

<b>MARSHALL POLICE DEPARTMENT POLICY</b>		TITLE: <b>REPORTING OF CHILD ABUSE</b>	
ISSUE DATE: Sept 29, 2015	UPDATED:	SECTION: Operational	FILE NAME: REPORTING OF CHILD ABUSE
POLICY SOURCE: Chief Lee Hellenbrand			TOTAL PAGES: 4
SPECIAL INSTRUCTIONS:			

I. PURPOSE

The purpose of this policy and procedure is to provide procedures for the Marshall Police Department personnel who encounter suspected cases of child abuse and or neglect. The young of our society are its future and as they may be defenseless in the face of danger, members of the Department shall follow the policy and procedures established below when dealing with child abuse and/or neglect.

II. POLICY

A. Juveniles in Need of Protective Services

1. Officers may encounter juveniles who are in need of protection from their surroundings or are suffering from illness or injury and not receiving proper care. These situations are classified into three categories:
  - a. Children suffering from neglect;
  - b. Children suffering from physical or emotional abuse; and
  - c. Children victimized through sexual abuse or assault.
2. Officers may also encounter situations in which there is reason to suspect the health or safety of an unborn child is in immediate danger.
3. Officers becoming aware of any of the above in II.A.1 shall immediately initiate a preliminary investigation and take any necessary action to protect the child or unborn child.
4. Officers are authorized to take a juvenile into custody if the officer has reasonable belief that the child is suffering from illness or injury or is in immediate danger from his or her surroundings and removal from those surroundings is necessary.
5. Officers are authorized to take an adult expectant mother into custody when there is a substantial risk that the physical health of the unborn child, and of the child when born, will be seriously affected or endangered due to the adult expectant's mother habitual lack of self-control in the use of alcohol beverages, controlled substances or controlled substance analogs, exhibited to a severe degree.
6. If an officer takes custody of a juvenile or an adult expectant mother under circumstance described above, the officer shall, as soon as practicable, contact Dane County Human Services during normal business hours or after normal business hours. If an adult expectant mother is taken into custody, officers shall also immediately attempt to notify an adult relative or friend of the adult expectant mother by the most practical means and shall continue to make such attempts until an adult relative or friend is notified, or the adult expectant mother is delivered to an intake worker.

7. If it is determined that criminal enforcement action is necessary, officers shall refer the case to the Dane County District Attorney. The following forms of suspected or threatened abuse shall be referred to the Dane County District Attorney:
  - a. Any form of physical or mental abuse resulting in injury or impairment;
  - b. Any form of neglect resulting in injury or impairment
  - c. Any form of sexual abuse or assault of a child;
  - d. Any form of sexual exploitation of a child;
  - e. Any act of prostitution involving a child;
  - f. Any act which causes a child to view or listen to sexually explicit conduct; and
  - g. Any act in which a child is exposed to the genitals or pubic area of another
8. If the investigating officer has reason under Sec. 48.19 (1) (c) or (cm) or (d) 5 or 8, Wis. Stats., to take a child into custody, the investigating officer may place the child in protective custody and deliver the child to Human Services worker under Sec. 48.20, Wis. Stats.

B. Relinquishing Custody of Newborn Infants

1. §48.195, Wis. Stats., was created to protect the well-being of newborn children and to create a “Safe Harbor”—a means to safely and anonymously surrender custody of a newborn child to a law enforcement department, fire department, emergency medical technician, or hospital staff member.
2. A parent of a newborn child can relinquish custody of his/her child into the care of a law enforcement officer, emergency medical technician, or hospital staff member with anonymity and confidentiality unless there is reasonable cause to suspect that the infant has been the victim of abuse or neglect.
3. The parents of the newborn may remain anonymous, if they wish, and they cannot be detained to attempt to identify them. The only exception is if the officer reasonably suspects child abuse or neglect, or suspects that a person assisting a parent is coercing the parent into relinquishing custody of their child. In that case, they may be detained.
4. Officers or civilian employees encountering a person who wishes to relinquish custody of a newborn, reasonably believed to be 72 hours of age or younger, shall do the following:
  - a. Immediately take custody of the child prior to any inquiry of the parents.
  - b. Notify EMS to assess the medical condition of the infant and transport the infant to the hospital.
  - c. Within 24 hours after taking the child into custody, deliver the child to an intake worker under Wis. Statute 48.20.
  - d. Make available to the parent or person relinquishing the child a child-health toll free telephone number, 1-800-722-2295, or they can fill out an Infant Surrender Form which is attached to the end of this policy.
  - e. Employees taking custody of the infant should determine if the person relinquishing custody of the infant desires to provide identifying information. If the person wishes to remain anonymous, no further attempt to identify the person should be undertaken, unless there is reasonable cause to believe the infant is the victim of child abuse or neglect, or a person assisting the parent of the infant is coercing them into relinquishing custody of the infant.
  - f. The assigned officer shall contact the Dane County Human Services and request the intake worker respond to the hospital to take custody of the child.
  - g. An offense/narrative report and Temporary Physical Custody form shall be completed. The report shall document all known facts of the case, as well as the disposition of the infant.
    - 1) Officers shall include a detailed physical description of the person relinquishing custody of the child, to aid in their identification at a later time, should abuse or

- neglect of child become an issue.
- 2) The newborn child should be listed as "John Doe" or "Jane Doe" with an unknown birth date, unless the officer is able to gather the correct information at the time custody is relinquished.

Updated Sept 29, 2015.

Lee Hellenbrand  
Chief of Police

# INFANT SURRENDER FORM

## QUESTIONS ABOUT YOU AND THE INFANT

Personal information you provide may be used for secondary purposes [Privacy Law, s. 15.04(1)(m), Wisconsin Statutes].

### **YOU DO NOT HAVE TO COMPLETE THIS FORM OR SHARE ANY INFORMATION WITH THE PERSON WHO ACCEPTED THE INFANT.**

We ask that you fill out this form to help us give the infant the best possible care now and in the future. However, if any of the situations listed below are true, you no longer have the right to keep your information private.

1. The infant has been harmed, or
2. You are being forced by someone to give up the infant, or
3. The infant is more than 72 hours old.

Please answer these questions as best as you can and mail the form to the Bureau of Milwaukee Child Welfare in Milwaukee, or to the County Department of Human or Social Services in the county in which the infant was relinquished.

The infant was born on \_\_\_\_\_.

The infant was born at about \_\_\_\_\_ am/pm.

The infant was born in \_\_\_\_\_ (city), \_\_\_\_\_ (state)

The infant is entirely or partly: (check that apply)

- White  
 Black or African American  
 American Indian or Alaska Native \_\_\_\_\_ Tribal Affiliation  
 Asian  
 Native Hawaiian or Pacific Islander  
 other race- specify \_\_\_\_\_

Were there any problems with the pregnancy or delivery? If "yes" what were the problems?

Please provide any information about the infant's family social and health histories that would be helpful to the future care of the infant. For example, is there a history of heart disease, diabetes, asthma, allergies or seizures; did the mother use alcohol or other drugs during the pregnancy? The information provided need not identify the parents of the child.