



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB3753

Introduced 2/22/2021, by Rep. Adam Niemerg

#### SYNOPSIS AS INTRODUCED:

325 ILCS 2/10  
325 ILCS 2/16 new  
325 ILCS 2/22  
325 ILCS 2/30  
325 ILCS 2/35

Amends the Abandoned Newborn Infant Protection Act. Provides that a hospital that is staffed continuously on a 24-hour, 7-day a week basis to provide care to patients in an emergency shall take temporary protective custody of any newborn infant who is left in a newborn safety device that: (1) has been approved by the hospital; (2) is physically located inside the hospital; and (3) is located in an area that is conspicuous and visible to hospital staff. Provides that a fire station, emergency medical facility, or police station that is staffed by an emergency medical services provider on a 24-hour, 7-day a week basis shall take temporary protective custody of a newborn infant who is voluntarily left in a newborn safety device that: (i) is located at the fire station, emergency medical facility, or police station; (ii) is located in an area that is conspicuous and visible to staff; and (iii) includes an adequate dual alarm system connected to the site that is tested at least one time per month to ensure the alarm system is in working order. Provides that a hospital, fire station, emergency medical facility, or police station is immune from civil liability for an act or omission relating to the operation of the newborn safety device unless the act or omission constitutes gross negligence or willful or wanton misconduct. Provides that any person who in good faith voluntarily leaves a newborn infant in a newborn safety device as provided in the amendatory Act is not obligated to disclose the parent's name or the person's name. Requires hospitals, fire stations, emergency medical facilities, and police stations to post conspicuous signs informing persons that a newborn infant may be left in a newborn safety device located at the facility. Expands the definition of "relinquish" to mean to voluntarily leave a newborn infant, who a licensed physician reasonably believes is 30 days old or less, in a newborn safety device.

LRB102 13795 KTG 19145 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 Abandoned Newborn Infant Protection Act is  
5 amended by changing Sections 10, 22, 30, and 35 and by adding  
6 Section 16 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 "Child-placing agency" means a licensed public or private  
14 agency that receives a child for the purpose of placing or  
15 arranging for the placement of the child in a foster family  
16 home or other facility for child care, apart from the custody  
17 of the child's parents.

18 "Department" or "DCFS" means the Illinois Department of  
19 Children and Family Services.

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

23 "Emergency medical professional" includes licensed

1 physicians, and any emergency medical technician, emergency  
2 medical technician-intermediate, advanced emergency medical  
3 technician, paramedic, trauma nurse specialist, and  
4 pre-hospital registered nurse, as defined in the Emergency  
5 Medical Services (EMS) Systems Act.

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

8 "Hospital" has the same meaning as in the Hospital  
9 Licensing Act.

10 "Legal custody" means the relationship created by a court  
11 order in the best interest of a newborn infant that imposes on  
12 the infant's custodian the responsibility of physical  
13 possession of the infant, the duty to protect, train, and  
14 discipline the infant, and the duty to provide the infant with  
15 food, shelter, education, and medical care, except as these  
16 are limited by parental rights and responsibilities.

17 "Neglected child" has the same meaning as in the Abused  
18 and Neglected Child Reporting Act.

19 "Newborn infant" means a child who a licensed physician  
20 reasonably believes is 30 days old or less at the time the  
21 child is initially relinquished to a hospital, police station,  
22 fire station, or emergency medical facility, and who is not an  
23 abused or a neglected child.

24 "Police station" means a municipal police station, a  
25 county sheriff's office, a campus police department located on  
26 any college or university owned or controlled by the State or

1 any private college or private university that is not owned or  
2 controlled by the State when employees of the campus police  
3 department are present, or any of the district headquarters of  
4 the Illinois State Police.

5 "Relinquish" means to bring a newborn infant, who a  
6 licensed physician reasonably believes is 30 days old or less,  
7 to a hospital, police station, fire station, or emergency  
8 medical facility and to leave the infant with personnel of the  
9 facility, if the person leaving the infant does not express an  
10 intent to return for the infant or states that he or she will  
11 not return for the infant. "Relinquish" also means to  
12 voluntarily leave a newborn infant, who a licensed physician  
13 reasonably believes is 30 days old or less, in a newborn safety  
14 device as provided in Section 16. In the case of a mother who  
15 gives birth to an infant in a hospital, the mother's act of  
16 leaving that newborn infant at the hospital (i) without  
17 expressing an intent to return for the infant or (ii) stating  
18 that she will not return for the infant is not a  
19 "relinquishment" under this Act.

20 "Temporary protective custody" means the temporary  
21 placement of a newborn infant within a hospital or other  
22 medical facility out of the custody of the infant's parent.

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

24 (325 ILCS 2/16 new)

25 Sec. 16. Newborn safety device.

1       (a) As used in this Section, "emergency services provider"  
2 means a firefighter, law enforcement officer, paramedic, an  
3 emergency medical technician, a physician licensed under the  
4 Medical Practice Act, a nurse licensed under the Nurse  
5 Practice Act, or any other person who provides emergency  
6 medical services in the course of the person's employment.

