

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

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HOUSE BILL 799

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

Sponsors: Representatives Horn, Dobson, and White (Primary Sponsors).  
*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: Judiciary, if favorable, Rules, Calendar, and Operations of the House

April 18, 2019

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, DEPENDENCY LAWS AND TO MAKE  
4 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).

17 "**§ 7B-521. Persons to whom infant may be surrendered.**

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

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

24 (2) A first responder, including, but not limited to, a law enforcement officer, a  
25 certified emergency medical services worker, or a firefighter.

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

28 "**§ 7B-522. Duties of person taking safely surrendered infant into temporary custody.**

29 An individual who takes an infant into temporary custody under G.S. 7B-521 shall perform  
30 any act necessary to protect the physical health and well-being of the infant and immediately  
31 notify the department of social services. The individual may inquire as to the parents' identities,  
32 the date of birth of the infant, any relevant medical history, and the parents' marital status and  
33 may advise the parent that if the parent provides that information, it may facilitate the adoption  
34 of the child. However, the individual shall notify the parent that the parent is not required to  
35 provide the information. The individual, if practical, shall provide the parent with written



1 information created by the Department of Health and Human Services, Division of Social  
2 Services, that includes the following:

- 3 (1) The requirements of safe surrender of an infant under this Article.
- 4 (2) How to seek reunification with the infant.
- 5 (3) How safe surrender of the infant may impact the parents' rights.
- 6 (4) Voluntary relinquishment of parental rights.
- 7 (5) A standard form seeking relevant medical history with instructions that  
8 completing the form is optional and that it may be immediately returned or  
9 mailed to the local department of social services.
- 10 (6) An explanation that services may be available to the surrendering parent and  
11 infant, accompanied by contact information for the local department of social  
12 services.

13 **"§ 7B-523. Confidentiality of information.**

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

18 (b) An individual taking an infant into temporary custody under this Article shall provide  
19 to the director of the department of social services any information known about the infant, the  
20 infant's parents, any medical history, and the circumstances of surrender. However, the director  
21 shall keep the parents' identifying information confidential, except as otherwise necessary to act  
22 pursuant to this Article or contact the nonsurrendering parent.

23 **"§ 7B-524. Social services response.**

24 (a) A director of a department of social services who receives a safely surrendered infant  
25 pursuant to this Article may take the infant into temporary custody without a court order and  
26 arrange for the placement, supervision, care, including medical care, and transportation of the  
27 infant.

28 (b) The director receiving the infant shall do the following:

- 29 (1) Ascertain from a health care provider that the surrendered infant is, to a  
30 reasonable medical certainty, under seven days old and without signs of abuse  
31 or neglect.
- 32 (2) Notify law enforcement of the safely surrendered infant and provide law  
33 enforcement with information necessary to investigate through the North  
34 Carolina Center for Missing Persons and other national and State resources  
35 whether the infant is a missing child.

36 (c) The director shall treat the safely surrendered infant as a report of dependency.  
37 However, there shall be no attempts to make direct contact with the surrendering parent prior to  
38 the first hearing on the need for continued nonsecure custody unless a court orders otherwise, or  
39 a surrendering parent comes forward to regain custody of the child.

40 (d) The director receiving a safely surrendered infant shall not proceed under the  
41 provisions of this Article if it is determined by the director that any of the following are true:

- 42 (1) A surrendered infant is not, to a reasonable medical certainty, under seven  
43 days old.
- 44 (2) The infant shows signs of abuse or neglect.
- 45 (3) There is reason to believe the individual surrendering the infant was not the  
46 infant's parent.
- 47 (4) At the time the infant was surrendered, there was reason to believe the parent  
48 intended to return for the infant.

49 **"§ 7B-525. Immunity for those receiving infant.**

50 An individual to whom an infant was surrendered under G.S. 7B-521 is immune from any  
51 civil or criminal liability that might otherwise be incurred or imposed as a result of any omission

1 or action taken pursuant to the requirements of this Article as long as that individual was acting  
 2 in good faith. The immunity established by this section does not extend to gross negligence,  
 3 wanton conduct, or intentional wrongdoing that would otherwise be actionable.

