

WISCONSIN HOSPITAL ASSOCIATION, INC.



January 11, 2012

TO: Members of the Assembly Committee on Children and Families – Representative Don Pridemore, Chair

FROM: Paul Merline, Vice President, Government Relations

RE: Request for Amendment to AB 396, Relating to Wisconsin’s “Safe Haven” Law

The Wisconsin Hospital Association (WHA) supports Wisconsin’s “safe haven” law which went into effect in April 2001. It allows a parent to relinquish control of her unwanted, unharmed newborn, up to three days old, confidentially to any hospital employee, EMT, or police professional in the state without fear of prosecution. The newborn is given medical attention then placed in foster care for adoption.

WHA also supports Assembly Bill (AB) 396 that would expand Wisconsin’s “safe haven” law to allow a parent to relinquish custody of a child *30 days* old or younger and adds *health care clinic* staff to the list of individuals to which a parent could relinquish their newborn.

Under current law, when a parent gives birth in a hospital and relinquishes custody of the newborn child to the hospital during the newborn admission, the procedures related to filing a birth certificate and allowing the parent to remain anonymous are inconsistent. Hospitals are required to complete and file the newborn’s birth certificate with parental information within a specified time period, which conflicts with the anonymous filing required by the “safe haven” law.

This inconsistency becomes even clearer with the changes being sought under AB 396. By expanding the allowable time during which a parent can relinquish custody of their newborn to 30 days of birth, a parent may choose to relinquish custody of the newborn after the hospital in which the birth occurred necessarily has filed a birth certificate.

WHA respectfully requests your support for an amendment to AB 396 (attached) that would clarify hospital requirements related to filing newborn birth information. This change would recognize that whether a child is three days old or up to 30 days old, the baby would have two birth certificates, one filed by the hospital or other facility at which the baby was born and one anonymous certificate completed when the parent relinquishes control of the baby. This change would help ensure that the “safe haven” law does not conflict with other applicable law relating to hospitals and the filing of newborn birth information.