



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB1670

Introduced 2/20/2015, by Sen. Heather A. Steans

SYNOPSIS AS INTRODUCED:

325 ILCS 2/20
325 ILCS 2/35
325 ILCS 2/50
325 ILCS 2/60

Amends the Abandoned Newborn Infant Protection Act. Provides that if a parent relinquishes a newborn infant to a hospital, the hospital shall file a foundling record to constitute the birth certificate for the relinquished newborn infant; and that to protect the parent's anonymity, the foundling record shall not contain any identifying information about the relinquishing parent. Provides that if the parent of a newborn infant or any other person returns to reclaim the infant after relinquishing the infant to a fire station, emergency medical facility, or police station, the fire station, emergency medical facility, or police station must inform the parent or person that he or she must contact the Department of Children and Family Services' State-wide, toll-free telephone number for information on the relinquished infant. Shortens the length of time the Department of Children and Family Services or a child-placing agency must initiate certain proceedings, including proceedings to terminate the parental rights of the relinquished newborn infant's known or unknown parents, to no sooner than 30 days (rather than no sooner than 60 days). Provides that no court order terminating the parental rights of the relinquished newborn infant's known or unknown parents shall be entered sooner than 60 days after the date of the initial relinquishment of the infant to the hospital, police station, fire station, or emergency medical facility. Makes other changes.

LRB099 06240 KTG 30151 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, 50, and 60 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 a parent relinquishes a newborn infant in accordance

1 with this Act, the hospital shall file a foundling record to
2 constitute the birth certificate for the relinquished newborn
3 infant. To protect the parent's anonymity, the foundling record
4 shall not contain any identifying information about the
5 relinquishing parent.

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

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

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

20 If the parent of a newborn infant or any other person
21 returns to reclaim the infant after relinquishing the infant to
22 a fire station or emergency medical facility, the fire station
23 or emergency medical facility must inform the parent or person
24 that he or she must contact the Department of Children and
25 Family Services' State-wide, toll-free telephone number
26 established under Section 35.6 of the Children and Family

1 Services Act for information on the relinquished infant.

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

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

17 If the parent of a newborn infant or any other person
18 returns to reclaim the infant after relinquishing the infant to
19 a police station, the police station must inform the parent or
20 person that he or she must contact the Department of Children
21 and Family Services' State-wide, toll-free telephone number
22 established under Section 35.6 of the Children and Family
23 Services Act for information on the relinquished infant.

24 ~~If the parent of a newborn infant returns to reclaim the~~
25 ~~infant within 72 hours after relinquishing the infant to a~~
26 ~~police station, the police station must inform the parent of~~

1 ~~the name and location of the hospital to which the infant was~~
2 ~~transported.~~

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

5 (325 ILCS 2/35)

6 Sec. 35. Information for relinquishing person.

7 (a) A hospital, police station, fire station, or emergency
8 medical facility that receives a newborn infant relinquished in
9 accordance with this Act must offer an information packet to
10 the relinquishing person and, if possible, must clearly inform
11 the relinquishing person that his or her acceptance of the
12 information is completely voluntary. The information packet
13 must include all of the following:

14 (1) (Blank).

15 (2) Written notice of the following:

16 (A) No sooner than 30 days ~~No sooner than 60 days~~
17 following the date of the initial relinquishment of the
18 infant to a hospital, police station, fire station, or
19 emergency medical facility, the child-placing agency
20 or the Department will commence proceedings for the
21 termination of parental rights and placement of the
22 infant for adoption.

23 (B) Failure of a parent of the infant to contact
24 the Department and petition for the return of custody
25 of the infant before termination of parental rights

1 bars any future action asserting legal rights with
2 respect to the infant.

3 (3) A resource list of providers of counseling services
4 including grief counseling, pregnancy counseling, and
5 counseling regarding adoption and other available options
6 for placement of the infant.

7 Upon request of a parent, the Department of Public Health
8 shall provide the application forms for the Illinois Adoption
9 Registry and Medical Information Exchange.

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

13 (1) A brochure (with a self-mailer attached) that
14 describes this Act and the rights of birth parents,
15 including an optional section for the parent to complete
16 and mail to the Department of Children and Family Services,
17 that shall ask for basic anonymous background information
18 about the relinquished child. This brochure shall be
19 maintained by the Department on its website.

20 (2) A brochure that describes the Illinois Adoption
21 Registry, including a toll-free number and website
22 information. This brochure shall be maintained on the
23 Office of Vital Records website.

24 (3) A brochure describing postpartum health
25 information for the mother.

26 The information packet shall be designed in coordination

1 between the Office of Vital Records and the Department of
2 Children and Family Services, with the exception of the
3 resource list of providers of counseling services and adoption
4 agencies, which shall be provided by the hospital, fire
5 station, police station, sheriff's office, or emergency
6 medical facility.

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

8 (325 ILCS 2/50)

9 Sec. 50. Child-placing agency procedures.

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

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

23 (c) Within 3 business days after assuming physical custody
24 of the infant, the child-placing agency shall file a petition
25 in the division of the circuit court in which petitions for

1 adoption would normally be heard. The petition shall allege
2 that the newborn infant has been relinquished in accordance
3 with this Act and shall state that the child-placing agency
4 intends to place the infant in an adoptive home.

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

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

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

14 (g) The Department or child-placing agency must initiate
15 proceedings to (i) terminate the parental rights of the
16 relinquished newborn infant's known or unknown parents, (ii)
17 appoint a guardian for the infant, and (iii) obtain consent to
18 the infant's adoption in accordance with this Act no sooner
19 than 30 days ~~no sooner than 60 days~~ following the date of the
20 initial relinquishment of the infant to the hospital, police
21 station, fire station, or emergency medical facility.

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

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

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

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

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

21 (325 ILCS 2/60)

22 Sec. 60. Department's duties. The Department must
23 implement a public information program to promote safe
24 placement alternatives for newborn infants. The public
25 information program must inform the public of the following:

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

5 (2) The alternative of adoption through a public or
6 private agency, in which the parent's identity may or may
7 not be known to the agency, but is kept anonymous from the
8 adoptive parents, if the birth parent so desires, and which
9 allows the parent to be actively involved in the child's
10 adoption plan.

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

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

15 (ii) Establishment of a web site.

16 (iii) Public service announcements and advertisements.

17 (iv) Establishment of toll-free telephone hotlines to
18 provide information.

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