

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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SENATE BILL 252*

Short Title: Infant Homicide Prevention Act.

(Public)

Sponsors: Senators Martin of Guilford, Carpenter; Purcell and Robinson.

Referred to: Judiciary II.

February 27, 2001

A BILL TO BE ENTITLED

1
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 "(a) When a report of abuse, neglect, or dependency is received, the director of the
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. Notwithstanding the
15 previous sentence, when a report alleges abandonment, the director shall immediately
16 initiate an investigation and shall take appropriate steps to assume temporary custody of
17 the juvenile and to secure an order for nonsecure custody of the juvenile. The
18 investigation and evaluation shall include a visit to the place where the juvenile resides.
19 When the report alleges abandonment, the investigation shall include a request from the
20 director to law enforcement officials to investigate through the North Carolina Center
21 for Missing Persons and other national and State resources to ensure that the juvenile is
22 not a missing child. All information received by the department of social services,
23 including the identity of the reporter, shall be held in strictest confidence by the
24 department."

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

26 "§ 7B-500. Taking a juvenile into temporary eustody-custody; civil and criminal
27 immunity.

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

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

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

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

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

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

39 ...

40 (7) The parent has willfully abandoned the juvenile for at least six
41 consecutive months immediately preceding the filing of the petition or
42 ~~motion~~-motion, or the parent has voluntarily abandoned an infant
43 pursuant to G.S. 7B-500 for at least 60 consecutive days immediately
44 preceding the filing of the petition or motion."

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

2 "(c) A parent who abandons an infant less than 15 days of age pursuant to G.S.
3 14-322.3 shall not be prosecuted under this section for any acts or omissions related to
4 the care of that infant."

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

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

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

11 **§ 14-322.3. Abandonment of an infant under 15 days of age.**

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

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

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

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

34 **SECTION 9.** Sections 1 through 6 of this act become effective December 1,
35 2001, and apply to acts committed on or after that date. The remainder of this act
36 becomes effective July 1, 2001.