

THE ILLINOIS ABANDONED NEWBORN INFANT PROTECTION ACT

Metropolitan Chicago
Healthcare Council
July, 2002

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Abandoned Newborn Infant Protection Act

- Signed into law on August 17, 2001
- Provides a mechanism for newborn infants to be relinquished into a safe haven

The legislature recognized that newborn infants have been abandoned in unsafe situations causing death or severe bodily harm

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- On August 17, 2001 the *Abandoned Newborn Infant Protection Act* was signed into law.
- By passing this Act, the legislature recognized that newborn infants have been abandoned in various circumstances that are unsafe, causing death or severe bodily harm to the infant.
- The new Act provides a mechanism for infants to be relinquished into a safe haven and provides immunity from prosecution for child abuse, neglect or abandonment to parents as an incentive to relinquish their newborn to a safe haven.

DESIGNATED “SAFE HAVENS”

- Hospitals
- Fire Stations

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The Act defines “Hospital” as:

“Any institution, place, building, or agency, public or private , whether organized for profit or not, devoted primarily to the maintenance and operation of facilities for the diagnosis and treatment or care of 2 or more unrelated persons admitted for overnight stay or longer in order to obtain medical, including obstetric, psychiatric and nursing, care of illness, disease, injury, infirmity, or deformity.”

And defines “Fire Station” as:

“A fire station within the State that is staffed with at least one full-time emergency medical professional.”

KEY POINTS OF THE ACT

- The infant is considered “a relinquished newborn” and thus covered by the provisions of the *Abandoned Newborn Infant Protection Act* if:
 - The infant has been left with personnel of a hospital, fire station or emergency medical facility by a person who either does not express an intent to return for the infant or states that he or she will not return for the infant; and
 - A physician reasonably believes the infant is 72 hours old or less; and
 - The infant is not abused or neglected

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PRESUMPTIONS

- By relinquishing a newborn infant, the infant's parent consents to the termination of his or her parental rights with respect to the infant
- A person relinquishing a newborn infant is the newborn infant's biological parent
- By not expressing intent to return for the infant or expressing intent not to return for the infant, the relinquishing individual did intend to relinquish the infant

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CONSENT FOR TREATMENT

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

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CUSTODY

- The hospital is deemed to have temporary protective custody of the relinquished newborn infant until the infant is discharged to the custody of a child-placing agency or DCFS

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ABUSE/NEGLECT ISSUES

- The act of relinquishing a newborn infant does not, by itself, constitute a basis for a finding of abuse, neglect or abandonment of the infant as defined in the Criminal Code or other laws of the State
- If there is no evidence of abuse or neglect to the infant, the relinquishing individual has the right to remain anonymous and to leave the hospital or fire station at any time and **not be pursued or followed**

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IF THERE ARE SIGNS OF ABUSE

- The hospital or fire station must report suspected abuse or neglect to the Department of Children & Family Services (DCFS) under the Abused and Neglected Child Reporting Act (800-25 ABUSE)
- The *Illinois Abandoned Newborn Infant Protection Act* does not apply

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HOSPITAL RESPONSIBILITIES

- Must accept the infant
- Must provide necessary medical care for the infant
- Must have a physician make a reasonable determination whether the infant is 72 hours old or less

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HOSPITAL RESPONSIBILITIES

- Must offer a packet of information, and attempt to inform the relinquishing person that acceptance of the information and completion of the forms is voluntary, and that they may complete certain forms and still remain anonymous
- May assist the relinquishing person in completing and sending forms from the packet, if requested

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HOSPITAL RESPONSIBILITIES

- Must verbally inform the relinquishing person that he/she must petition the court to regain custody of the infant
- Must report relinquishment to DCFS (800-25-ABUSE) within 12 hours and state a relinquishment is being reported under the *Abandoned Newborn Infant Protection Act*

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NOTE: When the relinquishment is reported, It is very important that the report is stated to be that of an relinquishment under the Illinois Abandoned Newborn Infant Protection Act.

