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# RICK GUNDRUM

STATE REPRESENTATIVE • 58<sup>TH</sup> ASSEMBLY DISTRICT

## Assembly Bill 237

Assembly Committee on Children and Families | May 21, 2025 | 300  
Northeast

Hello, members of the Assembly Committee on Children and Families. Thank you for allowing me to testify on Assembly Bill 237, a bill that relates to the age at which an infant is covered under the safe haven law.

The purpose of this bill is simply to change the time period at which a parent of a newborn infant may relinquish custody of their child. Current law states that a child whom a law enforcement officer, emergency medical technician, 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 newborn infant relinquishes custody of that child. This also applies to parents of a newborn infant who leave their newborn in a safety device installed in a wall of a hospital, fire station, or law enforcement agency.

This bill changes this timeframe of action from 72 hours to 30 days. After talking to constituents belonging to a local Knights of Columbus chapter, I believe that 72 hours, or three days, is not enough time for parents to make such a monumental decision such as to give up their child. After looking at other states' safe haven laws, the conclusion became that 30 days is a reasonable timeframe and seemed to fit the common practice of other states.

When you look at the safe haven laws of many of our Midwestern counterparts – Illinois, Indiana, and Ohio, to name a few – they operate under a 30 day window. Wisconsin should follow suit.

The decision to give up your child is one that none of us take pride in thinking about or choosing. The goal of this legislation is to give parents a reasonable amount of time to make this kind of decision, so they don't feel rushed into making a choice they will one day regret.

Thank you for your time and consideration. I am happy to answer your questions.



# ROB HUTTON

STATE SENATOR | 5<sup>th</sup> DISTRICT

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## **Testimony in Support of Assembly Bill 237**

*Assembly Committee on Children and Families*

*May 21, 2025*

Chairman Snyder and members of the Committee on Children and Families, thank you for the opportunity to speak today in support of Assembly Bill 237, which proposes a simple yet life-saving change to Wisconsin's Safe Haven Law.

Wisconsin law currently allows a parent to safely and anonymously relinquish custody of their newborn without fear of prosecution if the child is 72 hours old or younger. This act can be made to hospital staff, law enforcement, EMTs, or through an approved newborn safety device located at designated facilities such as fire stations or police departments.

This law has made a tremendous difference and it has undoubtedly saved lives. Since 2012, 224 infants have been safely surrendered in Wisconsin under the law. It gives parents in crisis a way to make a compassionate choice during desperate circumstances. The question has long been whether 72 hours is truly enough time. In many cases, the answer is no.

Postpartum recovery, mental and emotional distress, and a lack of support may persist longer than three days. Many mothers are still hospitalized during that time. Others are isolated and overwhelmed by fear, stigma, or confusion. Expecting a life-altering decision within 3 days can be unrealistic—and, sadly, at times there have been tragic outcomes for the baby.

Assembly Bill 237 extends the safe haven period from 72 hours to 30 days. This proposal aligns Wisconsin with 38 other states that already provide a longer window of time for parents to make this difficult decision. In fact, only six states currently retain the 72-hour limit.

This bill acknowledges the reality of crisis situations and offers more time for someone to choose life and safety for their child. Importantly, this bill does not change any of the safeguards under the existing Safe Haven Law.

I respectfully urge this committee to pass Assembly Bill 237 and give Wisconsin families the time they need to make this monumental decision. Let's ensure that our law reflects practical realities and allows more time for compassion for all concerned.



## **Wisconsin Family Action**

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**TESTIMONY IN SUPPORT OF ASSEMBLY BILL 237  
ASSEMBLY COMMITTEE ON CHILDREN AND FAMILIES  
WEDNESDAY, MAY, 21, 2025**

Thank you, Chairman Snyder and committee members, for the opportunity to testify on Assembly Bill 237. My name is Sam Krebs, and I serve as the legislative director for Wisconsin Family Action which supports this bill.

