



Safe Haven: Newborn Relinquishment Programmatic and eWiSACWIS Guidance

Safe Haven, also known as “newborn relinquishment,” allows a parent to leave their newborn in a safe place in certain circumstances with specific individuals. Under Wis. Stat. § 48.195, a parent can leave their unharmed newborn (under 72 hours old) anonymously and without fear of prosecution in a newborn infant safety device as defined in 48.195(1b)(b) or with a:

- Law enforcement officer
- Emergency medical services practitioner
- Hospital staff member

If the parent does not indicate that they will be back for their child, this is called “Safe Haven” or “newborn relinquishment.” Birth parents do not have to give their name or address to the professional accepting the newborn unless:

- The newborn has been the victim of abuse or neglect.
- The parent is being forced by someone to give up their newborn.
- The newborn is more than 72 hours old.

The purpose of this document is to provide programmatic and eWiSACWIS guidance for local child welfare professionals accepting reports and custody of relinquished newborns, and to answer some frequently asked questions related to the [Safe Haven law \(48.195\)](#) and [administrative rule \(Ch. DCF 39, Adm. Code\)](#). Nothing in this document should be considered legal advice from DCF. Please consult with your agency’s attorney with any legal questions.

Note: “Safe Haven” and “newborn relinquishment” are used interchangeably in this document.

1. Q: What do I do when I receive a report regarding a relinquished newborn?

A: Confirm that there is no concern of maltreatment to the newborn. Relinquishing a newborn to the proper authorities is not considered maltreatment.

If there is concern of maltreatment, follow the process for accepting a CPS Report according to the [Child Protective Services Access and Initial Assessment Standards](#).

If there is no concern of maltreatment to the newborn, create a [Child Welfare Services Report](#). (See *question 5 for information regarding how to document participants in the Child Welfare Services Report*.)

Ask the reporter if there is reason to know the newborn is an Indian child. If you have reason to know the child is an Indian Child, the Wisconsin Indian Child Welfare Act (WICWA) and the federal Indian Child Welfare Act (ICWA) apply. For

more information, please see Wis. Stat. § [48.028](#) (WICWA), [25 U.S.C. § 1901-63](#), [25 C.F.R. Part 23](#) and question #3 of this document.

The local child welfare professional should reference the following eWiSACWIS Quick Reference Guide for creating a relinquished newborn case: [Services Report – Safe Haven: Newborn Relinquishment](#).

2. Q: What if there are concerns or allegations regarding maltreatment of the newborn?

A: If there is concern for maltreatment at any time, then the report must be entered as a CPS Access Report. If there is reasonable cause to suspect child maltreatment, the anonymity protections in the law do not apply. The CPS Access Report must be screened within 24 hours as required by statute and standards and response time indicated to comply with [CPS Access and Initial Assessment Standards](#).

3. Q: What are things to consider if there is reason to know the newborn is an Indian Child?

A: Under federal regulations, if there is reason to know that a child is an Indian child, the child should be treated as an Indian child for the purpose of ICWA until the child's eligibility status is confirmed. See [25 C.F.R. 23.107\(b\)\(2\)](#). Local child welfare agencies should consult with the agency attorney to assure that any applicable ICWA and WICWA requirements are met. If there is reason to know the relinquished newborn is an Indian Child, local child welfare agencies and the State court must treat the child as an Indian child, unless and until it is determined that the child is not a member or is not eligible for membership in an Indian tribe.

If there is reason to know that the relinquished newborn is an Indian child, placement preferences apply per Wis. Stat. § [48.028 Wis. Stats](#).

If the tribe(s) the newborn may have tribal affiliation with is known, the local child welfare agency shall provide notice of the child custody proceeding to the tribe(s). The local child welfare agency seeking out-of-home care placement or termination of parental rights (TPR) has the responsibility for providing notice to the Indian child's tribe(s) in accordance with ICWA and WICWA.

If the local child welfare agency cannot ascertain the identity or location of the parents, Indian custodian, or tribe(s), it should contact the BIA Regional office and provide the BIA with as much information as possible regarding potential tribal affiliations. The BIA will not make a determination of tribal membership but may, in some instances, provide further guidance.

More information about a local CPS agency's responsibility to engage tribal nations can be found in Appendix 13 of the [CPS Access and Initial Assessment Standards](#).

4. Q: What is entered for demographics, including AFCARS fields?

A: Enter what is known about the demographics of the parents. Leave the fields that are unknown blank. Do not create false information to solve the field requirements.

5. Q: How should the parent be identified in eWiSACWIS?

A: If a parent does not want the newborn returned to their custody, the identity should be documented as "Unknown Unknown." This is to protect the identity of parents, even if their identity is known. However, keep in mind WICWA/ICWA requirements related to determining whether a child is an Indian Child and the role of identifying and documenting information in that determination. If a child welfare professional is provided identifying information of the parent(s), they should discuss with their supervisor and agency attorney to determine how best to document this information, if at all, in order to maintain confidentiality.

Note: if the parent(s) are identified as "unknown" because the parent does not want the newborn returned to their custody, the case should be linked to a new "unknown" case head and not under an existing eWiSACWIS case. If there is reason to know the newborn is an Indian Child, the local child welfare agency will need to consider other ways to provide any known information about the family to the appropriate tribe or tribe(s) since that will not auto-populate into forms in eWiSACWIS but that information will be needed by the tribe to determine eligibility status.

