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HOUSE BILL DRH10153-NB-14

Short Title: Revise Laws/Safe Surrender/Infants. (Public)

Sponsors: Representative White.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO REVISE THE LAWS PERTAINING TO THE SAFE SURRENDER OF
3 INFANTS UNDER THE ABUSE, NEGLECT, AND DEPENDENCY LAWS AND TO
4 MAKE CONFORMING STATUTORY CHANGES.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. Chapter 7B of the General Statutes is amended by adding a new Article
7 to read:

8 "Article 5A.

9 "Safe Surrender of Infants.

10 "**§ 7B-520. Purpose; limitations.**

11 (a) Purpose. – The purpose of this Article is to protect newborn infants by providing a
12 safe alternative for a parent who, in a crisis or in desperation, may physically abandon or harm
13 his or her newborn and to provide information for the parent regarding the parent's rights and
14 alternatives.

15 (b) Limitations. – The provisions of this Article apply exclusively to safely surrendered
16 infants as defined in G.S. 7B-101(19a). No person or agency shall act under the provisions of
17 this Article if it is determined that any of the following are true:

18 (1) A surrendered infant is not reasonably believed to be under seven days old.

19 (2) The infant shows signs of abuse or neglect.

20 (3) There is reason to believe the individual surrendering the infant was not the
21 infant's parent.

22 (4) At the time the infant was surrendered, there was reason to believe the parent
23 intended to return for the infant.

24 "**§ 7B-521. Persons to whom infant may be surrendered.**

25 The following individuals shall, without a court order, take into temporary custody an infant
26 reasonably believed to be under seven days of age that is voluntarily delivered to the individual
27 by the infant's parent who does not express an intent to return for the infant:

28 (1) A health care provider, as defined under G.S. 90-21.11, who is on duty or at a
29 hospital or at a local or district health department or at a nonprofit community
30 health center.

31 (2) A first responder, including a law enforcement officer, a certified emergency
32 medical services worker, or a firefighter.

33 (3) A social services worker who is on duty or at a local department of social
34 services.

35 "**§ 7B-522. Duties of person taking safely surrendered infant into temporary custody.**



1 An individual who takes an infant into temporary custody under G.S. 7B-521 shall perform
2 any act necessary to protect the physical health and well-being of the infant and immediately
3 notify the department of social services in the county where the infant is surrendered. The
4 individual may inquire as to the parents' identities, the date of birth of the infant, any relevant
5 medical history, and the parents' marital status and may advise the parent that if the parent
6 provides that information, it may facilitate the adoption of the child. However, the individual
7 shall notify the parent that the parent is not required to provide the information. The individual,
8 if practical, shall provide the surrendering parent with written information created by the
9 Department of Health and Human Services, Division of Social Services, as set forth in
10 G.S. 7B-528.

11 **"§ 7B-523. Immunity for those receiving infant.**

12 An individual to whom an infant was surrendered under G.S. 7B-521 is immune from any
13 civil or criminal liability that might otherwise be incurred or imposed as a result of any omission
14 or action taken pursuant to the requirements of this Article as long as that individual was acting
15 in good faith. The immunity established by this section does not extend to gross negligence,
16 wanton conduct, or intentional wrongdoing that would otherwise be actionable.

17 **"§ 7B-524. Confidentiality of information and records.**

18 (a) Except as otherwise provided in subsection (b) of this section, unless a parent
19 consents to its release, an individual who takes an infant into temporary custody under this Article
20 and any facility involved in the care of the infant at the time the infant is taken into temporary
21 custody shall keep information regarding the surrendering parent's identity confidential.

22 (b) An individual taking an infant into temporary custody under this Article shall provide
23 to the director of the department of social services any information known about the infant, the
24 infant's parents, including their identity, any medical history, and the circumstances of surrender.

25 (c) All information about the surrendering parent's identity that is received or obtained
26 by the department of social services shall not be disclosed except for (i) notice to local law
27 enforcement pursuant to G.S. 7B-525(b)(3), (ii) contact with the non-surrendering parent, or (iii)
28 as otherwise ordered by a court of this State.