Through our close partnership with Wisconsin's outstanding pregnancy care centers, we are very familiar with what are often called "crisis pregnancies." These situations involve women facing unplanned or unwanted pregnancies who feel they have no support to carry their child to term or raise them. Pregnancy care centers offer invaluable help to women who are unsure how to move forward with their pregnancy.

These centers come alongside these women and provide them the resources to become a successful parent or to help them choose adoption for their child. Sadly, many women don't even know these centers exist much less the help and hope they offer.

Some women carry their pregnancy to full term still unsure what to do—tragically, some babies end up alone in dumpsters, public restrooms, or, as we recently saw, abandoned in a field. We hope this bill can further help keep women from making a bad decision out of fear and desperation.

When comparing the age of a newborn able to be relinquished under the Safe Haven law, Wisconsin is actually an outlier. In total, thirty-seven states allow a baby to be given up under Safe Haven up to 30 days or more. Only five states, including Wisconsin, limit the application of Safe Haven to 3 days or less.

We support extending the timeframe of this program which offers an alternative pathway for mothers facing crisis pregnancies.

With so much time since the 2001 passage of our Safe Haven law, it's worth remembering its origin.

Nearly 25 years ago, in a span of less than two months, New York police medic Tim Jaccard witnessed four instances of newborn babies drowned, suffocated, or abandoned. Witnessing the tragic deaths of these young girls and boys spurred him to action, and he spearheaded the Abandoned Infant Protection Act. By 2008, all 50 states, including Wisconsin, passed similar laws.

Wisconsin's Safe Haven law was based in part on these laws passed in other states along with recommendations made by a Speaker's Task Force on Abandoned Babies responding to tragic stories of newborns abandoned and left to die.

In 2001, SB 28/AB 54 had 46 representative and 11 senator cosponsors including some representatives still serving in the legislature today. It passed the Assembly 97-0, was concurred by the Senate on a voice vote, and signed promptly by Governor Scott McCallum.

I'd like to share a quote from testimony submitted back in 2001, "While no one can fully understand why a person would endanger a vulnerable child, a few common denominators present themselves - isolation, denial, and fear of being found out. Mothers (and fathers) who abandon a newborn child often believe that they are, and in fact they may be, utterly and completely alone. Living in this isolation, they are left to wrestle with problems that they are not psychologically or emotionally equipped to handle."

Sadly, this statement is just as true in 2025.

The National Safe Haven Alliance reports over 5,000 babies have been saved nationally since 1999. According to the Department of Children and Families, this includes at least 224 infants which have been surrendered since 2012 under the law in Wisconsin.

Just a couple years ago, the legislature passed and Gov. Evers signed into law a measure adding baby boxes to our Safe Haven law, allowing parents to anonymously relinquish their newborn baby by placing them in a secured, ventilated, temperature-controlled "baby box" outside fully staffed hospitals and fire and police stations taking a small step, to help remove the fear of interacting with a person when relinquishing a newborn.

Safe Haven is a safety valve to protect our most vulnerable, and may help a parent facing dire circumstances with an opportunity to safely surrender the child and avoid the horrific consequences that have resulted from baby abandonment.

Thank you for your attention and thoughtful consideration on this proposal.



# HO-CHUNK NATION

## OFFICE OF THE PRESIDENT

May 21, 2025

Regarding Assembly Bill 237

We respect the foundational objective of Safe Haven to give a parent the opportunity to prevent the death of a newborn baby. We acknowledge that it's a difficult decision to endure. The Nation's concern is the bill, even Safe Haven law as it currently stands, conflicts with federal law and the Wisconsin Indian Child Welfare Act. Our goals are not mutually exclusive; we believe that if enacted appropriately, it can provide families with information and support. A well-drafted law could safeguard mothers subjected to abuse, rape or exploitation. A complex, yet comprehensive framework for Safe Haven will uphold the gold standard of child welfare.

