

Infant Abandonment: A Unique Form of Child Maltreatment

In 2001, the North Carolina General Assembly passed a safe haven law for infant abandonments,¹ which can be as lethal as any form of family violence. Formally known as the Infant Homicide Prevention Act, this law allows a parent legally to give up an unharmed infant up to seven days old anonymously without being subject to criminal prosecution.

The purpose of the law is to encourage parents who might otherwise abandon an infant in a way that might jeopardize the baby or the parent instead to deliver the infant to a statutorily designated person working at a place intended to provide a safe haven. These persons designated in the law *must* accept the infant and take appropriate steps to assure its well-being. They include a health care provider on duty or at a hospital or at a local or district health department or a nonprofit community health center, a law enforcement officer on duty or at a police station or sheriff's department, a social services worker who is on duty or at a local social services department, or a certified emergency medical services worker on duty or at a fire or emergency medical services station. However, any adult acting in good faith *may* accept the infant and contact appropriate authorities to assure its well-being.

The new law was driven by statistics indicating numerous deaths among abandoned infants. From 1985 to 1997, 22 newborns were found dead in North Carolina.² Nationally, in 1998 alone, the number of abandonments based on publicized accounts was 105.³ It is difficult to calculate the actual number of abandonments, since it is unknown how many abandoned infants are never located.

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Newborn abandonment is a serious form of child neglect that frequently results in death. A mother gives birth and then either kills the infant or abandons it in a manner that is likely to result in the infant's death, such as putting the infant in a dumpster or abandoning the infant in a secluded area.

Mothers who do not follow the law and are caught often face charges related to hiding the birth of a child and homicide, as was the case of the mother of an infant found on October 9, 2004 in an empty mobile home in Mount Olive.⁴

In 2003 a North Carolina resident and college student traveled to Florida with her boyfriend. According to news reports, the woman gave birth to a live infant, which was left wrapped in plastic and towels in a hotel breezeway before the couple returned to North Carolina.⁵ In yet another incident, a 14-year-old Tyrrell County resident faces second-degree murder charges for the deaths of her newborn twins in December 2004.⁶ The ninth-grader at Columbia High School is believed to have given birth to the children in a bathtub in her home, then dropped them from a second-story window, according to Tyrrell County District Attorney Seth Edwards.

Who is likely to abandon an infant? In one of the few studies to be conducted on the subject, a team from North Carolina, lead by principal investigator Dr. Marcia Herman-Giddens, a professor at UNC-Chapel Hill, examined the data related to known cases of infant abandonment. They found that almost 21 percent of these women were married, 35 percent had other children, almost a quarter of the women or girls had received at least some prenatal care, and more than half were 18 years old or older, with an average age of 19.1 years.

Almost 60 percent of the infants were boys, 41 percent of the infants were white, and 53 percent were black. Asphyxiation and strangulation accounted for 41 percent of the deaths and an-

other 27 percent were caused by intentional or unintentional drowning—as by putting the infant into a toilet and leaving it to drown.⁷

Continued episodes of infant abandonment illustrate the need for greater public awareness of the Safe Haven Law. Funding for public education was not included as part of the law's enactment. Conversely, in California, a state that specifically earmarked funding for public awareness, 35 infants were safely surrendered within the first two years of the law's passage.⁸

—Lori Feezor

FOOTNOTES

¹ Session Law 2001-291 (House Bill 291), "An Act to Decriminalize Abandonment of an Infant Under Certain Circumstances and To Modify Some Procedures Involving Abandoned Juveniles," ratified on July 12, 2001, and signed by the Governor on July 19, 2001. Amendments affecting abandonment of infants are codified in North Carolina General Statutes 7B-500; 14-318.2; 14-318.4; and 14-322.3.

² Infant Homicide Prevention Act Fact Sheet, Wayne County for Children Council.

³ United States Department of Health and Human Services, Administration for Children and Families, Children's Bureau Express, April 2000, Vol. 1, No. 2.

⁴ Michael Easterbrook, "Newborn is laid to rest," *The News & Observer*, Raleigh, N.C., Oct. 17, 2004, p. B3.

⁵ Tonya Maxwell, "Abandoned baby laws overlooked," *Asheville Citizen-Times*, Asheville, N.C., June 19, 2003, p. A1. Scott Nicholson, "Former ASU student indicted in death of her infant," *Watauga Democrat*, Boone, N.C., October 17, 2003, p. 1.

