

**HARDIN COUNTY GENERAL HOSPITAL
HOSPITAL-WIDE POLICY**

**Title: ABANDONED NEWBORN INFANT
PROTECTION ACT**

Effective Date: 5/24/2011

Policy Number: 135

Med Staff:

**Regulation: Reference: IHA Memorandum 6/28/06 & IDPH notice
on 5/13/2011**

Admin:

I. POLICY

The Abandoned Newborn Infant Protection Act was passed in order to provide a safe alternative to a parent who may be considering abandonment of a newborn infant. This Act provides that a parent to give up a newborn infant to personnel of a hospital, fire station, emergency medical facility or police station. Provided the baby is not abused, the parent may remain anonymous, is free to leave at any time, and will not be prosecuted. Personnel at the police station, fire station, or emergency medical facility who accept an infant must arrange for the transportation of the infant to the nearest hospital as soon as transportation arrangements can be arranged.

II. DEFINITIONS

DCFS- Department Children Family Services

EMS – Emergency Medical Services

Emergency Medical Facility – a freestanding emergency center or trauma center as defined in EMS Systems Act. Urgent care and convenient care centers are **not** included in this designation.

III. RESPONSIBILITY

All hospital personnel.

IV. EQUIPMENT

As needed for infant's condition.

V. PROCEDURES

INFECTION CONTROL: CATEGORY II

RELINQUISHED INFANT

1. According to the Act, an infant is a relinquished infant if:

- The infant has been left with personnel of a hospital, fire station, emergency medical facility or police station by a parent 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 **30 days old or less**; and
- The infant is not abused or neglected.

2. The relinquishing person is presumed to be the infant's biological parent. If the parent leaves the infant at a fire station, emergency medical facility or police station, the infant will be given emergency treatment, if necessary, and transported to the nearest hospital.

HOSPITAL PERSONNEL DUTIES

If a parent arrives at the hospital to relinquish a newborn infant, the hospital shall:

A. Evaluate and Provide Care to a Relinquished Infant:

1. Take the infant to the Emergency Room. The act of relinquishing a newborn infant serves as implied consent for the hospital to provide care to the infant. The hospital shall be deemed to have temporary protective custody of until the infant is discharged to the custody of a child-placing agency or the DCFS.
2. The hospital must accept and provide all necessary emergency services to the infant, and shall examine the infant and perform tests that, based on reasonable medical judgment, are appropriate in evaluating whether the infant was abused or neglected.
3. A physician must reasonably determine if the infant is 30 days old or less.

B. Provide Information to Relinquishing Parent:

1. Hospital personnel must verbally inform the parent that by relinquishing the infant anonymously, he or she will have to petition the court in order to prevent the termination of parental rights and regain custody of the child.
2. Personnel must offer the relinquishing parent the packet of information specified in the Act, and if possible, clearly inform the parent that:
 - a. His or her acceptance of the information is completely voluntary;
 - b. Completion of the Illinois Adoption Registration form and Medical Information Exchange form is voluntary;
 - c. A denial of Information Exchange form may be completed which would allow the relinquishing parent to remain anonymous to the infant and other parties involved in the infant's subsequent adoption;
 - d. The parent may provide medial information only and still remain anonymous.
3. Personnel must mail completed forms to the Department of Public Health, if the parent so requests.

C. Report the Relinquishment:

1. Within 12 hours after accepting a newborn infant, hospital personnel must report to the DCFS Central Registry that a newborn has been relinquished under the ***Abandoned Newborn Infant Protection Act***. Reporting in this manner will alert DCFS personnel to begin contacting child-placing agencies, as opposed to following standard procedures where a report of suspected abuse is made, under the ***Abused and Neglected child Reporting Act***.
2. All non-birthing hospitals receiving an abandoned child must contact the Division of Vital Records at dph.vitals@illinois.gov to request a Birth Foundling Record form. The receiving hospital must complete the form and send it to the Local Registrar in the county/district where the child was found. If you need information about Local Registrar offices or have any questions, e-mail them to the above dph.vitals address

ANONYMITY AND IMMUNITY OF THE RELINQUISHING PARENT

1. If there is no outward evidence of abuse or neglect of the relinquished infant, **the parent has the right to remain anonymous and to leave the hospital, fire station, emergency medical facility, or police station at any time, and not be pursued or followed.**
2. If abuse or neglect is later suspected, for example, as a result of tests performed on the infant, then the hospital must report it, as described below. The parent will not be prosecuted for the relinquishment, unless the infant was abused or neglected.

REPORTING SUSPECTED ABUSE OR NEGLECT

If there is suspected child abuse or neglect, not based solely on the infant's relinquishment, hospital personnel must report that to the DCFS Central Registry, using the current process for making such a report.

PLACEMENT OF THE INFANT

Upon notice from the hospital that an infant has been relinquished, DCFS must contact, on a rotating basis, agencies from its list of licensed child-placing agencies willing to take legal custody of relinquished newborn infants. An agency must accept the infant, if it has the accommodations to do so. If no child-placing agency can accept the infant, DCFS must assume responsibility for the infant.

PAYMENT FOR HOSPITAL SERVICES

Public Aid (Department of Healthcare and Family Services) will reimburse the hospital for medical services to the infant as well as for any days beyond medically necessary days that the hospital has custody of a relinquished infant.

IMMUNITY FOR HOSPITAL AND PERSONNEL

The hospital and its personnel are immune from criminal or civil liability for acting in good faith under the Act, but remain liable for negligent care and medical treatment.

POTENTIAL QUESTIONS

1. If the infant is more than 30 days old, or has been abused or neglected, the hospital will proceed as if the child is an abused or neglected child. The hospital must report to the DCFS Central Registry under the ***Abused and Neglected Child Reporting Act***. Refusing to take the infant from a parent who wishes to relinquish him or her could possibly result in harm to the infant. The hospital would most likely act in the best interests of the child if the physician were to take temporary protective custody of the child when the physician has reason to believe that the child's health or safety would be endangered.
2. If a relinquishing parent or someone else comes to the hospital intending to reclaim the infant, hospital personnel should remind the parent that in order to get the baby back, they must contact DCFS to find out the appropriate court in which to file a petition for return of custody. Hospital personnel may allow the parent to view the infant and may discuss the infant's condition with the parent, but should state that the hospital must comply with the law's requirements.

VI. DOCUMENTATION

All documentation will be made on the Emergency Room record and any other medical record that may be applicable while the infant is in our custody (e.g., inpatient medical record, OBR record, etc.) to include copies of all packet information given to the parent.