29 (d) All information received by the department of social services related to the
30 circumstances of the infant's safe surrender and the infant's condition shall be held in strictest
31 confidence and shall not be disclosed except as provided in this section.

32 (1) The director may consult with and share information that the director
33 determines is necessary or relevant to the case with (i) a health care provider
34 that provided medical treatment to the safely surrendered infant before, at the
35 time of, or after the safe surrender, (ii) a placement provider, including a foster
36 care placement or pre-adoptive placement, for the infant, (iii) a court
37 exercising jurisdiction over an adoption proceeding for the infant, and (iv) any
38 agency that a court in an adoption proceeding requires to conduct a
39 preplacement assessment, report to the court, or equivalent.

40 (2) A guardian ad litem appointed in a termination of parental rights proceeding
41 resulting from the infant's safe surrender may examine and obtain written
42 copies of the record.

43 (3) A district or superior court judge of this State presiding over a civil, criminal,
44 or delinquency matter in which the department of social services is not a party
45 may order the department to release confidential information after providing
46 the department with reasonable notice and an opportunity to be heard and then
47 determining that the information is relevant and necessary to the trial of the
48 matter before the court and unavailable from any other source. The department
49 of social services shall surrender the requested records to the court, which
50 shall conduct an in-camera review prior to releasing the confidential records.

1 (e) This section shall not apply if the department determines the juvenile is not a safely
2 surrendered infant or is the victim of a crime.

3 **"§ 7B-525. Social services response.**

4 (a) A director of a department of social services who receives a safely surrendered infant
5 pursuant to this Article has, by virtue of the surrender, the surrendering parent's rights to legal
6 and physical custody of the infant without obtaining a court order. A county department of social
7 services to whom an infant has been safely surrendered may, after the notice by publication set
8 forth in G.S. 7B-526 has been completed, apply ex parte to the district court for an order finding
9 that the infant has been safely surrendered and confirming that the county department of social
10 services has legal custody of the minor for the purposes of obtaining a certified copy of the child's
11 birth certificate, a social security number, or federal and State benefits for the minor.

12 (b) The director of social services receiving the infant shall do the following in an
13 expeditious manner:

14 (1) Ascertain from a health care provider that the surrendered infant is, to a
15 reasonable medical certainty, under seven days old and without signs of abuse
16 or neglect. If both conditions are not satisfied, the provisions of the Article do
17 not apply and the director shall treat the infant as a juvenile who has been
18 reported to be an abused, neglected, or dependent juvenile.

19 (2) Make an inquiry of the person who received the infant as a safe surrender
20 whether the surrendering parent was provided with information in accordance
21 with G.S. 7B-526 and document the response.

22 (3) Notify law enforcement of the safely surrendered infant and provide law
23 enforcement with information necessary to investigate through the North
24 Carolina Center for Missing Persons and other national and State resources
25 whether the infant is a missing child.

26 (4) Contact the non-surrendering parent when their identity is known to inform
27 the non-surrendering parent that the infant was surrendered.

28 (5) Respond to any inquiry by a non-surrendering parent about whether their child
29 was safely surrendered.

30 (6) When a surrendering or non-surrendering parent seeks custody of the infant,
31 arrange for genetic marker testing of that parent and the infant if there is
32 uncertainty as to parentage.

33 (7) After 60 days from the date of surrender, if the surrendering parent has not
34 sought to regain custody of the infant and the infant is not placed with the
35 non-surrendering parent, initiate a termination of parental rights for the
36 surrendering parent under G.S. 7B-1111(7).

37 (c) If the director, at any time after receiving an infant, determines that the infant's legal
38 residence is in another county, the director shall promptly notify the director in the county of the
39 infant's residence, and the two directors shall coordinate efforts to ensure that appropriate actions
40 are taken. A department of social services located in the county of legal residence of the infant
41 that assumes custody of the infant pursuant to an appropriate action taken under this subsection
42 shall be subject to the provisions of this Article.

