

STATE OF WISCONSIN  
Department of Health and Family Services  
Division of Children and Family Services

To: Area Administrators/Assistant Area Administrators  
Bureau Directors  
County Departments of Community Programs Directors  
County Departments of Developmental Disabilities Services Directors  
County Departments of Human Services Directors  
County Departments of Social Services Directors  
Section Chiefs/Licensing Chiefs  
Tribal Chairpersons/Human Services Facilitators

From: Kitty Kocol  
Administrator

Re: Chapter HFS 39: Relinquishing Custody of a Newborn Child

On April 3, 2001, Wisconsin Act 2 was signed into law. This law allows a parent to anonymously relinquish custody of a newborn who is less than 72 hours old. The infant may be relinquished to a law enforcement officer, an emergency medical technician, or a hospital staff member. The law also granted authority to the Department to create an administrative rule to implement this new law, including consideration of the different circumstances under which a parent might relinquish custody of a newborn, prescribing a means by which a parent who relinquishes custody may, until his or her parental rights are terminated, choose to be identified as that child's parent. The Division, in conjunction with an advisory committee comprised of a wide variety of affected shareholders, worked together to promulgate that rule. The rule, Ch. HFS 39, which became effective on February 1, 2004, is attached and is also on the Department's website.

As part of this rule-making process, materials were developed to assist both the parent and the person taking custody of a newborn. The materials consist of instructions for the person accepting custody of a relinquished infant, and a questionnaire and an informational flyer for the parent. It is not required that these materials be utilized, but, if desired, they can be accessed on the Department's website at the address listed below.

REGIONAL OFFICE CONTACT: Area Administration

CENTRAL OFFICE CONTACT: Child Welfare Program & Policy Section Chief  
Division of Safety and Permanence  
608-422-6961

MEMO WEB SITE: <https://dcf.wisconsin.gov/cwportal/policy>

Attachments:

Chapter DCF 39 Relinquishing Custody of a Newborn Child  
[http://docs.legis.wisconsin.gov/code/admin\\_code/DCF/021\\_099/39](http://docs.legis.wisconsin.gov/code/admin_code/DCF/021_099/39)

CFS-2316 "Questions About You and the Infant"  
<https://dcf.wisconsin.gov/files/forms/pdf/2316.pdf>

PFS-4073A "Brochure General - Infant Relinquishment"  
<https://dcf.wisconsin.gov/files/publications/pdf/4073a.pdf>

PFS-4073B "Instructions for Person Accepting Relinquishment of an Infant"  
<https://dcf.wisconsin.gov/files/publications/pdf/4073b.pdf>

PFS-4073C "Health Information for Birth Mother"  
<https://dcf.wisconsin.gov/files/cps/pdf/sh-birthmom.pdf>