

1                                    AMENDMENT TO HOUSE BILL 632

2            AMENDMENT NO. \_\_\_\_\_. Amend House Bill 632 on page 1, line  
3 28, by deleting "or legal guardian"; and

4 on page 3, line 1, after the period, by inserting the  
5 following:

6 "In the case of a mother who gives birth to an infant in a  
7 hospital, "relinquish" also means the mother's act of leaving  
8 that newborn infant at the hospital (i) without expressing an  
9 intent to return for the infant or (ii) stating that she will  
10 not return for the infant."; and

11 on page 3, lines 4 and 5, line 9, lines 13 and 14, line 15,  
12 line 16, and line 24, by deleting "or legal guardian" each  
13 time it appears; and

14 on page 3, lines 27 and 28, by deleting "or legal  
15 guardian's"; and

16 on page 4, line 8, by deleting "legal"; and

17 on page 5, line 13, after the period, by inserting the  
18 following:

19 "Before the relinquishing person leaves the hospital, fire  
20 station, or emergency medical facility, the hospital, fire  
21 station, or emergency medical facility shall ask the

1 relinquishing person to complete the application forms for  
2 the Illinois Adoption Registry and Medical Information  
3 Exchange."; and

4 on page 5, by replacing lines 20 and 21 with the following:

5 "information is completely voluntary, that registration with  
6 the Illinois Adoption Registry and Medical Information  
7 Exchange is voluntary, that the person will remain anonymous  
8 if he or she completes a Denial of Information Exchange, and  
9 that the person has the option to provide medical information  
10 only and still remain anonymous. The"; and

11 on page 5, by replacing lines 23 through 25 with the  
12 following:

13 "(1) All Illinois Adoption Registry and Medical  
14 Information Exchange application forms, including the Medical  
15 Information Exchange Questionnaire."; and

16 on page 5, line 30, by replacing "State" with "child-placing  
17 agency or the Department"; and

18 on page 5, line 31, by deleting "involuntary"; and

19 on page 6, line 1, by deleting "or legal guardian"; and

20 on page 6, line 4, before "termination", by inserting "filing  
21 of a petition for"; and

22 on page 6, by replacing line 32 with the following:

23 "Section 45. Medical assistance. Notwithstanding any  
24 other provision of law, a newborn infant relinquished in  
25 accordance with this Act shall be deemed eligible for medical  
26 assistance under the Illinois Public Aid Code, and a hospital  
27 providing medical services to such an infant shall be  
28 reimbursed for those services in accordance with the payment  
29 methodologies authorized under that Code. In addition, for  
30 any day that a hospital has custody of a newborn infant

1 relinquished in accordance with this Act and the infant does  
2 not require medically necessary care, the hospital shall be  
3 reimbursed by the Illinois Department of Public Aid at the  
4 general acute care per diem rate, in accordance with 89 Ill.  
5 Adm. Code 148.270(c)."; and

6 on page 7, by deleting lines 1 and 2; and

7 on page 8, lines 22, 26, and 33, by deleting "or legal  
8 guardian" each time it appears; and

9 on page 8, line 24, before "termination", by inserting  
10 "filing of a petition for"; and

11 on page 8, line 29, by replacing "and filing" with the  
12 following: "for the purpose of obtaining the name of the  
13 child-placing agency and then filing"; and

14 on page 9, lines 2, 16, and 18, by deleting "or legal  
15 guardian" each time it appears; and

16 on page 9, by replacing lines 5 through 9 with the following:

17       "(d) The circuit court may hold the proceeding for the  
18 termination of parental rights in abeyance for a period not  
19 to exceed 60 days from the date that the petition for return  
20 of custody was filed without a showing of good cause. During  
21 that period:

22               (1) The court shall order genetic testing to  
23 establish maternity or paternity, or both.

24               (2) The Department shall conduct a child protective  
25 investigation and home study to develop recommendations  
26 to the court.

27               (3) When indicated as a result of the Department's  
28 investigation and home study, further proceedings under  
29 the Juvenile Court Act of 1987 as the court determines  
30 appropriate, may be conducted. However, relinquishment  
31 of a newborn infant in accordance with this Act does not

1 render the infant abused, neglected, or abandoned solely  
2 because the newborn infant was relinquished to a  
3 hospital, fire station, or emergency medical facility in  
4 accordance with this Act.

5 on page 9, line 11, before "termination", by inserting  
6 "filing of a petition for"; and

7 on page 9, lines 13 and 14, by replacing "parent or legal  
8 guardian's" with "parent's"; and

9 on page 9, lines 29 and 30, by replacing "parent or legal  
10 guardian's" with "parent's"; and

11 on page 9, line 32, by deleting "or legal guardian's"; and

12 on page 18, after line 23, by inserting the following:

13 "Section 96. The Criminal Code of 1961 is amended by  
14 changing Sections 12-21.5 and 12-21.6 as follows:

15 (720 ILCS 5/12-21.5)

16 Sec. 12-21.5. Child Abandonment.

17 (a) A person commits the offense of child abandonment  
18 when he or she, as a parent, guardian, or other person having  
19 physical custody or control of a child, without regard for  
20 the mental or physical health, safety, or welfare of that  
21 child, knowingly leaves that child who is under the age of 13  
22 without supervision by a responsible person over the age of  
23 14 for a period of 24 hours or more, except that a person  
24 does not commit the offense of child abandonment when he or  
25 she relinquishes a child in accordance with the Abandoned  
26 Newborn Infant Protection Act.

