

Sixty-sixth
Legislative Assembly
of North Dakota

ENGROSSED 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; and to provide for a report to the legislative
3 management.

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

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

7 **50-25.1-15. Abandoned infant - ~~Hospital~~Approved location procedure - Reporting**
8 **immunity.**

9 1. As used in this section:

- 10 a. "Abandoned infant" means an ~~abandoned~~ infant ~~as defined in section 27-20-02-~~
11 ~~and which~~ who has been abandoned at birth at a hospital or before reaching the
12 age of one year regardless of the location of birth and who has been left with an
13 on-duty staff member at a hospital an approved location in an unharmed
14 condition.
- 15 b. "Approved location" means a hospital, ~~law enforcement agency, or county social~~
16 ~~services office, and includes any other location within a county which is approved~~
17 ~~by the board of county commissioners~~ or other location as designated by
18 administrative rule adopted by the department.
- 19 c. "Hospital" means a facility licensed under chapter 23-16.
- 20 ~~d. "Law enforcement agency" means a participating police station, campus police~~
21 ~~department, or sheriff's office.~~
- 22 2. A parent of an infant under the age of one year, or an agent of the parent with the
23 parent's consent, may abandon ~~leave~~ the infant with an on-duty staff member at any
24 ~~hospital. An agent of the parent may leave an abandoned infant at a hospital with the~~

parent's consent an approved location. Neither the parent nor the agent is subject to prosecution under sections 14-07-15 and 14-09-22 for leaving ~~the~~an abandoned infant at a hospital.

3. ~~A hospital~~An approved location shall accept an infant ~~abandoned or~~ left under this section. The ~~hospital~~approved location may request information regarding the parents and shall provide the parent or the agent with a medical history form and an envelope with the ~~hospital's~~approved location's return address. If a hospital accepting the infant has the infant's medical history, the hospital is not required to provide the parent or the agent with a medical history form. Neither the parent nor the agent is required to provide any information.

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

5. The ~~hospital~~approved location may provide the parent or the agent with any relevant information, including:

- a. Information about the safe place for abandoned infant programs;
- b. Information about adoption and counseling services; and
- c. Information about whom to contact if reunification is sought.

6. Within twenty-four hours of receiving an ~~abandoned~~ infant under this section, the ~~hospital~~approved location shall report to the department, as required by section 50-25.1-03, that an ~~abandoned~~ infant has been left at the ~~hospital~~approved location. The report may not be made before the parent or the agent leaves the ~~hospital~~approved location.

- 1 7. The ~~hospital~~approved location and its employees and agents are immune from any
2 criminal or civil liability for accepting an ~~abandoned~~ infant under this section.
- 3 8. Upon receiving a report of an abandoned infant ~~left at a hospital~~ under this section, the
4 department shall proceed as required under this chapter if it appears that the
5 abandoned infant was not harmed, except the department may not attempt to identify
6 or contact the parent or the agent. If it appears the ~~abandoned~~ infant who was left was
7 harmed, the department shall initiate an assessment of the matter as required by law.
- 8 9. If an individual claiming to be the parent or the agent contacts the department and
9 requests to be reunited with the ~~abandoned~~ infant who was left, the department may
10 identify or contact the individual as required under this chapter and all other applicable
11 laws. If an individual contacts the department seeking information only, the department
12 may attempt to obtain information regarding the identity and medical history of the
13 parents and may provide information regarding the procedures in ~~an abandoned~~a
14 case involving an infant case who was left at an approved location. The individual is
15 under no obligation to respond to the request for information, and the department may
16 not attempt to compel response to investigate the identity or background of the
17 individual.
- 18 10. The state department of health, in coordination with the department of human
19 services, shall develop and implement a public awareness campaign to provide
20 information, public service announcements, and educational materials regarding this
21 section to the public, including medical providers, law enforcement, and social service
22 agencies.

SECTION 2. REPORT TO LEGISLATIVE MANAGEMENT - ABANDONED INFANTS.

24 Before July 1, 2020, the state department of health shall report to the legislative management
25 the status and progress of implementing section 1 of this Act.