

HOUSE BILL NO. 1285

Introduced by

Representatives Skroch, Ertelt, Fegley, Johnston, Jones, Karls, Rohr, M. Ruby, Schneider
Senators Myrdal, Poolman

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

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~~Approved location procedure - Reporting**
7 **immunity.**

8 1. As used in this section:

9 a. "Abandoned infant" means an abandoned infant as defined in section 27-20-02
10 ~~and which who~~ has been left with an on-duty staff member at a hospital~~an~~
11 approved location in an unharmed condition.

12 b. "Approved location" means a hospital, law enforcement agency, or county social
13 services office.

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

15 d. "Law enforcement agency" means a police station or sheriff's office.

16 2. A parent of an infant under the age of one year, or an agent of the parent with the
17 parent's consent, may ~~abandon~~leave the infant with an on-duty staff member at any
18 hospital. An agent of the parent may leave an abandoned infant at a hospital with the
19 ~~parent's consent~~an approved location. Neither the parent nor the agent is subject to
20 prosecution under sections 14-07-15 and 14-09-22 for leaving ~~the~~an abandoned infant
21 ~~at a hospital.~~

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

1 with the ~~hospital's~~approved location's return address. Neither the parent nor the agent
2 is required to provide any information.

3 4. ~~If an infant is left at a hospital, the~~ hospital shall provide the parent or the agent
4 with a numbered identification bracelet to link the parent or the agent to the
5 ~~abandoned~~ infant. Possession of an identification bracelet does not entitle the bracelet
6 holder to take custody of the ~~abandoned~~ infant on demand. If an individual possesses
7 a bracelet linking the individual to an ~~abandoned~~ infant left at a hospital under this
8 section and parental rights have not been terminated, possession of the bracelet
9 creates a presumption that the individual has standing to participate in a protection
10 services action brought under this chapter or chapter 27-20. Possession of the
11 bracelet does not create a presumption of maternity, paternity, or custody.

12 5. The ~~hospital~~approved location 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~~approved location shall report to the department, as required by section
19 50-25.1-03, that an ~~abandoned~~ infant has been left at the ~~hospital~~approved location.
20 The report may not be made before the parent or the agent leaves the
21 ~~hospital~~approved location.

22 7. The ~~hospital~~approved location 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~~ under this section, the
25 department shall proceed as required under this chapter ~~if it appears that the~~
26 ~~abandoned infant was not harmed~~, except the department may not attempt to identify
27 or contact the parent or the agent. If it appears the ~~abandoned~~ infant who was left was
28 harmed, the department shall initiate an assessment of the matter as required by law.

29 9. If an individual claiming to be the parent or the agent contacts the department and
30 requests to be reunited with the ~~abandoned~~ infant who was left, the department may
31 identify or contact the individual as required under this chapter and all other applicable

1 laws. If an individual contacts the department seeking information only, the department
2 may attempt to obtain information regarding the identity and medical history of the
3 parents and may provide information regarding the procedures in an abandoned
4 case involving an infant case who was left at an approved location. The individual is
5 under no obligation to respond to the request for information, and the department may
6 not attempt to compel response to investigate the identity or background of the
7 individual.

8 10. The department shall develop and implement a public awareness campaign to provide
9 information, public service announcements, and educational materials regarding this
10 section to the public, including medical providers, law enforcement, and social service
11 agencies.