

ILLINOIS STATE POLICE DIRECTIVE

ENF-004, ABANDONED NEWBORN PROTECTION

RESCINDS: ENF-004, 2015-054, revised 06-29-2015.	REVISED: 01-03-2023 2023-009
RELATED DOCUMENTS: None	RELATED CALEA STANDARDS (6th Edition): 40.2.3

I. POLICY

The Illinois State Police (ISP) will:

- I.A. Take custody of abandoned newborn infants at all ISP Troop Headquarters facilities.
- I.B. Establish procedures for the handling of such incidents where the biological parents bring the infant within 30 days of birth to an ISP Troop Headquarters facility to relinquish custodial right of the said infant.

II. AUTHORITY

- II.A. 325 ILCS 2/1, the "Abandoned Newborn Infant Protection Act" (the Act)
- II.B. 325 ILCS 5/1, the "Abused and Neglected Child Reporting Act"

III. DEFINITIONS

- III.A. Abandoned - means left without provision for reasonable and necessary care or supervision.
- III.B. Abused child - a child whose parent or immediate family member, or any person responsible for the child's welfare, or any individual residing in the same home as the child, or a paramour of the child's parent:
 - III.B.1. Inflicts, causes to be inflicted, or allows to be inflicted upon such child physical injury, by other than accidental means, which causes death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function.
 - III.B.2. Creates a substantial risk of physical injury to such child by other than accidental means which would be likely to cause death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function.
 - III.B.3. Commits or allows to be committed any sex offense against such child, as such sex offenses are defined in the Criminal Code of 1961, as amended, and extending those definitions of sex offenses to include children under 18 years of age.
 - III.B.4. Commits or allows to be committed an act or acts of torture upon such child.
 - III.B.5. Inflicts excessive corporal punishment.
 - III.B.6. Commits or allows to be committed the offense of female genital mutilation, as defined in Section 12-34 of the Criminal Code of 1961, against the child.
 - III.B.7. Causes to be sold, transferred, distributed, or given to such child under 18 years of age, a controlled substance as defined in Section 102, Article IV of the Illinois Controlled Substances Act or in violation of the Methamphetamine Control and Community Protection Act, except for controlled substances that are prescribed in accordance with Article III of the Illinois Controlled Substances Act and are dispensed to such child in a manner that substantially complies with the prescription.
- III.C. Child-placing agency - a licensed public or private agency that receives a child for the purpose of placing or arranging for the placement of the child in a foster family home or other facility for child care, apart from the custody of the child's parents.
- III.D. Neglected child - any child who is not receiving the proper or necessary nourishment or medically indicated treatment including food or care not provided solely on the basis of the present or anticipated

mental or physical impairment as determined by a physician acting alone or in consultation with other physicians or otherwise is not receiving the proper or necessary support or medical or other remedial care recognized under State law as necessary for a child's well-being, or other care necessary for his or her well-being, including adequate food, clothing and shelter; or who is abandoned by his or her parents or other person responsible for the child's welfare without a proper plan of care; or who has been provided with interim crisis intervention services under Section 3-5 of the Juvenile Court Act of 1987 and whose parent, guardian, or custodian refuses to permit the child to return home and no other living arrangement agreeable to the parent, guardian, or custodian can be made, and the parent, guardian, or custodian has not made any other appropriate living arrangement for the child; or who is a newborn infant whose blood, urine, or meconium contains any amount of a controlled substance as defined in subsection (f) of Section 102 of the Illinois Controlled Substances Act or a metabolite thereof, with the exception of a controlled substance or metabolite thereof whose presence in the newborn infant is the result of medical treatment administered to the mother or the newborn infant. A child shall not be considered neglected for the sole reason that the child's parent or other person responsible for his or her welfare has left the child in the care of an adult relative for any period of time. A child shall not be considered neglected for the sole reason that the child has been relinquished in accordance with the Abandoned Newborn Infant Protection Act. A child shall not be considered neglected or abused for the sole reason that such child's parent or other person responsible for his or her welfare depends upon spiritual means through prayer alone for the treatment or cure of disease or remedial care as provided under Section 4 of this Act. A child shall not be considered neglected or abused solely because the child is not attending school in accordance with the requirements of Article 26 of The School Code, as amended.

