

Fifty-seventh
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2129

Introduced by

Human Services Committee

(At the request of the Attorney General)

1 A BILL for an Act to create and enact a new section to chapter 50-25.1 of the North Dakota
2 Century Code, relating to abandoned infants.

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

4 **SECTION 1.** A new section to chapter 50-25.1 of the North Dakota Century Code is
5 created and enacted as follows:

6 **Abandoned infant - Hospital procedure - Reporting immunity.**

- 7 1. As used in this section:
- 8 a. "Abandoned infant" means an abandoned infant as defined in section
9 27-20-02 and which has been left at a hospital in an unharmed condition.
- 10 b. "Hospital" means a facility licensed under chapter 23-16.
- 11 2. A parent of an infant may abandon the infant at any hospital. An agent of the
12 parent may leave an abandoned infant at a hospital with the parent's consent.
13 Neither the parent nor the agent is subject to prosecution under sections 14-07-15
14 and 14-09-22 for leaving the abandoned infant at a hospital.
- 15 3. A hospital shall accept an infant abandoned or left under this section. The hospital
16 may request information regarding the parents and shall provide the parent or the
17 agent with a medical history form and an envelope with the hospital's return
18 address. Neither the parent nor the agent is required to provide any information.
- 19 4. The hospital shall provide the parent or the agent with a numbered identification
20 bracelet to link the parent or the agent to the abandoned infant. Possession of an
21 identification bracelet does not entitle the bracelet holder to take custody of the
22 abandoned infant on demand. If an individual possesses a bracelet linking the
23 individual to an abandoned infant left at a hospital under this section and parental
24 rights have not been terminated, possession of the bracelet creates a presumption

- 1 that the individual has standing to participate in a protection services action
2 brought under this chapter or chapter 27-20. Possession of the bracelet does not
3 create a presumption of maternity, paternity, or custody.
- 4 5. The hospital may provide the parent or the agent with any relevant information,
5 including:
- 6 a. Information about the safe place for abandoned infant programs;
7 b. Information about adoption and counseling services; and
8 c. Information about whom to contact if reunification is sought.
- 9 6. Within twenty-four hours of receiving an abandoned infant under this section, the
10 hospital shall report to the department, as required by section 50-25.1-03, that an
11 abandoned infant has been left at the hospital. The report may not be made
12 before the parent or the agent leaves the hospital.
- 13 7. The hospital and its employees and agents are immune from any criminal or civil
14 liability for accepting an abandoned infant under this section.
- 15 8. Upon receiving a report of an abandoned infant left at a hospital under this section,
16 the department shall proceed as required under this chapter if it appears that the
17 abandoned infant was not harmed, except the department may not attempt to
18 identify or contact the parent or the agent. If it appears the abandoned infant was
19 harmed, the department shall initiate an assessment of the matter as required by
20 law.
- 21 9. If an individual claiming to be the parent or the agent contacts the department and
22 requests to be reunited with the abandoned infant, the department may identify or
23 contact the individual as required under this chapter and all other applicable laws.
24 If an individual contacts the department seeking information only, the department
25 may attempt to obtain information regarding the identity and medical history of the
26 parents and may provide information regarding the procedures in an abandoned
27 infant case. The individual is under no obligation to respond to the request for
28 information, and the department may not attempt to compel response to
29 investigate the identity or background of the individual.