**Section 300.180 Abandoned Newborn Infants**

a) Parental Relinquishment of a Newborn Infant

1) In accordance with the Abandoned Newborn Infants Protection Act [325 ILCS 2], a parent of a newborn infant may relinquish the infant to a hospital, police station, fire station or emergency medical facility personnel within 30 days after the child's birth. Relinquishment of a newborn infant in accordance with the Abandoned Newborn Infant Protection Act does not render the infant abused, neglected or abandoned solely because the newborn infant was relinquished to a hospital, police station, fire station or emergency medical facility.

2) Hospital, police station, fire station and emergency medical facility personnel are mandated reporters under the Abused and Neglected Child Reporting Act. If personnel of the hospital, police station, fire station or emergency medical facility to which the newborn infant is relinquished suspect child abuse or neglect that is not solely based on the newborn infant's relinquishment, they must report the suspected abuse or neglect to the Department's State Central Register.

3) Neither a child protective investigation nor a criminal investigation may be initiated solely because a newborn infant is relinquished in accordance with the Abandoned Newborn Infants Protection Act.

4) Newborn infants relinquished to a police station, fire station or emergency medical facility will be transported to the nearest hospital as soon as transportation can be arranged by the facility. If the parent of a relinquished infant returns to the facility to reclaim the infant within 72 hours, the facility must provide the parent with the name and location of the hospital to which the infant was transported.

b) Medical Examination

1) In accordance with the Abandoned Newborn Infants Protection Act, hospitals will have temporary protective custody of relinquished infants and will examine and perform medically reasonable tests that are appropriate to determine if the newborn infant has been abused or neglected. If the medical examination determines that there is no evidence of abuse or neglect and that the infant is no older than 30 days, the relinquishing parent, if present, will be verbally notified by the facility that he or she can remain anonymous, and he or she will have to petition the court if he or she desires to prevent the termination of parental rights and regain custody of the child. The relinquishing parent will also be offered a packet of information that includes:

A) Illinois Adoption Registry and Medical Information Exchange application;

B) Medical Information Exchange Questionnaire;

C) The Illinois Adoption Registry web site address and toll-free telephone number;

D) A resource list of providers of counseling services, including grief counseling, pregnancy counseling and counseling regarding adoption and other available infant placement options;

E) A notice that, no sooner than 60 days after the initial relinquishment of the infant, the child-placing agency or Department will commence proceedings to terminate parental rights and place the infant for adoption; and

F) A notice that failure of the parent to contact the placing agency or Department 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 child.

2) If the medical examination of the relinquished child reveals that the child is abused or neglected or is not a newborn infant, the hospital and Department must proceed as if the child is an abused or neglected child.

c) Notification to the Department's State Central Register (SCR)

Within 12 hours after a hospital accepts a newborn infant from a relinquishing parent, police, fire or emergency medical facility personnel, the hospital will report the infant in its custody to the State Central Register. The SCR will do the following:

1) Maintain a list of licensed child-placing agencies willing to take legal custody of relinquished newborn infants on a rotational basis;

2) Notify a licensed child-placing agency of the relinquished infant. If no licensed child-placing agency is able to accept the infant, the Department must assume responsibility for the infant as soon as practicable;

3) Request assistance from law enforcement officials to investigate the incident using the National Crime Information Center to ensure that the relinquished infant is not a missing child. The check will be requested within 24 hours after receiving notification from a hospital.

d) Child-Placing Agencies or the Department

1) Acceptance of Abandoned Newborn Infants

Child-placing agencies must accept an abandoned newborn infant, if the agency has the accommodations to do so, and place the infant in an adoptive home when possible. If no licensed child-placing agency is able to accept the infant, the Department must assume responsibility for the infant.