6. Q: What are the requirements for a child welfare professional who is assigned a Safe Haven case?

A: The assigned child welfare professional MUST:

- Accept custody of the relinquished newborn upon transfer of custody from the person who took custody of the newborn.
- Immediately request that the appropriate law enforcement agency investigate and determine, through Wisconsin's [Clearinghouse for Missing & Exploited Children & Adults](#), the National Center for Missing and Exploited Children, and any other national and state resource, whether the newborn has been reported as a missing child per [Ch. DCF 39.09\(3\)\(b\) Wis. Stats.](#) This can be done by the CPS Access professional at the point of Access as well.
- Follow all procedures and requirements applicable under Chapter 48, including any applicable Out of Home Care Policies.

7. Q: What happens if the parent changes their mind and requests the return of the relinquished newborn?

A: If a parent requests the return of their newborn, administrative rule requires that the local child welfare professional advise the parent of the procedures to be followed by the agency under Chapter 48 concerning a newborn alleged to be in need of protection or services under s. 48.13(2m) and that the local child welfare professional make a reasonable effort to obtain certain information from the parent. See Ch. DCF 39.11(2) & (3).

If there is reason to know that the newborn is an Indian child, all requirements in WICWA and ICWA apply, including active efforts.

DCF Standards require that when a parent seeks to reclaim a relinquished infant a CPS Report must be documented and an Initial Assessment using the Primary Assessment Standard must be conducted to assess the parent's protective capacities and ability to care for the newborn. See the Newborn Relinquishment and Reclaiming section of the [CPS Access and Initial Assessment Standards](#) for more details on the information that must be gathered and documented in this instance.

Specifically, DCF Standards also provide that if a parent wishes to reclaim custody the local child welfare agency must: provide notice of the effort to reclaim to any court in which a petition for termination of parental rights (TPR) may have been filed; request the court to suspend any pending involuntary TPR proceedings if other grounds for TPR do not exist; and request a court order requiring the person identifying himself or herself as the relinquished child's parent to obtain a genetic test indicating that the person is the newborn's parent.

If a parent requests the return of their newborn, the Person Management record for "Unknown Unknown" should be changed to reflect the parent's actual name. This ensures that as the parent continues to work with the agency, their information is accurate and available to pre-fill into eWiSACWIS templates, such as the Court Report and Permanency Plan.

8. Q: What are the confidentiality requirements for agencies and individuals who obtain information relating to infant relinquishment?

A: Wisconsin State Statutes provide the following confidentiality requirements and exceptions.

48.195(2)(d) Any person who obtains any information relating to the relinquishment of a child under sub. (1) 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 birth parent has waived his or her right under par. (a) to remain anonymous, or the adoptive parent of the child, if the child is later adopted.
2. Appropriate staff of the department, county department, or licensed child welfare agency that is providing services to the child.
3. A person authorized to provide or providing intake or dispositional services under s. [48.067](#), [48.069](#), or [48.10](#).
4. An attending physician for purposes of diagnosis and treatment of the child.
5. The child's foster parent or other person having physical custody of the child.
6. A court conducting proceedings under s. [48.21](#), proceedings relating to a petition under s. [48.13 \(2m\)](#) or [48.42](#), or dispositional proceedings under subch. [VI](#) or [VIII](#) relating to the child, the county corporation counsel, district attorney, or agency legal counsel representing the interests of the public in those proceedings, or the guardian ad litem representing the interests of the child in those proceedings.
7. A tribal court, or other adjudicative body authorized by an Indian tribe to perform child welfare functions, that is exercising jurisdiction over proceedings relating to the child, an attorney representing the interests of the Indian tribe in those proceedings, or an attorney representing the interests of the child in those proceedings.

Note: Local Child Welfare Agencies should consult with their legal counsel regarding any specific questions related to disclosing information related to infant relinquishment.

9. Q: If a Safe Haven newborn is placed with a foster parent, are they eligible for a Wisconsin Shares Child Care Subsidy?

A: Foster parents are not categorically eligible for a Wisconsin Shares Child Care Subsidy. The foster parent must apply, and they may be eligible for a Wisconsin Shares Child Care Subsidy. Per the Wisconsin Shares Eligibility Handbook, to receive a Wisconsin Shares Child Care Subsidy the relinquished newborn must have a Social Security Number. A child who does not have a Social Security Number can be eligible for the Wisconsin Shares Child Care Subsidy for up to six months based on a Social Security Number application filed with the Social Security Administration. The Social Security Administration has a handbook which provides more information about applying for Social Security Numbers for children and has information to consider if the child is being adopted: <https://www.ssa.gov/pubs/EN-05-10023.pdf> (page 5).

10. Q: In cases involving newborns relinquished under the Safe Haven law, how should the agency proceed in order to facilitate the adoption of the newborn?

A: Within the boundaries of what is required under Chapter 48, the local child welfare agency has discretion on case practice in their agency. However, in an effort to create consistency in practice throughout the state the following steps would be considered best practice by DCF with respect to adoption of Safe Haven newborns. This guidance should not be considered legal advice.

- If the child welfare agency takes Temporary Physical Custody (TPC) of the newborn, a licensed foster home should be identified for placement.
- The local child welfare agency maintains placement and care responsibility and should ensure that case management requirements are met.
 - NOTE: If there is reason to believe the newborn is an Indian child, placement preferences and all other WICWA and ICWA requirements apply until or unless it is known that the newborn is NOT an Indian child.
- The agency will still need to follow all applicable statutes and standards relevant to all cases where a child is placed in out-of-home care.
- The agency should partner with Public Adoptions to prepare for case transfer upon the termination of parental rights (TPR).
- The local child welfare agency retains all documentation requirements until the transfer to Public Adoptions occurs.

The Department of Children and Families is an equal opportunity employer and service provider. If you have a disability and need to access services, receive information in an alternate format, or need information translated to another language, please call the Division of Safety and Permanence at (608) 266-8787. Individuals who are deaf, hard of hearing, deaf-blind or speech disabled can use the free Wisconsin Relay Service (WRS) – 711 to contact the department.