4 **"§ 7B-526. Immunity for surrendering parent.**

5 A parent surrendering an infant pursuant to this Article is immune from any civil liability or  
 6 criminal prosecution in accordance with G.S. 14-322.3 as long as the surrendering parent was  
 7 acting in good faith. The immunity established by this section does not extend to gross  
 8 negligence, wanton conduct, or intentional wrongdoing that would otherwise be actionable.

9 **"§ 7B-527. Waiver of right to personal notice; notice by publication.**

10 (a) Special Notice by Publication. – The court shall, at the first hearing on the need to  
 11 determine continued nonsecure custody and for every hearing thereafter that addresses the  
 12 petition for dependency as a safely surrendered infant, require special notice by publication. The  
 13 court shall specifically order the place or places of publication and the contents of the notice that  
 14 the court concludes is most likely to identify the juvenile to either of the juvenile's parents,  
 15 without including the name of the surrendering parent. The notice shall be published in a  
 16 newspaper qualified for legal advertising in accordance with G.S. 1-597 and G.S. 1-598 and  
 17 published in the counties directed by the court, once a week for three successive weeks. The  
 18 notice shall do each of the following:

- 19 (1) Designate the court in which the petition is pending.  
 20 (2) Be directed to "the father and mother of a male (female) juvenile born on or  
 21 about \_\_\_\_\_ in  
 22 (date)  
 23 \_\_\_\_\_ County,  
 24 \_\_\_\_\_ (City),  
 25 \_\_\_\_\_, respondent".  
 26 (State)  
 27 (3) Designate the docket number and title of the case. The court may direct the  
 28 actual name of the title be eliminated and the words "In Re Doe" substituted  
 29 for the name.  
 30 (4) State that the infant was surrendered by a person claiming to be the infant's  
 31 mother or father who did not express an intent to return for the infant and that  
 32 the infant was surrendered to an individual pursuant to G.S. 7B-521 by  
 33 specifying (i) the profession of the person authorized to accept the surrendered  
 34 infant, (ii) the facility at which the infant was surrendered, and (iii) the date of  
 35 surrender.  
 36 (5) State the physical characteristics of the infant and physical characteristics  
 37 known about the surrendering parent.  
 38 (6) State that a petition seeking to adjudicate the infant to be a dependent juvenile  
 39 has been filed and will be heard in court on the designated date, location, and  
 40 time.  
 41 (7) State that termination of parental rights action can be taken as to a safely  
 42 surrendered infant 60 days or more after the date an infant was surrendered,  
 43 whether or not parents' identities are known.  
 44 (8) Direct that the respondent notify the court or petitioner in order to receive  
 45 personal notice of proceedings and to assert his or her parental rights. The  
 46 respondent shall provide necessary contact information to receive notice  
 47 pursuant to this subdivision.

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

50 (b) Waiver of Personal Notice. – The act of voluntarily surrendering an infant waives a  
 51 surrendering parent's right to personal service of process regarding juvenile proceedings for

1 which the surrendered infant is the subject of a petition for dependency as a safely surrendered  
 2 infant or for a termination of parental rights under Article 11 of this Subchapter. A surrendering  
 3 parent is entitled to notice of the juvenile proceedings by publication and according to court  
 4 orders under subsection (a) of this section unless the parent contacts the department of social  
 5 services or the court in accordance with G.S. 7B-527.

6 (c) Personal Notice for Nonsurrendering Parent. – Nothing in this section shall be  
 7 construed to waive or limit a nonsurrendering parent's rights to personal service of process.

