



POLICY & PROCEDURE

ELKHART LAKE POLICE DEPARTMENT

SUBJECT: **RELINQUISHING CUSTODY OF NEWBORNS**

SCOPE: All Department Personnel
DISTRIBUTION: Policy & Procedure Manual

REFERENCE: WI State Statute: 48.195;
2001 WI ACT 2 Assembly bill 54;
DCF 39

NUMBER: 6.21
ISSUED: 06/01/2015

EFFECTIVE: 07/15/2015
 RESCINDS
 AMENDS
WILEAG 4TH EDITION
STANDARDS: 6.6.6

INDEX AS: Newborn Child
Relinquishing Custody of Newborns

PURPOSE: The purpose of this Policy & Procedure is to provide guidelines to members of the Elkhart Lake Police Department regarding Wisconsin State Statute 48.195 that allows the parent of a newborn child to relinquish custody of his/her child into the care of a law enforcement officer, emergency medical technician, or hospital staff member with anonymity and confidentiality unless there is reasonable cause to suspect that the child has been the victim of abuse or neglect.

This Policy & Procedure consists of the following numbered sections:

- I. POLICY
- II. DEFINITIONS
- III. STATUTORY REQUIREMENTS
- IV. PROCEDURES

I. POLICY

- A. The Elkhart Lake Police Department shall accept custody of a newborn child under the provisions of 48.195 in order to protect the health and safety of the child and to provide a safe harbor until the child can be transferred to a medical facility. Sheboygan County Child Protective Services shall be notified immediately; no later than within 24 hours.

II. DEFINITIONS

- A. NEWBORN: A child who is reasonably believed to be less than 72 hours old.
- B. ABUSE or NEGLECT: As defined under Wis. State Statute 48.941(1) (d).

III. STATUTORY REQUIREMENTS

- A. A parent who wishes to relinquish custody of their child can bring the child to the police station, deliver it to an officer, or call 911 and have an officer dispatched to meet the parent and take custody of the child.
- B. An officer who takes custody of a child shall take any action necessary to protect the health and safety of the child and shall, within 24 hours after taking custody of the child, deliver the child to an intake worker under Wis. Statue 48.20. Within 5 days after taking the child into custody a birth certificate shall be filed under Wis. Statute 69.14(3).
- C. Unless there is reasonable cause to suspect that the child has been the victim of abuse or neglect or that the person assisting the parent is coercing the parent into relinquishing custody of the child, the following conditions apply regarding a parent who relinquishes custody of their child and any person who assists the parent in that relinquishment:
 - 1. They have the right to remain anonymous.
 - 2. No person may induce or coerce, or attempt to induce or coerce, a parent or assisting person into revealing their identity.
 - 3. They may leave the presence of the officer who took custody of the child at any time, and no person may follow or pursue them.
 - 4. An officer cannot attempt to locate or ascertain the identity of a parent who relinquishes custody of a child.
- D. Any person who obtains any information relating to the relinquishment of a child shall keep that information confidential and may not disclose that information, except to the following persons:

1. The birth parent of the child, if the parent has waived their right to remain anonymous, or the adoptive parent of the child if the child is later adopted.
 2. Appropriate staff of the child welfare agency that is providing services to the child.
 3. An attending physician for purposes of diagnosis and treatment of the child.
- E. Any officer who takes a child into custody shall make available to the parent the Maternal and Child Health toll-free telephone number, which is 1-800-722-2295. The decision whether to accept this information is entirely voluntary on the part of the parent.
- F. Any officer who takes custody of a child is immune from any civil liability to the child's parents, or any criminal liability for any good faith act or omission occurring solely in connection with the act of receiving custody of the child from the child's parents, but is not immune from any civil or criminal liability for any act or omission occurring in subsequently providing care for the child.

IV. PROCEDURES

- A. The officer who takes custody of a child under this law shall:
1. Attempt to obtain as much voluntary information as possible from the person who surrenders the child utilizing the Safe Harbor for Newborns medical information form.
 2. Attend to the immediate care/needs of the child.
 3. Make available to the parent copies of Wisconsin Department of Children and Families (DCF) documents; 4073A: INFANT RELINQUISHMENT and 4073C: Health Information for Birth Mother.
 4. Request Orange Cross EMS to respond to the child's location, Orange Cross EMS personnel will perform a medical assessment then transport the child to a local Hospital. The hospital will be responsible for filing a birth certificate.
 5. Complete a report of the incident with the available information, including notification of Sheboygan County Child Protective Services within 24 hours of taking custody of the newborn.

Michael Meeusen
Chief of Police

This Policy & Procedure cancels and supersedes any and all written directives relative to the subject matter contained herein.

Initial 06/01/2015