



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB4699

Introduced 1/21/2022, by Rep. Terra Costa Howard

SYNOPSIS AS INTRODUCED:

See Index

Amends the Abandoned Newborn Infant Protection Act. Provides that there is a presumption that by relinquishing a newborn infant under the Act, the infant's parent waives notice of any legal proceeding to terminate his or her parental rights. Requires a hospital to complete and submit, on behalf of a relinquished newborn infant, an application for medical assistance benefits provided under the Illinois Public Aid Code and to provide all available medical information and records regarding the infant to the Department of Children and Family Services and to the child welfare agency (rather than child-placing agency) that has accepted the referral of the infant. Provides that first responders dispatched in response to a 9-1-1 call to accept a relinquished newborn infant must accept the relinquished newborn infant in accordance with the Act. Contains provisions on when and to whom a fire station or emergency medical facility must disclose the name and location of the hospital to which a relinquished infant was transported. Provides that, if possible, a hospital, police station, fire station, or emergency medical facility that receives a newborn infant must offer information about the relinquishment process to the relinquishing person in writing or by referring the person to a website or other electronic resource. Contains provisions on a child welfare agency's authority to place the infant in an adoptive home, foster home, child care facility, or other appropriate facility and to make medical and health-related decisions for the infant. Contains provisions concerning notice to the infant's biological parents of legal proceedings to terminate their parental rights; the appointment of a guardian ad litem to represent the infant's interests; petitions to return the infant to the infant's parent; the alternative to relinquishment that results in the adoption of a relinquished infant under 30 (rather than 7) days of age; and other matters.

LRB102 23055 KTG 32211 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, 15, 20, 25, 27, 30, 35, 37,
6 40, 50, 55, 60, and 65 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 welfare agency ~~Child placing agency~~" means an
14 Illinois a licensed public or private agency that receives a
15 child for the purpose of placing or arranging for the
16 placement of the child in a foster family home or other
17 facility for child care, apart from the custody of the child's
18 parents.

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

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

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

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

9 "First responder" means a member of law enforcement, a
10 staff member of a fire station, or an emergency medical
11 professional who is dispatched to respond to a 9-1-1 call from
12 a parent or a parent's representative who is unable or
13 unwilling to travel to a hospital, police station, fire
14 station, or emergency medical facility and who desires to
15 relinquish an infant under this Act.

16 "Hospital" has the same meaning as in the Hospital
17 Licensing Act.

18 "Legal custody" means the relationship created by a court
19 order in the best interest of a newborn infant that imposes on
20 the infant's custodian the responsibility of physical
21 possession of the infant, the duty to protect, train, and
22 discipline the infant, and the duty to provide the infant with
23 food, shelter, education, and medical care, except as these
24 are limited by parental rights and responsibilities.

25 "Neglected child" has the same meaning as in the Abused
26 and Neglected Child Reporting Act.

1 "Newborn infant" means a child who a licensed physician
2 reasonably believes is 30 days old or less at the time the
3 child is initially relinquished to a hospital, police station,
4 fire station, or emergency medical facility, and who is not an
5 abused or a neglected child.

6 "Parent" or "biological parent" means a person who has
7 established maternity or paternity of a newborn infant through
8 genetic testing.

9 "Police station" means a municipal police station, a
10 county sheriff's office, a campus police department located on
11 any college or university owned or controlled by the State or
12 any private college or private university that is not owned or
13 controlled by the State when employees of the campus police
14 department are present, or any of the district headquarters of
15 the Illinois State Police.

16 "Relinquish" means to bring a newborn infant, who a
17 licensed physician reasonably believes is 30 days old or less,
18 to a hospital, police station, fire station, or emergency
19 medical facility and to leave the infant with personnel of the
20 facility, if the person leaving the infant does not express an
21 intent to return for the infant or states that he or she will
22 not return for the infant. If the person relinquishing the
23 infant is unable or unwilling to travel to a hospital, police
24 station, fire station, or emergency medical facility, the
25 person may dial 9-1-1 and the 9-1-1 operator who receives the
26 call shall dispatch a first responder to meet the person in

1 order to accept the relinquishment of the infant and take the
2 infant into custody under this Act. In the case of a mother who
3 gives birth to an infant in a hospital, the mother's act of
4 leaving that newborn infant at the hospital (i) without
5 expressing an intent to return for the infant or (ii) stating
6 that she will not return for the infant is not a
7 "relinquishment" under this Act.

