



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB2492

Introduced 2/4/2025, by Rep. Anne Stava-Murray

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 as soon as practicable, the Department of Children and Family Services, in consultation with the county board of each county, shall identify hospital emergency departments, fire stations, emergency medical facilities, and police stations to install, maintain, and provide outreach regarding newborn safety devices. Provides that each county having a population less than 500,000 shall identify one hospital emergency department, fire station, emergency medical facility, or police station to install a newborn safety device; and each county having a population greater than 500,000 shall identify a total of 4 hospital emergency departments, fire stations, emergency medical facilities, or police stations, or any combination of those facilities, to install a newborn safety device. Requires the Department to award grants to the designated facilities of each county to pay for the installation of a newborn safety device and any other costs associated with maintaining proper operation of the device. Provides that a designated facility's acceptance of the grant award and any agreement to install and maintain a newborn safety device shall be strictly voluntary. Provides that a hospital emergency department, fire station, emergency medical facility, or police station that operates a newborn safety device 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. Makes conforming changes throughout the Act.

LRB104 08116 KTG 18162 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, 20, 22, 30, and 35 and by
6 adding 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 welfare agency" means an Illinois licensed public
14 or private agency that receives a child for the purpose of
15 placing or arranging for the placement of the child in a foster
16 or pre-adoptive family home or other facility for child care,
17 apart from the custody 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 "Newborn safety device" means a device or container to
25 accept delivery of a newborn infant less than 31 days old that:

26 (1) is voluntarily installed by a hospital emergency

1 department, fire station, emergency medical facility, or
2 police station that has medical, fire, or police personnel
3 available 24-hours, 7-days a week to take possession of
4 any newborn infant who is voluntarily left in the newborn
5 safety device;

6 (2) is physically located as part of a hospital
7 emergency department, fire station, emergency medical
8 facility, or police station;

9 (3) is located in an area that is conspicuous and
10 visible to the employees of the hospital emergency
11 department, fire station, emergency medical facility, or
12 police station;

13 (4) is accessible to a person transferring the newborn
14 infant in a manner that allows the newborn infant to be
15 placed anonymously inside the newborn safety device from
16 outside the hospital emergency department, fire station,
17 emergency medical facility, or police station;

18 (5) is locked after a newborn infant is placed in it so
19 a person outside the hospital emergency department, fire
20 station, emergency medical facility, or police station
21 cannot access the child;

22 (6) provides a controlled environment for the care and
23 protection of the newborn infant;

24 (7) notifies a centralized location in the hospital
25 emergency department, fire station, emergency medical
26 facility, or police station within 30 seconds of the

1 newborn infant being placed in the newborn safety device;
2 and
3 (8) triggers a 9-1-1 call if staff at the hospital
4 emergency department, fire station, emergency medical
5 facility, or police station do not respond within a
6 reasonable amount of time after a newborn infant is placed
7 in the newborn safety device.

8 "Parent" or "biological parent" or "birth parent" means a
9 person who has established maternity or paternity of the
10 newborn infant through genetic testing.

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

18 "Relinquish" means to bring a newborn infant, who a
19 licensed physician reasonably believes is 30 days old or less,
20 to a hospital, police station, fire station, or emergency
21 medical facility and to leave the infant with personnel of the
22 facility, if the person leaving the infant does not express an
23 intent to return for the infant or states that the person will
24 not return for the infant. "Relinquish" also means to
25 voluntarily leave a newborn infant in a newborn safety device.

26 In the case of a person who gives birth to an infant in a

1 hospital, the person's act of leaving that newborn infant at
2 the hospital (i) without expressing an intent to return for
3 the infant or (ii) stating that the person will not return for
4 the infant is not a "relinquishment" under this Act.

5 "Temporary protective custody" means the temporary
6 placement of a newborn infant within a hospital or other
7 medical facility out of the custody of the infant's parent.

8 (Source: P.A. 103-22, eff. 8-8-23; 103-501, eff. 1-1-24;
9 103-605, eff. 7-1-24.)

