



Sen. Heather A. Steans

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1 AMENDMENT TO SENATE BILL 1670

2 AMENDMENT NO. _____. Amend Senate Bill 1670 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 as
6 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

1 of the child's parents.

2 "Department" or "DCFS" means the Illinois Department of
3 Children and Family Services.

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

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

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

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

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

19 "Hospital birth" means any birth that occurs in a hospital
20 or emergency medical facility.

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

1 limited by parental rights and responsibilities.

2 "Neglected child" has the same meaning as in the Abused and
3 Neglected Child Reporting Act.

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

9 "Police station" means a municipal police station, a county
10 sheriff's office, a campus police department located on any
11 college or university owned or controlled by the State or any
12 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. In the case of a mother who gives
23 birth to an infant in a hospital, the mother's act of leaving
24 that newborn infant at the hospital (i) without expressing an
25 intent to return for the infant or (ii) stating that she will
26 not return for the infant is not a "relinquishment" under this

1 Act.

2 "Temporary protective custody" means the temporary
3 placement of a newborn infant within a hospital or other
4 medical facility out of the custody of the infant's parent.

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

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 brought to a hospital
21 by a relinquishing person or who has been brought to a hospital
22 after relinquishment at a fire station, police station, or
23 emergency medical facility. The hospital shall have such
24 protective custody until the infant is discharged to the
25 custody of a child-placing agency or the Department. During

1 this time of temporary protective custody of the infant, the
2 hospital shall complete a foundling record with respect to the
3 infant pursuant to Section 13 of the Vital Records Act.

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

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

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

20 ~~If the parent of a newborn infant returns to reclaim the~~
21 ~~child within 72 hours after relinquishing the child to a fire~~
22 ~~station or emergency medical facility, the fire station or~~
23 ~~emergency medical facility must inform the parent of the name~~
24 ~~and location of the hospital to which the infant was~~
25 ~~transported.~~

26 (c) If a parent of a newborn infant or any other person

1 returns to reclaim the infant after relinquishing the infant to
2 a hospital, fire station, police station, or emergency medical
3 facility, the hospital, fire station, police station, or
4 emergency medical facility shall inform the parent or other
5 person that he or she must contact the Department and shall
6 provide the parent or other person with the toll-free telephone
7 number established by the Department for the sole purpose of
8 receiving calls made pursuant to this Section and for providing
9 the parent or person relinquishing the infant with the name of
10 the hospital or licensed child-placing agency to which the
11 infant has been taken. The Department shall adopt rules
12 necessary to create this dedicated toll-free telephone number
13 within 120 days of the effective date of this amendatory Act of
14 the 99th General Assembly. The rules shall require that any
15 call placed to the toll-free telephone number shall be returned
16 within one hour from the time the call was placed. Police
17 ~~stations. Every police station must accept a relinquished~~
18 ~~newborn infant, in accordance with this Act. After the~~
19 ~~relinquishment of a newborn infant to a police station, the~~
20 ~~police station must arrange for the transportation of the~~
21 ~~infant to the nearest hospital as soon as transportation can be~~
22 ~~arranged. The act of relinquishing a newborn infant serves as~~
23 ~~implied consent for the hospital to which the infant is~~
24 ~~transported and that hospital's medical personnel and~~
25 ~~physicians on staff to treat and provide care for the infant.~~

26 ~~If the parent of a newborn infant returns to reclaim the~~

1 ~~infant within 72 hours after relinquishing the infant to a~~
2 ~~police station, the police station must inform the parent of~~
3 ~~the name and location of the hospital to which the infant was~~
4 ~~transported.~~

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

7 (325 ILCS 2/35)

8 Sec. 35. Information for relinquishing person.

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

16 (1) (Blank).

17 (2) Written notice of the following:

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

25 (B) Failure of a parent of the infant to contact

1 the Department and petition for the return of custody
2 of the infant before termination of parental rights
3 bars any future action asserting legal rights with
4 respect to the infant.

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

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

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

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

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

26 (3) A brochure describing postpartum health

1 information for the mother.

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

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

10 (325 ILCS 2/50)

11 Sec. 50. Child-placing agency procedures.

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

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

25 (c) Within 3 business days after assuming physical custody

1 of the infant, the child-placing agency shall file a petition
2 in the division of the circuit court in which petitions for
3 adoption would normally be heard. The petition shall allege
4 that the newborn infant has been relinquished in accordance
5 with this Act and shall state that the child-placing agency
6 intends to place the infant in an adoptive home.

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

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

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

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

24 (g-5) No court order terminating the parental rights of the
25 relinquished newborn infant's known or unknown parents shall be
26 entered sooner than 60 days after the date of the initial

1 relinquishment of the infant to the hospital, fire station,
2 police station, or emergency medical facility.

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

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

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

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 2/60)

24 Sec. 60. Department's duties. The Department must
25 implement a public information program to promote safe

1 placement alternatives for newborn infants. The public
2 information program must inform the public of the following:

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

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

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

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

17 (ii) Establishment of a web site.

18 (iii) Public service announcements and advertisements.

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

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

22 (325 ILCS 2/65)

23 Sec. 65. Evaluation.

24 (a) The Department shall collect and analyze information
25 regarding the relinquishment of newborn infants and placement

1 of children under this Act. Police stations, fire stations,
2 emergency medical facilities, and medical professionals
3 accepting and providing services to a newborn infant under this
4 Act shall report to the Department data necessary for the
5 Department to evaluate and determine the effect of this Act in
6 the prevention of injury or death of newborn infants.
7 Child-placing agencies shall report to the Department data
8 necessary to evaluate and determine the effectiveness of these
9 agencies in providing child protective and child welfare
10 services to newborn infants 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 to
16 placement; the number of children accepted and served by each
17 child-placing agency agencies; the name of each child-placing
18 agency which provided services; the number of infants
19 relinquished at each location, listed by location, including
20 the number of infants relinquished at a hospital, fire station,
21 police station, and emergency medical facility; and the
22 services provided by child-placing agencies and the
23 disposition of the cases of the children placed under this Act.

24 (c) The Department shall submit a report by January 1,
25 2002, and on January 1 of each year thereafter, to the Governor
26 and General Assembly regarding the prevention of injury or

1 death of newborn infants and the effect of placements of
2 children under this Act. The report shall include, but need not
3 be limited to, a summary of collected data, an analysis of the
4 data and conclusions regarding the Act's effectiveness, a
5 determination whether the purposes of the Act are being
6 achieved, and recommendations for changes that may be
7 considered necessary to improve the administration and
8 enforcement of this Act.

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