

## **Compliance with the Abandoned Newborn Infant Protection Act**

### **I. PURPOSE:**

This Order:

1. Establishes procedures, consistent with the mandates of the Abandoned Newborn Infant Protection Act (the Act), to be followed in the event that an infant is relinquished at a police station.
2. Ensures police department's compliance with the Abandoned Newborn Infant Protection Act.

### **II. POLICY:**

1. The Illinois General Assembly has created the Newborn Infant Protection Act (the Act) which establishes procedures to be followed when a parent relinquishes a newborn infant (30 days old or younger) to a hospital or other "facility." The Act specifically designates police stations as such a "facility" under the Act. "Police station" means a municipal police station or a county sheriff's office.
2. The Act is intended to enable the parent(s) of a newborn to relinquish the infant to a safe environment, to remain anonymous, and to avoid civil or criminal liability for relinquishing the infant.
3. Pursuant to the Act, every police station within the State of Illinois must:
  1. accept and provide all necessary emergency services and care to a relinquished newborn infant, in accordance with this Act;
  2. arrange for the transportation of the relinquished infant to the nearest hospital as soon as possible;
  3. inform the parent of the name and location of the hospital to which the infant was transported, if the parent returns to the police station within 72 hours after relinquishing the infant;
  4. allow the relinquishing parent to remain anonymous and to leave the police station without being pursued, provided that the infant shows no sign of abuse or neglect. Law enforcement personnel should make a physical appraisal of the condition of the infant and if any signs of abuse or neglect are observed, the relinquishing parent should be held until an investigation can be completed;
  5. tell the parent that by relinquishing the child anonymously, he/she will have to petition the court if he/she wants to prevent the termination of parental rights and retain custody;
  6. offer the parent an [information packet](#) containing prescribed materials; and
  7. make a report to the Illinois Department of Children and Family Service within 12 hours of accepting a relinquished newborn.

### **III. PROCEDURES AND RESPONSIBILITIES**

These procedures should restate Section II 1-7 with specific information regarding who in the department is responsible for these actions. Information should also be included regarding the specific documentation to be included; the reporting procedures followed by the specific police department and any applicable state agency telephone numbers (DCFS) and local hospital/ER telephone numbers. This could vary from department to department depending on size and available resources.

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#### **Sample Campus Police Station Protocol**

On August 11, 2011, Governor Pat Quinn signed HB 106 into law effective immediately.

This Public Act expanded the definition of "Police station" to include campus police department located on any college or university owned or controlled by the State or any private college or private university that is not owned or controlled by the State when employees of the campus police department are present, or any of the district headquarters of the Illinois State Police.

With the assistance of the Chicago Police Department and the Save Abandoned Babies Foundation, the University of Illinois Police has prepared the following model policy for other police departments to consider. It is recommended to use this model policy as a starter guide and make any changes that would be appropriate for your particular department. It is also recommended that all department personnel receive training regarding the Abandoned Newborn Infant Protection Act. Because law enforcement personnel serve a crucial role in the investigation of abandoned infants and child abuse, it is important for all personnel to understand the exceptions to this Act.

The law requires that every police station must accept a relinquished newborn infant in accordance with this Act. After the relinquishment of a newborn infant to a police station, the police station must arrange for the transportation of the infant to the nearest hospital. A criminal investigation may not be initiated solely because a newborn infant is relinquished pursuant to this Act unless there is evidence that the child is not 30 days old or less, or if there is evidence of abuse or child neglect. Upon receiving a newborn infant, law enforcement personnel should make a physical appraisal of the condition of the infant and if any signs of abuse or neglect are noted, the relinquishing person should be held until an investigation can be completed. Copies of legislation may be obtained by visiting the Illinois General Assembly's web page, <http://www.ilga.gov/>.

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## PURPOSE:

The purpose of this directive is to establish procedures, consistent with the mandates of the Abandoned Newborn Infant Protection Act, to be followed in the event that an infant is abandoned at the University of Illinois Police Department.