43 (d) Where the non-surrendering parent's identity is known and the non-surrendering
44 parent has been contacted and located by the director of the department of social services, the
45 director shall place custody of the safely surrendered infant with the non-surrendering parent,
46 and any custodial rights of the department of social services shall terminate only if all of the
47 following apply:

48 (1) There exists the rebuttable presumption the non-surrendering parent is the
49 safely surrendered infant's parent through (i) the child's legitimation through
50 marriage or (ii) genetic marker testing arranged by the director to establish

1 parentage that indicates the probability of parentage is ninety-seven percent
2 (97%) or higher.

3 (2) The non-surrendering parent asserts their parental rights to their child.

4 (3) The director does not have cause to suspect the infant is an abused, neglected,
5 or dependent juvenile due to the circumstances created by the
6 non-surrendering parent.

7 (e) Where the identity of the non-surrendering parent is known by the director and the
8 director has cause to suspect the infant may be an abused, neglected, or dependent juvenile due
9 to circumstances created by the non-surrendering parent, the director shall proceed as if there
10 was a report of abuse, neglect, or dependency in accordance with G.S. 7B-302. The surrendering
11 parent shall not be part of the department assessment conducted under G.S. 7B-302. If a petition
12 alleging abuse, neglect, or dependency is filed with the district court pursuant to G.S. 7B-302, in
13 accordance with G.S. 7B-401.1(b), the surrendering parent shall not be a party unless the court
14 orders otherwise or a surrendering parent comes forward to regain custody of the child.

15 (f) If the surrendering parent seeks to regain custody of the infant, the provision of
16 G.S. 7B-527(a) shall apply.

17 **"§ 7B-526. Notice by publication of the safely surrendered infant.**

18 (a) Within 14 days from the date of the safe surrender of an infant, the director shall
19 provide notice by publication as specified in subsection (b) of this section that an infant has been
20 surrendered and taken into custody by the department of social services.

21 (b) The notice shall be published in a newspaper qualified for legal advertising in
22 accordance with G.S. 1-597 and G.S. 1-598 and published in the county in which the surrender
23 was made and in any other county that the director has reason to believe either parent may be
24 residing. The publication shall be once a week for three successive weeks. The notice shall state
25 each of the following:

26 (1) The infant was surrendered by a person claiming to be the infant's mother or
27 father who did not express an intent to return for the infant and that the infant
28 was surrendered to an individual pursuant to G.S. 7B-521 by specifying (i) the
29 profession of the individual authorized to accept the surrendered infant, (ii)
30 the name and location of the facility at which the infant was surrendered, and
31 (iii) the date of surrender.

32 (2) The physical characteristics of the infant at the time of surrender.

33 (3) The infant is now in the physical and legal custody of the department of social
34 services in the county where the infant was surrendered.

35 (4) The surrendering mother or father has the right to request the infant's return to
36 their custody by contacting the department of social services in the county that
37 the infant was surrendered before the department initiates an action to
38 terminate their parental rights in district court. If the surrendering parent seeks
39 to regain custody of the infant from the department of social services, the
40 director shall treat the infant as a juvenile who has been reported as a neglected
41 juvenile and requires that the director conduct an assessment, at which point,
42 the surrendering parent's rights to have his or her identity be confidential no
43 longer apply.

44 (5) The department is making efforts to identify, locate, and contact the
45 non-surrendering parent. The non-surrendering parent has the right to contact
46 the department of social services to inquire about and seek custody of the
47 infant. The department may place the infant with the non-surrendering parent,
48 terminating the department's custodial rights to the infant, when that parent's
49 identity and location is known and there is no cause to suspect the infant is an
50 abused, neglected, or dependent juvenile due to circumstances created by the
51 non-surrendering parent.

- 1 (6) Each parent has the right to contact the department of social services in the
2 county where the infant was surrendered.
- 3 (7) If neither parent seeks the infant's custody from the department of social
4 services or executes a relinquishment for adoption within 60 days of the date
5 of the surrender, which shall be stated clearly on the notice, the department
6 will initiate a court action to terminate both parents' parental rights. Unless the
7 court orders otherwise, the notice of the petition to terminate parental rights
8 will be published in the same newspaper with the court name "In re Baby
9 Doe."
- 10 (8) How to contact the department of social services about the safely surrendered
11 infant and the parents' rights.

