

SB3232



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB3232

Introduced 2/6/2024, by Sen. Sara Feigenholtz

SYNOPSIS AS INTRODUCED:

325 ILCS 2/20
325 ILCS 2/50

Amends the Abandoned Newborn Infant Protection Act. In a provision concerning hospital procedures with respect to a relinquished infant, provides that if a person who relinquished or a person claiming to be the parent of a newborn infant returns to reclaim the infant within 30 days after the infant was relinquished to a hospital, the hospital must inform such person of the name and contact information of the child welfare agency to whom custody of the infant was transferred. In a provision concerning child welfare agency procedures, requires the Department of Children and Family Services and child welfare agencies to initiate parental termination, guardianship, and adoption proceedings in accordance with the Adoption Act (rather than the Abandoned Newborn Infant Protection Act).

LRB103 38239 KTG 68373 b

A BILL FOR

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 20 and 50 as follows:

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
11 newborn infant, in accordance with this Act. The hospital
12 shall examine a relinquished newborn infant and perform tests
13 that, based on reasonable medical judgment, are appropriate in
14 evaluating whether the relinquished newborn infant was abused
15 or neglected.

16 The act of relinquishing a newborn infant serves as
17 implied 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 until the infant is
21 discharged to the custody of a child welfare agency or the
22 Department. The hospital shall provide all available medical
23 records and information to the Department and the child

1 welfare agency that has accepted the referral of the infant in
2 accordance with Section 50.

3 If the person who relinquished or a person claiming to be
4 the parent of a newborn infant returns to reclaim the infant
5 within 30 days after the infant was relinquished to a
6 hospital, the hospital must inform such person of the name and
7 contact information of the child welfare agency to whom
8 custody of the infant was transferred.

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 or a person claiming to be
25 the parent of a newborn infant returns to reclaim the infant
26 within 30 days after the infant was relinquished to a fire

1 station or emergency medical facility, the fire station or
2 emergency medical facility must inform such person of the name
3 and location of the hospital to which the infant was
4 transported.

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

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

21 (Source: P.A. 103-501, eff. 1-1-24.)

22 (325 ILCS 2/50)

23 Sec. 50. Child welfare agency procedures.

24 (a) The Department's State Central Registry must maintain
25 a list of licensed child welfare agencies willing to take

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

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

12 (c) Within 3 business days after accepting the referral
13 from the Department, the child welfare agency shall file a
14 petition for custody in the division of the circuit court in
15 which petitions for adoption would normally be heard. The
16 petition for custody shall allege that the newborn infant has
17 been relinquished in accordance with this Act and shall
18 request that the child welfare agency be given the authority
19 to place the infant in an adoptive home, foster home, child
20 care facility, or other facility appropriate for the needs of
21 the infant. No filing or appearance fees shall be charged to
22 any petitioner.

23 (d) If no licensed child welfare agency is able to accept
24 the relinquished newborn infant, then the Department must
25 assume responsibility for the infant as soon as practicable.

26 (e) A custody order issued under subsection (b) shall

1 grant the child welfare agency the authority to make medical
2 and health-related decisions for the infant. The order shall
3 remain in effect until a final order based on the relinquished
4 newborn infant's best interests is issued in accordance with
5 this Act and the Adoption Act.

6 (f) When possible, the child welfare agency must place a
7 relinquished newborn infant in a prospective adoptive home.

8 (g) The Department or child welfare agency must initiate
9 proceedings to (i) terminate the parental rights of the
10 relinquished newborn infant's known or unknown parents, (ii)
11 appoint a guardian for the infant, and (iii) obtain consent to
12 the infant's adoption in accordance with the Adoption Act ~~this~~
13 ~~Act~~ no sooner than 60 days following the date of the initial
14 relinquishment of the infant to the hospital, police station,
15 fire station, or emergency medical facility.

16 (h) Before filing a petition for termination of parental
17 rights, the Department or child welfare agency must do the
18 following:

19 (1) If the name of either the biological parent is
20 known, search the Illinois Putative Father Registry for
21 the purpose of determining the identity and location of
22 the putative father of the relinquished newborn infant who
23 is, or is expected to be, the subject of an adoption
24 proceeding, in order to provide notice of the proceeding
25 to the putative father. At least one search of the
26 Registry must be conducted, at least 30 days after the

1 relinquished newborn infant's estimated date of birth;
2 earlier searches may be conducted, however. Notice to any
3 potential putative father discovered in a search of the
4 Registry according to the estimated age of the
5 relinquished newborn infant must be in accordance with the
6 Code of Civil Procedure or Section 12a of the Adoption
7 Act. If the names of all the alleged parents are unknown,
8 then a search is not required under this Section.

9 (2) Verify with the Department that, in accordance
10 with subsection (b) of Section 40, the relinquished
11 newborn infant is not a missing child.

12 (Source: P.A. 103-501, eff. 1-1-24.)