

HB 246 - AS INTRODUCED

2021 SESSION

21-0143
08/05

HOUSE BILL **246**

AN ACT establishing a protective order for vulnerable adults.

SPONSORS: Rep. Cushing, Rock. 21; Rep. Mangipudi, Hills. 35; Rep. Chase, Straf. 18

COMMITTEE: Health, Human Services and Elderly Affairs

ANALYSIS

This bill establishes a procedure for protective orders for vulnerable adults.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears ~~[in brackets and struckthrough.]~~
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT establishing a protective order for vulnerable adults.

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

1 1 New Chapter; Protective Orders for Vulnerable Adults. Amend RSA by inserting after chapter
2 173-C the following new chapter:

3 CHAPTER 173-D

4 PROTECTIVE ORDERS FOR VULNERABLE ADULTS

5 173-D:1 Purpose. The purpose of this chapter is to enable vulnerable adults to seek permanent
6 and temporary relief from abuse, exploitation, and neglect.

7 173-D:2 Definitions. In this chapter:

8 I. "Abuse" means any one of the following:

9 (a) "Emotional abuse" means the misuse of power, authority, or both, verbal harassment,
10 or unreasonable confinement which results or could result in the mental anguish or emotional
11 distress of a vulnerable adult.

12 (b) "Physical abuse" means the use of physical force which results or could result in
13 physical injury to a vulnerable adult.

14 (c) "Sexual abuse" means contact or interaction of a sexual nature involving a vulnerable
15 adult without his or her informed consent.

16 (d) "Other abuse" means any of the following:

17 (1) Assault or reckless conduct as defined in RSA 631:1 through RSA 631:3.

18 (2) Criminal threatening as defined in RSA 631:4.

19 (3) Sexual assault as defined in RSA 632-A:2 through RSA 632-A:5.

20 (4) Interference with freedom as defined in RSA 633:1 through RSA 633:3-a.

21 (5) Destruction of property as defined in RSA 634:1 and RSA 634:2.

22 (6) Unauthorized entry as defined in RSA 635:1 and RSA 635:2.

23 (7) Harassment as defined in RSA 644:4.

24 (8) Cruelty to animals as defined in RSA 644:8.

25 II. "Authorized" means written consent provided by the vulnerable adult.

26 III. "Contact" means any action to communicate with another either directly or indirectly,
27 including, but not limited to, using any form of electronic communication, leaving items, or causing
28 another to communicate in such fashion.

29 IV. "Defendant" means the person against whom the protective orders are sought and, if the
30 petition is granted, the restrained person.

31 V. "Department" means the department of health and human services.

1 VI. "Exploitation" means the improper use of a vulnerable adult's person or property for
2 another person's profit or advantage, or the breach of a fiduciary relationship through the use of a
3 person or a person's property for any purpose not in the proper and lawful execution of a trust,
4 including, but not limited to, situations where a person obtains money, property, or services from a
5 vulnerable adult through the use of undue influence, harassment, duress, deception, fraud, or under
6 any circumstances where the person knew or had reason to know that the vulnerable adult lacked
7 capacity to consent.

8 VII. "Foreign protective order" means an order enforceable under RSA 173-D:14.

9 VIII. "Neglect" means an act or omission which results or could result in the deprivation of
10 essential services or supports necessary to maintain the minimum mental, emotional, or physical
11 health and safety of a vulnerable adult.

12 IX. "Plaintiff" means the vulnerable adult to be protected by the protective orders and, if the
13 court grants the petition, the protected person.

14 X. "Vulnerable" means that the physical, mental, or emotional ability of a person is such
15 that he or she is unable to manage personal, home, or financial affairs in his or her own best
16 interest, or he or she is unable to act or unable to delegate responsibility to a responsible caretaker
17 or caregiver.

18 173-D:3 Jurisdiction and Venue.

19 I. The district division and the judicial branch family division of the circuit courts shall have
20 concurrent jurisdiction over all proceedings under this chapter.