HOSPITAL RESPONSIBILITIES

- Will NOT return the infant to the relinquishing person
- Must report suspected abuse or neglect to the Department of Children & Family Services (DCFS) under the Abused and Neglected Child Reporting Act (800-25-ABUSE)

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FIRE STATION RESPONSIBILITIES

- Must accept the infant
- Must provide necessary medical care for the infant
- Must offer a packet of information, and attempt to inform the relinquishing person that acceptance of the information and completion of the forms is voluntary, and that they may complete certain forms and still remain anonymous

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FIRE STATION RESPONSIBILITIES

- Must transport the infant to the nearest hospital
- Must inform the parent of the name and location of the hospital to which the infant was transported – if the parent returns to the fire station to reclaim the child within 72 hours
- Must report suspected abuse or neglect to the Department of Children & Family Services (DCFS) under the Abused and Neglected Child Reporting Act (800-25-ABUSE)

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THE RELINQUISHING PERSON

- May remain anonymous, if there is no evidence of abuse or neglect of the infant
- Is free to leave any time, if there is no evidence of abuse or neglect of the infant

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THE RELINQUISHING PERSON

- May ***voluntarily*** accept a packet of information
- May ***voluntarily*** complete medical history and Illinois Adoption Registry forms

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THE RELINQUISHING PERSON

- Will not be followed, if there is no evidence of abuse or neglect of the infant
- Will not be prosecuted, as long as the infant has not been abused or neglected

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**LICENSED CHILD PLACING
AGENCY OR THE DEPARTMENT OF
CHILDREN & FAMILY SERVICES
(DCFS) RESPONSIBILITIES**

- Will verify with law enforcement officials that the infant is not a missing child
- Will arrange to take physical custody of the infant

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LICENSED CHILD PLACING AGENCY OR THE DCFS RESPONSIBILITIES

- No sooner than 60 days after the infant's relinquishment, the child placing agency or DCFS will begin the court process of terminating the parents' rights and placement of the infant for adoption

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LICENSED CHILD PLACING AGENCY OR THE DCFS RESPONSIBILITIES

- Will search the Putative Father Registry to determine the identity and location of the putative father of the infant, and notify any such person who may be discovered in the search

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LICENSED CHILD PLACING AGENCY OR THE DCFS RESPONSIBILITIES

- Will inform the parent about the court in which the parental rights termination case has been or will be filed, if the parent contacts DCFS to find out this information

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PARENTS WHO WISH TO REGAIN CUSTODY

- Must petition the court for the return of custody of the infant before the termination of parental rights is completed
- Must contact DCFS to obtain the name of the appropriate court to petition
- Will undergo genetic testing to establish maternity or paternity, or both, as the court orders

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PARENTS WHO WISH TO REGAIN CUSTODY

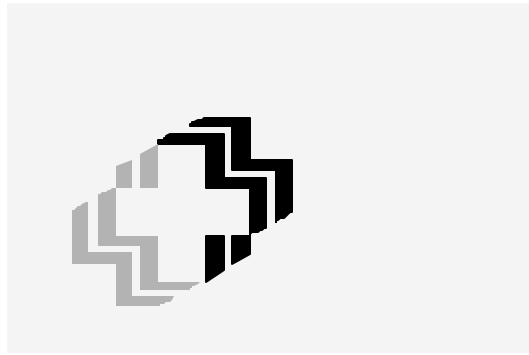
- May be the subject(s) of a child protective investigation and home study by DCFS to develop recommendations to the court
- May be the subject(s) of further proceedings under the Juvenile Court Act, as the court determines appropriate

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WHO PAYS?

- Hospitals will be reimbursed for services provided to the relinquished infant per the payment methodologies authorized under the Illinois Public Aid Code
- If the infant remains in the custody of the hospital (but does not require medical care), reimbursement will be at the general acute care per diem rate

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Clinical, Administrative, Professional & Emergency Services

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