III.E. Newborn infant - an infant who a licensed physician reasonably believes is 30 days old or less at the time the infant is initially relinquished to an ISP Troop Headquarters, and who is not an abused or a neglected child.

III.F. Relinquished infant - a newborn infant, who a licensed physician reasonably believes is 30 days old or less, is brought to a hospital, police station, fire station, or emergency medical facility and left 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.

IV. POLICY

IV.A. Each facility authorized to accept a relinquished infant will post a sign near the public entrance informing persons that a newborn infant may be relinquished at the facility in accordance with this Act.

IV.B. A parent may relinquish custody of a newborn infant to any ISP Troop Headquarters.

IV.B.1. Anonymity of relinquishing person.

If there is no evidence of abuse or neglect of a relinquished newborn infant, the relinquishing person has the right to remain anonymous and to leave the Troop Headquarters at any time and not be pursued or followed. Before the relinquishing person leaves the Troop Headquarters, personnel shall:

IV.B.1.a. Verbally inform the relinquishing person that by relinquishing the infant anonymously, 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 infant.

IV.B.1.b. Offer the relinquishing person the information packet described in paragraph IV.B.2. However, the relinquishing person may provide his or her identity or complete the application forms for the Illinois Adoption Registry and Medical Information Exchange and request that the Troop forward those forms to the Illinois Adoption Registry and Medical Information Exchange.

IV.B.2. Information for relinquishing person.

IV.B.2.a. A Troop Headquarters that receives a newborn infant relinquished in accordance with the Act must offer an information packet designed by the Office of Vital Records and the Department of Children and Family Services (DCFS) (except for the resource list of providers of counseling services and adoption agencies, which shall be provided by the Troop) to the relinquishing person and, if possible, must

clearly inform the relinquishing person that his or her acceptance of the information is completely voluntary.

IV.B.2.b. The information packet must include all of the following:

IV.B.2.b.1) Written notice of the following:

IV.B.2.b.1)a) No sooner than 60 days following the date of the initial relinquishment of the infant to a Troop Headquarters, the child-placing agency or the DCFS will commence proceedings for the termination of parental rights and placement of the infant for adoption.

IV.B.2.b.1)b) Failure of a parent of the infant to contact DCFS 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.

IV.B.2.b.2) 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.

IV.B.2.b.3) A brochure (with a self-mailer attached) that describes the Act and the rights of birth parents, including an optional section for the parent to complete and mail to DCFS, that shall ask for basic anonymous background information about the relinquished infant. This brochure shall be maintained by DCFS on its website.

IV.B.2.b.4) A brochure that describes the Illinois Adoption Registry, including a toll-free number and website information. This brochure shall be maintained on the Office of Vital Records website.

IV.B.2.b.5) A brochure describing postpartum health information for the mother.

IV.C. Public disclosure of information prohibited.

Persons engaged in the administration or operation of a Troop Headquarters where a baby has been relinquished are prohibited from publicly disclosing any information concerning the relinquishment of the infant and the individuals involved, except as otherwise provided by law.

IV.D. A criminal investigation may **not** be initiated solely because a newborn infant is relinquished in accordance with this directive.

IV.D.1. The act of relinquishing a newborn infant to a Troop Headquarters in accordance with this directive does not, by itself, constitute a basis for a finding of abuse, neglect, or abandonment of the infant pursuant to the laws of Illinois nor does it, by itself, constitute a violation of Section 12-21.5 or 12-21.6 of the Criminal Code of 1961.

IV.D.2. If there is suspected child abuse or neglect that is not based solely on the newborn infant's relinquishment to a Troop Headquarters, the personnel of the Troop headquarters who are mandated reporters under the Abused and Neglected Child Reporting Act must report the abuse or neglect pursuant to that Act.

IV.E. After the relinquishment of a newborn infant to an ISP Troop Headquarters, the Troop must arrange for the transportation of the infant to the nearest hospital as soon as transportation can be arranged. The act of relinquishing a newborn infant serves as implied consent for the hospital to which the infant is transported and that hospital's medical personnel and physicians on staff to treat and provide care for the infant.

IV.F. If the parent of a newborn infant returns to reclaim the infant within 72 hours after relinquishing the infant to an ISP Troop Headquarters, the Troop must inform the parent of the name and location of the hospital to which the infant was transported.

| Indicates new or revised items.

-End of Directive-