21 II. If the plaintiff has left the household or premises to avoid further abuse, the plaintiff
22 shall have the option to commence proceedings pursuant to RSA 173-D:4 in the county or district
23 where the plaintiff temporarily resides.

24 III. Proceedings under this chapter may be transferred to another court upon the motion of
25 any party or of the court as the interests of justice or the convenience of the parties may require.

26 173-D:4 Commencement of Proceedings; Hearing.

27 I. A vulnerable adult, guardian, or attorney-in-fact of a vulnerable adult, or if authorized by
28 the vulnerable adult, the department, may seek relief pursuant to RSA 173-D:6 by filing a petition,
29 in the county or district where the plaintiff or defendant resides, alleging abuse, exploitation, or
30 neglect by the defendant. Any person filing a petition containing false allegations of abuse shall be
31 subject to criminal penalties. Notice of the pendency of the action and of the facts alleged against
32 the defendant shall be given to the defendant, either personally or as provided in paragraph II. The
33 plaintiff shall be permitted to supplement or amend the petition only if the defendant is provided an
34 opportunity prior to the hearing to respond to the supplemental or amended petition. All petitions
35 filed under this section shall include the home and work telephone numbers of the defendant, if
36 known. Notice of the whereabouts of the plaintiff shall not be revealed except by order of the court

1 for good cause shown. Any answer by the defendant shall be filed with the court and a copy shall be
2 provided to the plaintiff by the court.

3 II. No filing fee or fee for service of process shall be charged for a petition or response under
4 this section, and the plaintiff or defendant may proceed without legal counsel. Either a peace officer
5 or the sheriff's department shall serve process under this section. Any proceeding under this chapter
6 shall not preclude any other available civil or criminal remedy.

7 III. The clerks of the circuit courts shall supply forms for petitions and for relief under this
8 chapter designed to facilitate pro se proceedings. All such petitions shall contain the following
9 words: I swear that the foregoing information is true and correct to the best of my knowledge. I
10 understand that making a false statement on this petition will subject me to criminal penalties.

11 IV. Prior to filing a petition under this chapter, the plaintiff shall be required to complete a
12 worksheet developed by the court outlining the plaintiff's rights and options for relief under this
13 chapter, RSA 173-B, and RSA 633:3-a. The worksheet shall also advise plaintiffs that they may
14 contact New Hampshire Legal Assistance and the New Hampshire Domestic Violence Hotline for
15 assistance prior to filing a petition. Plaintiffs shall be required to sign the worksheet stating the
16 following: "I understand my rights and options as explained in this worksheet. I am freely choosing
17 to file this petition even though there are other petitions I may qualify for that are specifically
18 designed for victims of domestic violence and stalking. I understand that using this petition may
19 prevent me from getting additional protections for physical safety that may be available to me,
20 including the right to ask the court to order the defendant to hand over their firearms or deadly
21 weapons."

22 V.(a) The court shall hold a hearing within 30 days of the filing of a petition under this
23 section or within 10 days of service of process upon the defendant, whichever occurs later.

24 (b) The time frame established in this paragraph may be extended for an additional 10
25 days upon motion by either party for good cause shown. A recusal by the judge or any act of God or
26 closing of the court that interferes with the originally scheduled hearing shall not be cause for the
27 dismissal of the petition. The court shall reschedule any hearing under this section in an
28 expeditious manner.

29 VI. In any proceeding under this chapter, the court shall not be bound by the technical rules
30 of evidence and may admit evidence which it considers relevant and material.

31 VII. The filing of a petition under this chapter, including any facts alleged or findings made
32 regarding the plaintiff's mental or physical capacity, shall not be admitted as evidence for any
33 purpose in any other court proceeding.

34 VIII. In a proceeding under this chapter, a support person may accompany a party in court
35 and, if the party is not represented by an attorney, may sit with the party at the table that is
36 generally reserved for the party and the party's attorney. The support person is present to provide
37 moral and emotional support for a person who alleges he or she is a victim of abuse. The support

1 person is not present as a legal adviser and shall not provide legal advice. The support person may
2 assist the person who alleges he or she is a victim of abuse in feeling more confident that he or she
3 will not be injured or threatened by the other party during the proceedings if the person who alleges
4 he or she is a victim of abuse and the other party are required to be present in close proximity. This
5 section shall not preclude the court from exercising its discretion to remove the support person from
6 the courtroom if the court believes the support person is prompting, swaying, or influencing the
7 party assisted by the support person.

