

# GENERAL ORDER

## PORT WASHINGTON POLICE DEPARTMENT

SUBJECT:	<b>RELINQUISHING CUSTODY OF NEWBORNS</b>	NUMBER:	6.6.2
		ISSUED:	10/29/2009
SCOPE:	All Sworn Personnel	EFFECTIVE:	10/29/2009
DISTRIBUTION:	General Orders Manual	<input type="checkbox"/> RESCINDS	
		<input type="checkbox"/> AMENDS	
REFERENCE:	WI Statutes 48.195; 48.20; 48.981(1)(d); 69.14(3)	WILEAG 5 <sup>th</sup> EDITION STANDARDS: 6.6.6	

**INDEX AS:** Newborn Child  
Relinquishing Custody of Newborns

**PURPOSE:**

This Standard Operating Procedure consists of the following numbered sections:

- I. PURPOSE
- II. DEFINITIONS
- III. POLICY
- IV. HISTORY
- V. STATUTORY REQUIREMENTS
- VI. PROCEDURE

I. PURPOSE

- A. The purpose of this Standard Operating Procedure is to establish operating procedures for investigation and intervention with regard to incidents arising from 2001 Wisconsin Act 2, "Relinquishing Custody of Newborns".

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. POLICY

- A. The Port Washington 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. Ozaukee County Child Protective Services shall be notified within 24 hours.

### IV. HISTORY

- A. Wisconsin State Statute 48.195 was created to protect the well-being of newborn children and to create a "Safe Harbor" - a means to safely and anonymously surrender custody of a newborn child to a law enforcement officer, emergency medical technician, or hospital staff member.

### V. STATUTORY REQUIREMENTS

- A. A parent who wishes to relinquish custody of their child can either 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. Any 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. Statute 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 Wisconsin Maternal and Child Health Hotline, 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.

## VI. PROCEDURE

- A. Under this law, a parent of a newborn child, or a person assisting the parent of a newborn, can 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.
- B. In the event a newborn child is surrendered under the protection of this law, a law enforcement officer, emergency medical technician, or hospital staff member taking the child into custody shall take any action necessary to protect the health and safety of the child and shall, within 24 hours after taking the child into custody, deliver the child to an intake worker as specified under Wisconsin State Statute 48.20. No person may induce or coerce a parent or a person assisting a parent who wishes to remain anonymous into revealing his or her identity. In addition, they may leave the presence of the law enforcement officer, emergency medical technician, or hospital staff member at any time and will be free from being followed or pursued after delivery of the child, **unless there is reasonable cause to suspect that the child is the victim of abuse or neglect as defined in Wisconsin State Statute 48.981(1)(d) or that the person assisting the parent of a newborn is coercing the parent into relinquishing custody of the child.**
- C. Any Port Washington Police Department officer who receives a child under the protection of this law shall:
1. Attempt to obtain as much voluntary information as possible from the person who surrenders the child.
  2. Attend to the immediate care/needs of the child.

3. Make available to the parent or person assisting the parent the Wisconsin Maternal and Child Health Hotline, toll-free number: 1-800-722-2295. The officer shall also advise the parent or person assisting the parent that the decision to accept this information is entirely voluntary and cannot be induced or coerced.
4. Request that a Port Washington Fire Department ambulance be dispatched to the location of the child.
  - a) Paramedics will perform a complete medical assessment of the child and then transport the child to Ascension Columbia Saint Mary's Hospital – Ozaukee or Aurora Medical Center - Grafton. Ascension Columbia Saint Mary's Hospital – Ozaukee or Aurora Medical Center - Grafton will be responsible for filing a birth certificate.
5. Notify a police department supervisor, as well as Ozaukee County Child Protective Services.
6. Complete a detailed report outlining the surrender of the child prior to going off duty. The report will include documentation of notification of Ozaukee County Child Protective Services, and any actions taken by that agency.
  - a) Wisconsin State Statute 48.195(1) also requires that, within five (5) days of taking the child into custody, the law enforcement officer, emergency medical technician, or hospital staff member who takes a child into custody, shall file a birth certificate for the child under state statute 69.14(3).
7. Complete a report of the incident with the available information, including notification of Ozaukee County Child Protective Services at 262-238-8200.

**APPROVED:**

**DATE:**



3/27/20

Chief Kevin Hingiss

Revised 3/27/20  
Revised 5/7/19  
Revised 7/12/16