

	<b>MIDDLETON POLICE DEPARTMENT</b>	DATE <b>November 28, 2012</b>	POLICY <b>6.6.06</b>
SUBJECT: <b>Relinquishing Custody of Newborns</b>		REVIEWED July 5, 2018	

Refer to: SS [48.195](#), [48.02](#), [48.20](#), [69.14\(3\)](#)  
History: 2012; 07/2015  
**[WILEAG \(5th Ed.\) Standards](#)**: 6.6.6

**Purpose**

The purpose of this policy is to establish procedures for the investigation and intervention to incidents arising from the provisions of [2001 Wisconsin Act 2, "Relinquishing Custody of Newborns."](#)

**Policy**

It is the policy of the Middleton Police Department to strictly follow Wisconsin State Statute [48.195](#). The statute was created to protect the well-being of newborn children and to create a means to safely and anonymously surrender the custody of a newborn child to a law enforcement officer, emergency medical technician, or hospital staff member.

**Definition**

*Newborn* - A child who is reasonably believed to be less than 72 hours old.

**Procedure**

- A. Under the law, a parent of a newborn child, or a person assisting the parent of a newborn child, 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 the 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](#).
- C. 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. The surrendering parent 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 [48.02](#) or that the person assisting the parent of a newborn is coercing the parent into relinquishing custody of the child.

D. Any Police Officer who receives a child under the protection of this policy shall:

1. Attend to the immediate care/needs of the child.
2. Ask the parent or person assisting the parent the age of the child.
3. If the child is over 72 hours old the "*Relinquishing Custody of Newborn*" law does not apply and the incident shall be investigated as a crime for abandonment, neglect or abuse.
4. If the child is 72 hours old or younger the "*Relinquishing Custody of Newborn*" law does apply and the following instructions shall be followed.
5. Advise the parent or person assisting the parent surrendering the child that any information they surrender is voluntary and cannot be coerced or induced. Attempt to obtain as much voluntary information as possible from the person who surrenders the child.
6. Make available to the parent or person assisting the parent, the Wisconsin Department of Health Services [\*Maternal and Child Health \(MCH\) Hotline\*](#) number, 1 (800) 722-2295. The officer shall also advise the parent or person assisting the parent that the decision to accept this phone number is entirely voluntary and cannot be induced or coerced.
7. Request that a Middleton EMS (MEMS) ambulance be dispatched to the location of the child.
  - a. Under MEMS protocol, a medical assessment of the child will be conducted in order to address any immediate threats to the health and well-being of the child.
  - b. MEMS will then transport the child to a local Hospital.
  - c. The officer receiving the surrendered child, or if the child was surrendered to an emergency medical technician, the officer who is assigned to the call, will leave a complete report outlining the surrendering of the child and the notification and follow-up conducted with the Dane County Department of Human Services, Emergency Protective Services before going off duty.
8. Wisconsin State Statutes [48.195\(1\)](#) requires that, within five (5) days of a police officer or emergency medical technician taking a child into custody, a birth certificate shall be filed for the child as set forth under Wisconsin State Statute [69.14\(3\)](#). The police officer or emergency medical technician will ultimately be held accountable under the law for this requirement and are responsible to see that it was done. However, the City of Middleton has designated the "Court Officer" as the person who is responsible for the filing of the birth certificate within the required five-day time period. The Investigative Services Commander will assign an officer to file the birth certificate in the "Court Officer's" absence.