8 **"§ 7B-528. When surrendering parent seeks to regain custody of infant; parental identity.**

9 At any time prior to an order terminating a surrendering parent's parental rights, a  
 10 surrendering parent may contact the department of social services or the court seeking to (i)  
 11 regain custody of the infant, (ii) express a desire to participate in dependency proceedings for  
 12 which the surrendered infant is the subject, or (iii) inquire about the infant's well-being. Upon  
 13 making contact pursuant to this section, the surrendering parent is entitled to personal service of  
 14 process and is no longer deemed to have waived that right. However, juvenile court proceedings  
 15 for which the surrendered infant is the subject of the petition shall proceed. The court shall take  
 16 whatever measures it deems necessary to verify the identity and parentage of anyone claiming to  
 17 be the parent of a safely surrendered infant and shall do so prior to making placement  
 18 determinations that involve that parent or relative of that parent."

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

20 **"§ 7B-101. Definitions.**

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

23 ...

24 (9) Dependent juvenile. – A juvenile in need of assistance or placement because  
 25 (i) the juvenile has no parent, guardian, or custodian responsible for the  
 26 juvenile's care or ~~supervision~~ ~~or~~ ~~supervision~~, (ii) the juvenile's parent,  
 27 guardian, or custodian is unable to provide for the juvenile's care or  
 28 supervision and lacks an appropriate alternative child care  
 29 ~~arrangement~~ ~~arrangement~~, or (iii) the juvenile is a safely surrendered infant.

30 ...

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

44 ...

45 (15b) Nonsurrendering parent. – A parent of a safely surrendered infant other than  
 46 the parent who physically surrenders the parent's infant pursuant to Article 5A  
 47 of this Subchapter.

48 ...

49 (19a) Safely surrendered infant. – An infant reasonably believed to be under seven  
 50 days of age and without signs of abuse or neglect who is voluntarily

1 delivered to an individual in accordance with Article 5A of this Subchapter  
 2 by the infant's parent who does not express an intent to return for the infant.  
 3 ~~(19a)~~(19b) Serious neglect. – Conduct, behavior, or inaction of the juvenile's parent,  
 4 guardian, custodian, or caretaker that evidences a disregard of consequences  
 5 of such magnitude that the conduct, behavior, or inaction constitutes an  
 6 unequivocal danger to the juvenile's health, welfare, or safety, but does not  
 7 constitute abuse.

8 ...  
 9 (21a) Surrendering parent. – A parent who physically surrenders the parent's infant  
 10 pursuant to Article 5A of this Subchapter.

11 ...."

12 **SECTION 3.** G.S. 7B-302(a) reads as rewritten:

13 "(a) When a report of abuse, neglect, or dependency is received, the director of the  
 14 department of social services shall make a prompt and thorough assessment, using either a family  
 15 assessment response or an investigative assessment response, in order to ascertain the facts of the  
 16 case, the extent of the abuse or neglect, and the risk of harm to the juvenile, in order to determine  
 17 whether protective services should be provided or the complaint filed as a petition. When the  
 18 report alleges abuse, the director shall immediately, but no later than 24 hours after receipt of the  
 19 report, initiate the assessment. When the report alleges neglect or dependency, the director shall  
 20 initiate the assessment within 72 hours following receipt of the report. When the report alleges  
 21 abandonment of a juvenile or unlawful transfer of custody under G.S. 14-321.2, the director shall  
 22 immediately initiate an assessment. When the report alleges abandonment, the director shall also  
 23 take appropriate steps to assume temporary custody of the juvenile, and take appropriate steps to  
 24 secure an order for nonsecure custody of the juvenile. When the report alleges dependency as a  
 25 safely surrendered infant, the director shall proceed pursuant to Article 5A of this Subchapter  
 26 and take appropriate steps to assume custody of the juvenile and receive an order for nonsecure  
 27 custody. The assessment and evaluation shall include a visit to the place where the juvenile  
 28 resides, except when the report alleges abuse or neglect in a child care facility as defined in  
 29 Article 7 of Chapter 110 of the General Statutes. ~~Statutes or when the report alleges dependency~~  
 30 as a safely surrendered infant. When a report alleges abuse or neglect in a child care facility as  
 31 defined in Article 7 of Chapter 110 of the General Statutes, a visit to the place where the juvenile  
 32 resides is not required. When the report alleges abandonment, the assessment shall include a  
 33 request from the director to law enforcement officials to investigate through the North Carolina  
 34 Center for Missing Persons and other national and State resources whether the juvenile is a  
 35 missing child."

