

Policy Title: Abandoned newborn protection			No. A - 5
Board approval: 4/15/10	Effective: 1/1/10	Supersedes: 11/1/07	Page: 1 of 3

Synopsis: In August 2001, the governor signed the ***Abandoned Newborn Infant Protection Act*** (PA 92-0432). This legislation allows a parent to relinquish a newborn infant, whom a physician reasonably believes is 72 hours old or less, to a hospital, fire station, or emergency medical facility. In 2004, the Act was amended to include a municipal or county police station (325 ILCS 2/1 et seq.). The parent may remain anonymous and is immune from liability, as long as the infant is unharmed. The Act provides a safe alternative to a parent who may be considering abandonment of a newborn. In 2006, the Act was amended to increase the number of days within which a newborn may be relinquished (PA 094-0941). In 2007, the State of Illinois passed PA 95-0275 requiring all Illinois Safe Havens to display a uniform sign to visually help identify their location as a safe haven. Eff. date: August 17, 2007. In 2009, legislation was again changed to expand the number of days within which a newborn may be relinquished. Eff. Date: January 1, 2010.

I. DEFINITIONS

- A. **Neonate:** means a child who a licensed physician reasonably believes is 30 days old or less at the time the child is initially relinquished to a hospital, police station, fire station, emergency medical facility, and who is not an abused or neglected child.
- B. **Relinquish:** means to bring a neonate, who a licensed physician reasonably believes is 30 days old or less to a hospital, police station, fire station, emergency medical facility, and to leave the infant with personnel of the facility, if the person leaving the infant does not express an intent to return for the infant or states that he or she will not return for the infant.
- C. **Emergency Medical Professional** includes licensed physicians, and any EMT-B, EMT-I, EMT-P, TNS, and PHRN as defined in the EMS Systems Act.
- D. **Fire Station:** Means a fire station within the State that is staffed with at least one full-time emergency medical professional.

II. POLICY

- A. The NWC EMSS will provide assessment, treatment, and transportation to the nearest hospital for relinquished infants according to the above named Act.
- B. The NWC EMSS will provide the necessary documents to the relinquishing parent as specified in the above named Act.

III. PROCEDURE - INFANT CARE AND HOSPITAL CONTACT

- A. The relinquishing person is presumed to be the infant's biological parent.
- B. Assess the infant. Look particularly for any signs of abuse or neglect.
- C. Ask the relinquishing parent for the infant's name and date of birth.
- D. If the child is presumed to be more than 30 days old, or has been abused or neglected, paramedics/PHRNs should proceed as if the child is abused or neglected. Follow the **Child Abuse SOP** and the **V2 Violence: Suspected child abuse and neglect** policy and file a report with DCFS Central Registry.

While this is all that is required under the Act, refusing to take an infant presumed to be older than 30 days or one who is abused or neglected from a parent who wishes to relinquish him or her could possibly result in harm to the infant. It is in the best interest of the child to accept them and proceed as below.

- E. Initiate emergency treatment that is necessary per SOP under implied consent and contact the nearest System hospital over the UHF radio/cellular or landline phone as soon as possible so a physician can take temporary protective custody of the infant.
- F. Ensure that the infant is kept warm and transport to the nearest System hospital with the infant secured appropriately in an infant car seat or pediatric restraining device.

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- G. Complete a patient care report on the infant. List the infant's name as "Baby Girl/Boy Doe" if it is unknown.
- H. The System will honor the intent of the Act to allow for the **anonymity of the relinquishing parent**. However, nothing in the Act precludes a relinquishing person from providing his or her identify. **If the infant is presumed to be 30 days of age or younger and there is no evidence of abuse or neglect:**
 - 1. Identify the infant as relinquished in the comments section of the patient care report but omit any descriptive information regarding the relinquishing individual;
 - 2. **The parent has the right to remain anonymous and to leave the fire station at any time and not be pursued or followed.** If abuse or neglect is later suspected, the hospital will report it. The parent will not be prosecuted for relinquishment unless the infant was abused or neglected; and
 - 3. Normal patient confidentiality will surround this process.

IV. **PROCEDURE: COMMUNICATION WITH THE RELINQUISHING PARENT**

- A. EMS personnel must offer the relinquishing parent the packet of information specified in the Act (see below), and if possible, **verbally inform the parent that:**
 - 1. **His or her acceptance of the information is completely voluntary;**
 - 2. Completion of the Illinois Adoption Registration form and Medical Information Exchange form is voluntary;
 - 3. 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;
 - 4. The parent may provide medical information only and remain anonymous; and
 - 5. 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. This information will be printed and included in the packet.
 - 6. If the parent returns within 72 hours to reclaim the infant, they should be told the name and location of the hospital to which the infant was transported.

B. **Information to give to relinquishing parent** (Section 35)

Hospitals, fire stations, police stations, and emergency medical facilities must offer a packet of information to the relinquishing parent that contains the following:

- 1. Illinois Adoption Registry – Explanation
- 2. Illinois Adoption Registry Application
- 3. Illinois Adoption Registry Application Section C (2 pages)
- 4. Birth Parent Registration Identification
- 5. Medical Information Exchange authorization form
- 6. Denial of Information Exchange
- 7. Illinois Adoption Registry Medical Questionnaire (2 pages)
- 8. Illinois Adoption Registry website address and toll free phone number
- 9. Written notice of the following:
 - a. No sooner than 60 days following the date of the initial relinquishment, the child-placing agency or IDPH will commence proceedings for the termination of parental rights and placement of the infant for adoption.