12 (c) If a termination of parental rights for the safely surrendered infant is commenced, an
13 affidavit of the publisher of the notice by this section shall be filed with the court at the
14 preliminary hearing required by G.S. 7B-1105.1.

15 **"§ 7B-527. Rights of surrendering parent.**

16 (a) Right to Regain Custody. – Prior to the filing of a termination of parental rights
17 petition under Article 11 of this Subchapter, a surrendering parent has the right to contact the
18 county department of social services where the infant was surrendered and request the infant's
19 return to his or her custody. The director shall treat any such request as a report of neglect and
20 comply with the provisions of G.S. 7B-302.

21 (b) Right of Relinquishment. – The safe surrender of an infant under this Article does not
22 preclude the surrendering parent from executing a relinquishment of their parental rights for
23 adoption with the local department of social services which received the safely surrendered
24 infant.

25 (c) Immunity. – A parent surrendering an infant pursuant to this Article is immune from
26 any civil liability or criminal prosecution in accordance with G.S. 14-322.3 as long as the
27 surrendering parent was acting in good faith. The immunity established by this section does not
28 extend to gross negligence, wanton conduct, or intentional wrongdoing that would otherwise be
29 actionable.

30 **"§ 7B-528. Information to surrendering parent.**

31 (a) The Department of Health and Human Services, Division of Social Services, shall
32 create printable and downloadable information about infant safe surrender and the rights of the
33 parents. The information shall be written in a user-friendly manner and translated to commonly
34 spoken and read languages in this State. The Division shall post the information on its website
35 and make the information available for distribution to agencies where persons identified in
36 G.S. 7B-521 are on duty and to other agencies that request the information.

37 (b) The information shall explain each of the following:

- 38 (1) Who is a safely surrendered infant, surrendering parent, and non-surrendering
39 parent.
- 40 (2) The requirements for how a safe surrender of an infant may occur under this
41 Article.
- 42 (3) The right to have the surrendering parent's identity remain confidential with
43 the exception of communicating with the non-surrendering parent, known
44 medical providers who provided treatment to the infant prior to the safe
45 surrender, law enforcement for purposes of a missing child assessment, or a
46 court order.
- 47 (4) The information set forth in G.S. 7B-526(3) through (8).
- 48 (5) That the information contains a relevant medical history form for the infant
49 that would assist the department of social services in obtaining any necessary
50 medical services for the infant and in facilitating the infant's placement,
51 including adoption. Completing the form is optional.

(6) An explanation that services may be available to the surrendering parent and infant accompanied by contact information for the local department of social services.

(c) The Division shall create a printable and downloadable medical history form as referred to in subsection (b) of this section, and the form must include instructions on how to complete it and where to return it."

SECTION 2. G.S. 7B-101 reads as rewritten:

"§ 7B-101. Definitions.

As used in this Subchapter, unless the context clearly requires otherwise, the following words have the listed meanings:

...

(15) Neglected juvenile. – Any juvenile less than 18 years of age (i) who is found to be a minor victim of human trafficking under G.S. 14-43.15 or (ii) whose parent, guardian, custodian, or caretaker does not provide proper care, supervision, or discipline; or who has been ~~abandoned~~; ~~abandoned without being safely surrendered pursuant to Article 5A of this Subchapter~~; or who is not provided necessary medical care; or who is not provided necessary remedial care; or who lives in an environment injurious to the juvenile's welfare; or the custody of whom has been unlawfully transferred under G.S. 14-321.2; or who has been placed for care or adoption in violation of law. In determining whether a juvenile is a neglected juvenile, it is relevant whether that juvenile lives in a home where another juvenile has died as a result of suspected abuse or neglect or lives in a home where another juvenile has been subjected to abuse or neglect by an adult who regularly lives in the home.

...

(15b) Non-surrendering parent. – A parent of a safely surrendered infant other than the parent who physically surrenders the parent's infant pursuant to Article 5A of this Subchapter.

...

(19a) Safely surrendered infant. – An infant reasonably believed to be under seven days of age and without signs of abuse or neglect who is voluntarily delivered to an individual in accordance with Article 5A of this Subchapter by the infant's parent who does not express an intent to return for the infant. In determining whether there are signs of neglect, the act of surrendering the infant, in and of itself, does not constitute neglect.