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

37 **"§ 7B-500. Taking a juvenile into temporary custody; civil and criminal immunity.**

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

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

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

- 1           (2)    A law enforcement officer who is on duty or at a police station or sheriff's  
2           department.  
3           (3)    A social services worker who is on duty or at a local department of social  
4           services.  
5           (4)    A certified emergency medical service worker who is on duty or at a fire or  
6           emergency medical services station.

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

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

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

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

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

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

35           ...."

36           **SECTION 6.** G.S. 7B-503(a) is amended by adding a new subdivision to read:

37           "(a)    When a request is made for nonsecure custody, the court shall first consider release  
38 of the juvenile to the juvenile's parent, relative, guardian, custodian, or other responsible adult.  
39 An order for nonsecure custody shall be made only when there is a reasonable factual basis to  
40 believe the matters alleged in the petition are true, and any of the following apply:

41           ...

42           (7)    The juvenile is a safely surrendered infant as defined under G.S. 7B-101(19a).

43           ...."

44           **SECTION 7.** G.S. 7B-504 reads as rewritten:

45           "**§ 7B-504. Order for nonsecure custody.**

46           The custody order shall be in writing and shall direct a law enforcement officer or other  
47 authorized person to take physical custody of the juvenile and to make due return on the order.  
48 A copy of the order shall be given to the juvenile's parent, guardian, custodian, or caretaker by  
49 the official executing the ~~order~~order, except that a copy is not required to be given to a  
50 surrendering parent.

1 An officer receiving an order for custody which is complete and regular on its face may  
2 execute it in accordance with its terms. If the court finds on the basis of the petition and request  
3 for nonsecure custody or the testimony of the petitioner that a less intrusive remedy is not  
4 available, the court may authorize a law enforcement officer to enter private property to take  
5 physical custody of the juvenile. If required by exigent circumstances of the case, the court may  
6 authorize a law enforcement officer to make a forcible entry at any hour. The officer is not  
7 required to inquire into the regularity or continued validity of the order and shall not incur  
8 criminal or civil liability for its due service."

9 **SECTION 8.** G.S. 7B-505 reads as rewritten:

10 "**§ 7B-505. Placement while in nonsecure custody.**

11 ...

12 (b) ~~The~~ Except as otherwise provided in subsection (c) of this section, the court shall  
13 order the department of social services to make diligent efforts to notify relatives and other  
14 persons with legal custody of a sibling of the juvenile that the juvenile is in nonsecure custody  
15 and of any hearings scheduled to occur pursuant to G.S. 7B-506, unless the court finds the  
16 notification would be contrary to the best interests of the juvenile. In placing a juvenile in  
17 nonsecure custody under this section, the court shall first consider whether a relative of the  
18 juvenile is willing and able to provide proper care and supervision of the juvenile in a safe home.  
19 If the court finds that the relative is willing and able to provide proper care and supervision in a  
20 safe home, then the court shall order placement of the juvenile with the relative unless the court  
21 finds that placement with the relative would be contrary to the best interests of the juvenile.

22 (c) In the case of a safely surrendered infant in accordance with Article 5A of this  
23 Subchapter, the court may specify in its order the nature of diligent efforts expected, taking into  
24 consideration the circumstances surrounding the safe surrender of the infant and the best interests  
25 of the child. If the court does not place the juvenile with a relative, the court may consider whether  
26 nonrelative kin or other persons with legal custody of a sibling of the juvenile are willing and  
27 able to provide proper care and supervision of the juvenile in a safe home. The court may order  
28 the department to notify the juvenile's State-recognized tribe of the need for nonsecure custody  
29 for the purpose of locating relatives or nonrelative kin for placement. The court may order  
30 placement of the juvenile with nonrelative kin if the court finds the placement is in the juvenile's  
31 best interests.

32 ...."