## DEFINITION:

**Newborn Infant:** 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, or emergency medical facility, and who is not an abused or a neglected child.

**Relinquish:** to bring a newborn infant to a hospital, police station, fire station, or 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.

**Temporary Protective Custody:** The temporary placement of a newborn infant within a hospital or other medical facility out of the custody of the infant's parent.

## DIRECTIVE:

### **308.10.1 ABANDONED NEWBORN INFANT PROTECTION ACT**

1. Illinois Compiled Statutes 325/2, the Newborn Infant Protection (the Act), establishes procedures to be followed when a parent relinquishes a newborn infant (30 days old or younger) to a hospital or other "facility". The Act specifically designates police stations as such a "facility" under the Act.
2. The Act is intended to enable the parent of a newborn infant to relinquish the infant to a safe environment, to remain anonymous, and to avoid civil or criminal liability for relinquishing the infant.
3. Pursuant to the Act, the University Police Department shall accept and provide all necessary emergency services and care to a relinquished newborn infant, in accordance with this Act.
4. Employees acting in good faith in accordance with the Abandoned Newborn Infant Protection Act are immune from criminal or civil liability.

### **308.10.2 PROCEDURES AND RESPONSIBILITIES**

1. All employees must accept a newborn infant brought to the Public Safety Building for the purpose of relinquishing an infant in accordance with the provisions of the Act.
2. The employee will take temporary custody of the infant, and make a cursory physical appraisal to ensure that the infant appears to be newborn (thirty days old or less) and not abused or neglected.
  1. If the infant appears to be a newborn, and there is no evidence of abuse or neglect, the parent relinquishing the newborn infant has the right to remain anonymous and to leave the Public Safety Building at any time and not to be questioned, pursued, or followed.
  2. If there is clear evidence of abuse or neglect, a criminal investigation may begin and the incident must be reported to the Illinois Department of Children and Family Services (DCFS).
3. The employee will attempt to offer the parent relinquishing the newborn infant an information packet supplied by DCFS, and explain that acceptance of the packet is voluntary.
  1. The information packet contains:
    1. Illinois Adoption Registry and Medical Information Exchange brochure,
    2. Save Abandoned Babies brochure which includes the Medical Information Exchange Questionnaire and the web site address and toll-free phone number of the Illinois Adoption Registry, and
    3. "Taking Care of Yourself After Giving Birth" brochure.
  2. The information packets are located at the front desk in the Communication Room.
4. If the person wishes to provide their name and fill out the application provided in the Illinois Department of Public Health Information packet, they may do so and request that the Department forward them to the Illinois Adoption Registry and Medical Information Exchange.
5. If the parent of the newborn infant returns to claim the infant within 72 hours after relinquishing the infant to the Department, the parent shall be informed of the name and location of the hospital to which the infant was transported.
6. An ambulance will immediately be called to transport the infant to a hospital (accompanied by an officer) for medical examination, and a supervisor will be notified.

### **308.10.3 REPORTING REQUIREMENTS**

1. Relinquishing a newborn infant does not, by itself, constitute a basis for a finding of abuse, neglect, or abandonment of the infant pursuant to the laws

of this state nor does it, by itself, constitute a violation of the Criminal Code of 1961.

2. A criminal investigation may not be initiated solely because a newborn infant is relinquished under the provisions of the Act. An investigation may only be initiated when there is clear evidence of abuse or neglect.
  3. If there is no evidence of abuse or neglect of the relinquished newborn infant, an information report of the incident will be written.
  4. If there is clear evidence of abuse or neglect, a report of the incident will be written using the criminal offense UCR code for the appropriate criminal incident.
  5. In all cases, notification shall be made to the DCFS Hotline (1-800-55ABUSE) within 12 hours of accepting a relinquished newborn infant.
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