



Rep. Sara Feigenholtz

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LRB099 06241 KTG 33170 a

1 AMENDMENT TO HOUSE BILL 2816

2 AMENDMENT NO. _____. Amend House Bill 2816 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Abandoned Newborn Infant Protection Act is
5 amended by changing Sections 10, 20, 35, 50, 60, and 65 and by
6 adding Section 21 as follows:

7 (325 ILCS 2/10)

8 Sec. 10. Definitions. In this Act:

9 "Abandon" has the same meaning as in the Abused and
10 Neglected Child Reporting Act.

11 "Abused child" has the same meaning as in the Abused and
12 Neglected Child Reporting Act.

13 "Active labor" means the phase of labor coming after the
14 early or latent phase of labor, which for most women occurs
15 between 3 to 4 centimeters of dilation until 8 to 9 centimeters
16 of dilation but can vary.

1 "Child-placing agency" means a licensed public or private
2 agency that receives a child for the purpose of placing or
3 arranging for the placement of the child in a foster family
4 home or other facility for child care, apart from the custody
5 of the child's parents.

6 "Department" or "DCFS" means the Illinois Department of
7 Children and Family Services.

8 "Emergency medical facility" means a freestanding
9 emergency center or trauma center, as defined in the Emergency
10 Medical Services (EMS) Systems Act.

11 "Emergency medical professional" includes licensed
12 physicians, and any emergency medical technician, emergency
13 medical technician-intermediate, advanced emergency medical
14 technician, paramedic, trauma nurse specialist, and
15 pre-hospital registered nurse, as defined in the Emergency
16 Medical Services (EMS) Systems Act.

17 "Fire station" means a fire station within the State with
18 at least one staff person.

19 "Foundling record" means the record required for infants of
20 unknown parentage in Section 13 of the Vital Records Act.

21 "Hospital" has the same meaning as in the Hospital
22 Licensing Act.

23 "Hospital birth" means (i) any birth that occurs after a
24 mother has entered a hospital or emergency medical facility
25 during active labor or any later phase of labor or (ii) any
26 planned caesarean section occurring in a hospital or emergency

1 medical facility.

2 "Legal custody" means the relationship created by a court
3 order in the best interest of a newborn infant that imposes on
4 the infant's custodian the responsibility of physical
5 possession of the infant, the duty to protect, train, and
6 discipline the infant, and the duty to provide the infant with
7 food, shelter, education, and medical care, except as these are
8 limited by parental rights and responsibilities.

9 "Neglected child" has the same meaning as in the Abused and
10 Neglected Child Reporting Act.

11 "Newborn infant" means a child who a licensed physician
12 reasonably believes is 30 days old or less at the time the
13 child is initially relinquished to a hospital, police station,
14 fire station, or emergency medical facility, and who is not an
15 abused or a neglected child.

16 "Police station" means a municipal police station, a county
17 sheriff's office, a campus police department located on any
18 college or university owned or controlled by the State or any
19 private college or private university that is not owned or
20 controlled by the State when employees of the campus police
21 department are present, or any of the district headquarters of
22 the Illinois State Police.

23 "Procedures for a hospital birth" means the procedures to
24 be followed in Section 21 of this Act for infants born in a
25 hospital birth.

26 "Relinquish" means to bring a newborn infant, who a

1 licensed physician reasonably believes is 30 days old or less,
2 to a hospital, police station, fire station, or emergency
3 medical facility and to leave the infant with personnel of the
4 facility, if the person leaving the infant does not express an
5 intent to return for the infant or states that he or she will
6 not return for the infant. "Relinquish" shall not mean any
7 attempt by the mother to leave the hospital after having a
8 hospital birth, including ~~In the case of a mother who gives~~
9 ~~birth to an infant in a hospital,~~ the mother's act of leaving
10 that newborn infant at the hospital (i) without expressing an
11 intent to return for the infant or (ii) stating that she will
12 not return for the infant. In the case of a hospital birth, the
13 procedures for a hospital birth shall be followed. ~~is not a~~
14 ~~"relinquishment" under this Act.~~

15 "Temporary protective custody" means the temporary
16 placement of a newborn infant within a hospital or other
17 medical facility out of the custody of the infant's parent.