33 **SECTION 9.** G.S. 7B-506(h) reads as rewritten:

34 "(h) At each hearing to determine the need for continued custody, the court shall determine  
35 the following:

36 (1) Inquire as to the identity and location of any missing parent and whether  
37 paternity is at issue. The court shall include findings as to the efforts  
38 undertaken to locate the missing parent and to serve that parent, as well as  
39 efforts undertaken to establish paternity when paternity is an issue. The order  
40 may provide for specific efforts aimed at determining the identity and location  
41 of any missing parent, as well as specific efforts aimed at establishing  
42 paternity. In the case of a safely surrendered infant pursuant to Article 5A of  
43 this Subchapter, a court order may specify the nature of diligent efforts to be  
44 undertaken, upon considering the circumstances surrounding the safe  
45 surrender of the infant and the best interests of the child.

46 ...

47 (4) The court shall order special notice by publication pursuant to Article 5A of  
48 this Subchapter for cases involving safely surrendered infants."

49 **SECTION 10.** G.S. 7B-602(a) reads as rewritten:

50 "(a) In cases where the juvenile petition alleges that a juvenile is abused, neglected, or  
51 dependent, the parent has the right to counsel and to appointed counsel in cases of indigency

1 unless that person waives the right. When a petition is filed alleging that a juvenile is abused,  
 2 neglected, or dependent, the clerk shall appoint provisional counsel for each parent named in the  
 3 petition in accordance with rules adopted by the Office of Indigent Defense Services and shall  
 4 indicate the appointment on the juvenile summons or attached notice. At the first hearing, the  
 5 court shall dismiss the provisional counsel if any of the following apply to the respondent parent:

- 6 (1) Does not appear at the ~~hearing;~~ hearing.
- 7 (2) Does not qualify for court-appointed ~~counsel;~~ counsel.
- 8 (3) Has retained ~~counsel;~~ or counsel.
- 9 (4) Waives the right to counsel.
- 10 (5) Is the surrendering parent of a safely surrendered infant who has not contacted  
 11 the department of social services or the court pursuant to this section.

12 ...."

13 **SECTION 11.** G.S. 7B-901 reads as rewritten:

14 "**§ 7B-901. Initial dispositional hearing.**

15 ...

16 (b) ~~At~~ Except as provided in subsection (b1) of this section, at the dispositional hearing,  
 17 the court shall inquire as to the identity and location of any missing parent and whether paternity  
 18 is at issue. The court shall include findings of the efforts undertaken to locate the missing parent  
 19 and to serve that parent and efforts undertaken to establish paternity when paternity is an issue.  
 20 The order may provide for specific efforts in determining the identity and location of any missing  
 21 parent and specific efforts in establishing paternity. The court shall also inquire about efforts  
 22 made to identify and notify relatives, parents, or other persons with legal custody of a sibling of  
 23 the juvenile, as potential resources for placement or support.

24 (b1) In the case of a safely surrendered infant in accordance with Article 5A of this  
 25 Subchapter, the court may specify in its order the nature of diligent efforts expected, taking into  
 26 consideration the circumstances surrounding the safe surrender of the infant and the best interests  
 27 of the child.

28 (c) If the disposition order places a juvenile in the custody of a county department of  
 29 social services, the court shall direct that reasonable efforts for reunification as defined in  
 30 G.S. 7B-101 shall not be required if the court makes written findings of fact pertaining to any of  
 31 the following, unless the court concludes that there is compelling evidence warranting continued  
 32 reunification efforts:

33 ...

- 34 (4) A court of competent jurisdiction has determined that the juvenile is a safely  
 35 surrendered infant in accordance with Article 5A of this Subchapter and the  
 36 parent is a surrendering parent who has not contacted the department of social  
 37 services or the court pursuant to this section.

38 ...."

39 **SECTION 12.** G.S. 7B-1102(b)(1) is amended by adding a new sub-subdivision to  
 40 read:

41 "(b) A motion pursuant to subsection (a) of this section and the notice required by  
 42 G.S. 7B-1106.1 shall be served in accordance with G.S. 1A-1, Rule 5(b), except:

- 43 (1) Service must be in accordance with G.S. 1A-1, Rule 4, if one of the following  
 44 applies:
  - 45 a. The person or agency to be served was not served originally with  
 46 summons.
  - 47 b. The person or agency to be served was served originally by publication  
 48 that did not include notice substantially in conformity with the notice  
 49 required by G.S. 7B-406(b)(4)e.
  - 50 c. Two years has elapsed since the date of the original action.



