



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4134

by Rep. Kevin Schmidt

SYNOPSIS AS INTRODUCED:

325 ILCS 2/10
325 ILCS 2/20
325 ILCS 2/80 new

Amends the Abandoned Newborn Infant Protection Act. Adds maternity homes and pregnancy resource centers to the list of facilities that must accept a relinquished newborn infant in accordance with the Act. Expands the definition of "relinquish" to include bringing a newborn infant to a maternity home or pregnancy resource center or leaving an infant in a child rescue pod. Defines "maternity home", "pregnancy resource center", and "child pod". Provides that after a newborn infant is relinquished to a maternity home or pregnancy resource center, the facility must arrange for the transportation of the infant to the nearest hospital as soon as transportation can be arranged. Provides that the act of relinquishing a newborn infant serves as implied consent for the hospital to which the infant is transported and that hospital's medical personnel and physicians on staff to treat and provide care for the infant. Provides that if the parent of a newborn infant returns to the maternity home or pregnancy resource center to reclaim the infant within 72 hours after relinquishment, the maternity home or pregnancy resource center must inform the parent of the name or location of the hospital to which the infant was transported. Authorizes the Department of Children and Family Services to adopt all necessary rules for the administration of the Act, including rules governing specifications, installation, maintenance, and oversight of child rescue pods.

LRB103 33823 KTG 63638 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 and 20 and by adding Section 80
6 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-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
17 of the child's parents.

18 "Child rescue pod" means a medical device used to maintain
19 an optimal environment for the care of a newborn infant.

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

22 "Emergency medical facility" means a freestanding
23 emergency center or trauma center, as defined in the Emergency

1 Medical Services (EMS) Systems Act.

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

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

10 "Hospital" has the same meaning as in the Hospital
11 Licensing Act.

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

19 "Maternity home" means a residential facility located in
20 this State that:

21 (1) is established to provide housing and assistance
22 to pregnant women carrying their pregnancies to term;

23 (2) does not perform, induce, or refer for abortions;

24 (3) does not hold itself out as performing, inducing,
25 or referring for abortions;

26 (4) provides services at no cost to clients; and

1 (5) is exempt from income taxation under the Internal
2 Revenue Code of 1986, as amended.

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

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

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

17 "Pregnancy resource center" means a nonresidential
18 facility located in this State that:

19 (1) is established and operating primarily to provide
20 assistance to women and families with crisis pregnancies
21 or unplanned pregnancies by offering pregnancy testing,
22 counseling, emotional and material support, or other
23 similar services to encourage and assist such women and
24 families in carrying their pregnancies to term;

25 (2) is not a facility where childbirths are performed;

26 (3) does not perform, induce, or refer for abortions;

1 (4) does not hold itself out as performing, inducing,
2 or referring for abortions;

3 (5) provides direct client services at the facility,
4 as opposed to merely providing counseling or referral
5 services by telephone;

6 (6) provides its services at no cost to its clients;

7 (7) when providing medical services, performs such
8 medical services in accordance with Illinois law; and

9 (8) is exempt from income taxation under the Internal
10 Revenue Code of 1986, as amended.

11 "Relinquish" means to bring a newborn infant, who a
12 licensed physician reasonably believes is 30 days old or less,
13 to a hospital, police station, fire station, ~~or~~ emergency
14 medical facility, maternity home, or pregnancy resource center
15 and to leave the infant with personnel of the facility or in a
16 child rescue pod, if the person leaving the infant does not
17 express an intent to return for the infant or states that he or
18 she will not return for the infant. In the case of a mother who
19 gives birth to an infant in a hospital, the mother's act of
20 leaving that newborn infant at the hospital (i) without
21 expressing an intent to return for the infant or (ii) stating
22 that she will not return for the infant is not a
23 "relinquishment" under this Act.

24 "Temporary protective custody" means the temporary
25 placement of a newborn infant within a hospital or other
26 medical facility out of the custody of the infant's parent.

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

2 (325 ILCS 2/20)

3 Sec. 20. Procedures with respect to relinquished newborn
4 infants.

5 (a) Hospitals. Every hospital must accept and provide all
6 necessary emergency services and care to a relinquished
7 newborn infant, in accordance with this Act. The hospital
8 shall examine a relinquished newborn infant and perform tests
9 that, based on reasonable medical judgment, are appropriate in
10 evaluating whether the relinquished newborn infant was abused
11 or neglected.

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

15 The hospital shall be deemed to have temporary protective
16 custody of a relinquished newborn infant until the infant is
17 discharged to the custody of a child-placing agency or the
18 Department.

19 (b) Fire stations and emergency medical facilities. Every
20 fire station and emergency medical facility must accept and
21 provide all necessary emergency services and care to a
22 relinquished newborn infant, in accordance with this Act.

23 The act of relinquishing a newborn infant serves as
24 implied consent for the fire station or emergency medical
25 facility and its emergency medical professionals to treat and

1 provide care for the infant, to the extent that those
2 emergency medical professionals are trained to provide those
3 services.

4 After the relinquishment of a newborn infant to a fire
5 station or emergency medical facility, the fire station or
6 emergency medical facility's personnel must arrange for the
7 transportation of the infant to the nearest hospital as soon
8 as transportation can be arranged.

9 If the parent of a newborn infant returns to reclaim the
10 child within 72 hours after relinquishing the child to a fire
11 station or emergency medical facility, the fire station or
12 emergency medical facility must inform the parent of the name
13 and location of the hospital to which the infant was
14 transported.

15 (c) Police stations. Every police station must accept a
16 relinquished newborn infant, in accordance with this Act.
17 After the relinquishment of a newborn infant to a police
18 station, the police station must arrange for the
19 transportation of the infant to the nearest hospital as soon
20 as transportation can be arranged. The act of relinquishing a
21 newborn infant serves as implied consent for the hospital to
22 which the infant is transported and that hospital's medical
23 personnel and physicians on staff to treat and provide care
24 for the infant.

25 If the parent of a newborn infant returns to reclaim the
26 infant within 72 hours after relinquishing the infant to a

1 police station, the police station must inform the parent of
2 the name and location of the hospital to which the infant was
3 transported.

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

14 If the parent of a newborn infant returns to reclaim the
15 infant within 72 hours after relinquishing the infant to a
16 maternity home, the maternity home must inform the parent of
17 the name and location of the hospital to which the infant was
18 transported.

19 (e) Pregnancy resource centers. Every pregnancy resource
20 center must accept a relinquished newborn infant, in
21 accordance with this Act. After the relinquishment of a
22 newborn infant to a pregnancy resource center, the pregnancy
23 resource center must arrange for the transportation of the
24 infant to the nearest hospital as soon as transportation can
25 be arranged. The act of relinquishing a newborn infant serves
26 as implied consent for the hospital to which the infant is

1 transported and that hospital's medical personnel and
2 physicians on staff to treat and provide care for the infant.

3 If the parent of a newborn infant returns to reclaim the
4 infant within 72 hours after relinquishing the infant to a
5 pregnancy resource center, the pregnancy resource center must
6 inform the parent of the name and location of the hospital to
7 which the infant was transported.

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

10 (325 ILCS 2/80 new)

11 Sec. 80. Rulemaking. The Department may adopt all
12 necessary rules for administration of this Act, including
13 rules governing specifications, installation, maintenance, and
14 oversight of child rescue pods.