

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001**

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**HOUSE BILL 275\***

Short Title: Infant Homicide Prevention Act.

(Public)

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Sponsors: Representatives Haire, Alexander, Clary, Easterling; Allen, Barefoot, Boyd-McIntyre, Crawford, Goodwin, Hurley, Lucas, Luebke, Oldham, Teague, Tolson, Wainwright, Weiss, and Womble.

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Referred to: Judiciary II.

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February 27, 2001

A BILL TO BE ENTITLED

AN ACT TO DECRIMINALIZE ABANDONMENT OF AN INFANT UNDER CERTAIN CIRCUMSTANCES AND TO MODIFY SOME PROCEDURES INVOLVING ABANDONED JUVENILES.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 7B-302(a) reads as rewritten:

"(a) When a report of abuse, neglect, or dependency is received, the director of the department of social services shall make a prompt and thorough investigation in order to ascertain the facts of the case, the extent of the abuse or neglect, and the risk of harm to the juvenile, in order to determine whether protective services should be provided or the complaint filed as a petition. When the report alleges abuse, the director shall immediately, but no later than 24 hours after receipt of the report, initiate the investigation. When the report alleges neglect or dependency, the director shall initiate the investigation within 72 hours following receipt of the report. Notwithstanding the previous sentence, when a report alleges abandonment, the director shall immediately initiate an investigation and shall take appropriate steps to assume temporary custody of the juvenile and to secure an order for nonsecure custody of the juvenile. The investigation and evaluation shall include a visit to the place where the juvenile resides. When the report alleges abandonment, the investigation shall include a request from the director to law enforcement officials to investigate through the North Carolina Center for Missing Persons and other national and State resources to ensure that the juvenile is not a missing child. All information received by the department of social services, including the identity of the reporter, shall be held in strictest confidence by the department."

**SECTION 2.** G.S. 7B-500 reads as rewritten:

1 **"§ 7B-500. Taking a juvenile into temporary ~~eustody~~-custody; civil and criminal**  
2 **immunity.**

3 (a) Temporary custody means the taking of physical custody and providing  
4 personal care and supervision until a court order for nonsecure custody can be obtained.  
5 A juvenile may be taken into temporary custody without a court order by a law  
6 enforcement officer or a department of social services worker if there are reasonable  
7 grounds to believe that the juvenile is abused, neglected, or dependent and that the  
8 juvenile would be injured or could not be taken into custody if it were first necessary to  
9 obtain a court order. If a department of social services worker takes a juvenile into  
10 temporary custody under this section, the worker may arrange for the placement, care,  
11 supervision, and transportation of the juvenile.

12 (b) A law enforcement officer, a department of social services worker, a health  
13 care provider as defined in G.S. 90-21.11 at a hospital or local or district health  
14 department, or an emergency medical technician at a fire station shall, without a court  
15 order, take into temporary custody an infant under 15 days of age that is voluntarily  
16 delivered to the individual by the infant's parent who does not express an intent to return  
17 for the infant. An individual who takes an infant into temporary custody under this  
18 subsection shall perform any act necessary to protect the physical health and well-being  
19 of the infant and shall immediately notify the department of social services. Any  
20 individual who takes an infant into temporary custody under this subsection may inquire  
21 as to the parents' identities and as to any relevant medical history, but the parent is not  
22 required to provide this information.

23 (c) Any adult may, without a court order, take into temporary custody an infant  
24 under 15 days of age that is voluntarily delivered to the individual by the infant's parent  
25 who does not express an intent to return for the infant. An individual who takes an  
26 infant into temporary custody under this subsection shall perform any act necessary to  
27 protect the physical health and well-being of the infant and shall immediately notify the  
28 department of social services. An individual who takes an infant into temporary custody  
29 under this subsection may inquire as to the parents' identities and as to any relevant  
30 medical history, but the parent is not required to provide this information.

31 (d) An individual who takes an infant into temporary custody under subsection  
32 (b) or (c) of this section is immune from any civil or criminal liability that might  
33 otherwise be incurred or imposed as a result of any omission or action taken pursuant to  
34 the requirements of subsection (b) or (c) of this section so long as that individual was  
35 acting in good faith. The immunity established by this subsection does not extend to  
36 gross negligence, wanton conduct, or intentional wrongdoing that would otherwise be  
37 actionable."

38 **SECTION 3.** G.S. 7B-1111(a)(7) reads as rewritten:

39 "(a) The court may terminate the parental rights upon a finding of one or more of  
40 the following:

41 ...

42 (7) The parent has willfully abandoned the juvenile for at least six  
43 consecutive months immediately preceding the filing of the petition or  
44 ~~motion~~-motion, or the parent has voluntarily abandoned an infant

1                   pursuant to G.S. 7B-500 for at least 60 consecutive days immediately  
2                   preceding the filing of the petition or motion."

3                   **SECTION 4.** G.S. 14-318.2 is amended by adding a new subsection to read:

4                   "(c) A parent who abandons an infant less than 15 days of age pursuant to G.S.  
5 14-322.3 shall not be prosecuted under this section for any acts or omissions related to  
6 the care of that infant."

7                   **SECTION 5.** G.S. 14-318.4 is amended by adding a new subsection to read:

8                   "(c) Abandonment of an infant less than 15 days of age pursuant to G.S. 14-322.3  
9 may be treated as a mitigating factor in sentencing for a conviction under this section  
10 involving that infant."

11                   **SECTION 6.** Article 40 of Chapter 14 of the General Statutes is amended by  
12 adding a new section to read:

13 **"§ 14-322.3. Abandonment of an infant under 15 days of age.**

14                   No parent shall be prosecuted under G.S. 14-322 or G.S. 14-322.1 for abandonment  
15 of an infant less than 15 days of age when that parent voluntarily delivers the infant to  
16 one of the following individuals and does not express an intent to return for the infant:

- 17                   (1) A health care provider, as defined under G.S. 90-21.11, at a hospital or  
18 at a local or district health department.  
19                   (2) A law enforcement officer at a police station or sheriff's department.  
20                   (3) A social services worker at a local department of social services.  
21                   (4) An emergency medical technician at a fire station.  
22                   (5) Any other adult of suitable discretion who willingly accepts the  
23 infant."

24                   **SECTION 7.** The Department of Health and Human Services, Division of  
25 Public Health, shall develop a media campaign to inform the public of the provisions of  
26 this act. This media campaign shall contain information on responsible parenting in  
27 addition to information about the provisions of the act. This media campaign shall be  
28 targeted at adolescents and young adults. This media campaign shall be developed in  
29 consultation with law enforcement officials, local departments of social services,  
30 medical personnel, and school administrators.

31                   **SECTION 8.** There is appropriated from the General Fund the sum of one  
32 hundred fifty thousand dollars (\$150,000) for the 2001-2002 fiscal year and the sum of  
33 one hundred fifty thousand dollars (\$150,000) for the 2002-2003 fiscal year to the  
34 Department of Health and Human Services, Division of Public Health, to implement the  
35 provisions of Section 7 of this act.

36                   **SECTION 9.** Sections 1 through 6 of this act become effective December 1,  
37 2001, and apply to acts committed on or after that date. The remainder of this act  
38 becomes effective July 1, 2001.