

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER
-------------

DESCRIPTION

2129

2001 SENATE HUMAN SERVICES

SB 2129

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2129

Senate Human Services Committee

Conference Committee

Hearing Date January 16, 2001

Tape Number	Side A	Side B	Meter #
1		X	19.6
Committee Clerk Signature <i>Carol Holodjchuk</i>			

Minutes:

The hearing on SB 2129 was opened by SENATOR LEE.

SANDY TABOR, Deputy Attorney General, introduced bill. (Written testimony)

SENATOR POLOVITZ: Why have states rejected this bill? MS. TABOR: States that rejected this bill regarded it as a way to dump babies. We think 'Is this a way for babies to be dumped at a hospital or is it a way to save a child's life'. We don't think we will have children dropped off but that this is a preventive measure which will allow young mothers who really just don't know what else to do with an option to save the child's life and stay out of trouble for doing the right thing. SENATOR MATHERN asked what protections are there for a mother who would be in some stress, maybe financial stress, illness, who leaves the child there and in two or three days want to come back and claim the child. MS. TABOR: There is a gap in this bill for mother to claim child. We don't have a provision in this bill. SENATOR MATHERN: Would your office

do anything to advertise this option if this bill would pass? MS. TABOR: Not the Attorney General's office plan, but hospitals would provide education plan and take the initiative.

ARNOLD THOMAS, President ND Health Care, supports suggestions to the bill. We have no intention of changes to existing child statutes. It would provide a haven in hospitals for parents not able to care for their child. Hospitals should be able to obtain information. There should be discretion in this matter. There should be an opportunity for parent to reengage with the child. The hospital provides education for taking care of children, work with parent relative to welfare of child.

STACEY PFLEIGER: Executive Director of the ND Right to Life Association, supports bill.

(Written testimony)

MRS. GARY ZENTZ supports bill. Worked for Birthright who helps a mother through crisis of not being able to handle. Safe havens are marvelous.

MS. MARGARET KOTTRE, R-KIDS, questions bill. What about the father's rights? They are totally excluded which puts the financial responsibilities on state.

SENATOR MATHERN: What is your position in dealing with Father? MS. KOTTRE: Feeling is we don't want children harmed. Both parties should support financially. (Written testimony)

AARON STROH, R-KIDS, agrees with Ms. Kottre and support her position.

No opposition

The hearing was closed on SB 2129.

Date: 1/30/01

Roll Call Vote #: ~~2129~~ 1

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2129

Senate HUMAN SERVICES Committee

Subcommittee on \_\_\_\_\_  
or  
 Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Amendments

Motion Made By Sen Fischer Seconded By Sen Kilzer

Senators	Yes	No	Senators	Yes	No
Senator Lee, Chairperson	✓		Senator Polovitz	✓	
Senator Kilzer, Vice-Chairperson	✓		Senator Mathern	✓	
Senator Erbele	✓				
Senator Fischer	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

Attorney General's Office amendments

Date: 1/30/01

Roll Call Vote #: 2

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2129

Senate HUMAN SERVICES Committee

Subcommittee on \_\_\_\_\_  
or  
 Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do pass as amended

Motion Made By Sen Fischer Seco ided By Sen Erbele

Senators	Yes	No	Senators	Yes	No
Senator Lee, Chairperson	✓		Senator Polovitz	✓	
Senator Kilzer, Vice-Chairperson	✓		Senator Mathern	✓	
Senator Erbele	✓				
Senator Fischer	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Sen Fischer

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**SB 2129: Human Services Committee (Sen. Lee, Chairman) recommends AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2129 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 50-25.1 of the North Dakota Century Code, relating to abandoned infants.