8 "Temporary protective custody" means the temporary
9 placement of a newborn infant within a hospital or other
10 medical facility out of the custody of the infant's parent.

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

12 (325 ILCS 2/15)

13 Sec. 15. Presumptions.

14 (a) There is a presumption that by relinquishing a newborn
15 infant in accordance with this Act, the infant's parent
16 consents to the termination of his or her parental rights with
17 respect to the infant and therefore waives notice of any legal
18 proceeding to terminate his or her parental rights.

19 (b) There is a presumption that a person relinquishing a
20 newborn infant in accordance with this Act:

21 (1) is the newborn infant's biological parent; and

22 (2) either without expressing an intent to return for
23 the infant or expressing an intent not to return for the
24 infant, did intend to relinquish the infant to the
25 hospital, police station, fire station, or emergency

1 medical facility, or to a first responder dispatched to
2 accept the relinquished infant in response to a 9-1-1
3 call, to treat, care for, and provide for the infant in
4 accordance with this Act.

5 (c) A parent of a relinquished newborn infant may rebut
6 the presumption set forth in either subsection (a) or
7 subsection (b) pursuant to Section 55, at any time before the
8 termination of the parent's parental rights.

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

11 (325 ILCS 2/20)

12 Sec. 20. Procedures with respect to relinquished newborn
13 infants.

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

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

24 The hospital shall complete and submit an application for
25 medical assistance provided under Article V of the Illinois

1 Public Aid Code on behalf of the infant and shall provide all
2 available medical information and records regarding the infant
3 to the Department and the child welfare agency that has
4 accepted the referral of the infant pursuant to Section 50.

5 The hospital shall be deemed to have temporary protective
6 custody of a relinquished newborn infant until the infant is
7 discharged to the custody of a child welfare agency
8 ~~child placing agency~~ or the Department.

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
14 implied consent for the fire station or emergency medical
15 facility and its emergency medical professionals to treat and
16 provide care for the infant, to the extent that those
17 emergency medical professionals are trained to provide those
18 services.

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

24 If the person who relinquished ~~parent of~~ a newborn infant,
25 or a person claiming to be the parent of the infant, returns to
26 reclaim the infant within 30 days after the infant was

1 ~~relinquished child within 72 hours after relinquishing the~~
2 ~~child~~ to a fire station or emergency medical facility, the
3 fire station or emergency medical facility must inform such
4 person ~~the parent~~ of the name and location of the hospital to
5 which the infant was transported.

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

16 If the person who relinquished ~~parent of~~ a newborn infant,
17 or a person claiming to be the parent of the infant, returns to
18 reclaim the infant within 30 days after ~~72 hours after~~
19 ~~relinquishing~~ the infant was relinquished to a police station,
20 the police station must inform such person ~~the parent~~ of the
21 name and location of the hospital to which the infant was
22 transported.

23 (d) First responders dispatched in response to a 9-1-1
24 call to accept a relinquished newborn infant must accept the
25 relinquished newborn infant in accordance with this Act. After
26 the relinquishment of a newborn infant to a first responder,

1 the first responder must arrange for the transportation of the
2 infant to the nearest hospital as soon as transportation can
3 be arranged and must inform the relinquishing person of the
4 name of the hospital and the Department's contact number. The
5 act of relinquishing a newborn infant serves as implied
6 consent for the hospital to which the infant is transported
7 and that hospital's medical personnel and physicians on staff
8 to treat and provide care for the infant.

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

11 (325 ILCS 2/25)

12 Sec. 25. Immunity for relinquishing person.

13 (a) The act of relinquishing a newborn infant to a
14 hospital, police station, fire station, or emergency medical
15 facility or to a first responder dispatched in response to a
16 9-1-1 call in accordance with this Act does not, by itself,
17 constitute a basis for a finding of abuse, neglect, or
18 abandonment of the infant pursuant to the laws of this State
19 nor does it, by itself, constitute a violation of Section
20 12C-5 or 12C-10 of the Criminal Code of 2012.