27 (b) For the purposes of determining whether the child  
28 was left without regard for the mental or physical health,  
29 safety, or welfare of that child, the trier of fact shall  
30 consider the following factors:

- 1 (1) the age of the child;
- 2 (2) the number of children left at the location;
- 3 (3) special needs of the child, including whether  
4 the child is physically or mentally handicapped, or  
5 otherwise in need of ongoing prescribed medical treatment  
6 such as periodic doses of insulin or other medications;
- 7 (4) the duration of time in which the child was  
8 left without supervision;
- 9 (5) the condition and location of the place where  
10 the child was left without supervision;
- 11 (6) the time of day or night when the child was  
12 left without supervision;
- 13 (7) the weather conditions, including whether the  
14 child was left in a location with adequate protection  
15 from the natural elements such as adequate heat or light;
- 16 (8) the location of the parent, guardian, or other  
17 person having physical custody or control of the child at  
18 the time the child was left without supervision, the  
19 physical distance the child was from the parent,  
20 guardian, or other person having physical custody or  
21 control of the child at the time the child was without  
22 supervision;
- 23 (9) whether the child's movement was restricted, or  
24 the child was otherwise locked within a room or other  
25 structure;
- 26 (10) whether the child was given a phone number of  
27 a person or location to call in the event of an emergency  
28 and whether the child was capable of making an emergency  
29 call;
- 30 (11) whether there was food and other provision  
31 left for the child;
- 32 (12) whether any of the conduct is attributable to  
33 economic hardship or illness and the parent, guardian or  
34 other person having physical custody or control of the

1 child made a good faith effort to provide for the health  
2 and safety of the child;

3 (13) the age and physical and mental capabilities  
4 of the person or persons who provided supervision for the  
5 child;

6 (14) any other factor that would endanger the  
7 health or safety of that particular child;

8 (15) whether the child was left under the  
9 supervision of another person.

10 (d) Child abandonment is a Class 4 felony. A second or  
11 subsequent offense after a prior conviction is a Class 3  
12 felony.

13 (Source: P.A. 88-479.)

14 (720 ILCS 5/12-21.6)

15 Sec. 12-21.6. Endangering the life or health of a child.

16 (a) It is unlawful for any person to willfully cause or  
17 permit the life or health of a child under the age of 18 to  
18 be endangered or to willfully cause or permit a child to be  
19 placed in circumstances that endanger the child's life or  
20 health, except that it is not unlawful for a person to  
21 relinquish a child in accordance with the Abandoned Newborn  
22 Infant Protection Act.

23 (b) A violation of this Section is a Class A  
24 misdemeanor. A second or subsequent violation of this  
25 Section is a Class 3 felony. A violation of this Section  
26 that is a proximate cause of the death of the child is a  
27 Class 3 felony for which a person, if sentenced to a term of  
28 imprisonment, shall be sentenced to a term of not less than 2  
29 years and not more than 10 years.

30 (Source: P.A. 90-687, eff. 7-31-98.)

31 Section 96.5. The Neglected Children Offense Act is  
32 amended by changing Section 2 as follows:

1 (720 ILCS 130/2) (from Ch. 23, par. 2361)

2 Sec. 2. Any parent, legal guardian or person having the  
3 custody of a child under the age of 18 years, who knowingly  
4 or wilfully causes, aids or encourages such person to be or  
5 to become a dependent and neglected child as defined in  
6 section 1, who knowingly or wilfully does acts which directly  
7 tend to render any such child so dependent and neglected, or  
8 who knowingly or wilfully fails to do that which will  
9 directly tend to prevent such state of dependency and neglect  
10 is guilty of the Class A misdemeanor of contributing to the  
11 dependency and neglect of children, except that a person who  
12 relinquishes a child in accordance with the Abandoned Newborn  
13 Infant Protection Act is not guilty of that misdemeanor.

14 Instead of imposing the punishment hereinbefore provided, the  
15 court may release the defendant from custody on probation for  
16 one year upon his or her entering into recognizance with or  
17 without surety in such sum as the court directs. The  
18 conditions of the recognizance shall be such that if the  
19 defendant appears personally in court whenever ordered to do  
20 so within the year and provides and cares for such neglected  
21 and dependent child in such manner as to prevent a  
22 continuance or repetition of such state of dependency and  
23 neglect or as otherwise may be directed by the court then the  
24 recognizance shall be void, otherwise it shall be of full  
25 force and effect. If the court is satisfied by information  
26 and due proof under oath that at any time during the year the  
27 defendant has violated the terms of such order it may  
28 forthwith revoke the order and sentence him or her under the  
29 original conviction. Unless so sentenced, the defendant shall  
30 at the end of the year be discharged. In case of forfeiture  
31 on the recognizance the sum recovered thereon may in the  
32 discretion of the court be paid in whole or in part to  
33 someone designated by the court for the support of such  
34 dependent and neglected child.

1 (Source: P.A. 77-2350.)".