

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2025

H

2

HOUSE BILL 139

Committee Substitute Favorable 4/15/25

Short Title: Baby Boxes/Newborn Safety Device.

(Public)

Sponsors:

Referred to:

February 18, 2025

1 A BILL TO BE ENTITLED

2 AN ACT TO ALLOW NEWBORN SAFETY DEVICE INSTALLATION IN QUALIFIED
3 ESTABLISHMENTS.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.(a)** G.S. 7B-101 reads as rewritten:

6 **"§ 7B-101. Definitions.**

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

9 ...

10 (19a) Safely surrendered infant. – An infant reasonably believed to be not more than
11 30 days of age and without signs of abuse or neglect who is voluntarily
12 delivered to an individual or placed in a newborn safety device in accordance
13 with Article 5A of this Subchapter by the infant's parent who does not express
14 an intent to return for the infant. In determining whether there are signs of
15 neglect, the act of surrendering the infant, in and of itself, does not constitute
16 neglect.

17"

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

19 **"§ 7B-521. Persons to whom infant may be surrendered.**

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

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

26 (2) A first responder who is on duty, including a law enforcement officer, a
27 certified emergency medical services worker, or a firefighter.

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

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

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

36 **"§ 7B-521A. Newborn safety device.**



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

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

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

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

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

41 **"§ 7B-526. Notice by publication of the safely surrendered infant.**

42 ...

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

- 48 (1) The infant was surrendered by a person claiming to be the infant's mother or
49 father who did not express an intent to return for the infant and that the infant
50 was surrendered to an individual pursuant to ~~G.S. 7B-52~~ G.S. 7B-521(a) by
51 specifying (i) the profession of the individual authorized to accept the

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

6 (2) The physical characteristics of the infant at the time of surrender.
7 (3) The infant is now in the physical and legal custody of the department of social
8 services in the county where the infant was surrendered.
9 (4) The surrendering mother or father has the right to request the infant's return to
10 their custody by contacting the department of social services in the county that
11 the infant was surrendered before the department initiates an action to
12 terminate their parental rights in district court. If the surrendering parent seeks
13 to regain custody of the infant from the department of social services, the
14 director shall treat the infant as a juvenile who has been reported as a neglected
15 juvenile and requires that the director conduct an assessment, at which point,
16 the surrendering parent's rights to have his or her identity be confidential no
17 longer apply.
18 (5) The department is making efforts to identify, locate, and contact the
19 non-surrendering parent. The non-surrendering parent has the right to contact
20 the department of social services to inquire about and seek custody of the
21 infant. The department may place the infant with the non-surrendering parent,
22 terminating the department's custodial rights to the infant, when that parent's
23 identity and location are known and there is no cause to suspect the infant is
24 an abused, neglected, or dependent juvenile due to circumstances created by
25 the non-surrendering parent.
26 (6) Each parent has the right to contact the department of social services in the
27 county where the infant was surrendered.
28 (7) If neither parent seeks the infant's custody from the department of social
29 services or executes a relinquishment for adoption within 60 days of the date
30 of the surrender, which shall be stated clearly on the notice, the department
31 will initiate a court action to terminate both parents' parental rights. Unless the
32 court orders otherwise, the notice of the petition to terminate parental rights
33 will be published in the same newspaper with the court name "In re Baby
34 Doe."
35 (8) How to contact the department of social services about the safely surrendered
36 infant and the parents' rights.
37"

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

39 **"§ 7B-527. Rights of surrendering parent.**

40 ...

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

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

49 **"§ 7B-528. Information to surrendering parent.**

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

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

4 (1) Agencies where persons identified in G.S. 7B-521(a) are on duty
5 and to other duty.

6 (2) A qualified establishment with an installed newborn safety device as defined
7 in G.S. 7B-521A.

8 (3) Attached to or near newborn safety devices as described in G.S. 7B-521A.

9 (4) Other agencies that request the information.

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

11 (1) Who is a safely surrendered infant, surrendering parent, and non-surrendering
12 parent.

13 (2) The requirements for how a safe surrender of an infant may occur under this
14 Article.

15 (3) The right to have the surrendering parent's identity remain confidential with
16 the exception of communicating with the non-surrendering parent, known
17 medical providers who provided treatment to the infant prior to the safe
18 surrender, law enforcement for purposes of a missing child assessment, or a
19 court order.

20 (4) The information set forth in G.S. 7B-526(b)(3) through (b)(8).

21 (5) That the information contains a relevant medical history form for the infant
22 that would assist the department of social services in obtaining any necessary
23 medical services for the infant and in facilitating the infant's placement,
24 including adoption. Completing the form is optional.

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

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

31 **SECTION 1.(g)** G.S.7B-1105.1 reads as rewritten:

32 **"§ 7B-1105.1. Preliminary hearing; safely surrendered infant.**

33 ...

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

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

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

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

47 _____ (County),

48 _____ (City),

49 _____, respondent."

50 (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 G.S. 7B-521(a) 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.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 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.

11

SECTION 2. This act is effective when it becomes law.