GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2001

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HOUSE BILL 275* Committee Substitute Favorable 3/21/01

Short Title: Infant Homicide Prevention Act.

Sponsors:

Referred to:

February 27, 2001

1 A BILL TO BE ENTITLED 2 AN ACT TO DECRIMINALIZE ABANDONMENT OF AN INFANT UNDER 3 CERTAIN CIRCUMSTANCES AND TO MODIFY SOME PROCEDURES 4 INVOLVING ABANDONED JUVENILES. 5 The General Assembly of North Carolina enacts: 6 **SECTION 1.** G.S. 7B-302(a) reads as rewritten: 7 When a report of abuse, neglect, or dependency is received, the director of the "(a) 8 department of social services shall make a prompt and thorough investigation in order to 9 ascertain the facts of the case, the extent of the abuse or neglect, and the risk of harm to 10 the juvenile, in order to determine whether protective services should be provided or the 11 complaint filed as a petition. When the report alleges abuse, the director shall 12 immediately, but no later than 24 hours after receipt of the report, initiate the 13 investigation. When the report alleges neglect or dependency, the director shall initiate 14 the investigation within 72 hours following receipt of the report. When the report alleges abandonment, the director shall immediately initiate an investigation, take 15 16 appropriate steps to assume temporary custody of the juvenile, and take appropriate steps to secure an order for nonsecure custody of the juvenile. The investigation and 17 evaluation shall include a visit to the place where the juvenile resides. When the report 18 alleges abandonment, the investigation shall include a request from the director to law 19 enforcement officials to investigate through the North Carolina Center for Missing 20 Persons and other national and State resources whether the juvenile is a missing child. 21 22 All information received by the department of social services, including the identity of 23 the reporter, shall be held in strictest confidence by the department." 24 SECTION 2. G.S. 7B-500 reads as rewritten: 25 "§ 7B-500. Taking a juvenile into temporary custody.custody; civil and criminal 26 immunity. 27 Temporary custody means the taking of physical custody and providing (a)

personal care and supervision until a court order for nonsecure custody can be obtained.
A juvenile may be taken into temporary custody without a court order by a law

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1	enforcement officer or a department of social services worker if there are reasonable
2	grounds to believe that the juvenile is abused, neglected, or dependent and that the
3	juvenile would be injured or could not be taken into custody if it were first necessary to
4	obtain a court order. If a department of social services worker takes a juvenile into
5	temporary custody under this section, the worker may arrange for the placement, care,
6	supervision, and transportation of the juvenile.
7	(b) The following individuals shall, without a court order, take into temporary
8	custody an infant under 15 days of age that is voluntarily delivered to the individual by
9	the infant's parent who does not express an intent to return for the infant:
10	(1) A health care provider, as defined under G.S. 90-21.11, who is on duty
11	or at a hospital or at a local or district health department.
12	(2) <u>A law enforcement officer who is on duty or at a police station or</u>
13	sheriff's department.
14	(3) A social services worker who is on duty or at a local department of
15	social services.
16	(4) An emergency medical technician who is on duty or at a fire station.
17	(c) An individual who takes an infant into temporary custody under subsection
18	(b) of this section shall perform any act necessary to protect the physical health and
19	well-being of the infant and shall immediately notify the department of social services
20	or a local law enforcement agency. Any individual who takes an infant into temporary
21	custody under subsection (b) of this section may inquire as to the parents' identities and
22	as to any relevant medical history, but the parent is not required to provide this
23	information.
24	(d) Any adult may, without a court order, take into temporary custody an infant
25	under 15 days of age that is voluntarily delivered to the individual by the infant's parent
26	who does not express an intent to return for the infant. Any individual who takes an
27	infant into temporary custody under this section shall perform any act necessary to
28	protect the physical health and well-being of the infant and shall immediately notify the
29	department of social services or a local law enforcement agency. An individual who
30	takes an infant into temporary custody under this subsection may inquire as to the
31	parents' identities and as to any relevant medical history, but the parent is not required
32	to provide this information.
33	(e) <u>An individual who takes an infant into temporary custody under subsection</u>
34	(b) or (d) of this section is immune from any civil or criminal liability that might
35	otherwise be incurred or imposed as a result of any omission or action taken pursuant to
36	the requirements of subsection (b), (c), or (d) of this section so long as that individual
37	was acting in good faith. The immunity established by this subsection does not extend
38	to gross negligence, wanton conduct, or intentional wrongdoing that would otherwise be
39	actionable."
40	SECTION 3. G.S. 7B-1111(a)(7) reads as rewritten:
41	"(a) The court may terminate the parental rights upon a finding of one or more of
42	the following:
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1	(7) The parent has willfully abandoned the juvenile for at least six
2	consecutive months immediately preceding the filing of the petition or
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	motion.motion, or the parent has voluntarily abandoned an infant
4	pursuant to G.S. 7B-500 for at least 60 consecutive days immediately
5	preceding the filing of the petition or motion."
6	SECTION 4. G.S. 14-318.2 is amended by adding a new subsection to read:
7	"(c) A parent who abandons an infant less than 15 days of age pursuant to G.S.
8	14-322.3 shall not be prosecuted under this section for any acts or omissions related to
9	the care of that infant."
10	SECTION 5. G.S. 14-318.4 is amended by adding a new subsection to read:
11	"(c) Abandonment of an infant less than 15 days of age pursuant to G.S. 14-322.3
12	may be treated as a mitigating factor in sentencing for a conviction under this section
13	involving that infant."
14	SECTION 6. Article 40 of Chapter 14 of the General Statutes is amended by
15	adding a new section to read:
16	" <u>§ 14-322.3. Abandonment of an infant under 15 days of age.</u>
17	When a parent abandons an infant less than 15 days of age by voluntarily delivering
18	the infant as provided in G.S. 7B-500(b) or G.S. 7B-500(d) and does not express an
19	intent to return for the infant, that parent shall not be prosecuted under G.S. 14-322 or
20	<u>G.S. 14-322.1.</u> "
21	SECTION 7. This act is effective when it becomes law.