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Short Title: Baby Boxes/Newborn Safety Device.

(Public)

Sponsors:

Referred to:

February 18, 2025

A BILL TO BE ENTITLED
AN ACT TO ALLOW NEWBORN SAFETY DEVICE INSTALLATION IN QUALIFIED
ESTABLISHMENTS.

The General Assembly of North Carolina enacts:

SECTION 1.(a) 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:

...

(19a) Safely surrendered infant. – An infant reasonably believed to be not more than 30 days of age and without signs of abuse or neglect who is voluntarily delivered to an individual or placed in a newborn safety device 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.

...."

SECTION 1.(b) G.S. 7B-521 reads as rewritten:

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

(a) The following individuals shall, without a court order, take into temporary custody an infant reasonably believed to be not more than 30 days of age that is voluntarily delivered to the individual by the infant's parent who does not express an intent to return for the infant:

- (1) A health care provider, as defined under G.S. 90-21.11, who is on duty or at a hospital or at a local or district health department or at a nonprofit community health center.
- (2) A first responder who is on duty, including a law enforcement officer, a certified emergency medical services worker, or a firefighter.
- (3) A social services worker who is on duty or at a local department of social services.

(b) An employee of a qualified establishment with an installed newborn safety device as provided for in G.S. 7B-521A shall, without a court order, take into temporary custody an infant reasonably believed to be not more than 30 days of age that is voluntarily placed in a newborn safety device by the infant's parent who does not express an intent to return for the infant."

SECTION 1.(c) Article 5A of Subchapter I of Chapter 7B of the General Statutes is amended by adding a new section to read:

"§ 7B-521A. Newborn safety device.



* H 1 3 9 - C S C I - 1 6 *

(a) A qualified establishment may install a newborn safety device that complies with this Article. Each newborn safety device shall have a temperature-controlled interior, shall be properly ventilated to ensure the safety of infants, shall be equipped with an exterior door that locks automatically upon placement of a newborn in the safety device, shall have a door to access the newborn safety device from the interior of the qualified establishment that allows for the safe retrieval of the newborn, and shall be physically attached to the exterior of the qualified establishment in an area that is conspicuous and visible to employees. A qualified establishment shall comply with all of the following criteria:

- (1) Cover the cost of the installation through departmental funding or from private donations.
- (2) Install an adequate dual alarm system connected to the physical location of the newborn safety device. When the newborn safety device is accessed from the exterior, the dual alarm system must sound and automatically call the 911 system provider for the county in which the newborn safety device is located.
- (3) Test the dual alarm system weekly to ensure the device is in proper working order.
- (4) Visually inspect the newborn safety device at least two times per day.
- (5) In addition to the requirements of G.S. 7B-522, develop an emergency plan for rendering of emergency medical care to an infant and, if required, the immediate transportation of an infant placed into a newborn safety device to the nearest qualified health care facility equipped to accept potential pediatric medical emergencies.
- (6) In addition to the requirements of G.S. 7B-528, display clear signage that includes each of the following:
 - a. The phone number of any available services that provide support for parents in crisis.
 - b. A list of any available alternatives to using the newborn safety device.
 - c. A statement that reads "Placing a newborn in this safety device constitutes abandonment of parental rights to the newborn and consent for placement of the newborn in foster care, for adoption, or for other permanent placement except as provided by G.S. 7B-527."

(b) The Department of Health and Human Services, Division of Social Services, shall perform an initial inspection of a newborn safety device installed in accordance with this section prior to the device becoming operational and then perform an inspection each year thereafter making sure the device complies with all requirements of this section and is fully functional.

(c) For the purposes of this section, a qualified establishment means a physical building of an emergency department, a fire department, or a rescue or emergency medical services squad that is staffed onsite 24 hours per day by an emergency medical technician or other emergency health care provider."

SECTION 1.(d) G.S. 7B-526 reads as rewritten:

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

...

(b) 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 county in which the surrender was made and in any other county that the director has reason to believe either parent may be residing. The publication shall be once a week for three successive weeks. The notice shall state each of the following:

- (1) 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-527~~G.S. 7B-521(a) by specifying (i) the profession of the individual authorized to accept the

surrendered infant, (ii) the name and location of the facility at which the infant was surrendered, and (iii) the date of ~~surrender~~surrender, or was surrendered by placement in a newborn safety device pursuant to G.S. 7B-521(b) by specifying (i) the name and location of the facility at which the infant was surrendered, and (ii) the date of the surrender

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

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

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

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

(6) Each parent has the right to contact the department of social services in the county where the infant was surrendered.

(7) If neither parent seeks the infant's custody from the department of social services or executes a relinquishment for adoption within 60 days of the date of the surrender, which shall be stated clearly on the notice, the department will initiate a court action to terminate both parents' parental rights. Unless the court orders otherwise, the notice of the petition to terminate parental rights will be published in the same newspaper with the court name "In re Baby Doe."

(8) How to contact the department of social services about the safely surrendered infant and the parents' rights.

...."

SECTION 1.(e) G.S. 7B-527 reads as rewritten:

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

...

(c) Immunity. – A parent surrendering an infant pursuant to this Article is immune from any civil liability or criminal prosecution in accordance with G.S. 14-322.3 as long as the surrendering parent was acting in good faith. The immunity established by this section does not extend to gross negligence, wanton conduct, or intentional wrongdoing that would otherwise be actionable. The act of safely surrendering an infant under this Article does not create an affirmative defense to any prosecution arising from any other acts taken by the surrendering parent.

SECTION 1.(f) G.S. 7B-528 reads as rewritten:

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

(a) The Department of Health and Human Services, Division of Social Services, shall create printable and downloadable information about infant safe surrender and the rights of the

parents. The information shall be written in a user-friendly manner and translated to commonly spoken and read languages in this State. The Division shall post the information on its website and make the information available for distribution at the following locations:

- (1) ~~to agencies~~ Agencies where persons identified in G.S. ~~7B-521~~ 7B-521(a) are on ~~duty duty~~.
 - (2) A qualified establishment with an installed newborn safety device as defined in G.S. 7B-521A.
 - (3) Attached to or near newborn safety devices as described in 7B-521A.
 - (4) ~~and to other~~ Other agencies that request the information.
- (b) The information shall explain each of the following:
- (1) Who is a safely surrendered infant, surrendering parent, and non-surrendering parent.
 - (2) The requirements for how a safe surrender of an infant may occur under this Article.
 - (3) The right to have the surrendering parent's identity remain confidential with the exception of communicating with the non-surrendering parent, known medical providers who provided treatment to the infant prior to the safe surrender, law enforcement for purposes of a missing child assessment, or a court order.
 - (4) The information set forth in G.S. 7B-526(b)(3) through (b)(8).
 - (5) That the information contains a relevant medical history form for the infant that would assist the department of social services in obtaining any necessary medical services for the infant and in facilitating the infant's placement, 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 1.(g) G.S.7B-1105.1 reads as rewritten:

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

...

(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)

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

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

29"

30 **SECTION 2.** This act becomes effective when it becomes law.