The Ho-Chunk Nation firmly believes it is the duty and moral imperative to protect children and families, including upholding the virtues, intent, and the statutory provisions of the Indian Child Welfare Act<sup>1</sup>. Our hope is to meet with this bill's authors to discuss its intent and likely unintended consequences. Congress passed the Indian Child Welfare Act in 1978; prior to its passage, Congressional hearings conducted over a four-year period confirmed our worst fears – the United States had invoked a trust responsibility but was sanctioning genocide.

***“It appears that for decades Indian parents and their children have been at the mercy of arbitrary or abusive action of local, State, Federal and private agency officials.”<sup>2</sup>***

**Senator James Abourezk, Chairman of the Select Committee on Indian Affairs.**

***“State welfare workers have taken Indian children from their homes by physically removing them, without notice, without court orders, and without informing the parents of their rights.”<sup>3</sup>***

A Wisconsin newspaper article<sup>4</sup> says 224 children were relinquished under Safe Haven since 2012. If any one of those children are found to be eligible for enrollment with any of the 574 federally recognized Indian tribes throughout the United States, it would have happened in direct violation of federal law. Considering teen birth rates among AI/AN populations were the highest among all ethnic groups in 2017<sup>5</sup>, it's a statistical probability<sup>6</sup> that tribes have already lost at least four children. If those four individuals live their American dream with two children per family, there'd be eight children and sixteen grandchildren – none of which could speak their Native language, learn their clan or family responsibilities, or pray in our own way.

<sup>1</sup> U.S. Congress. (1978). Indian Child Welfare Act of 1978. 92 Stat. 3069, 25 U.S.C. §§ 1901-1963.

<sup>2</sup> Hearing of the Senate Select Committee on Indian Affairs on S. 1214 Indian Child Welfare Act of 1977. 95<sup>th</sup> Cong. (Aug. 4, 1977)

<sup>3</sup> Senate Hearings, The Problem of Indian Child Welfare. 93<sup>rd</sup> Cong. (April 8, 1974)

<sup>4</sup> McGroarty, Erin. “Wisconsin parents would have more time to give up babies under bill.” The Cap Times, May 8, 2025.

[https://captimes.com/news/government/wisconsin-parents-would-have-more-time-to-give-up-babies-under-bill/article\\_15eee096-4484-4854-b7a9-b734f9258f28.html](https://captimes.com/news/government/wisconsin-parents-would-have-more-time-to-give-up-babies-under-bill/article_15eee096-4484-4854-b7a9-b734f9258f28.html). Accessed May 21, 2025.

<sup>5</sup> Martin, J. A., B. E. Hamilton, M. J. K. Osterman, A. K. Driscoll, and P. Drake. “Births: Final Data for 2017.” *National Vital Statistics Reports*, vol. 67, no. 8. Hyattsville, MD: National Center for Health Statistics, 2018. Available at [https://www.cdc.gov/nchs/data/nvsr/nvsr67/nvsr67\\_08-508.pdf](https://www.cdc.gov/nchs/data/nvsr/nvsr67/nvsr67_08-508.pdf).

