**Section 250.1840 Discharge of Newborn Infants from Hospital**

a) No hospital, nor anyone connected with any hospital, shall place a child for adoption or for foster family care unless the hospital is licensed as a child welfare agency.

b) A hospital shall discharge a newborn infant only to the following:

1) The biological parent;

2) An intended mother, pursuant to the Gestational Surrogacy Act;

3) An intended father, pursuant to the Gestational Surrogacy Act;

4) An adult relative (parent, brother, sister, uncle or aunt) or friend of the mother or father;

5) An officer of a court of competent jurisdiction or other named person, upon presentation of an order from a court that the child be discharged to the officer's custody; or

6) A representative of an Illinois licensed child welfare agency, or the Illinois Department of Children and Family Services, or the Illinois Youth Commission, upon presentation of written authorization by the agency to have the child discharged to the representative's custody; or a representative of any other social agency who presents written authorization by the Department of Children and Family Services to have the child discharged to the representative's custody.

c) If the newborn is to be discharged to an adult relative or friend as provided in subsection (b)(4), the hospital shall obtain the mother's written consent, naming and identifying the relative or friend.

d) When a newborn is discharged to any person other than the biological mother, which is confirmed via identification bands, the hospital shall require proof of the person’s identity, per a government-issued photo ID, and signature of receipt for the newborn. The hospital shall require proof of identity of the biological mother before discharging the newborn if the newborn is discharged separately from the biological mother.

e) Education on Sudden Infant Death Syndrome Prior to Discharge

1) *A hospital shall provide, free of charge, information and instructional materials regarding sudden infant death syndrome (SIDS), explaining the medical effects upon infants and young children and emphasizing measures that may reduce the risk.* *The materials shall include information concerning safe sleep environments developed by the American Academy of Pediatrics or a statewide or nationally recognized SIDS or medical association.*

2) *The information and materials described in subsection* (e)(1) *shall be provided to parents or legal guardians of each newborn, upon discharge from the hospital. Prior to discharge, a nurse or appropriate staff person shall review the proffered materials with the infant's parents or legal guardian and shall discuss best practices to reduce the incidence of SIDS as recommended by the American Academy of Pediatrics.*

3) *Nothing in this* subsection (e) *prohibits a hospital from obtaining free and suitable information from a public or private agency.* (Section 11.7 of the Act)

(Source: Amended at 46 Ill. Reg. 8914, effective May 12, 2022)