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Healthcare Council

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KEY POINTS OF THE ILLINOIS ABANDONED NEWBORN INFANT PROTECTION ACT

In the event the person relinquishing the infant asks “**What happens next?**” hospital personnel may inform the person that the **ILLINOIS ABANDONED NEWBORN INFANT PROTECTION ACT** provides that:

THE INFANT

- Is considered “relinquished” 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.
- Will be brought to the nearest hospital by personnel of a fire station or emergency medical facility.
- Will receive necessary emergency care at the hospital.
- Will be released only to a licensed child-placing agency or the Department of Children and Family Services (DCFS).
- Will be placed in a prospective adoptive home, if possible.
- Will be placed for adoption through the court system.

THE RELINQUISHING PERSON

- Is presumed to be the infant’s parent.
- 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.
- May **voluntarily** accept a packet of information.
- May **voluntarily** complete medical history and Illinois Adoption Registry forms.
- 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.

THE HOSPITAL

- Will have a physician make a reasonable determination whether the infant is 72 hours old or less.

- Will 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.
- Will assist the relinquishing person with completing and sending forms from the packet, if requested.
- Will verbally inform the relinquishing person that he/she must petition the court to regain custody of the infant.
- Will examine and provide emergency care to the infant.
- Will report suspected abuse or neglect to DCFS under the Abused and Neglected Child Reporting Act.
- Will report relinquishment to DCFS under the Abandoned Newborn Infant Protection Act.
- Will NOT return the infant to the relinquishing person.

THE FIRE STATION

- Will accept the infant.
- Will provide necessary medical care for the infant.
- Will transport the infant to the nearest hospital.
- Will 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.
- Will 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.

LICENSED CHILD PLACING AGENCY OR DEPARTMENT OF CHILDREN AND FAMILY SERVICES (DCFS)

- Will verify with law enforcement officials that the infant is not a missing child.
- Will arrange to take physical custody of the infant
- Will begin the court process of terminating the parents' rights and placement of the infant for adoption no sooner than 60 days after the infant's relinquishment.
- 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.
- 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.

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.
- 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.