

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.