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- b. Failure of the parent of the infant to contact the Department of Public Health and petition for the return of custody of the infant before termination of parental rights bars any future action asserting legal rights with respect to the infant.
 - 10. A resource list of providers of counseling services, including grief counseling, pregnancy counseling, and counseling regarding adoption and other available options for placement of the infant.
 - C. **The parent may be unwilling to wait for discussion. Document** on the infant's patient care report that the required information was offered to the parent and whether or not it was received. Note: These packets should be available in every fire station.
 - D. **Inform the parent** that the fee for filing the application is waived if the medical questionnaire is completed.
- V. **IMMUNITY** (Section 27): A hospital, fire station, or emergency medical facility, and any personnel of a hospital, fire station, or emergency medical facility, are immune from criminal or civil liability for acting in good faith in accordance with the Act. Nothing in the Act limits liability for negligence for care and medical treatment.
- VI. **EVALUATION** (Section 65)
- A. IDPH shall collect and analyze information regarding the relinquishment of newborn infants and placement of children under the Act. Fire stations, emergency medical facilities, and medical professionals accepting and providing services to a newborn infant under the Act shall report to the Department data necessary for the Department to evaluate and determine the effect of this Act in the prevention of injury or death of newborn infants. Child-placing agencies shall report to the Department data necessary to evaluate and determine the effectiveness of these agencies in providing child protective and child welfare services to newborn infants relinquished under the Act.
 - B. The information collected from Fire stations shall include, but need not be limited to: the number of newborn infants relinquished and the services provided to relinquished newborns.
 - C. IDPH has not yet specified the format and manner in which the required data is to be submitted.
- VII. **RESOURCES**
- A. The complete text of the Abandoned Newborn Infant Protection Act is available at: <http://www.legis.state.il.us/legisnet/legisnet92/sbggroups/sb/920SB0216LV.html>
 - B. To obtain the application forms for the Illinois Adoption Registry and Medical Information Exchange:
 - 1. Call the Department of Public Health at 217-557-5169
 - 2. Print them from the Illinois Adoption Registry website at <http://www.idph.state.il.us/vital/iladoptreg.htm>
 - 3. Use the forms attached to this policy.

Northwest Community EMS System

Abandoned Newborn Protection Checklist

If a person attempts to relinquish a newborn infant to you at the fire station, do the following:

<p>Assess the infant. Look for any signs of abuse or neglect.</p> <ul style="list-style-type: none"> ➤ If the infant does not appear abused and is 30 days old or younger: Proceed under the Abandoned Newborn Protection policy. The relinquishing parent has a right to remain absolutely anonymous and leave the fire station at any time and not be pursued or followed. DO NOT call the police. The act of relinquishing a child IS NOT considered abuse. ➤ If the infant does appear abused, neglected, or is clearly older than 30 days: Proceed under the Child Abuse SOP and the Abandoned Newborn Protection policy. If a relinquishing parent attempts to leave the fire station with a possibly abused infant, call the police and retain custody of the infant. 	
CARE OF THE INFANT	
Initiate emergency treatment deemed necessary per SOP under implied consent	
Contact the nearest System hospital via ALS call mechanisms. Ask a physician to take temporary protective custody of the infant.	
Keep the infant warm and transport to the nearest hospital with the newborn secured appropriately in an infant car seat.	
Complete a patient care report. List infant's name as "Baby Girl/Boy Doe" if unknown. Identify the infant as relinquished in the comments section. Omit any descriptive information regarding the relinquishing individual unless you suspect abuse or neglect.	
INFORMATION TO SHARE WITH RELINQUISHING PARENT	
<p>Offer the relinquishing parent the required information that includes the following:</p> <ul style="list-style-type: none"> - Illinois Adoption Registry - Explanation - Illinois Adoption Registry Application - Illinois Adoption Registry Application Section C (2 pages) - Birth Parent Registration Identification - Medical Information Exchange authorization form - Denial of Information Exchange - Illinois Adoption Registry Medical Questionnaire (2 pages) - Illinois Adoption Registry website address and toll free phone number <p>Written notice of the following:</p> <ul style="list-style-type: none"> - No sooner than 60 days following the date of the initial relinquishment of the infant, the child-placing agency or IDPH will commence proceedings for the termination of parental rights and placement of the infant for adoption. - Failure of the parent of the infant to contact the Department of Public Health and petition for the return of custody of the infant before termination of parental rights bars any future action asserting legal rights with respect to the infant. - A resource list of providers of counseling services, including grief counseling, pregnancy counseling, and counseling regarding adoption and other available options for placement of the infant. 	
<p>A parent may be unwilling to wait for a discussion. Note on the infant's PCR that the required information was offered to the parent and whether or not it was received.</p>	
<p>If possible, verbally inform the parent that:</p> <ul style="list-style-type: none"> - His or her acceptance of the information is completely voluntary; - Completion of the Illinois Adoption Registration form and Medical Information Exchange form is voluntary; however, the fee for filing the application is waived if the medical questionnaire is completed. - 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; - The parent may provide medical information only and remain anonymous; and - 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. 	
If a parent returns within 72 hrs to reclaim the infant, tell them the hospital to which the infant was transported	