~~(19a)~~(19b) Serious neglect. – Conduct, behavior, or inaction of the juvenile's parent, guardian, custodian, or caretaker that evidences a disregard of consequences of such magnitude that the conduct, behavior, or inaction constitutes an unequivocal danger to the juvenile's health, welfare, or safety, but does not constitute abuse.

...

(21a) Surrendering parent. – A parent who physically surrenders the parent's infant pursuant to Article 5A of this Subchapter.

...."

SECTION 3. G.S. 7B-401.1(b) reads as rewritten:

"(b) Parents. – The juvenile's parent shall be a party unless one of the following applies:

...

(2) The parent has relinquished the juvenile for adoption, or safely surrendered the infant and has not sought the return of the infant prior to the filing of a termination of parental rights, unless the court orders that the parent be made a party.

1 "

2 **SECTION 4.** G.S. 7B-500 reads as rewritten:

3 "**§ 7B-500. Taking a juvenile into temporary custody; civil and criminal immunity.**

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

12 (b) ~~The following individuals shall, without a court order, take into temporary custody~~
13 ~~an infant under seven days of age that is voluntarily delivered to the individual by the infant's~~
14 ~~parent who does not express an intent to return for the infant:~~

15 (1) ~~A health care provider, as defined under G.S. 90-21.11, who is on duty or at a~~
16 ~~hospital or at a local or district health department or at a nonprofit community~~
17 ~~health center.~~

18 (2) ~~A law enforcement officer who is on duty or at a police station or sheriff's~~
19 ~~department.~~

20 (3) ~~A social services worker who is on duty or at a local department of social~~
21 ~~services.~~

22 (4) ~~A certified emergency medical service worker who is on duty or at a fire or~~
23 ~~emergency medical services station.~~

24 The process for taking into temporary custody a safely surrendered infant is as provided under
25 Article 5A of this Subchapter.

26 ~~(c) An individual who takes an infant into temporary custody under subsection (b) of this~~
27 ~~section shall perform any act necessary to protect the physical health and well-being of the infant~~
28 ~~and shall immediately notify the department of social services or a local law enforcement agency.~~
29 ~~Any individual who takes an infant into temporary custody under subsection (b) of this section~~
30 ~~may inquire as to the parents' identities and as to any relevant medical history, but the parent is~~
31 ~~not required to provide the information. The individual shall notify the parent that the parent is~~
32 ~~not required to provide the information.~~

33 ~~(d) Any adult may, without a court order, take into temporary custody an infant under~~
34 ~~seven days of age that is voluntarily delivered to the individual by the infant's parent who does~~
35 ~~not express an intent to return for the infant. Any individual who takes an infant into temporary~~
36 ~~custody under this section shall perform any act necessary to protect the physical health and~~
37 ~~well-being of the infant and shall immediately notify the department of social services or a local~~
38 ~~law enforcement agency. An individual who takes an infant into temporary custody under this~~
39 ~~subsection may inquire as to the parents' identities and as to any relevant medical history, but the~~
40 ~~parent is not required to provide the information. The individual shall notify the parent that the~~
41 ~~parent is not required to provide the information.~~

42 ~~(e) An individual described in subsection (b) or (d) of this section is immune from any~~
43 ~~civil or criminal liability that might otherwise be incurred or imposed as a result of any omission~~
44 ~~or action taken pursuant to the requirements of subsection (c) or (d) of this section as long as that~~
45 ~~individual was acting in good faith. The immunity established by this subsection does not extend~~
46 ~~to gross negligence, wanton conduct, or intentional wrongdoing that would otherwise be~~
47 ~~actionable."~~

48 **SECTION 5.** G.S. 7B-501(a) reads as rewritten:

49 "(a) A person who takes a juvenile into custody without a court order under G.S. 7B-500
50 shall proceed as ~~follows:follows~~, except that the person shall proceed in accordance with
51 G.S. 7B-522 for a safely surrendered infant:

...."

SECTION 6. Article 11 of Chapter 7B of the General Statutes is amended by adding a new section to read:

"§ 7B-1105.1. Preliminary hearing; safely surrendered infant.

