

**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, and includes any other location within a county which is approved  
14 by the board of county commissioners.
- 15 c. "Hospital" means a facility licensed under chapter 23-16.
- 16 d. "Law enforcement agency" means a participating police station, campus police  
17 department, or sheriff's office.
- 18 2. A parent of an infant under the age of one year, or an agent of the parent with the  
19 parent's consent, may ~~abandon~~leave the infant with an on-duty staff member at any  
20 hospital. ~~An agent of the parent may leave an abandoned infant at a hospital with the~~  
21 ~~parent's consent~~an approved location. Neither the parent nor the agent is subject to  
22 prosecution under sections 14-07-15 and 14-09-22 for leaving ~~the~~an abandoned infant  
23 ~~at a hospital.~~

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

- 1           9. If an individual claiming to be the parent or the agent contacts the department and  
2           requests to be reunited with the ~~abandoned~~ infant who was left, the department may  
3           identify or contact the individual as required under this chapter and all other applicable  
4           laws. If an individual contacts the department seeking information only, the department  
5           may attempt to obtain information regarding the identity and medical history of the  
6           parents and may provide information regarding the procedures in ~~an abandoned~~  
7           case involving an infant case who was left at an approved location. The individual is  
8           under no obligation to respond to the request for information, and the department may  
9           not attempt to compel response to investigate the identity or background of the  
10          individual.
- 11          10. The department shall develop and implement a public awareness campaign to provide  
12          information, public service announcements, and educational materials regarding this  
13          section to the public, including medical providers, law enforcement, and social service  
14          agencies.