

Introduced by

Senators Schneider, Erbele, Holmberg

Representatives Dahl, Grande, Mock

1 A BILL for an Act to amend and reenact section 50-25.1-15 of the North Dakota Century Code,
2 relating to the locations at which an infant may be abandoned.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 50-25.1-15 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **50-25.1-15. Abandoned infant - Hospital procedure - Reporting immunity.**

7 1. As used in this section:

8 a. "Abandoned infant" means an abandoned infant as defined in section
9 27-20-02 and which has been left at a hospital in an unharmed condition.

10 b. "Fire station" means a fire station that is open and operating twenty-four hours
11 a day seven days a week and that is continually staffed with full-time, paid
12 firefighters who are licensed as emergency medical services professionals
13 under chapter 23-27.

14 c. "Hospital" means a facility licensed under chapter 23-16.

15 2. A parent of an infant may abandon the infant by leaving the infant with an
16 appropriate person at any hospital or fire station. An agent of the parent may leave
17 an abandoned infant with an appropriate person at a hospital or fire station with the
18 parent's consent. Neither the parent nor the agent is subject to prosecution under
19 sections 14-07-15 and 14-09-22 for leaving the abandoned infant with an
20 appropriate person at a hospital or fire station.

21 3. A hospital or fire station shall accept an infant abandoned or left under this section.
22 The hospital or fire station may request information regarding the parents and shall
23 provide the parent or the agent with a medical history form and an envelope with

- 1 the hospital's or fire station's return address. Neither the parent nor the agent is
2 required to provide any information.
- 3 4. The hospital or fire station shall provide the parent or the agent with a numbered
4 identification bracelet to link the parent or the agent to the abandoned infant.
5 Possession of an identification bracelet does not entitle the bracelet holder to take
6 custody of the abandoned infant on demand. If an individual possesses a bracelet
7 linking the individual to an abandoned infant left at a hospital under this section and
8 parental rights have not been terminated, possession of the bracelet creates a
9 presumption that the individual has standing to participate in a protection services
10 action brought under this chapter or chapter 27-20. Possession of the bracelet
11 does not create a presumption of maternity, paternity, or custody.
- 12 5. The hospital or fire station may provide the parent or the agent with any relevant
13 information, including:
- 14 a. Information about the safe place for abandoned infant programs;
15 b. Information about adoption and counseling services; and
16 c. Information about whom to contact if reunification is sought.
- 17 6. Within twenty-four hours of receiving an abandoned infant under this section, the
18 hospital or fire station shall report to the department, as required by section
19 50-25.1-03, that an abandoned infant has been left at the hospital or fire station.
20 The report may not be made before the parent or the agent leaves the hospital or
21 fire station.
- 22 7. The hospital or fire station and its employees and agents are immune from any
23 criminal or civil liability for accepting an abandoned infant under this section.
- 24 8. Upon receiving a report of an abandoned infant left at a hospital or fire station
25 under this section, the department shall proceed as required under this chapter if it
26 appears that the abandoned infant was not harmed, except the department may
27 not attempt to identify or contact the parent or the agent. If it appears the
28 abandoned infant was harmed, the department shall initiate an assessment of the
29 matter as required by law.
- 30 9. If an individual claiming to be the parent or the agent contacts the department and
31 requests to be reunited with the abandoned infant, the department may identify or

1 contact the individual as required under this chapter and all other applicable laws.
2 If an individual contacts the department seeking information only, the department
3 may attempt to obtain information regarding the identity and medical history of the
4 parents and may provide information regarding the procedures in an abandoned
5 infant case. The individual is under no obligation to respond to the request for
6 information, and the department may not attempt to compel response to investigate
7 the identity or background of the individual.