

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, and includes any other location within a county which is approved
14 by the board of county commissioners.
- 15 c. "Hospital" means a facility licensed under chapter 23-16.
- 16 d. "Law enforcement agency" means a participating police station, campus police
17 department, or sheriff's office.
- 18 2. A parent of an infant under the age of one year, or an agent of the parent with the
19 parent's consent, may ~~abandon~~leave the infant with an on-duty staff member at any
20 hospital. ~~An agent of the parent may leave an abandoned infant at a hospital with the~~
21 ~~parent's consent~~an approved location. Neither the parent nor the agent is subject to
22 prosecution under sections 14-07-15 and 14-09-22 for leaving ~~the~~an abandoned infant
23 ~~at a hospital.~~

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

- 1 9. If an individual claiming to be the parent or the agent contacts the department and
2 requests to be reunited with the ~~abandoned~~ infant who was left, the department may
3 identify or contact the individual as required under this chapter and all other applicable
4 laws. If an individual contacts the department seeking information only, the department
5 may attempt to obtain information regarding the identity and medical history of the
6 parents and may provide information regarding the procedures in ~~an abandoned~~
7 case involving an infant case who was left at an approved location. The individual is
8 under no obligation to respond to the request for information, and the department may
9 not attempt to compel response to investigate the identity or background of the
10 individual.
- 11 10. The department shall develop and implement a public awareness campaign to provide
12 information, public service announcements, and educational materials regarding this
13 section to the public, including medical providers, law enforcement, and social service
14 agencies.