8 173-D:5 Temporary Relief.

9 I. Upon a showing of an immediate and present danger of abuse, exploitation, or neglect, the
10 court may enter temporary orders to protect the plaintiff with or without actual notice to defendant.
11 The court may issue such temporary orders by telephone, facsimile, or any other methods approved
12 by court rules. Such telephonically issued orders shall be made by a circuit court judge to a law
13 enforcement officer, shall be valid in any jurisdiction in the state, and shall be effective until the
14 close of the next regular court business day. Such orders shall be returnable to the circuit court
15 where the plaintiff resides or to which the plaintiff has fled, unless otherwise ordered by the issuing
16 judge. If non-telephonic temporary orders are made ex parte, the party against whom such relief is
17 issued may file a written request with the clerk of the court and request a hearing on such orders.
18 Such hearing shall be held no less than 2 business days and no more than 3 business days after the
19 request is received by the clerk. Such hearings may constitute the final hearing described in RSA
20 173-D:4, V.

21 II. Such temporary relief may include:

22 (a) Protective orders:

23 (1) Restraining the defendant from abusing, exploiting, or neglecting the plaintiff.

24 (2) Restraining the defendant from entering the premises and curtilage where the
25 plaintiff resides, except when the defendant is accompanied by a peace officer and, upon reasonable
26 notice to the plaintiff, is allowed entry by the plaintiff for the sole purpose of retrieving toiletries,
27 medication, clothing, business equipment, and any other items as determined by the court.

28 (3) Restraining the defendant from withholding items of the plaintiff's personal
29 property which are specified in the order. A peace officer shall accompany the plaintiff or his or her
30 representative in retrieving such property to protect the plaintiff.

31 (4) Restraining the defendant from contacting the plaintiff or entering a specified
32 place frequented regularly by the plaintiff.

33 (5) Restraining the defendant from abusing the plaintiff, plaintiff's relatives,
34 regardless of their place of residence, or plaintiff's household members in any way.

35 (6) Restraining the defendant from taking, converting, or damaging property in
36 which the plaintiff has a legal or equitable interest.

1 (7) Granting the plaintiff exclusive care, custody, or control of any animal owned,
2 possessed, leased, kept, or held by the plaintiff or by the plaintiff jointly with the defendant in either
3 household, and ordering the defendant to stay away from the animal and forbidding the defendant
4 from taking, transferring, encumbering, concealing, committing an act of cruelty or neglect, or
5 disposing of the animal.

6 (b) Other relief, including but not limited to:

7 (1) In the case of financial exploitation, prohibiting the defendant from transferring
8 or otherwise encumbering any of his or her assets which equal or exceed the amount of assets
9 claimed to be exploited, provided, however, that such prohibition shall not extend to, encumber, or
10 otherwise limit the rights of creditors, mortgagees, or secured parties in such property.

11 (2) Restraining the defendant from taking any action which would lead to the
12 disconnection of any and all utilities and services to the parties' household, or the discontinuance of
13 existing business or service contracts, including, but not limited to, mortgage or rental agreements.

14 (3) An order enjoining a party from specified behavior that the court determines is
15 necessary to protect the vulnerable adult.

16 173-D:6 Relief.

17 I. A finding of abuse, exploitation, or neglect shall mean the defendant represents a credible
18 threat to the safety of the plaintiff or physical, mental, or financial well-being. Upon a showing of
19 abuse, exploitation, or neglect of the plaintiff by a preponderance of the evidence, the court shall
20 grant such relief as is necessary to bring about a cessation of abuse, exploitation, or neglect. Such
21 relief may include:

22 (a) Protective orders:

23 (1) Restraining the defendant from abusing, exploiting, or neglecting the plaintiff.