21 (b) If there is suspected child abuse or neglect that is
22 not based solely on the newborn infant's relinquishment to a
23 hospital, police station, fire station, or emergency medical
24 facility, or to a first responder dispatched in response to a
25 9-1-1 call in accordance with this Act, the first responder or

1 the personnel of the hospital, police station, fire station,
2 or emergency medical facility who are mandated reporters under
3 the Abused and Neglected Child Reporting Act must report the
4 abuse or neglect pursuant to that Act.

5 (c) Neither a child protective investigation nor a
6 criminal investigation may be initiated solely because a
7 newborn infant is relinquished pursuant to this Act.

8 (Source: P.A. 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13.)

9 (325 ILCS 2/27)

10 Sec. 27. Immunity of facility and personnel. A hospital,
11 police station, fire station, or emergency medical facility,
12 or a first responder dispatched in response to a 9-1-1 call in
13 accordance with this Act, and any personnel of a hospital,
14 police station, fire station, or emergency medical facility,
15 are immune from criminal or civil liability for acting in good
16 faith in accordance with this Act. Nothing in this Act limits
17 liability for negligence for care and medical treatment.

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

20 (325 ILCS 2/30)

21 Sec. 30. Anonymity of relinquishing person. If there is
22 no evidence of abuse or neglect of a relinquished newborn
23 infant, the relinquishing person has the right to remain
24 anonymous and to leave the hospital, police station, fire

1 station, or emergency medical facility at any time and not be
2 pursued or followed. Before the relinquishing person leaves
3 the hospital, police station, fire station, or emergency
4 medical facility, or after the relinquishing person
5 relinquishes the infant to a first responder dispatched in
6 response to a 9-1-1 call, the hospital, police station, fire
7 station, ~~or~~ emergency medical facility personnel, or first
8 responder shall (i) verbally inform the relinquishing person
9 that by relinquishing the child anonymously, he or she will
10 have to petition the court if he or she desires to prevent the
11 termination of parental rights and regain custody of the child
12 and (ii) shall offer the relinquishing person the information
13 packet described in Section 35 of this Act. However, nothing
14 in this Act shall be construed as precluding the relinquishing
15 person from providing his or her identity or completing the
16 application forms for the Illinois Adoption Registry and
17 Medical Information Exchange and requesting that the hospital,
18 police station, fire station, ~~or~~ emergency medical facility,
19 or first responder forward those forms to the Illinois
20 Adoption Registry and Medical Information Exchange.

21 (Source: P.A. 92-408, eff. 8-17-01; 92-432, eff. 8-17-01;
22 93-820, eff. 7-27-04.)

23 (325 ILCS 2/35)

24 Sec. 35. Information for relinquishing person.

25 (a) If possible, the ~~A~~ hospital, police station, fire

1 station, or emergency medical facility, or the first responder
2 dispatched in response to a 9-1-1 call, that receives a
3 newborn infant relinquished in accordance with this Act must
4 offer information about the relinquishment process to an
5 ~~information packet to the relinquishing person and, if~~
6 ~~possible, must clearly inform~~ the relinquishing person, either
7 in writing or by referring such person to a website or other
8 electronic resource. Such information shall clearly state that
9 ~~his or her~~ acceptance of the information is completely
10 voluntary. The information ~~packet~~ must include all of the
11 following:

12 (1) (Blank).

13 (2) Written notice of the following:

14 (A) No sooner than 30 ~~60~~ days following the date of
15 the initial relinquishment of the infant to a
16 hospital, police station, fire station, or emergency
17 medical facility, or to a first responder dispatched
18 in response to a 9-1-1 call, the court may enter an
19 order terminating parental rights without notice to
20 the parents of the infant ~~the child placing agency or~~
21 ~~the Department will commence proceedings for the~~
22 ~~termination of parental rights and placement of the~~
23 ~~infant for adoption.~~

24 (B) Failure of a parent of the infant to contact
25 the Department and petition for the return of custody
26 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
4 services including grief counseling, pregnancy counseling,
5 and counseling regarding adoption and other available
6 options 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 offered ~~packet~~ given to a
11 relinquishing person ~~parent~~ in accordance with this Act shall
12 include, in addition to other information required under this
13 Act, the following:

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

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

26 (3) Information about a mother's ~~A brochure describing~~

1 postpartum health ~~information for the mother.~~

2 The information provided in writing or through electronic
3 means ~~packet~~ shall be designed in coordination between the
4 Office of Vital Records and the Department of Children and
5 Family Services, with the exception of the resource list of
6 providers of counseling services and adoption agencies, which
7 shall be provided by the hospital, fire station, police
8 station, sheriff's office, or emergency medical facility.

