

DCF Request for Consultation with Tribal Nations re: 2025 Wisconsin Act 94 – Safe Haven

Overview

2025 Wisconsin Act 94 went into effect on March 15, 2026, which makes changes to the Safe Haven Law in Wisconsin. The newly enacted law requires DCF to consult with Tribal Nations in Wisconsin on content that will be included in the materials that will be provided to a parent who is relinquishing a newborn.

Background

The Safe Haven Law was passed in Wisconsin in 2001. The law allows a parent(s) to leave their unharmed newborn anonymously and without fear of prosecution in a newborn infant safety device or with a law enforcement officer, an emergency medical services practitioner, or hospital staff member. When the law was initially enacted, the maximum age for a child to be in order for a parent(s) to relinquish was 72 hours.

2025 Wisconsin Act 94 went into effect on March 15, 2026, which makes changes to the Safe Haven Law in Wisconsin, including increasing the age for relinquishment from 72 hours to 30 days. The act also requires that the person who takes the child into custody make a brochure and video available to the parent(s) that contains several things including “an explanation of the importance to an Indian child of maintaining a social and cultural connection to the Indian child’s tribe and clan and the potential benefits of tribal enrollment”.

Request from DCF

DCF is seeking consultation with Tribal Nations to determine the best pathway forward in the content creation for the newly required brochure and video as we want to make sure both items ensure accurate messaging regarding tribal customs and tribal membership.

DCF is seeking input and feedback from Tribal Nations on the following:

- Are there any individuals from Tribal Nations who would like to be part of a working group that focuses on the content creation for the brochure and video?
- Are there any individuals from Tribal Nations we should be reaching out to for their input or as part of the review process?
- What role, if any, does this group want to have in reviewing any of the materials?

Moving forward, DCF will work in collaboration with individuals identified in addition to providing regular updates and opportunities to review draft materials to the Intertribal Child Welfare (ICW) Committee. We anticipate that the working group would meet from mid-May through mid-July.

Additional Resources

- Safe Haven Law: <https://docs.legis.wisconsin.gov/document/statutes/48.195>
- 2025 Wisconsin Act 94: <https://docs.legis.wisconsin.gov/2025/related/acts/94>
- 2025 Act Wisconsin Act 94 memo prepared by the Wisconsin Legislative Council: <https://docs.legis.wisconsin.gov/2025/related/lcactmemo/act094.pdf>