

§553. Abandonment of child

1. A person is guilty of abandonment of a child if, being a parent, guardian or other person legally charged with the long-term care and custody of a child or being a person to whom the long-term care and custody of a child has been expressly delegated:

A. The person leaves the child who is less than 14 years of age in a place with the intent to abandon the child. Violation of this paragraph is a Class D crime; [PL 2015, c. 274, §1 (AMD).]

B. The person leaves the child who is less than 6 years of age in a place with the intent to abandon the child. Violation of this paragraph is a Class C crime; [PL 2015, c. 274, §1 (AMD).]

C. The person, with the intent to avoid or divest the person of permanent parental responsibility, places the child who is less than 18 years of age with or transfers the physical custody of the child to a nonrelative without court approval. Violation of this paragraph is a Class D crime; or [PL 2015, c. 274, §1 (NEW).]

D. The person, with the intent to avoid or divest the person of permanent parental responsibility, places the child who is less than 6 years of age with or transfers the physical custody of the child to a nonrelative without court approval. Violation of this paragraph is a Class C crime. [PL 2015, c. 274, §1 (NEW).]

[PL 2015, c. 274, §1 (AMD).]

2.

[PL 2001, c. 383, §69 (RP); PL 2001, c. 383, §156 (AFF).]

3. It is an affirmative defense to a prosecution under this section that, at the time the offense occurred:

A. The child was less than 31 days of age; and [PL 2001, c. 543, §1 (NEW).]

B. The child was delivered by the person charged under this section to a safe haven baby box as defined in Title 22, section 4018, subsection 1, paragraph A-1 or to an individual the person reasonably believed to be:

(1) A law enforcement officer;

(2) Staff at a medical emergency room;

(3) A medical services provider as defined in Title 22, section 4018;

(4) A hospital staff member at a hospital; or

(5) A firefighter at a fire department facility. [PL 2021, c. 466, §1 (AMD).]

[PL 2021, c. 466, §1 (AMD).]

4. It is an affirmative defense to a prosecution under this section that the person had voluntarily placed the child with a person, agency or medical facility and the placement resulted from communication between the person or the person's agent and the Department of Health and Human Services and health care professionals with the purpose of securing a placement that is in the best interests of the child.

[PL 2013, c. 343, §1 (NEW).]

5. It is an affirmative defense to a prosecution under subsection 1, paragraph C or D that the person, due to the incarceration, military service, medical treatment or incapacity of the person, temporarily placed the child or transferred the physical custody of the child for a designated short-term period with a specific intent and time period for the return of the child.

[PL 2015, c. 274, §2 (NEW).]

SECTION HISTORY

PL 1975, c. 499, §1 (NEW). PL 1995, c. 694, §C2 (AMD). PL 1995, c. 694, §E2 (AFF). PL 2001, c. 383, §§68,69 (AMD). PL 2001, c. 383, §156 (AFF). PL 2001, c. 543, §1 (AMD). PL 2013, c. 343, §1 (AMD). PL 2015, c. 274, §§1, 2 (AMD). PL 2021, c. 466, §1 (AMD).

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