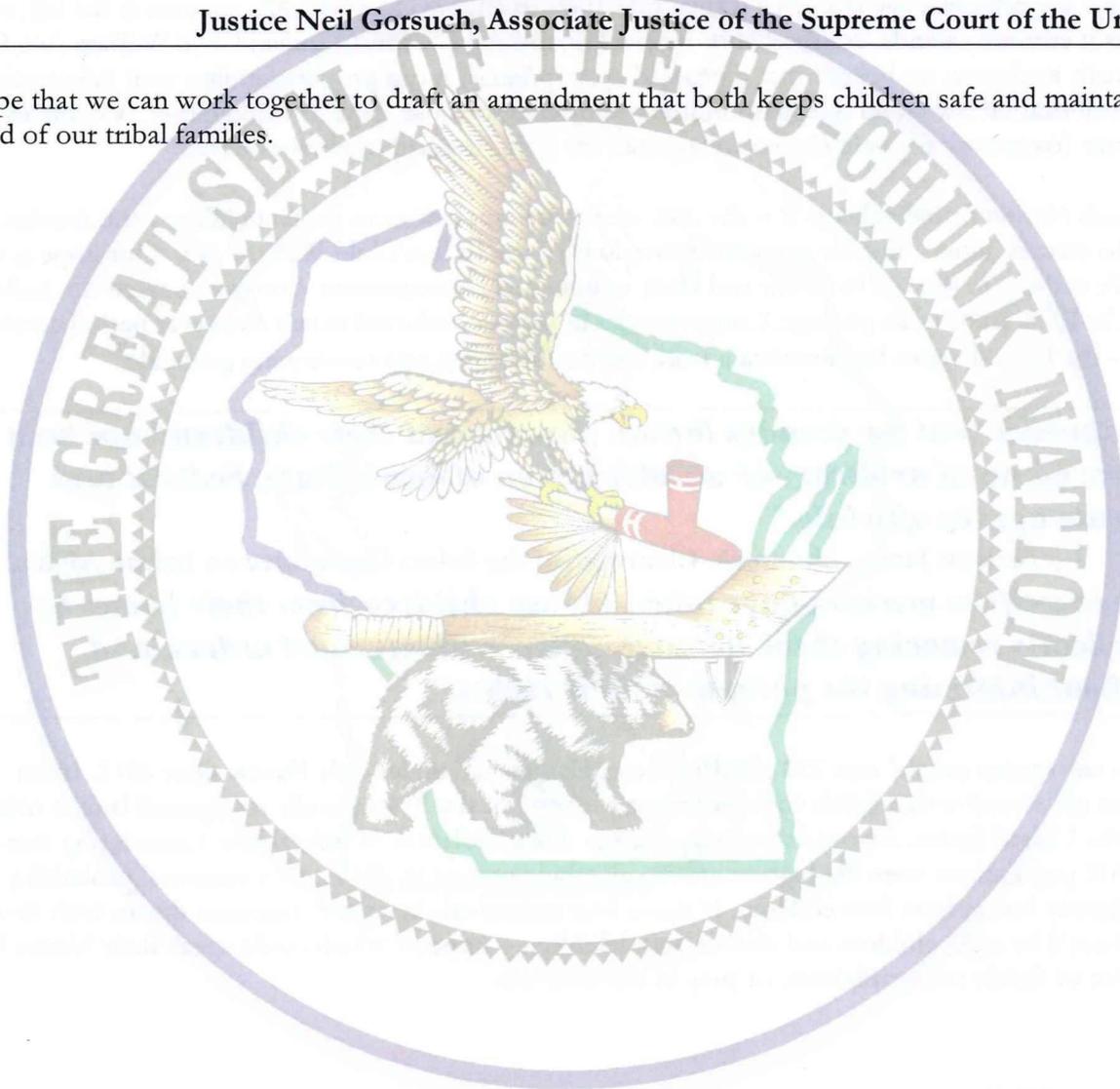
<sup>6</sup> WI American Indian and Alaska Native Alone or In Combination Population 2.5% (U.S. Census Bureau, 2020); No screening mandate for tribal enrollment eligibility.

Historically, people acting on behalf of the government used violence and coercion to strip children and babies from their parents. By adopting the Indian Child Welfare Act into law, Congress sought to end this practice and reinforce the rights of Indian children to grow up in Indian homes. Justice Gorsuch examines this in his concurring opinion to *Brackeen v. Haaland* 599 U.S. \_\_\_\_ (2023).