10 (325 ILCS 2/16 new)

11 Sec. 16. Grant awards for the installation of newborn
12 safety devices. As soon as practicable, the Department, in
13 consultation with the county board of each county, shall
14 identify hospital emergency departments, fire stations,
15 emergency medical facilities, and police stations to install,
16 maintain, and provide outreach regarding newborn safety
17 devices. Each county having a population less than 500,000
18 shall identify one hospital emergency department, fire
19 station, emergency medical facility, or police station to
20 install a newborn safety device. Each county having a
21 population greater than 500,000 shall identify a total of 4
22 hospital emergency departments, fire stations, emergency
23 medical facilities, or police stations, or any combination of
24 those facilities, to install a newborn safety device. The
25 Department shall award grants to the designated facilities of

1 each county to pay for the installation of a newborn safety
2 device and any other costs associated with maintaining proper
3 operation of the device. A designated facility's acceptance of
4 the grant award and any agreement to install and maintain a
5 newborn safety device shall be strictly voluntary. Upon the
6 receipt of grant funds, a designated facility shall install,
7 as soon as practicable, a newborn safety device that meets all
8 applicable safety and installation requirements.

9 A hospital emergency department, fire station, or
10 emergency medical facility that operates a newborn safety
11 device must accept and provide all necessary emergency
12 services and care to a relinquished newborn infant in
13 accordance with this Act. A police station that operates a
14 newborn safety device must accept a relinquished newborn
15 infant in accordance with this Act.

16 A hospital emergency department, fire station, emergency
17 medical facility, or police station that operates a newborn
18 safety device in accordance with this Act is immune from civil
19 liability for an act or omission relating to the operation of
20 the newborn safety device unless the act or omission
21 constitutes gross negligence or willful or wanton misconduct.
22 Nothing in this subsection limits liability for negligence for
23 care and medical treatment.

24 (325 ILCS 2/22)

25 Sec. 22. Signage. Every hospital, fire station, emergency

1 medical facility, and police station that is required to
2 accept a relinquished newborn infant in accordance with this
3 Act must post, either by physical or electronic means, a sign
4 in a conspicuous place on the exterior of the building housing
5 the facility informing persons that a newborn infant may be
6 relinquished at the facility or, if applicable, left in a
7 newborn safety device located at the facility in accordance
8 with this Act. The Department shall prescribe specifications
9 for the signs and for their placement that will ensure
10 statewide uniformity.

11 (Source: P.A. 102-4, eff. 4-27-21; 103-501, eff. 1-1-24.)

12 (325 ILCS 2/30)

13 Sec. 30. Anonymity of relinquishing person. If there is no
14 evidence of abuse or neglect of a relinquished newborn infant,
15 the relinquishing person has the right to remain anonymous and
16 to leave the hospital, police station, fire station, or
17 emergency medical facility at any time and not be pursued or
18 followed. Except for a person who relinquishes a newborn
19 infant by placing the infant in a newborn safety device,
20 before ~~Before~~ the relinquishing person leaves the hospital,
21 police station, fire station, or emergency medical facility,
22 the hospital, police station, fire station, or emergency
23 medical facility personnel shall (i) verbally inform the
24 relinquishing person that by relinquishing the child
25 anonymously, the relinquishing person will have to petition

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

12 (Source: P.A. 103-22, eff. 8-8-23; 103-605, eff. 7-1-24.)

13 (325 ILCS 2/35)

14 Sec. 35. Information for relinquishing person.

15 (a) Except when a newborn infant is left in a newborn
16 safety device, the ~~The~~ hospital, police station, fire station,
17 or emergency medical facility that receives a newborn infant
18 relinquished in accordance with this Act shall offer to the
19 relinquishing person information about the relinquishment
20 process and, either in writing or by referring such person to a
21 website or other electronic resource, such information shall
22 state that the relinquishing person's acceptance of the
23 information is completely voluntary. The information packet
24 must include all of the following:

25 (1) (Blank).

1 (2) Written notice of the following:

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

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

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

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

21 (b) The information offered to a relinquishing person in
22 accordance with this Act shall include, in addition to other
23 information required under this Act, the following:

24 (1) Information that describes this Act and the rights
25 of birth parents, including an option for the parent to
26 complete and mail to the Department of Children and Family

1 Services a form that shall ask for basic anonymous
2 background information about the relinquished child. This
3 form shall be maintained by the Department on its website.

4 (2) Information about the Illinois Adoption Registry,
5 including a toll-free number and website information.

6 (3) Information about a mother's postpartum health.

7 The information provided in writing or through electronic
8 means shall be designed in coordination between the Office of
9 Vital Records and the Department of Children and Family
10 Services. The Failure to provide such information under this
11 Section or the failure of the relinquishing person to accept
12 such information shall not invalidate the relinquishment under
13 this Act.

14 (Source: P.A. 103-22, eff. 8-8-23; 103-501, eff. 1-1-24;
15 103-605, eff. 7-1-24.)