Illinois Health and Hospital Association

Updated March 24, 2017

Since the enactment of Illinois' "Safe Haven" law in 2001, the Abandoned Newborn Infant Protection Act, 116 infants have been safely relinquished. If a relinquishment occurs at your hospital, the law requires specific actions by hospital personnel, outlined below.

Definition of Relinquish

The Act states: "To 'relinquish' means to bring a newborn infant, who a licensed physician reasonably believes is 30 days old or less, to a hospital, police station (includes campus police), fire station, or emergency medical facility and to leave the infant with personnel of the facility, if the person does not express an intent to return for the infant or states that he or she will not return for the infant. In the case of a mother who gives birth in the hospital, the mother's act of leaving that newborn infant at the hospital (i) without expressing intent to return for the infant or (ii) stating that she will not return for the infant is not a 'relinquishment' under the Act."

Hospital Responsibilities

If an infant is relinquished to a hospital or brought to a hospital from another "safe haven," such as a police or fire station or emergency medical facility, the hospital has the following responsibilities:

Examine the infant: For purposes of the Abandoned Newborn Infant Protection Act, a "newborn infant" is a child who a licensed physician reasonably believes is 30 days old or less at the time the child is initially relinquished and who is not an abused or neglected child.
With respect to the relinquished newborn infant, every hospital must:

- Accept and provide all necessary emergency services and care; and
- Examine the infant and perform tests that, based on reasonable medical judgment, are appropriate in evaluating whether the infant was abused or neglected.

Report suspected child abuse or neglect: If suspected child abuse or neglect is not based solely on the infant's relinquishment, personnel of the hospital who are mandated reporters under the Abused and Neglected Child Reporting Act must report the abuse or neglect.

If the child appears older than 30 days, proceed as if the child were abused or neglected: In this case, the hospital is deemed to have protective custody of the infant. The act of relinquishing an infant serves as implied consent for the hospital staff to treat the infant. Fire and police stations and emergency medical facilities that take in a relinquished infant must arrange for the infant's transport to the nearest hospital as soon as transportation can be arranged.

Inform the relinquishing individual: If there is no evidence of abuse or neglect of the infant, the relinquishing person has the right to remain anonymous and to leave the hospital. Before the relinquishing person leaves, hospital personnel must offer an information packet to the relinquishing person and, if possible, must clearly inform the relinquishing person that his or her acceptance of the information is completely voluntary.

The "Information Packet" required by the law includes a list of counseling services that must be compiled by the hospital and these three brochures found on the Department of Children and Family Services (DCFS) website:

- Post-partum health information;
- Illinois Adoption Registry; and

- Safe Haven law information and optional registration.

For counseling services, hospitals must develop a list of resources that include grief counseling, pregnancy counseling, and counseling regarding adoption and other available options for infant placement. To assist you, DCFS maintains a list of licensed adoption agencies in Illinois.

Hospitals should have a supply of information packets readily accessible.

Report to DCF: Within 12 hours of accepting an infant, the hospital must report to the DCFS State Central Registry (800-252-2873) to transfer physical custody of the infant from the hospital to a child-placing agency or the Department. Since DCF phone number is also the hotline for reporting abuse, be sure to say you are reporting a relinquishment under the Abandoned Newborn Infant Protection Act.

Post signs: Every hospital required to accept a relinquished newborn infant must post a sign in a conspicuous place on the hospital's exterior stating that a newborn infant may be relinquished at the facility. DCFS has established specifications for the signs and their placement to ensure statewide uniformity. Signs may be obtained from the Save Abandoned Babies website.

Do not publicly disclose information on the relinquishment: The following individuals are prohibited from publicly disclosing any information concerning the relinquishment of an infant and the individuals involved, except as otherwise provided by law:

- Emergency medical professionals, employees or other persons engaged in the administration or operation of a fire or police station, hospital, emergency medical facility, child-placing agency or the Department where a baby has been relinquished or transferred.

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