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

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

**Abandoned Infant - Hospital procedure - Reporting Immunity.**

1. As used in this section:
  - a. "Abandoned infant" means an abandoned infant as defined in section 27-20-02 and which has been left at a hospital in an unharmed condition.
  - b. "Hospital" means a facility licensed under chapter 23-16.
2. A parent of an infant may abandon the infant at any hospital. An agent of the parent may leave an abandoned infant at a hospital with the parent's consent. Neither the parent nor the agent is subject to prosecution under sections 14-07-15 and 14-09-22 for leaving the abandoned infant at a hospital.
3. A hospital shall accept an infant abandoned or left under this section. The hospital 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 return address. Neither the parent nor the agent is required to provide any information.
4. 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. 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 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 shall report to the department, as required by section 50-25.1-03, that an abandoned infant has been left at the hospital. The report may not be made before the parent or the agent leaves the hospital.
7. The hospital and its employees and agents are immune from any criminal or civil liability for accepting an abandoned infant under this section.
8. Upon receiving a report of an abandoned infant left at a hospital under this section, the department shall proceed as required under this chapter if it appears that the abandoned infant was not harmed, except the department may not attempt to identify or contact the parent or the agent. If it appears the abandoned infant was harmed, the department shall initiate an assessment of the matter as required by law.
9. If an individual claiming to be the parent or the agent contacts the department and requests to be reunited with the abandoned infant, the department may identify or contact the individual as required under this chapter and all other applicable laws. If an individual contacts the department seeking information only, the department may attempt to obtain information regarding the identity and medical history of the parents and may provide information regarding the procedures in an abandoned infant case. The individual is under no obligation to respond to the request for information, and the department may not attempt to compel response to investigate the identity or background of the individual."

Renumber accordingly



2001 HOUSE HUMAN SERVICES

SB 2129

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2129

House Human Services Committee

Conference Committee

Hearing Date March 12, 2001

Tape Number	Side A	Side B	Meter #
2	x		3732 to end
2		x	1 to 592
3	x		0 to 110
Committee Clerk Signature <i>Cornie Easton</i>			

Minutes:

Chairman Price: I will call the Human Services Committee back to order and open the hearing on SB 2129.

Sandi Tabor - Deputy Attorney General: (See written testimony).

Rep. Metcalf: You said in paragraph 4 requires the hospital to provide the parent or agent with a numbered identification bracelet. I am sure it will take a while to prepare that numbered identification bracelet and possibly the person abandoning the child wants to get out of there as fast as possible. What would happen if they were to say Good-bye, I'm out of here. The bracelet is just forgotten about at that point?

Tabor: I think they will have them ready. I am sure the hospitals will do everything in their power to make sure that person doesn't leave without that bracelet. If they do, they can still contact the department and follow the procedures the department has established for determining

parental rights. But it is going to be more difficult. If they don't get that bracelet it will be kind of a challenge.

Rep. Weiler: Are there any numbers from the other states that currently have these laws in place, as a percentage of what ...

Tabor: I don't know numbers. These programs are pretty new. I first heard about this over a year ago now from an article in Time magazine, regarding a pilot project going on in Kansas City and in that state, the pilot project was seeing a lot of these types of instances. Of course, they have a slightly different demographic than we do in ND. I know they did some work on this in Texas and in particular in Houston. I can look that up and see if there are some numbers. We don't expect to see hundreds of abandoned babies. What we are concerned about is that if it does happen, we believe the hospitals will be willing to do some public education on this too. This will be a pointless law if we don't educate. But we don't believe it is going to be a run to the hospital.

Rep. Niemeier: I suppose some infants now are being abandoned. I am wondering how has this been dealt with, and is it a criminal offense?

Tabor: I believe there could be some. Right now, it is occurring and I don't know what prosecution is going on. We all know the infamous case out of Fargo with the young lady at NDSU. She filed a plea bargain for that. I don't know.

Chairman Price: Let's say the mother is a victim of abuse. And she is doing this just to get the infant out of the situation. Is it going to be more difficult for her to reunify?

Tabor: I don't know what they do right now. I don't know how they protect that child? Under this bill if they decide, I need to take this infant out of this situation and I know I can take them to the hospital. It may pose some difficulty, because once it is there, it is going to go through the

