

SECOND ENGROSSMENT

REENGROSSED HOUSE BILL NO. 1205

Introduced by

Representatives Holle, Bolinske, Meier, Pyle, M. Ruby, Schauer, S. Olson

Senators Boschee, Castaneda, Mathern, Weston, Larson

1 A BILL for an Act to amend and reenact section 50-25.1-15 of the North Dakota Century Code,
2 relating to abandonment of infants in newborn safety devices.

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 - Approved location procedure - Reporting immunity.**

7 1. As used in this section:

8 a. "Abandoned infant" means an infant who has been abandoned at birth at a
9 hospital or before reaching the age of one year regardless of the location of birth
10 and who has been left with an on-duty staff member or, if an infant is less than
11 sixty days old, left in a newborn safety device, at an approved location in an
12 unharmed condition.

13 b. "Approved location" means a hospital or other location as designated by
14 administrative rule adopted by the department.

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

16 d. "Newborn safety device" means a device that is:

17 (1) Physically part of the building at an approved location;

18 (2) Staffed twenty-four hours a day seven days a week;

19 (3) Temperature-controlled and ventilated for the safety of newborns;

20 (4) Equipped with a functional alarm system which automatically triggers an

21 alarm inside the building when an infant is placed in the device; and

- 1 (5) Located in a manner that the interior point of access is in an area that is
2 conspicuous and visible to the employees of the approved location.
- 3 2. a. A parent of an infant less than sixty days old, or an agent of the parent with the
4 parent's consent, may leave the infant in a newborn safety device at an approved
5 location.
- 6 b. A parent of an infant under the age of one year, or an agent of the parent with the
7 parent's consent, may leave the infant with an on-duty staff member at an
8 approved location. ~~Neither the parent nor the~~
- 9 c. A parent or agent is not subject to prosecution under sections 14-07-15 and
10 14-09-22 for leaving an abandoned infant under this section.
- 11 3. ~~An infant left under this section must be accepted at an approved location shall accept~~
12 ~~an infant left under this section. The~~An approved location is not required to possess a
13 newborn safety device.
- 14 4. Except as provided in subsection 6, the approved location may request information
15 regarding the parents and shall provide the parent or the agent with a medical history
16 form and an envelope with the approved location's return address. If a hospital
17 accepting ~~the~~an infant has the infant's medical history, the hospital is not required to
18 provide the parent or the agent with a medical history form. ~~Neither the~~A parent nor
19 ~~the~~or agent is not required to provide any information.
- 20 4.5. ~~If~~Except as provided in subsection 6, if an infant is left at a hospital, the hospital shall
21 provide the parent or the agent with a numbered identification bracelet to link the
22 parent or the agent to the infant, unless due to birth of the infant, the infant and parent
23 ~~currently~~already have an identification bracelet. Possession of an identification
24 bracelet does not entitle the bracelet holder to take custody of the infant ~~on-demand~~. If
25 an individual possesses a bracelet linking the individual to an infant left at a hospital
26 under this section and parental rights have not been terminated, possession of the
27 bracelet creates a presumption that the individual has standing to participate in a
28 protection services action brought under this chapter or chapter 27-20.3. Possession
29 of the bracelet does not create a presumption of maternity, paternity, or custody.
- 30 5.6. If an abandoned infant is left in a newborn safety device at an approved location, the
31 approved location may not inquire as to the identity of the parent or agent. Except as

1 provided in subsection 10, if the identity of the parent or agent of the abandoned child
2 is known to the approved location, the approved location shall keep all information as
3 to the identity of the parent or agent of the abandoned child confidential. The parent or
4 agent of the abandoned child is not required to provide any information to the
5 approved location but may voluntarily provide information, including the medical
6 history of the parents or infant.

7 7. The approved location may provide the parent or the agent with any relevant
8 information, including:

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

12 ~~6-8.~~ Within twenty-four hours of receiving an infant under this section, the approved
13 location shall report to the department or authorized agent, as required by section
14 50-25.1-03, that an infant has been left at ~~the~~an approved location. The report may not
15 be made before the parent or ~~the~~ agent leaves the approved location.

16 ~~7-9.~~ The approved location and its employees and agents are immune from any criminal or
17 civil liability for accepting an infant under this section.

18 ~~8-10.~~ Upon receiving a report of an abandoned infant under this section, the department or
19 authorized agent shall proceed as required under this chapter if it appears ~~that~~ the
20 abandoned infant was not harmed, except the department or authorized agent may
21 not attempt to identify or contact the parent or ~~the~~ agent. If it appears the infant who
22 was left was harmed, the approved location shall disclose to the department or
23 authorized agent any known information as to the identity of the parent or agent, and
24 the department or authorized agent shall initiate a child protection assessment of the
25 matter as required by law.

26 ~~9-11.~~ If an individual claiming to be the parent or ~~the~~ agent contacts the department or
27 authorized agent and requests to be reunited with ~~the infant who was left an~~
28 abandoned infant, the department or authorized agent may identify or contact the
29 individual as required under this chapter and all other applicable laws. If an individual
30 contacts the department or authorized agent seeking information only, the department
31 or authorized agent may attempt to obtain information regarding the identity and

1 medical history of the parents and may provide information regarding the procedures
2 in a case involving an infant who was left at an approved location. The individual is
3 under no obligation to respond to the request for information, and the department or
4 authorized agent may not attempt to compel response to investigate the identity or
5 background of the individual.
6 ~~10-12.~~ The department shall develop and implement a public awareness campaign to provide
7 information, public service announcements, and educational materials regarding this
8 section to the public, including medical providers, law enforcement, and social service
9 agencies.