2) Petition for Legal Custody

Within three business days after assuming physical custody of the infant, the child-placing agency or Department shall file a petition in the division of the circuit court in which petitions for adoption are heard. The petition shall allege that the newborn infant has been relinquished in accordance with the Abandoned Newborn Infants Protection Act, and shall state that the child-placing agency intends to place the child in an adoptive home. The custody order issued shall remain in effect until a final adoption order based on the infant's best interests is issued in accordance with the Abandoned Newborn Infants Protection Act and the Adoption Act [750 ILCS 50].

3) Putative Father Registry

Within 30-days after the estimated date of birth of the relinquished newborn infant, the child-placing agency or Department must complete a search of the Department's Putative Father Registry in accordance with 89 Ill. Adm. Code 309 (Adoption Services for Children for Whom the Department of Children and Family Services is Legally Responsible).

4) No sooner than 60 days following the initial relinquishment of the infant to a hospital, police station, fire station or emergency medical facility, the child-placing agency or Department shall initiate proceedings to:

A) Terminate the parental rights of the relinquished newborn infant's known or unknown parent;

B) Appoint a guardian for the infant; and

C) Obtain consent to the infant's adoption.

e) Petition for Return of Custody

A parent of a newborn infant relinquished in accordance with the Abandoned Newborn Infants Protection Act may petition the court for the return of custody of the infant prior to the termination of the parental rights.

1) A parent of a relinquished newborn infant must contact the SCR to obtain the name of the child-placing agency to determine if a petition for termination of parental rights is pending. The parent must then file a petition for the return of custody in the appropriate circuit court.

2) The circuit court may hold the proceeding for the termination of parental rights in abeyance for a period not to exceed 60 days from the date that the petition for the return of custody was filed without a showing of good cause. During that period:

A) The court will order genetic testing to establish maternity or paternity, or both;

B) The Department shall conduct a child protective investigation and home study to develop recommendations to the court;

C) When indicated as a result of the Department's investigation and home study, the court may conduct other proceedings under the Juvenile Court Act of 1987 [705 ILCS 405] that the court determines appropriate.

3) If a parent fails to file a petition for return of custody prior to the termination of parental rights, the parent is barred from any future action asserting his or her legal rights with respect to the infant unless the parent's act of relinquishment that led to the termination of his or her parental rights involved fraud perpetrated against and not stemming from or involving the parent. No action to void or revoke the termination of parental rights of a parent of a new born relinquished in accordance with the Act, including an action based on fraud, may be initiated after 12 months from the date that the newborn was initially relinquished to a hospital, police station, fire station or emergency medical facility.

f) Report to the Governor and General Assembly

1) The Department shall collect and evaluate information concerning the effect of the Abandoned Newborn Infants Protection Act in the prevention of injury to or death of newborn infants. Child-placing agencies shall provide the following information to the Department:

A) The number of newborn infants served by the agency;

B) The services provided to the infants;

C) The outcome of the care for the infants;

D) The disposition of the newborn infant cases;

E) Other relevant information requested by the Department.

2) The Department shall submit a report the Governor and General Assembly by January 1 of every year regarding the prevention of injury to or death of newborn infants and the effect of placements of infants under the Abandoned Newborn Infants Protection Act. The report shall include:

A) A summary of collected data;

B) Analysis of the data and conclusions regarding the effectiveness of the Abandoned Newborn Infant Protection Act;

C) A determination of whether the purposes of the Abandoned Newborn Infants Protection Act are being achieved;

D) Recommendations for changes necessary to improve administration and enforcement of the Abandoned Newborn Infants Protection Act; and

E) Other information determined necessary by the Department.

g) Public Information Program

The Department will initiate a public information program to promote safe placement alternatives for newborn infants and inform the public of the Abandoned Newborn Infants Protection Act. The Department may use any media elements appropriate for the dissemination of the information.

h) Confidentiality

Personal information of persons relinquishing an infant in accordance with the Abandoned Newborn Infants Protection Act is confidential and shall not be released to the general public.

(Source: Amended at 34 Ill. Reg. 6373, effective May 1, 2010)