



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB4227

Introduced 1/5/2022, by Rep. Michelle Mussman

SYNOPSIS AS INTRODUCED:

325 ILCS 2/10

Amends the Abandoned Newborn Infant Protection Act. In the definition of "relinquish", removes language stating that it is not a "relinquishment" under the Act if a mother who gives birth to an infant in a hospital, leaves the newborn infant at the hospital (i) without expressing an intent to return for the infant or (ii) stating that she will not return for the infant.

LRB102 21490 KTG 30607 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 Section 10 as follows:

6 (325 ILCS 2/10)

7 Sec. 10. Definitions. In this Act:

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

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

12 "Child-placing agency" means a licensed public or private
13 agency that receives a child for the purpose of placing or
14 arranging for the placement of the child in a foster family
15 home or other facility for child care, apart from the custody
16 of the child's parents.

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

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

22 "Emergency medical professional" includes licensed
23 physicians, and any emergency medical technician, emergency

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

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

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

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

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

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

23 "Police station" means a municipal police station, a
24 county sheriff's office, a campus police department located on
25 any college or university owned or controlled by the State or
26 any private college or private university that is not owned or

1 controlled by the State when employees of the campus police
2 department are present, or any of the district headquarters of
3 the Illinois State Police.

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

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

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