24 (2) Restraining the defendant from entering the premises and curtilage where the
25 plaintiff resides, except when the defendant is accompanied by a peace officer and is allowed entry
26 by the plaintiff for the sole purpose of retrieving personal property specified by the court.

27 (3) Restraining the defendant from contacting the plaintiff or entering the plaintiff's
28 place of employment, school, or any specified place frequented regularly by the plaintiff or by any
29 family or household member.

30 (4) Restraining the defendant from abusing the plaintiff, plaintiff's relatives,
31 regardless of their place of residence, or plaintiff's household members in any way.

32 (5) Restraining the defendant from taking, converting, or damaging property in
33 which the plaintiff has a legal or equitable interest.

34 (6) Granting the plaintiff exclusive care, custody, or control of any animal owned,
35 possessed, leased, kept, or held by the plaintiff or by the plaintiff jointly with the defendant in either
36 household, and ordering the defendant to stay away from the animal and forbidding the defendant

1 from taking, transferring, encumbering, concealing, committing an act of cruelty or neglect, or
2 disposing of the animal.

3 (b) Other relief including, but not limited to:

4 (1) Granting the plaintiff the exclusive use and possession of the premises and
5 curtilage of the plaintiff's place of residence, unless the defendant exclusively owns or leases and
6 pays for the premises and the defendant has no legal duty to support the plaintiff and provided,
7 however, that such relief shall not extend to, extinguish, encumber, or otherwise limit the rights of
8 creditors, mortgagees, or secured parties in such property.

9 (2) Restraining the defendant from withholding items of the plaintiff's personal
10 property specified by the court. A peace officer shall accompany the plaintiff in retrieving such
11 property to protect the plaintiff.

12 (3) Granting to the plaintiff the exclusive right of use and possession of the
13 household furniture, furnishings, or a specific automobile, unless the defendant exclusively owns
14 such personal property and the defendant has no legal duty to support the plaintiff.

15 (4) Ordering the defendant to make automobile, insurance, health care, utilities,
16 rent, or mortgage payments if the defendant has a legal or fiduciary duty to do so.

17 (5) Ordering the defendant to pay the plaintiff monetary compensation for losses
18 suffered as a direct result of the abuse, exploitation, or neglect which may include, but not be limited
19 to, misappropriated funds, loss of earnings or support, medical and dental expenses, damage to
20 property, out-of-pocket losses for injuries sustained, and moving and shelter expenses.

21 (6) Ordering the defendant to pay reasonable attorney's fees.

22 II. The court shall not deny the plaintiff protective orders based solely on a lapse of time
23 between an act of abuse, exploitation, or neglect and the filing of a petition, provided that the
24 underlying act presents a credible threat to the plaintiff's current safety or physical, mental, or
25 financial well-being.

26 III. No order made under this section shall supersede or affect any court order pertaining to
27 the possession of a residence or household furniture as determined by a circuit court, or title to real
28 or personal property.

29 IV. The findings of fact with respect to the protective order shall be final, but questions of
30 law may be transferred from the circuit court to the supreme court.

31 V. Any order under this section shall be for a fixed period of time not to exceed one year, but
32 may be extended by order of the court upon a motion by the plaintiff, showing good cause, with
33 notice to the defendant, for one year after the expiration of the first order and thereafter each
34 extension may be for up to 5 years, upon the request of the plaintiff and at the discretion of the
35 court. The court shall review the order and each renewal thereof and shall grant such relief as may
36 be necessary to provide for the safety and well-being of the plaintiff. A defendant shall have the
37 right to a hearing on the extension of any order under this paragraph to be held within 30 days of

1 the extension. The court shall state in writing, at the respondent's request, its reason or reasons for
2 granting the extension. The court shall retain jurisdiction to enforce and collect any financial
3 compensation due to the plaintiff which accrued prior to the expiration of the protective order.

4 VI. Both parties shall be issued written copies of any orders issued by the court, and all
5 orders shall bear the following language: "A willful violation of this order is a crime, as well as
6 contempt of court. Violations of the protective provisions shall result in arrest and may result in
7 imprisonment." Orders shall clearly state how any party can request a further hearing and how the
8 plaintiff may bring a criminal complaint or a petition for contempt if there is a violation of any court
9 order.