7       (b) A hospital that is staffed continuously on a 24-hour,  
8 7-day a week basis to provide care to patients in an emergency  
9 shall take temporary protective custody of a newborn infant  
10 who is voluntarily left in a newborn safety device that:

11           (1) has been approved by the hospital;

12           (2) is physically located inside the hospital; and

13           (3) is located in an area that is conspicuous and  
14 visible to hospital staff.

15       A hospital that approves the operation of a newborn safety  
16 device that meets the requirements of this subsection is  
17 immune from civil liability for an act or omission relating to  
18 the operation of the newborn safety device unless the act or  
19 omission constitutes gross negligence or willful or wanton  
20 misconduct. Nothing in this subsection limits liability for  
21 negligence for care and medical treatment.

22       (c) A fire station, emergency medical facility, or police  
23 station that is staffed by an emergency medical services  
24 provider on a 24-hour, 7-day a week basis shall take temporary  
25 protective custody of a newborn infant who is voluntarily left  
26 in a newborn safety device that:

1           (1) is located at the fire station, emergency medical  
2           facility, or police station;

3           (2) is located in an area that is conspicuous and  
4           visible to staff; and

5           (3) includes an adequate dual alarm system connected  
6           to the site that is tested at least one time per month to  
7           ensure the alarm system is in working order.

8           A fire department, emergency medical facility, or police  
9           station that meets the requirements of this subsection is  
10           immune from civil liability for an act or omission relating to  
11           the operation of the newborn safety device unless the act or  
12           omission constitutes gross negligence or willful or wanton  
13           misconduct. Nothing in this subsection limits liability for  
14           negligence for care and medical treatment.

15           (d) An emergency medical services provider who takes  
16           temporary protective custody of a newborn infant under this  
17           Section shall perform any act necessary to protect the  
18           infant's physical health or safety.

19           (e) Any person who in good faith voluntarily leaves a  
20           newborn infant in a newborn safety device as provided in this  
21           Section is not obligated to disclose the parent's name or the  
22           person's name.

23           (325 ILCS 2/22)

24           Sec. 22. Signs. Every hospital, fire station, emergency  
25           medical facility, and police station that is required to

1 accept a relinquished newborn infant in accordance with this  
2 Act must post a sign in a conspicuous place on the exterior of  
3 the building housing the facility informing persons that a  
4 newborn infant may be relinquished at the facility or left in a  
5 newborn safety device located at the facility in accordance  
6 with this Act. The Department shall prescribe specifications  
7 for the signs and for their placement that will ensure  
8 statewide uniformity.

9 This Section does not apply to a hospital, fire station,  
10 emergency medical facility, or police station that has a sign  
11 that is consistent with the requirements of this Section that  
12 is posted on the effective date of this amendatory Act of the  
13 95th General Assembly.

14 (Source: P.A. 95-275, eff. 8-17-07.)

15 (325 ILCS 2/30)

16 Sec. 30. Anonymity of relinquishing person. If there is  
17 no evidence of abuse or neglect of a relinquished newborn  
18 infant, the relinquishing person has the right to remain  
19 anonymous and to leave the hospital, police station, fire  
20 station, or emergency medical facility at any time and not be  
21 pursued or followed. Except for a person who relinquishes a  
22 newborn infant as provided in Section 16, before ~~Before~~ the  
23 relinquishing person leaves the hospital, police station, fire  
24 station, or emergency medical facility, the hospital, police  
25 station, fire station, or emergency medical facility personnel

1 shall (i) verbally inform the relinquishing person that by  
2 relinquishing the child anonymously, he or she will have to  
3 petition the court if he or she desires to prevent the  
4 termination of parental rights and regain custody of the child  
5 and (ii) shall offer the relinquishing person the information  
6 packet described in Section 35 of this Act. However, nothing  
7 in this Act shall be construed as precluding the relinquishing  
8 person from providing his or her identity or completing the  
9 application forms for the Illinois Adoption Registry and  
10 Medical Information Exchange and requesting that the hospital,  
11 police station, fire station, or emergency medical facility  
12 forward those forms to the Illinois Adoption Registry and  
13 Medical Information Exchange.

14 (Source: P.A. 92-408, eff. 8-17-01; 92-432, eff. 8-17-01;  
15 93-820, eff. 7-27-04.)

16 (325 ILCS 2/35)

17 Sec. 35. Information for relinquishing person.

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



1 (1) (Blank).

2 (2) Written notice of the following:

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

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

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

19 Upon request of a parent, the Department of Public Health  
20 shall provide the application forms for the Illinois Adoption  
21 Registry and Medical Information Exchange.

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

25 (1) A brochure (with a self-mailer attached) that  
26 describes this Act and the rights of birth parents,

1 including an optional section for the parent to complete  
2 and mail to the Department of Children and Family  
3 Services, that shall ask for basic anonymous background  
4 information about the relinquished child. This brochure  
5 shall be maintained by the Department on its website.

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

10 (3) A brochure describing postpartum health  
11 information for the mother.

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

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