11 will adjudicate the claim, or if the Court cannot estimate
12 when it will adjudicate the claim, a full written
13 explanation of the reasons for this inability; and

14 (2) a reliable estimate, based upon consultation with
15 the Comptroller, of when the benefit will be paid to the
16 claimant.

17 (j) The Court of Claims shall send written notice to all
18 claimants within 2 weeks of the initiation of a claim
19 indicating whether or not the application is complete. For
20 purposes of this subsection (j), an application is complete if
21 a claimant has submitted to the Court of Claims all documents
22 and information the Court requires for adjudicating and paying
23 the benefit amount. For purposes of this subsection (j), a
24 claim for the duty death benefit is initiated when a claimant
25 submits any of the application materials required for
26 adjudicating the claim to the Court of Claims. In the event a

1 claimant's application is incomplete, the Court shall include
2 in its written notice a list of the information or documents
3 which the claimant must submit in order for the application to
4 be complete. In no case may the Court of Claims deny a claim
5 and subsequently re-adjudicate the same claim for the purpose
6 of evading or reducing the interest penalty payment amount
7 payable to any claimant.

8 (Source: P.A. 95-928, eff. 8-26-08; 96-539, eff. 1-1-10;
9 96-923, eff. 1-1-11.)