(a) Within 10 days from the date of filing of a petition to terminate the parental rights of a surrendering or non-surrendering parent of a safely surrendered infant, or during the next term of court in the county where the petition is filed if there is no court in the county in that 10-day period, the court shall conduct a preliminary hearing to address the infant's safe surrender. The preliminary hearing shall be recorded and shall be closed unless the surrendering parent appears and requests that it be open. The purpose of the hearing shall be to ascertain the circumstances of the safe surrender in order to determine any efforts that should be made to ascertain the identity and location of either parent and to establish appropriate notice regarding termination of parental rights proceedings.

(b) The court shall inquire of the director of the department of social services as to all of the following:

(1) The circumstances of the safe surrender.

(2) Whether, at the time of surrender, the surrendering parent was provided the information pursuant to G.S. 7B-528.

(3) Whether notice of a safe surrender was made by publication as required by G.S. 7B-526. An affidavit of the publisher of that notice shall be filed with the court at this preliminary hearing.

(4) Whether either parent has made any efforts to contact the department of social services and the nature of those contacts.

(5) Whether the identities or locations of either parent are known to the director of the department of social services.

(c) The court shall determine whether any diligent efforts are required to identify or locate the surrendering parent considering the need to protect the confidentiality of that parent's identity and the parent's due process rights. The court may specify the type of diligent efforts the department of social services is required to take. The court shall determine whether the surrendering parent shall be served pursuant to Rule 4 of the Rules of Civil Procedure, and if so, may specify the type of service that must be provided in lieu of Rule 4 whether the parent shall be served by publication in accordance with subsection (e) of this section.

(d) When the identity of the non-surrendering parent is known, the court shall order service pursuant to Rule 4 of the Rules of Civil Procedure. When the non-surrendering parent's identity is not known, service shall be by publication in accordance with subsection (e) of this section.

(e) The court shall specifically order the place or places of publication and the contents of the notice that the court concludes is most likely to identify the juvenile to either of the juvenile's parents without including the name of the surrendering parent. The notice shall be published in a newspaper qualified for legal advertising in accordance with G.S. 1-597 and G.S. 1-598 and published in the counties directed by the court, including in the county where the local department of social services that received the safely surrendered infant is located and where the parent is residing, if known, once a week for three successive weeks. The notice shall do each of the following:

(1) Designate the court in which the petition is pending.

(2) Be directed to "the mother (father) (mother and father) of a male (female) juvenile born on or about _____ and if known in

(date)

(hospital or health care facility where the infant was born.)

(County),

(City),

, respondent."

(State)

- (3) Designate the docket number and title of the case which shall be "In re Baby Doe."
- (4) State that the infant was surrendered by a person claiming to be the infant's mother or father who did not express an intent to return for the infant and that the infant was surrendered to an individual pursuant to G.S. 7B-521 by specifying (i) the profession of the person authorized to accept the surrendered infant, (ii) the facility at which the infant was surrendered, and (iii) the date of surrender.
- (5) State the physical characteristics of the infant at the time of the surrender.
- (6) State that a petition seeking to terminate the parental rights of the respondent has been filed and the purpose of the termination hearing.
- (7) Notice that if the parent is indigent, the parent is entitled to appointed counsel and may contact the clerk immediately to request counsel.
- (8) State the date and time of the pretrial hearing pursuant to G.S. 7B-1108.1 and notice that the parent may attend the hearing.
- (9) Direct the respondent to file with the clerk a written answer to the petition within 30 days after a date stated in the notice, exclusive of such date, which date so stated shall be the date of first publication of notice and be substantially in the form as set forth in G.S. 1A-1, Rule 4(j1).
- (10) State that if the parent fails to answer the petition within the time prescribed and the court determines the ground for termination has been proved and that termination of that parent's rights is in the best interests of the juvenile, the respondent's parental rights to the juvenile will be terminated.

Upon completion of the service by publication, an affidavit of the publisher shall be filed with the court.

(f) The court shall issue the order required by this section within 30 days from the date of the preliminary hearing unless the court shall determine that additional time for investigation is required.

(g) No summons is required for a parent who is served by publication."

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

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

...