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

10 (325 ILCS 2/37)

11 Sec. 37. Public disclosure of information prohibited.
12 Emergency medical professionals, first responders, employees,
13 or other persons engaged in the administration or operation of
14 a fire station, police station, hospital, emergency medical
15 facility, child welfare agency ~~child placing agency~~, or the
16 Department where a newborn infant ~~baby~~ has been relinquished
17 or transferred under this Act, are prohibited from publicly
18 disclosing any information concerning the relinquishment of
19 the infant and the individuals involved, except as otherwise
20 provided by law.

21 (Source: P.A. 95-549, eff. 6-1-08.)

22 (325 ILCS 2/40)

23 Sec. 40. Reporting requirements.

24 (a) Within 12 hours after accepting a newborn infant from

1 a relinquishing person or from a police station, fire station,
2 ~~or~~ emergency medical facility, or first responder in
3 accordance with this Act, a hospital must report to the
4 Department's State Central Registry for the purpose of
5 transferring physical custody of the infant from the hospital
6 to either a child welfare agency ~~child placing agency~~ or the
7 Department.

8 (b) Within 24 hours after receiving a report under
9 subsection (a), the Department must request assistance from
10 law enforcement officials to investigate the matter using the
11 National Crime Information Center to ensure that the
12 relinquished newborn infant is not a missing child.

13 (c) Once a hospital has made a report to the Department
14 under subsection (a), the Department must arrange for a
15 licensed child welfare agency ~~child placing agency~~ to accept
16 physical custody of the relinquished newborn infant.

17 (d) If a relinquished child is not a newborn infant as
18 defined in this Act, the hospital and the Department must
19 proceed as if the child is an abused or neglected child.

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 2/50)

23 Sec. 50. Child welfare agency ~~Child placing agency~~
24 procedures.

25 (a) The Department's State Central Registry must maintain

1 a list of licensed child welfare agencies ~~child placing~~
2 ~~agencies~~ willing to take legal custody of newborn infants
3 relinquished in accordance with this Act. The child welfare
4 agencies ~~child placing agencies~~ on the list must be contacted
5 by the Department on a rotating basis upon notice from a
6 hospital that a newborn infant has been relinquished in
7 accordance with this Act.

8 (b) Upon notice from the Department that a newborn infant
9 has been relinquished in accordance with this Act, a child
10 welfare agency ~~child placing agency~~ must accept the newborn
11 infant if the agency has the accommodations to do so. The child
12 welfare agency ~~child placing agency~~ must seek an order for
13 legal custody of the infant upon its acceptance of the infant.

14 (c) Within 3 business days after accepting the referral
15 from the Department, the child welfare agency ~~assuming~~
16 ~~physical custody of the infant, the child placing agency~~ shall
17 file a petition in the division of the circuit court in which
18 petitions for adoption would normally be heard. There shall be
19 no filing fee charged by the clerk of any court for the filing
20 of this petition. The infant shall be referred to as "Baby Girl
21 Doe" or "Baby Boy Doe" in all pleadings, notwithstanding
22 actual knowledge of the infant's name or of the names of the
23 infant's parents, in order to preserve the confidentiality of
24 the relinquishing parent or parents and the expectation of
25 anonymity consistent with the purposes of this Act. The
26 petition shall allege that the newborn infant has been

1 relinquished in accordance with this Act and shall request
2 ~~state~~ that the child welfare agency be given the authority
3 ~~child placing agency intends~~ to place the infant in an
4 adoptive home, foster home, child care facility, or other
5 facility appropriate for the needs of the infant.

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

10 (e) A custody order issued under subsection (b) shall
11 grant the child welfare agency the authority to make medical
12 and health-related decisions for the infant. The order shall
13 remain in effect until a final ~~adoption~~ order based on the
14 relinquished newborn infant's best interests is issued in
15 accordance with this Act and the Adoption Act.

