

SB 574 - AS AMENDED BY THE SENATE

03/21/2024 0984s

2024 SESSION

24-3116

09/05

SENATE BILL

574

AN ACT relative to the appointment of a temporary agent for a minor child or incapacitated person.

SPONSORS: Sen. Chandley, Dist 11; Sen. Watters, Dist 4; Sen. D'Allesandro, Dist 20; Sen. Soucy, Dist 18; Sen. Rosenwald, Dist 13; Sen. Altschiller, Dist 24; Rep. DiLorenzo, Rock. 10; Rep. N. Murphy, Hills. 12

COMMITTEE: Judiciary

ANALYSIS

This bill allows for parents or guardians to appoint temporary agents for periods not to exceed 60 days and to delegate parental rights to those agents, subject to certain exceptions and limitations.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to the appointment of a temporary agent for a minor child or incapacitated person.

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

1 1 New Section; Parental Rights and Responsibilities; Temporary Agent. Amend RSA 461-A by
2 inserting after section 19 the following new section:

3 461-A:19-a Temporary Agent.

4 I. Except as provided in paragraph III, a parent or parents of a minor or a guardian or
5 guardians of a minor or incapacitated person may appoint a temporary agent for a period not
6 exceeding 60 days and may delegate to such agent any power that the parent or guardian has
7 regarding the care, custody, or property of the minor child, ward, or incapacitated person, except the
8 power to consent to marriage or the adoption of a minor.

9 II. Any delegation under this section shall be by a writing signed by, or at the direction of,
10 the parent, parents, guardian, or guardians and attested by at least 2 witnesses 18 years of age or
11 older, neither of whom is the temporary agent, together with the written acceptance of the
12 temporary agent.

13 III.(a) A parent or guardian subject to a parenting plan may appoint a temporary agent of a
14 minor if the appointment is effective only during that parent's court-ordered parenting time and is in
15 accordance with the parenting plan. If there is no parenting plan in place, a parent or guardian may
16 not appoint a temporary agent of a minor if the minor has another living parent whose whereabouts
17 are known and who is willing and able to safely provide care and custody for the minor, unless the
18 non-appointing parent consents to the appointment in writing.

19 (b) Subparagraph (a) shall not apply in cases where the non-appointing parent is the
20 subject of a protective order in the parenting plan, a domestic violence restraining order, order of
21 protection, bail conditions prohibiting contact with the child or minors in general, or if the non-
22 appointing parent is under investigation by the division for children, youth and families (DCYF),
23 under investigation by law enforcement for crimes related to children, the subject of a DCYF safety
24 plan, or involved in a case brought pursuant to RSA 169-C.

25 (c) A parent may not appoint a temporary agent if the appointing parent's parental
26 rights have been terminated or if the parent has signed a voluntary surrender of parental rights. A
27 parent or guardian may also not appoint a temporary agent when a court has ordered that the minor
28 child be placed in the custody of a person other than the parent or guardian, or if the parent is under
29 investigation by DCYF for child abuse or neglect and makes the appointment in an effort to avoid
30 that investigation.

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1 IV. Any delegation under this section may be revoked or amended by the appointing parent,
2 parents, guardian, or guardians and delivered to all interested persons. The authority of the
3 temporary agent may be limited or altered by the court.

4 2 Effective Date. This act shall take effect January 1, 2025.