⁶ Associated Press, "Tyrrell girl, 14, accused of killing her newborn twins," *The News & Observer*, Raleigh, N.C., December 19, 2004, p. B6.

⁷ David Williamson, "New study estimates 85 newborn killed or left to die per year by parents, usually their mothers," University of North Carolina NEWS Services, Chapel Hill, N.C., March 18, 2003, pp. 1-2.

⁸ California Department of Social Services, Safely Surrendered Baby public awareness campaign fact sheet, available on the Internet at www.babysafe.ca.gov.

Strangulation Cases, Part II: Clinical Evaluation of the Surviving Victim," *Journal of Emergency Medicine*, Volume 21, Issue 3, October 2001, pp. 311-315.

⁴⁰ *Ibid.*

⁴¹ *Ibid.*

⁴² The North Carolina Coalition Against Domestic Violence compiles its running tally of domestic violence deaths from media accounts so there may be other deaths by strangulation that are not included in the count.

⁴³ Felony Punishment Chart, available on line at <http://www.nccourts.org/Courts/CRS/Councils/spac/Documents/felonypunishmentchart.pdf>.

⁴⁴ 27 Code of Federal Regulations 478.32(b)(9).

⁴⁵ Susan Sitze and Hal Pell, Bill Analysis for House Bill 1354, Legislative Services Office, General Research Division. Sitze and Pell also note that the lack of tracking frustrates collection of information to assist policymakers in evaluating judicial response to domestic violence crimes.

⁴⁶ Benjamin Niolet, "Mother Longs for Children's Return," *The News & Observer*, Raleigh, N.C., Feb. 12, 2004, p. B1.

⁴⁷ Benjamin Niolet, "It Feels Like I Have My Arms and Legs Again," *The News & Observer*, Raleigh, N.C., March 17, 2004, p. A1.

⁴⁸ "Dispositional Outcomes of Domestic Violence Ex-Parte and Domestic Violence Protective Orders," *System Stats*, North Carolina Criminal Justice Analysis Center, Governor's Crime Commission, N.C. Department of Administration, Raleigh, N.C., Winter 2002, p. 5.

⁴⁹ Under N.C. General Statute 50B-2(c1), the chief district court judge also may authorize a magistrate or magistrates to grant protective orders under certain circumstances. For sake of clarity, however, the term "judge" only will be used throughout this section.

⁵⁰ N.C.G.S. 50B-2(c).

⁵¹ N.C.G.S. 50B-3(a)(4).

⁵² N.C.G.S. 50B-3(a1)(3).

⁵³ A 1991 U.S. Senate Committee Report by Senator Joseph Biden (D-Delaware) found that fifty percent of all homeless women and children in the United States were fleeing domestic violence. See Biden, U.S. Senate Committee 011 the Judiciary Committee, *Violence Against Women: Victims of the System*, U.S. Government Printing Office, Office of Congressional Relations, Washington, D.C., 1991.

⁵⁴ *Imes v. City of Asheville*, 594 S.E.2d 397 (N.C. Ct. App. 2004).

⁵⁵ N.C.G.S. 50B-2(d).

⁵⁶ J. G. Silverman, PhD; A. Raj, PhD; L. A. Mucci, MPH; and J. E. Hathaway, MD, MPH, "Dating Violence Against Adolescent Girls and Associated Substance Use, Unhealthy Weight Control, Sexual Risk Behavior, Pregnancy, and Suicidality," *Journal of the American Medical Association*, Chicago, Ill., Vol. 286, No. 5, 2001.

⁵⁷ Griffith H. Moskowitz *et al.*, "Serious injuries and deaths of adolescent girls resulting from interpersonal violence," *Archives of Pediatric and Adolescent Medicine*, American Medical Association, Chicago, Ill., Vol. 155, No. 8, November 2001, pp. 903-908.

⁵⁸ *Study of Anti-violence Education in Schools and Training for School Personnel*, House Bill 1354 Local Education Survey Findings, N.C. Department of Public Instruction draft report presented to the State Board of Education, December 2004, pp. 6-21.

⁵⁹ "Helping Victims of Domestic Violence," Publication of Domestic Violence Initiative of Legal Aid of North Carolina, Inc., 2003. Available on line at <http://www.legalaidnc.org/Programs/DVI/DVI-Publications/DVI-HelpingVictims-trifold-Feb-03.pdf>.

⁶⁰ N.C.G.S. 84-4.3(2) as amended, note 19 above.