Illinois Health and Hospital Association

Updated March 24, 2017

Under Illinois' "Safe Haven" law passed in 2001, hospitals have several responsibilities if an infant is relinquished at their hospital or brought from another "safe haven" such as a police or fire station or emergency medical facility.

Here are additional provisions of the law:

Medical Assistance

A newborn infant relinquished in accordance with the law is eligible for medical assistance under the Illinois Public Aid Code. A hospital providing medical services to a relinquished infant will be reimbursed for those services in accordance with that Code. In addition, for any day that a hospital has custody of a relinquished infant and the infant does not require medically necessary care, the hospital will be reimbursed by the Department of Healthcare and Family Services at the general acute care per diem rate.

DCFS Duties

The law specifies duties for the Department of Children and Family Services (DCFS), including contacting child-placing agencies to arrange for placement of the infant in an adoptive home, if possible. If no child-placing agency is able to accept the infant, DCFS must assume responsibility for the infant as soon as practicable.

Immunity of Facility and Personnel

Hospitals and hospital personnel are immune from criminal or civil liability for acting in good faith in accordance with the law. However, nothing limits liability for negligent care or medical treatment.

If Parent Returns

If the parent returns to reclaim the infant within 72 hours after relinquishing the child to a fire station, emergency medical facility or police station, personnel of the fire station, emergency medical facility or police station must inform the parent of the hospital name and location where the infant was transported.

Hospital personnel must inform the returning parent that the parent must petition the court to regain custody. Inform the parent to contact DCFS (800-252-2873) for the information needed to file a petition in the court for return of custody.

Education

DCFS offers statewide training to hospitals on the "Safe Haven Law" conducted by the Adoption Center of Illinois Family Resource Center. The training is 60-90 minutes and provides 1 or 1.5 continuing education credits for social workers and nurses. Hospitals may request training at their hospital by calling the Adoption Center of Illinois Family Resource Center at 773-334-2300.

Please schedule regular review of procedures with all hospital personnel to ensure all staff are aware of the requirements of the Safe Haven law.