18 (Source: P.A. 97-293, eff. 8-11-11; 98-973, eff. 8-15-14.)

19 (325 ILCS 2/20)

20 Sec. 20. Procedures with respect to relinquished newborn
21 infants.

22 (a) Hospitals. Every hospital must accept and provide all
23 necessary emergency services and care to a relinquished newborn
24 infant, in accordance with this Act. The hospital shall examine
25 a relinquished newborn infant and perform tests that, based on

1 reasonable medical judgment, are appropriate in evaluating
2 whether the relinquished newborn infant was abused or
3 neglected.

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

7 The hospital shall be deemed to have temporary protective
8 custody of a relinquished newborn infant, including infants not
9 born in a hospital birth that have been brought to a hospital
10 after relinquishment at a fire station, police station, or
11 emergency medical facility, until the infant is discharged to
12 the custody of a child-placing agency or the Department. During
13 this time of temporary protective custody, the hospital shall
14 file the foundling record pursuant to Section 13 of the Vital
15 Records Act.

16 (b) Fire stations, police stations, and emergency medical
17 facilities. Every fire station, police station, and emergency
18 medical facility must accept and provide all necessary
19 emergency services and care to a relinquished newborn infant,
20 in accordance with this Act.

21 The act of relinquishing a newborn infant serves as implied
22 consent for the fire station, police station, or emergency
23 medical facility and its emergency medical professionals to
24 treat and provide care for the infant, to the extent that those
25 emergency medical professionals are trained to provide those
26 services.

1 After the relinquishment of a newborn infant to a fire
2 station, police station, or emergency medical facility, the
3 fire station, police station, or emergency medical facility's
4 personnel must arrange for the transportation of the infant to
5 the nearest hospital as soon as transportation can be arranged.

6 ~~If the parent of a newborn infant returns to reclaim the~~
7 ~~child within 72 hours after relinquishing the child to a fire~~
8 ~~station or emergency medical facility, the fire station or~~
9 ~~emergency medical facility must inform the parent of the name~~
10 ~~and location of the hospital to which the infant was~~
11 ~~transported.~~

12 (c) If a parent of a newborn infant or any other person
13 returns to reclaim the infant after relinquishing the infant to
14 a hospital, fire station, police station, or emergency medical
15 facility, the hospital, fire station, police station, or
16 emergency medical facility must provide the parent or person
17 with the toll-free telephone number established by the
18 Department for the sole purpose of receiving calls made
19 pursuant to this Section and for providing the parent or person
20 relinquishing the infant with the name of the hospital or
21 licensed child placing agency to which the infant has been
22 taken. The Department shall adopt rules necessary to create
23 this toll-free telephone number within 120 days of the
24 effective date of this amendatory Act of the 99th General
25 Assembly, but the rules shall require that any call placed to
26 the toll-free telephone number shall be returned within one

1 hour from the time the call was placed. The hospital, fire
2 station, police station, or emergency medical facility shall
3 also provide the parent or person contact information for the
4 licensed child placing agency and the hospital which has
5 custody of the infant, if known. ~~Police stations. Every police~~
6 ~~station must accept a relinquished newborn infant, in~~
7 ~~accordance with this Act. After the relinquishment of a newborn~~
8 ~~infant to a police station, the police station must arrange for~~
9 ~~the transportation of the infant to the nearest hospital as~~
10 ~~soon as transportation can be arranged. The act of~~
11 ~~relinquishing a newborn infant serves as implied consent for~~
12 ~~the hospital to which the infant is transported and that~~
13 ~~hospital's medical personnel and physicians on staff to treat~~
14 ~~and provide care for the infant.~~

15 ~~If the parent of a newborn infant returns to reclaim the~~
16 ~~infant within 72 hours after relinquishing the infant to a~~
17 ~~police station, the police station must inform the parent of~~
18 ~~the name and location of the hospital to which the infant was~~
19 ~~transported.~~

20 (Source: P.A. 92-408, eff. 8-17-01; 92-432, eff. 8-17-01;
21 93-820, eff. 7-27-04.)

