
Wisconsin Legislative Council

ACT MEMO



Prepared by: Melissa Schmidt, Principal Attorney

December 20, 2023

2023 Wisconsin Act 79
[2023 Senate Bill 369]

Newborn Safety Infant Devices

2023 Wisconsin Act 79 expands the newborn safe haven law to provide for the anonymous surrender of a newborn infant through the use of a newborn infant safety device, commonly referred to as a “baby box.”

BACKGROUND

The state’s newborn safe haven law provides that a child whom a law enforcement officer, emergency medical services practitioner,¹ or hospital staff member reasonably believes to be 72 hours old or younger may be taken into custody under circumstances in which a parent of the child: (1) relinquishes custody of the child to the law enforcement officer, emergency medical services practitioner, or hospital staff member; and (2) does not express an intent to return for the child.

Also, if a parent who wishes to relinquish custody of his or her child under this subsection is unable to travel to a sheriff’s office, police station, fire station, hospital, or other place where a law enforcement officer, emergency medical services practitioner, or hospital staff member is located, the parent may dial the telephone number “911” or, in an area in which the telephone number “911” is not available, the number for an emergency medical service provider, and the person receiving the call shall dispatch a law enforcement officer or emergency medical services practitioner to meet the parent and take the child into custody.

The newborn safe haven law provides that a law enforcement officer, emergency medical services practitioner, or hospital staff member who takes a child into custody under circumstances prescribed under this safe haven law, must do all of the following:

- Take any action necessary to protect the health and safety of the child.
- Within 24 hours after taking the child into custody, deliver the child to the child welfare intake worker as provided under current law.
- Within five days after taking the child into custody, file a birth record for the child as provided under current law.

A parent who surrenders a newborn infant pursuant to the newborn infant safe haven law has the right to remain anonymous. Also, a parent who relinquishes custody of a newborn infant under the safe haven law, and any person who assists such parent in the relinquishment, are immune from civil or criminal liability for any good faith act or omission in connection with the relinquishment.

¹ For purposes of the newborn safe haven law, an emergency medical services practitioner is defined to mean “an emergency medical technician, an advanced emergency medical technician, an emergency medical technician — intermediate, or a paramedic.” [ss. 48.195 (1) and 256.01 (5), Stats.]

2023 WISCONSIN ACT 79

Under 2023 Wisconsin Act 79, a parent may surrender a newborn infant to a hospital, fire station, or law enforcement agency by leaving the child in a newborn infant safety device, commonly referred to as a “baby box.” The act defines a “newborn infant safety device” as a “device that is installed in a supporting wall of a hospital, fire station, or law enforcement agency and that has an exterior point of access allowing an individual to place a newborn infant inside and an interior point of access allowing individuals inside the building to safely retrieve the newborn infant.”

The act authorizes a hospital, fire station, or law enforcement agency to accept a surrendered newborn infant through the use of a newborn safety infant device if all of the following criteria are satisfied:

- The hospital or law enforcement agency building is staffed 24 hours per day and the fire station is staffed 24 hours per day with an emergency medical services practitioner.
- The device is physically part of the hospital, fire station, or law enforcement agency building.
- The device is temperature controlled and ventilated for the safety of newborns.
- The device is equipped with a dual alarm system connected to the physical location of the device that automatically triggers an alarm inside the building when a newborn infant is placed in the device.
- The device is equipped with a surveillance system that allows employees of the hospital, fire station, or law enforcement agency to monitor the inside of the device 24 hours per day.
- The device is located such that the interior point of access is in an area that is conspicuous and visible to the employees of the hospital, fire station, or law enforcement agency.

A hospital, fire station, or law enforcement agency that uses a newborn infant safety device to accept surrendered newborn infants shall use the surveillance system to monitor the inside of the device 24 hours per day, physically check the device at least twice daily, and test the device at least weekly to ensure that the alarm system is in working order.

Effective date: December 8, 2023

For a full history of the bill, visit the Legislature’s [bill history page](#).

MS:ksm