10 VII.(a) No order issued under this chapter shall be modified other than by the court.

11 (b) If either party wishes the defendant to be excused from any provisions of an order of
12 protection, the remedy is to petition the court for modification of such order.

13 (c) A defendant who is restrained from contacting the plaintiff or entering the premises
14 of the plaintiff is prohibited from doing so even if invited by the plaintiff unless the restraining order
15 has been modified by the court.

16 (d) This paragraph shall give unequivocal direction to peace officers that orders for
17 protection are to be enforced as written and that no action by a party relieves them of the duty to
18 enforce the order.

19 VIII. Upon issuing an order against a defendant, in which a defendant is restrained from
20 having any contact with the plaintiff, the court shall advise the plaintiff that it would be unwise and
21 possibly unsafe for the plaintiff to contact the defendant. If the plaintiff wishes to contact the
22 defendant for any reason, the court shall advise the plaintiff that such contact be made only after
23 petitioning the court for a modification of the order. In an emergency situation, the plaintiff or
24 plaintiff's family may request that the local police department notify the defendant and the local
25 police may accompany the defendant to a designated location, such as a hospital, if appropriate.

26 IX.(a) A copy of each protective order issued under this chapter shall be transmitted to the
27 administrative office of the courts by facsimile or computer. An emergency protective order issued
28 telephonically shall be transmitted by telephone or facsimile to the department of safety.

29 (b) The administrative office of the courts shall enter information regarding the
30 protective orders into the state database which shall be made available to police and sheriff
31 departments statewide. The department of safety shall make available information regarding
32 emergency protective orders issued telephonically to police and sheriff departments statewide.

33 (c) The administrative office of the courts shall update the database upon expiration or
34 termination of a protective order.

35 (d) Notwithstanding any other provision of law, the administrative office of the courts,
36 the department of health and human services, or the department of safety, their employees and
37 agents, and law enforcement officials shall not be held criminally or civilly liable for action taken

1 under this chapter or RSA 458:16, provided they are acting in good faith and without gross
2 negligence, and within the scope of their duties and authority.

3 173-D:7 Permissible Contact.

4 I. A protective order issued pursuant to RSA 173-D:5 or RSA 173-D:6 shall not be construed
5 to prohibit an attorney, or any person acting on the attorney's behalf, who is representing the
6 defendant in an action brought under this chapter, or in any criminal proceeding concerning the
7 abuse alleged under this chapter, from contacting the plaintiff for a legitimate purpose within the
8 scope of the civil or criminal proceeding; provided, that the attorney or person acting on behalf of the
9 attorney: identifies himself or herself as a representative of the defendant; acknowledges the
10 existence of the protective order and informs the plaintiff that he or she has no obligation to speak;
11 terminates contact with the plaintiff if the plaintiff expresses an unwillingness to talk; and ensures
12 that any personal contact with the plaintiff occurs outside of the defendant's presence, unless the
13 court has modified the protective order to permit such contact.

14 II. A no-contact provision in a protective order issued pursuant to RSA 173-D:5 or RSA 173-
15 D:6 shall not be construed to:

- 16 (a) Prevent contact between counsel for represented parties; or
17 (b) Prevent a party from appearing at a scheduled court or administrative hearing; or
18 (c) Prevent a defendant or defendant's counsel from sending the plaintiff copies of any
19 legal pleadings filed in court relating to the petition or related civil or criminal matters.

20 III. A violation of this section may result in a finding of contempt of court.

21 173-D:8 Guardian ad Litem. In all proceedings under this chapter, the court may appoint a
22 guardian ad litem to represent the interests of the vulnerable adult. The guardian ad litem may
23 continue to serve after the final disposition of the case.

24 173-D:9 Notification.

25 I. A copy of any order made under this chapter which prohibits any person from abusing
26 another shall be promptly transmitted to the local law enforcement agency having jurisdiction to
27 enforce such order.