16 (f) When possible, the child welfare agency ~~child placing~~
17 ~~agency~~ must place a relinquished newborn infant in a
18 prospective adoptive home.

19 (g) An order terminating the parental rights of the
20 biological parents of the infant and appointing a guardian of
21 the infant with authority to consent to the adoption may be
22 entered ~~The Department or child placing agency must initiate~~
23 ~~proceedings to (i) terminate the parental rights of the~~
24 ~~relinquished newborn infant's known or unknown parents, (ii)~~
25 ~~appoint a guardian for the infant, and (iii) obtain consent to~~
26 ~~the infant's adoption in accordance with this Act no sooner~~

1 than 30 ~~60~~ days following the date of the initial
2 relinquishment of the infant to the hospital, police station,
3 fire station, or emergency medical facility.

4 (g-1) Notice to the infant's biological parents of the
5 legal proceedings under this Act shall be given by publication
6 of a notice in a newspaper published in the county in which the
7 action is pending, or if there is no newspaper published in
8 that county, then in a newspaper published in an adjoining
9 county having a circulation in the county in which the action
10 is pending. The form to be used for publication shall be
11 substantially as follows:

12 "ABANDONED NEWBORN NOTICE - STATE OF ILLINOIS, County of
13, ss,--Circuit Court of County, In the matter of
14 the Abandonment of BABY (GIRL/BOY) DOE, a newborn infant, Case
15 Number To THE UNKNOWN MOTHER, UNKNOWN FATHER and
16 ALL WHOM IT MAY CONCERN: Take notice that a Petition was filed
17 in the Circuit Court of County, Illinois, for an
18 unnamed child, referred to as BABY (GIRL/BOY) DOE, born on or
19 about, and relinquished to on or about
20, pursuant to the Abandoned Newborn Infant
21 Protection Act. Now therefore, unless you UNKNOWN MOTHER,
22 UNKNOWN FATHER and ALL WHOM IT MAY CONCERN, file your petition
23 for return of custody in the said Circuit Court of ... County,
24, in the city of, Illinois, on or
25 before, an order terminating your parental rights
26 may be entered against you any time after that day and a

1 judgment may be entered in accordance with the Petition.
2 (E-filing instructions, Contact information for the attorney
3 for the petition)"

4 If known, the name of the relinquishing person, the name
5 of an alleged parent, or the name of the child shall not be
6 included in the publication notice.

7 Due to the expectation of privacy and anonymity and the
8 presumption that the infant's parents have consented to the
9 termination of their parental rights, no further notice is
10 required unless a person claiming to be the infant's parent
11 files a petition in accordance with Section 55 or a possible
12 parent is discovered as a result of the required procedures in
13 subsection (h).

14 (h) Before requesting an order ~~filing a petition~~ for
15 termination of parental rights, the Department or child
16 welfare agency ~~child placing agency~~ must do the following:

17 (1) If the name of either biological parent is known,
18 search the Illinois ~~Search its~~ Putative Father Registry
19 for the purpose of determining the identity and location
20 of the putative father of the relinquished newborn infant
21 who is, or is expected to be, the subject of an adoption
22 proceeding, in order to provide notice of the proceeding
23 to the putative father. At least one search of the
24 Registry must be conducted, at least 30 days after the
25 relinquished newborn infant's estimated date of birth;
26 earlier searches may be conducted, however. Notice to any

1 potential putative father discovered in a search of the
2 Registry according to the estimated age of the
3 relinquished newborn infant must be in accordance with the
4 Code of Civil Procedure or Section 12a of the Adoption
5 Act. If the names of both parents are unknown, then a
6 search is not required under this Section.

7 (2) Verify with the Department that, in accordance
8 with subsection (b) of Section 40, that ~~law enforcement~~
9 ~~officials, using the National Crime Information Center,~~
10 ~~that~~ the relinquished newborn infant is not a missing
11 child.

12 (3) Publish notice in accordance with subsection
13 (g-1).

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 2/55)

17 Sec. 55. Petition for return of custody.

18 (a) A parent or person claiming to be a possible parent of
19 a newborn infant relinquished in accordance with this Act may
20 petition for the return of custody of the infant before the
21 termination of parental rights with respect to the infant.