- (7) The parent has willfully abandoned the juvenile for at least six consecutive months immediately preceding the filing of the petition or motion, or the parent has voluntarily abandoned an infant as a safely surrendered infant pursuant to ~~G.S. 7B-500~~ Article 5A of this Subchapter for at least 60 consecutive days immediately preceding the filing of the petition or motion.

...

- (9) The parental rights of the parent with respect to another child of the parent have been terminated involuntarily by a court of competent jurisdiction and the parent lacks the ability or willingness to establish a safe home. This ground shall not apply to a parent whose parental rights were terminated as a result of the other child being a safely surrendered infant.

...."

SECTION 8. G.S. 14-322.3 reads as rewritten:

"§ 14-322.3. Abandonment of an infant under seven days of age.

When a parent abandons an infant less than seven days of age by voluntarily delivering the infant as provided in ~~G.S. 7B-500(b) or G.S. 7B-500(d)~~ Article 5A of Chapter 7B of the General

1 Statutes and does not express an intent to return for the infant, that parent shall not be prosecuted
2 under G.S. 14-322, 14-322.1, or 14-43.14."

3 **SECTION 9.** G.S. 115C-47(52) reads as rewritten:

4 "**§ 115C-47. Powers and duties generally.**

5 In addition to the powers and duties designated in G.S. 115C-36, local boards of education
6 shall have the power or duty:

7 ...

8 (52) To Ensure That Certain Students Receive Information Annually on Lawfully
9 Abandoning a Newborn Baby. – Not later than August 1, 2008, local boards
10 of education shall adopt policies to ensure that students in grades nine through
11 12 receive information annually on the manner in which a parent may lawfully
12 abandon a newborn baby with a responsible person, in accordance with
13 G.S. 7B-500.Article 5A of Chapter 7B of the General Statutes."

14 **SECTION 10.** G.S. 115C-218.75(a) reads as rewritten:

15 "(a) Health and Safety Standards. – A charter school shall meet the same health and safety
16 requirements required of a local school administrative unit. The Department of Public Instruction
17 shall ensure that charter schools provide parents and guardians with information about
18 meningococcal meningitis and influenza and their vaccines at the beginning of every school year.
19 This information shall include the causes, symptoms, and how meningococcal meningitis and
20 influenza are spread and the places where parents and guardians may obtain additional
21 information and vaccinations for their children.

22 ...

23 The Department of Public Instruction shall also ensure that charter schools provide students
24 in grades nine through 12 with information annually on the manner in which a parent may
25 lawfully abandon a newborn baby with a responsible person, in accordance with
26 G.S. 7B-500.Article 5A of Chapter 7B of the General Statutes.

27"

28 **SECTION 11.** G.S. 115C-548 reads as rewritten:

29 "**§ 115C-548. Attendance; health and safety regulations.**

30 ...

31 The Division of Nonpublic Education, Department of Administration, shall also ensure that
32 information is available to these schools so that they can provide information on the manner in
33 which a parent may lawfully abandon a newborn baby with a responsible person, in accordance
34 with G.S. 7B-500.Article 5A of Chapter 7B of the General Statutes."

35 **SECTION 12.** G.S. 115C-556 reads as rewritten:

36 "**§ 115C-556. Attendance; health and safety regulations.**

37 ...

38 The Division of Nonpublic Education, Department of Administration, shall also ensure that
39 information is available to each qualified nonpublic school so that the school can provide
40 information on the manner in which a parent may lawfully abandon a newborn baby with a
41 responsible person, in accordance with G.S. 7B-500.Article 5A of Chapter 7B of the General
42 Statutes."

43 **SECTION 13.** G.S. 115C-565 reads as rewritten:

44 "**§ 115C-565. Requirements exclusive.**

45 ...

46 The Division of Nonpublic Education, Department of Administration, shall also provide to
47 home schools information on the manner in which a parent may lawfully abandon a newborn
48 baby with a responsible person, in accordance with G.S. 7B-500.Article 5A of Chapter 7B of the
49 General Statutes. This information may be provided electronically or on the Division's Web
50 page."

51 **SECTION 14.** This act becomes effective October 1, 2021.