28 II. Temporary orders shall be promptly served on the defendant by a peace officer.
29 Subsequent orders shall be sent to the defendant's last address of record. The defendant shall be
30 responsible for informing the court of any changes of address. Law enforcement agencies shall
31 establish procedures whereby a peace officer at the scene of an alleged violation of such an order may
32 be informed of the existence and terms of such order.

33 III. Any court-ordered changes or modifications of the order shall be effective upon issuance
34 of such changes or modifications, and shall be mailed or otherwise provided to the appropriate local
35 law enforcement agency and transmitted to the department of safety within 24 hours of the entry of
36 such changes or modification.

37 173-D:10 Violation of Protective Order; Penalty.

1 I. When the defendant violates either a temporary or permanent protective order issued or
2 enforced under this chapter, peace officers shall arrest the defendant and ensure that the defendant
3 is detained until arraignment, provided that in extreme circumstances, such as when the health of
4 the defendant would be jeopardized by the temporary detention, a judge in response to a request by
5 the arresting law enforcement officer or agency, may order an alternative to detention pending
6 arraignment. Such arrests may be made within 12 hours without a warrant upon probable cause,
7 whether or not the violation is committed in the presence of a peace officer.

8 II. The prosecution and sentencing for criminal contempt for a violation of a protective order
9 shall not preclude the prosecution of or sentencing for other criminal charges underlying the
10 contempt.

11 III. A person shall be guilty of a class A misdemeanor if such person knowingly violates a
12 protective order issued under this chapter or any foreign protective order enforceable under the laws
13 of this state. Charges made under this chapter shall not be reduced to a lesser charge, as permitted
14 in other instances under RSA 625:9.

15 IV. Any person convicted under paragraph III, or who has been convicted in another
16 jurisdiction of violating a protective order enforceable under the laws of this state, who, within 6
17 years of such conviction or the completion of the sentence imposed for such conviction, whichever is
18 later, subsequently commits and is convicted of one or more offenses involving abuse may be charged
19 with an enhanced penalty for each subsequent offense as follows:

20 (a) There shall be no enhanced charge under this section if the subsequent offense is a
21 class A felony or an unclassified felony;

22 (b) If the subsequent offense would otherwise constitute a class B felony, it may be
23 charged as a class A felony;

24 (c) If the subsequent offense would otherwise constitute a class A misdemeanor, it may
25 be charged as a class B felony;

26 (d) If the subsequent offense would otherwise constitute a class B misdemeanor, it may
27 be charged as a class A misdemeanor;

28 (e) If the subsequent offense would otherwise constitute a violation, it may be charged as
29 a class B misdemeanor.

30 V. A victim of abuse, exploitation, or neglect shall be entitled to all rights granted to victims
31 of crime under RSA 21-M:8-k.

32 173-D:11 Protection by Peace Officers. Whenever any peace officer has probable cause to believe
33 that a person has been abused, exploited, or neglected, as defined in RSA 161-F:43 and RSA 173-D:2,
34 that officer shall use all means within reason to prevent further abuse, exploitation, or neglect
35 including, but not limited to:

36 I. Transporting or obtaining transportation for the victim to a place of safety, local family
37 member, or friend.

1 II. Assisting the victim in removing toiletries, medication, clothing, and any other items
2 determined by the court.

3 III. Giving the victim immediate and written notice of the rights of victims and of the
4 remedies and services available to victims of abuse, exploitation, and neglect. The written notice
5 shall include a statement substantially as follows:

6 "If you are the victim of abuse, exploitation, and neglect and you believe that law enforcement
7 protection is needed for your physical safety, you have the right to request that the officer assist in
8 providing for your safety, including asking for an emergency telephonic order for protection. You
9 may also request that the officer assist you in obtaining from your premises and curtilage, toiletries,
10 medication, clothing, business equipment, and any other items as determined by the court, and in
11 locating and taking you to a local safe place including, but not limited to, a place of safety, a family
12 member's or friend's residence, or a similar place of safety. If you are in need of medical treatment,
13 you have the right to request that the officer assist you in obtaining an ambulance. You may request
14 a copy of the report filed by the peace officer, at no cost, from the law enforcement department."