22 (b) A parent of a newborn infant relinquished in
23 accordance with this Act may petition for the return of
24 custody of the infant by contacting the Department for the
25 purpose of obtaining the name of the child welfare agency

1 ~~child placing agency~~ that has custody of the infant and the
2 appropriate court in which the petition of return of custody
3 of the infant must be filed and then filing a petition for
4 return of custody in the circuit court in which the proceeding
5 for the termination of parental rights is pending.

6 (c) (Blank). ~~If a petition for the termination of parental~~
7 ~~rights has not been filed by the Department or the~~
8 ~~child placing agency, the parent of the relinquished newborn~~
9 ~~infant must contact the Department, which must notify the~~
10 ~~parent of the appropriate court in which the petition for~~
11 ~~return of custody must be filed.~~

12 (d) The circuit court may hold the proceeding for the
13 termination of parental rights in abeyance for a period not to
14 exceed 60 days from the date that the petition for return of
15 custody was filed without a showing of good cause. During that
16 period:

17 (1) The court shall order genetic testing to establish
18 maternity or paternity, or both.

19 (2) The Department shall conduct a child protective
20 investigation and home study to develop recommendations to
21 the court.

22 (3) When indicated as a result of the Department's
23 investigation and home study, further proceedings under
24 the Juvenile Court Act of 1987 as the court determines
25 appropriate, may be conducted. However, relinquishment of
26 a newborn infant in accordance with this Act does not

1 render the infant abused, neglected, or abandoned solely
2 because the newborn infant was relinquished to a hospital,
3 police station, fire station, or emergency medical
4 facility in accordance with this Act.

5 (4) The court shall appoint a guardian ad litem to
6 represent the interests of the newborn infant.

7 (e) Failure to file a petition for the return of custody of
8 a relinquished newborn infant before the termination of
9 parental rights bars any future action asserting legal rights
10 with respect to the infant unless the parent's act of
11 relinquishment that led to the termination of parental rights
12 involved fraud perpetrated against and not stemming from or
13 involving the parent. No action to void or revoke the
14 termination of parental rights of a parent of a newborn infant
15 relinquished in accordance with this Act, including an action
16 based on fraud, may be commenced after 12 months after the date
17 that the newborn infant was initially relinquished to a
18 hospital, police station, fire station, or emergency medical
19 facility.

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 2/60)

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

1 information program must inform the public of the following:

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

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

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

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

16 (ii) Establishment of a website ~~web-site~~.

17 (iii) Public service announcements and advertisements.

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

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

21 (325 ILCS 2/65)

22 Sec. 65. Evaluation.

23 (a) The Department shall collect and analyze information
24 regarding the relinquishment of newborn infants and placement
25 of children under this Act. Police stations, fire stations,

1 emergency medical facilities, ~~and~~ medical professionals, and
2 first responders accepting and providing services to a newborn
3 infant under this Act shall report to the Department data
4 necessary for the Department to evaluate and determine the
5 effect of this Act in the prevention of injury or death of
6 newborn infants. Child welfare agencies ~~Child placing agencies~~
7 shall report to the Department data necessary to evaluate and
8 determine the effectiveness of these agencies in providing
9 child protective and child welfare services to newborn infants
10 relinquished under this Act.

11 (b) The information collected shall include, but need not
12 be limited to: the number of newborn infants relinquished; the
13 services provided to relinquished newborn infants; the outcome
14 of care for the relinquished newborn infants; the number and
15 disposition of cases of relinquished newborn infants subject
16 to placement; the number of children accepted and served by
17 child welfare agencies ~~child placing agencies~~; and the
18 services provided by child welfare agencies ~~child placing~~
19 ~~agencies~~ and the disposition of the cases of the children
20 placed under this Act.

21 (c) The Department shall submit a report by January 1,
22 2002, and on January 1 of each year thereafter, to the Governor
23 and General Assembly regarding the prevention of injury or
24 death of newborn infants and the effect of placements of
25 children under this Act. The report shall include, but need
26 not be limited to, a summary of collected data, an analysis of

1 the data and conclusions regarding the Act's effectiveness, a
2 determination whether the purposes of the Act are being
3 achieved, and recommendations for changes that may be
4 considered necessary to improve the administration and
5 enforcement of this Act.

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

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