

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; to provide for the creation of a workgroup on
3 abandoned infants; and to provide for a report to the department of human services.

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 left with an on-duty staff member at a hospital~~an~~
12 approved location in an unharmed condition.
- 13 b. "Approved location" means a hospital; ~~law enforcement agency, or county social~~
14 ~~services office, and includes any other location within a county which is approved~~
15 ~~by the board of county commissioners~~ or other location as designated by rule
16 adopted by the department.
- 17 c. "Hospital" means a facility licensed under chapter 23-16.
- 18 ~~d. "Law enforcement agency" means a participating police station, campus police~~
19 ~~department, or sheriff's office.~~

20 2. A parent of an infant under the age of one year, or an agent of the parent with the
21 parent's consent, may abandon~~leave~~ the infant with an on-duty staff member at any
22 hospital. ~~An agent of the parent may leave an abandoned infant at a hospital with the~~
23 ~~parent's consent~~an approved location. Neither the parent nor the agent is subject to

- 1 prosecution under sections 14-07-15 and 14-09-22 for leaving ~~the~~an abandoned infant
2 at a ~~hospital~~.
- 3 3. ~~A hospital~~An approved location shall accept an infant ~~abandoned~~ or left under this
4 section. The ~~hospital~~approved location may request information regarding the parents
5 and shall provide the parent or the agent with a medical history form and an envelope
6 with the ~~hospital's~~approved location's return address. Neither the parent nor the agent
7 is required to provide any information.
- 8 4. ~~The~~If an infant is left at a hospital, the hospital shall provide the parent or the agent
9 with a numbered identification bracelet to link the parent or the agent to the
10 ~~abandoned~~ infant. Possession of an identification bracelet does not entitle the bracelet
11 holder to take custody of the ~~abandoned~~ infant on demand. If an individual possesses
12 a bracelet linking the individual to an ~~abandoned~~ infant left at a hospital under this
13 section and parental rights have not been terminated, possession of the bracelet
14 creates a presumption that the individual has standing to participate in a protection
15 services action brought under this chapter or chapter 27-20. Possession of the
16 bracelet does not create a presumption of maternity, paternity, or custody.
- 17 5. The ~~hospital~~approved location may provide the parent or the agent with any relevant
18 information, including:
- 19 a. Information about the safe place for abandoned infant programs;
20 b. Information about adoption and counseling services; and
21 c. Information about whom to contact if reunification is sought.
- 22 6. Within twenty-four hours of receiving an ~~abandoned~~ infant under this section, the
23 ~~hospital~~approved location shall report to the department, as required by section
24 50-25.1-03, that an ~~abandoned~~ infant has been left at the ~~hospital~~approved location.
25 The report may not be made before the parent or the agent leaves the
26 ~~hospital~~approved location.
- 27 7. The ~~hospital~~approved location and its employees and agents are immune from any
28 criminal or civil liability for accepting an ~~abandoned~~ infant under this section.
- 29 8. Upon receiving a report of an abandoned infant ~~left at a hospital~~ under this section, the
30 department shall proceed as required under this chapter **if it appears that the**
31 **abandoned infant was not harmed**, except the department may not attempt to identify

1 or contact the parent or the agent. If it appears the abandoned infant who was left was
2 harmed, the department shall initiate an assessment of the matter as required by law.

3 9. If an individual claiming to be the parent or the agent contacts the department and
4 requests to be reunited with the abandoned infant who was left, the department may
5 identify or contact the individual as required under this chapter and all other applicable
6 laws. If an individual contacts the department seeking information only, the department
7 may attempt to obtain information regarding the identity and medical history of the
8 parents and may provide information regarding the procedures in an abandoned a
9 case involving an infant case who was left at an approved location. The individual is
10 under no obligation to respond to the request for information, and the department may
11 not attempt to compel response to investigate the identity or background of the
12 individual.

13 10. The department, in coordination with the state department of health, shall develop and
14 implement a public awareness campaign to provide information, public service
15 announcements, and educational materials regarding this section to the public,
16 including medical providers, law enforcement, and social service agencies.

17 **SECTION 2. WORKGROUP ON ABANDONED INFANTS - REPORT TO THE**
18 **DEPARTMENT OF HUMAN SERVICES.**

- 19 1. During the 2019-20 interim, a workgroup on abandoned infants shall gather
20 information and develop recommendations to design the optimal response to
21 abandoned infants within existing systems and resources.
- 22 2. The workgroup consists of the following:
- 23 a. The director of the department of human services, or the executive director's
24 designee; and
- 25 b. The director of the department of emergency services, or the director's designee;
26 and
- 27 c. Any person or public agency representative the workgroup determines is
28 necessary to accomplish protocol development.
- 29 3. The department of human services shall convene the workgroup.
- 30 4. The workgroup shall:

- 1 a. Gather information concerning abandoned infants and protocols established by
- 2 approved locations.
- 3 b. Receive reports and testimony from individuals, state and local agencies,
- 4 community-based organizations, and other public and private organizations.
- 5 c. Design and implement a cross-systems protocol within existing systems and
- 6 resources for an optimal response to a report of an abandoned infant at an
- 7 approved location.
- 8 5. The department of human services may adopt any rules necessary to support the
- 9 workgroup.
- 10 6. Before July 1, 2020, the workgroup shall submit a final report with the workgroup's
- 11 recommendations to the department of human services.