*“Recognizing that coercion remains possible even with these protections, ICWA also allows for postplacement relief. It lets the Indian child, the parent, or the Tribe “petition any court of competent jurisdiction” to “invalidate” an order that violated key provisions of ICWA. §1914. Of special relevance, an Indian parent consenting to adoption has two years to withdraw consent on “the grounds that consent was obtained through fraud or duress.” §1913(d).”*

**Justice Neil Gorsuch, Associate Justice of the Supreme Court of the United States**

It’s our hope that we can work together to draft an amendment that both keeps children safe and maintains the sacred bond of our tribal families.





**TO:** Chair Snyder, Vice-Chair Penterman and Honorable Members of the Assembly  
Committee on Children and Families

**FROM:** John Elliott, Administrator, Division of Safety and Permanence

**DATE:** May 21, 2025

**SUBJECT:** AB-237

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The Department of Children and Families (DCF) would like to thank the Committee for their interest in supporting children and families across Wisconsin. DCF's vision is that all Wisconsin children are safe and loved members of thriving families and communities. DCF is providing this memo on AB-237 for information only.

Safe Haven, also known as "newborn relinquishment," allows a parent to leave their newborn in a safe place in certain circumstances with certain individuals. Under [Wisconsin Statutes § 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 or hospital staff member. If the parent does not indicate that they will be back for their child, this is considered a "Safe Haven" or "newborn relinquishment." Birth parents do not have to give their name to the professional accepting the newborn and can remain anonymous unless the newborn has been the victim of abuse or neglect, the parent is being forced by someone to give up their newborn or the newborn is more than 72 hours old. Between 2020-2024, there were 108 newborns relinquished via Safe Haven law. The highest relinquishment year had 29 newborns and the lowest year had only 15.

This bill would extend the timeframe whereby a parent can relinquish custody of their newborn child from 72 hours to 30 days. The expansion of the timeframe from 72 hours to 30 days, could allow a new parent(s) to experience parenting and make the decision that they are unable to retain custody of the newborn. However, increased time that the parent has with the newborn could impact the effect separation will have on the newborn. The adjusted timeframe introduces complexity to current child welfare case practice. For example, there is a concern as to how a law enforcement officer, emergency medical services practitioner or hospital staff member would

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determine if a child is under 30 days old when relinquished. In addition, increasing the timeframe increases the potential for the parent to have an open child protective services case at time of relinquishment. A child protective services investigation takes 60 days to complete before a determination is made regarding child abuse or neglect. Under Safe Haven law, a newborn cannot be relinquished if there is reasonable cause to suspect that the newborn has been a victim of child abuse and neglect. Extending the timeframe for relinquishment would make it harder to determine if the newborn is a potential victim of abuse or neglect.

Safe Haven law intersects with the federal Indian Child Welfare Act (ICWA) and the Wisconsin Indian Child Welfare Act (WICWA) in several important ways. Current law and state policy, require notification to the Indian child's Tribe when a CPS report is received on a child believed to be an Indian child. Compliance with ICWA and WICWA requires the ability to identify a child who is believed to be an Indian child. Due to the anonymity afforded under Safe Haven law, there is no means of identification related to Indian children, therefore no protections provided pursuant to ICWA and WICWA at point of time at the initial relinquishment or throughout the case, including the TPR and adoption process. As the local agency would have no way of knowing whether a child is an Indian child, the protections in place under ICWA/WICWA, including notification, placement preferences, and Active Efforts could not be complied with. Increasing the timeframe for relinquishment would mean that there could be more infants relinquished without a way of determining whether those infants are Indian children, and the door would be opened further for lack of compliance with federal and state law.

In addition, under ICWA/WICWA, a parent cannot voluntarily terminate parental rights (TPR) their rights to an Indian child until the newborn is over 10 days old. While the bill extends the time frame so that relinquishments of Indian children could happen after the 10-day point, the statute would continue to permit relinquishments as early as 72 hours. Therefore, this change would not ensure compliance with ICWA.

The Department of Children and Families thanks the Committee for their support in ensuring that all Wisconsin's children and youth are safe and loved members of thriving families and communities.

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