1                   d.     The case involves a safely surrendered infant and the court ordered  
2                             service by publication in accordance with Article 5A of this  
3                             Subchapter."

4                   **SECTION 13.** G.S. 7B-1105(b) reads as rewritten:

5                   "(b) The court may, in its discretion, inquire of any known parent of the juvenile  
6 concerning the identity of the unknown parent and may order the petitioner to conduct a diligent  
7 search for the parent. Should the court ascertain the name or identity of the parent, it shall enter  
8 a finding to that effect; and the parent shall be summoned to appear in accordance with  
9 G.S. 7B-1106. When the petition involves a safely surrendered infant pursuant to Article 5A of  
10 this Subchapter, the court may specify in its order the nature of diligent efforts expected, taking  
11 into consideration the circumstances surrounding the safe surrender of the infant and the best  
12 interests of the child."

13                   **SECTION 14.** G.S. 7B-1111(a) reads as rewritten:

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

16                   ...

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

22                   ...

23                   (9) The parental rights of the parent with respect to another child of the parent  
24 have been terminated involuntarily by a court of competent jurisdiction and  
25 the parent lacks the ability or willingness to establish a safe home. This ground  
26 shall not apply when (i) the other child of the parent was a safely surrendered  
27 infant or (ii) the parent was a surrendering parent and parental rights were  
28 terminated pursuant to subdivision (7) of this subsection.

29                   ...."

30                   **SECTION 15.** G.S. 14-322.3 reads as rewritten:

31 **"§ 14-322.3. Abandonment of an infant under seven days of age.**

32 When a parent abandons an infant less than seven days of age by voluntarily delivering the  
33 infant as provided in ~~G.S. 7B-500(b) or G.S. 7B-500(d)~~ Article 5A of Chapter 7B of the General  
34 Statutes and does not express an intent to return for the infant, that parent shall not be prosecuted  
35 under G.S. 14-322, 14-322.1, or 14-43.14."

36                   **SECTION 16.** G.S. 115C-47(52) reads as rewritten:

37 **"§ 115C-47. Powers and duties generally.**

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

40                   ...

41                   (52) To Ensure That Certain Students Receive Information Annually on Lawfully  
42 Abandoning a Newborn Baby. – Not later than August 1, 2008, local boards  
43 of education shall adopt policies to ensure that students in grades nine through  
44 12 receive information annually on the manner in which a parent may lawfully  
45 abandon a newborn baby with a responsible person, in accordance with  
46 ~~G.S. 7B-500~~ Article 5A of Chapter 7B of the General Statutes.

47                   ...."

48                   **SECTION 17.** G.S. 115C-218.75(a) reads as rewritten:

49                   "(a) Health and Safety Standards. – A charter school shall meet the same health and safety  
50 requirements required of a local school administrative unit. The Department of Public Instruction  
51 shall ensure that charter schools provide parents and guardians with information about

1 meningococcal meningitis and influenza and their vaccines at the beginning of every school year.  
2 This information shall include the causes, symptoms, and how meningococcal meningitis and  
3 influenza are spread and the places where parents and guardians may obtain additional  
4 information and vaccinations for their children.

5 ...

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

10 ...."

11 **SECTION 18.** G.S. 115C-548 reads as rewritten:

12 "**§ 115C-548. Attendance; health and safety regulations.**

13 ...

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

18 **SECTION 19.** G.S. 115C-556 reads as rewritten:

19 "**§ 115C-556. Attendance; health and safety regulations.**

20 ...

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

26 **SECTION 20.** G.S. 115C-565 reads as rewritten:

27 "**§ 115C-565. Requirements exclusive.**

28 ...

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

34 **SECTION 21.** This act becomes effective October 1, 2019.