



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB0653

Introduced 2/6/2007, by Rep. Sara Feigenholtz

SYNOPSIS AS INTRODUCED:

325 ILCS 2/20
325 ILCS 2/35
325 ILCS 2/50

Amends the Abandoned Newborn Infant Protection Act. Provides that if the parent of a newborn infant comes to the hospital, where his or her newborn infant has been transported after the parent relinquished the infant to a fire station, emergency medical facility, or police station, to reclaim the infant within 72 hours of relinquishing the infant, the hospital must return the infant to the parent or, if the infant has already been discharged to the Department or child-placing agency, inform the parent of the name, location, and contact number of the Department or child-placing agency. Provides that the information packet given to a parent who is relinquishing a newborn child shall include written notice that a parent has the right to return and reclaim an abandoned infant within 72-hours of relinquishing the infant. Prohibits a fire station, emergency medical facility, or police station from disclosing any information concerning the relinquishing of the infant except to the hospital to which the infant is being transferred, to medical personnel involved in the transfer of the child to the hospital, or to the parent of the child. Effective immediately.

LRB095 06670 LCT 26780 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 Abandoned Newborn Infant Protection Act is
5 amended by changing Sections 20, 35, and 50 as follows:

6 (325 ILCS 2/20)

7 Sec. 20. Procedures with respect to relinquished newborn
8 infants.

9 (a) Hospitals. Every hospital must accept and provide all
10 necessary emergency services and care to a relinquished newborn
11 infant, in accordance with this Act. The hospital shall examine
12 a relinquished newborn infant and perform tests that, based on
13 reasonable medical judgment, are appropriate in evaluating
14 whether the relinquished newborn infant was abused or
15 neglected.

16 The act of relinquishing a newborn infant serves as implied
17 consent for the hospital and its medical personnel and
18 physicians on staff to treat and provide care for the infant.

19 The hospital shall be deemed to have temporary protective
20 custody of a relinquished newborn infant until the infant is
21 discharged to the custody of a child-placing agency or the
22 Department.

23 If the parent of a newborn infant comes to the hospital,

1 where his or her newborn infant has been transported after the
2 parent relinquished the infant to a fire station, emergency
3 medical facility, or police station, to reclaim the infant
4 within 72 hours of relinquishing the infant, the hospital must
5 return the infant to the parent or, if the infant has already
6 been discharged to the Department or child-placing agency,
7 inform the parent of the name, location, and contact number of
8 the Department or child-placing agency.

9 (b) Fire stations and emergency medical facilities. Every
10 fire station and emergency medical facility must accept and
11 provide all necessary emergency services and care to a
12 relinquished newborn infant, in accordance with this Act.

13 The act of relinquishing a newborn infant serves as implied
14 consent for the fire station or emergency medical facility and
15 its emergency medical professionals to treat and provide care
16 for the infant, to the extent that those emergency medical
17 professionals are trained to provide those services.

18 After the relinquishment of a newborn infant to a fire
19 station or emergency medical facility, the fire station or
20 emergency medical facility's personnel must arrange for the
21 transportation of the infant to the nearest hospital as soon as
22 transportation can be arranged.

23 If the parent of a newborn infant returns to reclaim the
24 child within 72 hours after relinquishing the child to a fire
25 station or emergency medical facility, the fire station or
26 emergency medical facility must inform the parent of the name

1 and location of the hospital to which the infant was
2 transported. If the parent of a newborn infant returns to
3 reclaim the child within 72 hours after relinquishing the child
4 to a fire station or emergency medical facility and before the
5 fire station or emergency medical facility has transported the
6 child to the nearest hospital, the child must be returned to
7 the parent.

8 A fire station or emergency medical facility may not
9 disclose any information concerning the relinquishing of the
10 infant except to the hospital to which the infant is being
11 transferred, to medical personnel involved in the transfer of
12 the child to the hospital, or to the parent of the child.

13 (c) Police stations. Every police station must accept a
14 relinquished newborn infant, in accordance with this Act. After
15 the relinquishment of a newborn infant to a police station, the
16 police station must arrange for the transportation of the
17 infant to the nearest hospital as soon as transportation can be
18 arranged. The act of relinquishing a newborn infant serves as
19 implied consent for the hospital to which the infant is
20 transported and that hospital's medical personnel and
21 physicians on staff to treat and provide care for the infant.

22 If the parent of a newborn infant returns to reclaim the
23 infant within 72 hours after relinquishing the infant to a
24 police station, the police station must inform the parent of
25 the name and location of the hospital to which the infant was
26 transported. If the parent of a newborn infant returns to

1 reclaim the child within 72 hours after relinquishing the child
2 to a police station and before the police station has
3 transported the child to the nearest hospital, the child must
4 be returned to the parent.

5 A police station may not disclose any information
6 concerning the relinquishing of the infant except to the
7 hospital to which the infant is being transferred, to medical
8 personnel involved in the transfer of the child to the
9 hospital, or to the parent of the child.

10 (Source: P.A. 92-408, eff. 8-17-01; 92-432, eff. 8-17-01;
11 93-820, eff. 7-27-04.)