22 (325 ILCS 2/21 new)

23 Sec. 21. Procedures for a hospital birth. In the case of a
24 hospital birth, the Department or its agents or hospital
25 personnel shall inform a birth mother of her rights,

1 responsibilities, and options, including, but not limited to:

2 (1) her option of making an adoption plan for the child
3 through a public or private agency, where counseling would
4 be provided at her option, and where her identity may or
5 may not be known to the agency; and

6 (2) her right to choose whether to share her identity
7 on the original birth certificate of the child, when the
8 child reaches the age of 21, by completing the Birth Parent
9 Preference Form pursuant to Section 18.2 of the Adoption
10 Act, and her right to change her mind about sharing her
11 identity throughout her lifetime.

12 (325 ILCS 2/35)

13 Sec. 35. Information for relinquishing person.

14 (a) A hospital, police station, fire station, or emergency
15 medical facility that receives a newborn infant relinquished in
16 accordance with this Act must offer an information packet to
17 the relinquishing person and, if possible, must clearly inform
18 the relinquishing person that his or her acceptance of the
19 information is completely voluntary. The information packet
20 must include all of the following:

21 (1) (Blank).

22 (1.5) Application forms for the Illinois Adoption
23 Registry and Medical Information Exchange.

24 (2) Written notice of the following:

25 (A) No sooner than 30 days following the date of ~~Ne~~

1 ~~sooner than 60 days following the date of~~ the initial
2 relinquishment of the infant to a hospital, police
3 station, fire station, or emergency medical facility,
4 the child-placing agency or the Department will
5 commence proceedings for the termination of parental
6 rights and placement of the infant for adoption.

7 (B) Failure of a parent of the infant to contact
8 the Department and petition for the return of custody
9 of the infant before termination of parental rights
10 bars any future action asserting legal rights with
11 respect to the infant.

12 (3) A resource list of providers of counseling services
13 including grief counseling, pregnancy counseling, and
14 counseling regarding adoption and other available options
15 for placement of the infant.

16 ~~Upon request of a parent, the Department of Public Health~~
17 ~~shall provide the application forms for the Illinois Adoption~~
18 ~~Registry and Medical Information Exchange.~~

19 (b) The information packet given to a relinquishing parent
20 in accordance with this Act shall include, in addition to other
21 information required under this Act, the following:

22 (1) A brochure (with a self-mailer attached) that
23 describes this Act and the rights of birth parents,
24 including an optional section for the parent to complete
25 and mail to the Department of Children and Family Services,
26 that shall ask for basic anonymous background information

1 about the relinquished child. This brochure shall be
2 maintained by the Department on its website.

3 (2) A brochure that describes the Illinois Adoption
4 Registry, including a toll-free number and website
5 information. This brochure shall be maintained on the
6 Office of Vital Records website.

7 (3) A brochure describing postpartum health
8 information for the mother.

9 The information packet shall be designed in coordination
10 between the Office of Vital Records and the Department of
11 Children and Family Services, with the exception of the
12 resource list of providers of counseling services and adoption
13 agencies, which shall be provided by the hospital, fire
14 station, police station, sheriff's office, or emergency
15 medical facility.

16 (Source: P.A. 96-1114, eff. 7-20-10; 97-333, eff. 8-12-11.)

17 (325 ILCS 2/50)

18 Sec. 50. Child-placing agency procedures.

19 (a) The Department's State Central Registry must maintain a
20 list of licensed child-placing agencies willing to take legal
21 custody of newborn infants relinquished in accordance with this
22 Act. The child-placing agencies on the list must be contacted
23 by the Department on a rotating basis upon notice from a
24 hospital that a newborn infant has been relinquished in
25 accordance with this Act.

1 (b) Upon notice from the Department that a newborn infant
2 has been relinquished in accordance with this Act, a
3 child-placing agency must accept the newborn infant if the
4 agency has the accommodations to do so. The child-placing
5 agency must seek an order for legal custody of the infant upon
6 its acceptance of the infant.

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

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

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

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

23 (g) The Department or child-placing agency must initiate
24 proceedings to (i) terminate the parental rights of the
25 relinquished newborn infant's known or unknown parents, (ii)
26 appoint a guardian for the infant, and (iii) obtain consent to

1 the infant's adoption in accordance with this Act no sooner
2 than 30 days ~~no sooner than 60 days~~ following the date of the
3 initial relinquishment of the infant to the hospital, police
4 station, fire station, or emergency medical facility.

