

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: SB1257

SHORT TITLE: Abandoned Infant Protection Act

SPONSOR(S): Senator Bill Martin et al

FISCAL IMPACT					
	Yes (x)	No ()	No Estimate Available ()		
	<u>FY 2000-01</u>	<u>FY 2001-02</u>	<u>FY 2002-03</u>	<u>FY 2003-04</u>	<u>FY 2004-05</u>
REVENUES	0	0	0	0	0
EXPENDITURES					
Administrative Office of the Courts			No significant impact anticipated		
Department of Health and Human Services	\$150,000NR	0	0	0	0
POSITIONS:		none			
PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED:		The Department of Health and Human Services Administrative Office of the Courts			
EFFECTIVE DATE:	July 1, 2000				

BILL SUMMARY: This bill has several components, it amends G.S. 7B-302 (a) regarding abandonment of juveniles in two ways: (1) it clarifies that in cases of abandonment, the Director of Department of Social Services shall assume temporary custody of the juvenile and then secure an order for nonsecure custody afterwards. Also, (2) it requires an investigation through the North Carolina Center for Missing Persons and other national and State resources to ensure that the juvenile is not a missing child.

The bill amends G.S. 7B-500 (b) to broaden the list of individuals who may take into custody an infant under 15 days of age, without a court order. The individual may take the infant into

custody who has been voluntarily delivered to them by the infant's parent and who does not express intent to return for the infant. The individual shall perform any act necessary to protect the physical health and well-being of the infant and shall immediately notify the department of social services.

The bill adds section c of G.S. 7B-500 to add that any adult may without a court order, take into temporary custody an infant under 15 days old as prescribed in the amended section B of G.S. 7B-500. The bill adds section d of G.S. 7B-500 that states that any individual who takes an infant into temporary custody as prescribed by Section b or c is immune from any civil or criminal liability as long as the individual was acting in good faith. This does not expend to gross negligence, wanton conduct, or intentional wrongdoing that would otherwise be actionable.

This bill amends G.S. 7B-1111(a)7 to state that the court may terminate the parental rights upon a finding that a parent willfully abandoned an infant, pursuant to G.S. 7B-500, for at least 60 consecutive days.

This bill amends G.S. 14-318.2 provides immunity from prosecution for the act of abandoning the infant under G.S. 14-322.3 (misdemeanor child abuse) and allows the abandonment act to be used as a mitigating factor in sentencing for a conviction under G.S. 14-322.3 (felony child abuse).

The bill adds G.S. 14-322.3 to provide immunity from prosecution for individuals who voluntarily abandon their infant to a health care provider as defined by G.S. 90-21.11, a law enforcement officer, a social worker, emergency medical technician, or any adult of suitable discretion who willingly accepts the infant. Also, this bill appropriates \$150,000 to the Department of Health and Human Services, Division of Public Health for the development of a media campaign on responsible parenting and the provisions of this act.

ASSUMPTIONS AND METHODOLOGY:

North Carolina Center for Missing Persons

According to the NC Center for Missing Persons, the bill would have no fiscal impact. The DHHS central registry of abuse, neglect and dependency reports indicate that about 200 children per year are abandoned. Many of these cases are already being investigated through the NC Center for Missing Persons. This bill would result in few, if any, additional cases and which could therefore be easily absorbed within current funding.

Administrative Office of the Courts

There is no anticipated fiscal impact from this bill, while data is limited, what is available shows few occurrences of abandonment of infants less than 15 days old. The bill requires the court to issue nonsecure custody orders after temporary custody has been assumed, the need for subsequent orders continuing nonsecure custody, and the potential for hearings on termination of parental rights to be held sooner (abandonment for a period of 60 days under the bill rather than 6 months under current law for infants under 15 days old).

Department of Health and Human Services

The bill includes an appropriation for \$150,000 to be used for a media campaign. This one-time appropriation would most likely fund several public service announcements in a few television markets in North Carolina. This media campaign would be targeted at adolescents and young adults on North Carolina's Infant Abandonment Act and "responsible parenting". Since there are already responsible parenting and pregnancy prevention grant programs targeted at adolescents perhaps the responsible parenting portion of this information could be disseminated through existing programs at the local health departments and local departments of social services. Other mandated public awareness campaigns have cost \$50,000 in which there was notification to the general public, advertisement in various news media, public service announcements and the maintenance of a toll free telephone number.

TECHNICAL CONSIDERATIONS:

FISCAL RESEARCH DIVISION 733-4910

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DATE: May 30, 2000



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