15 173-D:12 Notice to the Victim.

16 I. Notwithstanding the peace officer's obligations in RSA 173-D:11, all peace officers shall
17 give victims of abuse, exploitation, and neglect immediate and adequate notice of their right to go to
18 the circuit court of their county to file a petition asking for protective orders against the abusive
19 person and to seek a private criminal complaint.

20 II. The clerk of the court shall be responsible for advising victims of their right to request
21 that the judge issue an order which may include:

22 (a) Restraining the defendant from abusing, exploiting, and/or neglecting the victim.

23 (b) Directing the defendant to leave and stay away from the victim's premises and
24 curtilage.

25 (c) Restraining the defendant from contacting the victim, or entering any specified place
26 frequented regularly by the victim.

27 (d) Restraining the defendant from abusing, in any way, the victim, household members,
28 or victim's relatives, regardless of their place of residence.

29 (e) Restraining the defendant from taking, converting, or damaging personal or real
30 property in which the victim may have a legal or equitable interest.

31 (f) Ordering the defendant to pay the victim monetary compensation for losses suffered
32 as a direct result of the abuse, exploitation, or neglect which may include, but not be limited to,
33 misappropriated funds, loss of earnings or support, medical and dental expenses, damage to
34 property, out-of-pocket losses for injuries sustained, and moving and shelter expenses.

35 (g) Ordering the defendant to pay reasonable attorney's fees.

36 173-D:13 Emergency Care; Limitation and Liability. Any act or omission of any peace officer
37 rendering emergency care or assistance to a victim under this chapter including, but not limited to

1 transportation, shall not impose civil liability upon the peace officer or the peace officer's supervisors
2 or employer if the care or assistance is rendered in good faith, unless the act or omission is a result
3 of gross negligence or willful misconduct.

4 173-D:14 Orders Enforceable.

5 I. Any protective order issued under this chapter shall be effective throughout the state.

6 II. Any protective order issued by any other state, tribal, or territorial court related to abuse,
7 exploitation or neglect of a vulnerable adult, including an ex parte order, shall be deemed valid if the
8 issuing court had jurisdiction over the parties and matter under the law of the state, tribe, or
9 territory, and the person against whom the order was made was given reasonable notice and
10 opportunity to be heard. There shall be a presumption of validity where an order appears facially
11 valid.

12 III. Any valid protective order, as defined in paragraph II, shall be accorded full faith and
13 credit throughout the state.

14 IV. A person entitled to protection under a foreign protective order, as defined in paragraph
15 II, may file such order in any circuit court by filing with the court a certified copy of the order. Such
16 person shall swear under oath in an affidavit to the best of such person's knowledge that the order is
17 presently in effect as written. Such filing shall be without fee or cost. The clerk of the circuit court
18 shall forward such order to the administrative office of the courts which shall enter such order in the
19 state database. Such filing shall not be a precondition to arrest or enforcement of a foreign order.

20 V. A peace officer may rely upon a copy of any protective order issued under this chapter or
21 upon a copy of a foreign protective order, as defined in this section, which has been provided to the
22 peace officer by any source.

23 VI. Law enforcement personnel may rely on the statement of the person protected by the
24 order that the order remains in effect as written, provided such person reasonably appears to be of
25 sound mind when making such statement.

26 173-D:15 Reporting and Referrals. Any law enforcement officer who investigates an alleged
27 incident of abuse, exploitation, or neglect of a vulnerable adult shall report the matter to the
28 department pursuant to RSA 161-F:46 and advise the person subject to such violence of the
29 availability of programs from which that person may receive services.

30 173-D:16 Severability. If any provision of this chapter or the application of such provision to
31 any person or circumstance is held invalid, the invalidity does not affect other provisions or
32 applications of the chapter which can be given effect without the invalid provisions or applications,
33 and to this end the provisions of this chapter are severable.

34 2 Effective Date. This act shall take effect January 1, 2022.