5 (g-5) No court order terminating the parental rights of the
6 relinquished newborn infant's known or unknown parents shall be
7 entered sooner than 60 days after the date of the initial
8 relinquishment of the infant to the hospital, fire station,
9 police station, or emergency medical facility.

10 (h) Before filing a petition for termination of parental
11 rights, the Department or child-placing agency must do the
12 following:

13 (1) Search its Putative Father Registry for the purpose
14 of determining the identity and location of the putative
15 father of the relinquished newborn infant who is, or is
16 expected to be, the subject of an adoption proceeding, in
17 order to provide notice of the proceeding to the putative
18 father. At least one search of the Registry must be
19 conducted, at least 30 days after the relinquished newborn
20 infant's estimated date of birth; earlier searches may be
21 conducted, however. Notice to any potential putative
22 father discovered in a search of the Registry according to
23 the estimated age of the relinquished newborn infant must
24 be in accordance with Section 12a of the Adoption Act.

25 (2) Verify with law enforcement officials, using the
26 National Crime Information Center, that the relinquished

1 newborn infant is not a missing child.

2 (Source: P.A. 92-408, eff. 8-17-01; 92-432, eff. 8-17-01;
3 93-820, eff. 7-27-04.)

4 (325 ILCS 2/60)

5 Sec. 60. Department's duties. The Department must
6 implement a public information program to promote safe
7 placement alternatives for newborn infants. The public
8 information program must inform the public of the following:

9 (1) The relinquishment alternative provided for in
10 this Act, which results in the adoption of a newborn infant
11 under 30 ~~7~~ days of age and which provides for the parent's
12 anonymity, if the parent so chooses.

13 (2) The procedures for a hospital birth provided in
14 Section 21 of this Act. ~~The alternative of adoption through~~
15 ~~a public or private agency, in which the parent's identity~~
16 ~~may or may not be known to the agency, but is kept~~
17 ~~anonymous from the adoptive parents, if the birth parent so~~
18 ~~desires, and which allows the parent to be actively~~
19 ~~involved in the child's adoption plan.~~

20 The public information program may include, but need not be
21 limited to, the following elements:

22 (i) Educational and informational materials in print,
23 audio, video, electronic or other media.

24 (ii) Establishment of a web site.

25 (iii) Public service announcements and advertisements.

1 (iv) Establishment of toll-free telephone hotlines to
2 provide information.

3 (Source: P.A. 94-941, eff. 6-26-06.)

4 (325 ILCS 2/65)

5 Sec. 65. Evaluation.

6 (a) The Department shall collect and analyze information
7 regarding the relinquishment of newborn infants and placement
8 of children under this Act. Police stations, fire stations,
9 emergency medical facilities, and medical professionals
10 accepting and providing services to a newborn infant under this
11 Act shall report to the Department data necessary for the
12 Department to evaluate and determine the effect of this Act in
13 the prevention of injury or death of newborn infants.
14 Child-placing agencies shall report to the Department data
15 necessary to evaluate and determine the effectiveness of these
16 agencies in providing child protective and child welfare
17 services to newborn infants relinquished under this Act.

18 (b) The information collected shall include, but need not
19 be limited to: the number of newborn infants relinquished; the
20 services provided to relinquished newborn infants; the outcome
21 of care for the relinquished newborn infants; the number and
22 disposition of cases of relinquished newborn infants subject to
23 placement; the number of children accepted and served by each
24 child-placing agency ~~agencies~~; the name of each child-placing
25 agency which provided services; the number of infants

1 relinquished at each location, listed by location, including
2 the number of infants relinquished at a hospital, fire station,
3 police station, and emergency medical facility; and the
4 services provided by child-placing agencies and the
5 disposition of the cases of the children placed under this Act.

6 (c) The Department shall submit a report by January 1,
7 2002, and on January 1 of each year thereafter, to the Governor
8 and General Assembly regarding the prevention of injury or
9 death of newborn infants and the effect of placements of
10 children under this Act. The report shall include, but need not
11 be limited to, a summary of collected data, an analysis of the
12 data and conclusions regarding the Act's effectiveness, a
13 determination whether the purposes of the Act are being
14 achieved, and recommendations for changes that may be
15 considered necessary to improve the administration and
16 enforcement of this Act.

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