



State of Wisconsin
2025 - 2026 LEGISLATURE

LRB-2839/1

EHS:skw

2025 SENATE BILL 243

May 9, 2025 - Introduced by Senators HUTTON and CABRAL-GUEVARA, cosponsored by Representatives GUNDRUM, O'CONNOR, NOVAK, BRILL, MAXEY, KREIBICH, PRADO, KITCHENS, WICHGERS, GOEBEN, BEHNKE, GUSTAFSON and KNODL. Referred to Committee on Mental Health, Substance Abuse Prevention, Children and Families.

1 **AN ACT to amend** 48.195 (1m) (a) (intro.), 48.355 (2d) (b) 5. and 48.415 (1m) of
2 the statutes; **relating to:** the age at which an infant is covered under the safe
3 haven law.

Analysis by the Legislative Reference Bureau

Under current law, commonly referred to as the “safe haven law,” a child whom a law enforcement officer, emergency medical technician, or hospital staff member reasonably believes to be 72 hours old or younger (newborn infant) may be taken into custody under circumstances in which a parent of the newborn infant relinquishes custody of the newborn infant to the law enforcement officer, emergency medical technician, or hospital staff member and does not express an intent to return for the newborn infant or in which a parent of the newborn infant leaves the child in a newborn infant safety device installed in a supporting wall of a hospital, fire station, or law enforcement agency. Under current law, a parent who relinquishes custody of a child under the safe haven law and any person who assists the parent in that relinquishment are immune from any civil or criminal liability for any good faith act or omission in connection with the relinquishment. This bill changes the maximum age at which a newborn infant falls under the safe haven law from 72 hours old to 30 days old.

SENATE BILL 243**SECTION 1**

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 48.195 (1m) (a) (intro.) of the statutes is amended to read:

48.195 (**1m**) (a) (intro.) In addition to being taken into custody under s. 48.19, a child whom a law enforcement officer, emergency medical services practitioner, or hospital staff member reasonably believes to be ~~72 hours~~ 30 days old or younger may be taken into custody under circumstances in which a parent of the child relinquishes custody of the child by any of the following methods and does not express an intent to return for the child:

SECTION 2. 48.355 (2d) (b) 5. of the statutes is amended to read:

48.355 (**2d**) (b) 5. That the parent has been found under s. 48.13 (2m) to have relinquished custody of the child under s. 48.195 (1m) when the child was ~~72 hours~~ 30 days old or younger, as evidenced by a final order of a court of competent jurisdiction making that finding.

SECTION 3. 48.415 (1m) of the statutes is amended to read:

48.415 (**1m**) RELINQUISHMENT. Relinquishment, which shall be established by proving that a court of competent jurisdiction has found under s. 48.13 (2m) that the parent has relinquished custody of the child under s. 48.195 (1m) when the child was ~~72 hours~~ 30 days old or younger.

(END)