12 (325 ILCS 2/35)

13 Sec. 35. Information for relinquishing person. A hospital,
14 police station, fire station, or emergency medical facility
15 that receives a newborn infant relinquished in accordance with
16 this Act must offer an information packet to the relinquishing
17 person and, if possible, must clearly inform the relinquishing
18 person that his or her acceptance of the information is
19 completely voluntary, that registration with the Illinois
20 Adoption Registry and Medical Information Exchange is
21 voluntary, that the person will remain anonymous if he or she
22 completes a Denial of Information Exchange, ~~and~~ that the person
23 has the option to provide medical information only and still
24 remain anonymous, and of any other rights of the parent granted
25 under this Act. The information packet must include all of the

1 following:

2 (1) All Illinois Adoption Registry and Medical
3 Information Exchange application forms, including the
4 Medical Information Exchange Questionnaire and the web
5 site address and toll-free phone number of the Registry.

6 (2) Written notice of the following:

7 (A) No sooner than 60 days following the date of
8 the initial relinquishment of the infant to a hospital,
9 police station, fire station, or emergency medical
10 facility, the child-placing agency or the Department
11 will commence proceedings for the termination of
12 parental rights and placement of the infant for
13 adoption.

14 (B) Failure of a parent of the infant to contact
15 the Department and petition for the return of custody
16 of the infant before termination of parental rights
17 bars any future action asserting legal rights with
18 respect to the infant.

19 (C) A parent has the right to return and reclaim an
20 abandoned infant within 72-hours of relinquishing the
21 infant.

22 (3) A resource list of providers of counseling services
23 including grief counseling, pregnancy counseling, and
24 counseling regarding adoption and other available options
25 for placement of the infant.

26 Upon request, the Department of Public Health shall provide

1 the application forms for the Illinois Adoption Registry and
2 Medical Information Exchange to hospitals, police stations,
3 fire stations, and emergency medical facilities.

4 (Source: P.A. 92-408, eff. 8-17-01; 92-432, eff. 8-17-01;
5 93-820, eff. 7-27-04.)

6 (325 ILCS 2/50)

7 Sec. 50. Child-placing agency procedures.

8 (a) The Department's State Central Registry must maintain a
9 list of licensed child-placing agencies willing to take legal
10 custody of newborn infants relinquished in accordance with this
11 Act. The child-placing agencies on the list must be contacted
12 by the Department on a rotating basis upon notice from a
13 hospital that a newborn infant has been relinquished in
14 accordance with this Act.

15 (b) Upon notice from the Department that a newborn infant
16 has been relinquished in accordance with this Act, a
17 child-placing agency must accept the newborn infant if the
18 agency has the accommodations to do so. The child-placing
19 agency must seek an order for legal custody of the infant upon
20 its acceptance of the infant.

21 (b-5) Upon notice by the hospital or parent of the intent
22 of the parent to reclaim the child within 72 hours after
23 relinquishing the child, the child-placing agency must make
24 arrangements to return the child to the parent as soon as
25 possible.

1 (c) Within 3 business days after assuming physical custody
2 of the infant, the child-placing agency shall file a petition
3 in the division of the circuit court in which petitions for
4 adoption would normally be heard. The petition shall allege
5 that the newborn infant has been relinquished in accordance
6 with this Act and shall state that the child-placing agency
7 intends to place the infant in an adoptive home.

8 (d) If no licensed child-placing agency is able to accept
9 the relinquished newborn infant, then the Department must
10 assume responsibility for the infant as soon as practicable.

11 (e) A custody order issued under subsection (b) shall
12 remain in effect until a final adoption order based on the
13 relinquished newborn infant's best interests is issued in
14 accordance with this Act and the Adoption Act.

15 (f) When possible, the child-placing agency must place a
16 relinquished newborn infant in a prospective adoptive home.

17 (g) The Department or child-placing agency must initiate
18 proceedings to (i) terminate the parental rights of the
19 relinquished newborn infant's known or unknown parents, (ii)
20 appoint a guardian for the infant, and (iii) obtain consent to
21 the infant's adoption in accordance with this Act no sooner
22 than 60 days following the date of the initial relinquishment
23 of the infant to the hospital, police station, fire station, or
24 emergency medical facility.

25 (h) Before filing a petition for termination of parental
26 rights, the Department or child-placing agency must do the

1 following:

2 (1) Search its Putative Father Registry for the purpose
3 of determining the identity and location of the putative
4 father of the relinquished newborn infant who is, or is
5 expected to be, the subject of an adoption proceeding, in
6 order to provide notice of the proceeding to the putative
7 father. At least one search of the Registry must be
8 conducted, at least 30 days after the relinquished newborn
9 infant's estimated date of birth; earlier searches may be
10 conducted, however. Notice to any potential putative
11 father discovered in a search of the Registry according to
12 the estimated age of the relinquished newborn infant must
13 be in accordance with Section 12a of the Adoption Act.

14 (2) Verify with law enforcement officials, using the
15 National Crime Information Center, that the relinquished
16 newborn infant is not a missing child.

17 (Source: P.A. 92-408, eff. 8-17-01; 92-432, eff. 8-17-01;
18 93-820, eff. 7-27-04.)

19 Section 99. Effective date. This Act takes effect upon
20 becoming law.