

HB 377 - AS AMENDED BY THE HOUSE

8Jan2020... 2815h

2019 SESSION

19-0272

05/01

HOUSE BILL 377

AN ACT relative to the best interest of the child under RSA 169-C and the duties of the oversight commission on children's services.

SPONSORS: Rep. Morrison, Rock. 9; Rep. Sylvia, Belk. 6; Rep. Rice, Hills. 37; Rep. Doucette, Rock. 8; Sen. Carson, Dist 14

COMMITTEE: Children and Family Law

AMENDED ANALYSIS

This bill amends the purpose statement of RSA 169-C, the child protection act, and directs the oversight commission on children's services to study the child protection act and related statutes that promote the best interest of the child.

Explanation: Matter added to current law appears in ***bold italics***.

Matter removed from current law appears [~~in brackets and struck through~~].

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Nineteen

AN ACT relative to the best interest of the child under RSA 169-C and the duties of the oversight commission on children's services.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Child Protection Act; Statement of Purpose. Amend RSA 169-C:2 to read as follows:

169-C:2 Purpose.

I. It is the primary purpose of this chapter, through the mandatory reporting of suspected instances of child abuse or neglect, to provide protection to children whose life, health or welfare is endangered. ***The best interest of the child shall be the primary consideration of the court in all proceedings under this chapter.***

II. It is a further purpose of this chapter to establish a judicial framework to protect the rights of all parties involved in the adjudication of child abuse or neglect cases. Each child coming within the provisions of this chapter shall receive, preferably in the child's own home, the care, emotional security, guidance, and control that will promote the child's best interest; and, if the child should be removed from the control of his or her parents, guardian, or custodian, adequate care shall be secured for the child. This chapter seeks to coordinate efforts by ***parents and*** state and local authorities, in cooperation with private agencies and organizations, citizens' groups, and concerned individuals, to:

- (a) Protect the safety of the child.
- (b) Take such action as may be necessary to prevent the abuse or neglect of children.
- (c) [~~Preserve the unity of the family~~] ***Determine if the preservation of family unity is in the best interest of the child.***
- (d) Provide protection, treatment, and rehabilitation, as needed, to children placed in alternative care.
- (e) Provide assistance to parents to deal with and correct problems in order to avoid removal of children from the family.

III. This chapter shall be liberally construed to the end that its purpose may be carried out, to wit:

- (a) To encourage the mental, emotional, and physical development of each child coming within the provisions of this chapter, by providing the child with the protection, care, treatment, counseling, supervision, and rehabilitative resources which the child needs and

has a right to receive.

(b) To achieve the foregoing purposes and policies, whenever ~~[possible]~~ ***it is in the best interest of the child***, by keeping a child in contact with his or her home community and in a family environment by preserving the unity of the family and separating the child from his or her parents only when the safety of the child is in danger or when it is clearly necessary for the child's welfare or the interests of the public safety and when it can be clearly shown that a change in custody ~~[and control will plainly better]~~ ***will be in the best interest of*** the child; and

(c) To provide effective judicial procedures through which the provisions of this chapter are executed and enforced and which recognize and enforce the constitutional and other rights of the parties and assures them a fair hearing.

2 New Subparagraph; Oversight Commission on Children's Services; Study of Child Protection Statutes. Amend RSA 170-G:19, III by inserting after subparagraph (e) the following new subparagraph:

(f) Review the child protection act under RSA 169-C, identify other statutes that promote the best interest of the child, determine compliance with applicable federal regulations governing child protection, and identify any statutory changes needed to improve child protection in New Hampshire.

3 Effective Date. This act shall take effect upon its passage.