

HB 1176 – AS AMENDED BY THE HOUSE

12Mar2014... 0796h

2014 SESSION

14-2014
05/04

HOUSE BILL **1176**

AN ACT relative to grounds for termination of parental rights.

SPONSORS: Rep. Timothy Smith, Hills 17

COMMITTEE: Children and Family Law

ANALYSIS

This bill provides that the court shall terminate parental rights in cases where a parent has pled guilty to or is convicted of rape of the birth parent. The bill also provides that if parental rights have not been terminated in such cases, the court shall not require contact between the child and parent under RSA 461-A.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to grounds for termination of parental rights.

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

1 1 New Section; Termination of the Parent-Child Relationship in Cases of Sexual Assault.
2 Amend RSA 170-C by inserting after section 5 the following new section:

3 170-C:5-a Termination of the Parent-Child Relationship in Cases of Sexual Assault. A petition
4 for termination of the parent-child relationship shall be granted in cases where the child's birth is
5 the result of sexual assault of the birth mother and where termination of the parent-child
6 relationship is in the best interests of the child. This section shall apply to a person who has been
7 found to be the father of a child and who:

8 I. Has been convicted of or who has pled guilty or nolo contendere to a violation of sexual
9 assault as defined in RSA 632-A:2 through RSA 632-A:4, or a similar statute in another state against
10 the birth mother for his conduct in fathering the child; or

11 II. At a fact-finding hearing, is found to have committed an act of non-consensual sexual
12 penetration for his conduct in fathering the child.

13 2 Determination of Parental Rights and Responsibilities; Sexual Assault. Amend RSA 461-A:6,
14 V-VII to read as follows:

15 ***V. If the court finds that the birth of the child is the result of an act of sexual***
16 ***assault by the child's parent, and parental rights have not been terminated under RSA 170-***
17 ***C:5-a, the court may prohibit contact between such parent and the victim of the assault***
18 ***and the child. The court shall make orders that best protect the victim of the assault and***
19 ***the best interests of the child. In this paragraph, "sexual assault" shall mean sexual***
20 ***assault as provided in RSA 632-A:2, RSA 632-A:3, and RSA 632-A:4.***

21 ***VI.*** If the court determines that it is in the best interest of the children, it shall in its decree
22 grant reasonable visitation privileges to a party who is a stepparent of the children or to the
23 grandparents of the children pursuant to RSA 461-A:13. Nothing in this paragraph shall be
24 construed to prohibit or require an award of parental rights and responsibilities to a stepparent or
25 grandparent if the court determines that such an award is in the best interest of the child.

26 [~~VII.~~] ***VII.*** The court may appoint a guardian ad litem to represent the interests of the child
27 according to RSA 461-A:16.

28 [~~VIII.~~] ***VIII.*** At the request of an aggrieved party, the court shall set forth the reasons for its
29 decision in a written order.

30 3 Effective Date. This act shall take effect January 1, 2015.

HB 1176 FISCAL NOTE

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FISCAL IMPACT:

The Department of Health and Human Services states this bill, **as amended by the House (Amendment #2014-0796h)**, may decrease state revenue by an indeterminable amount in FY 2015 and in each year thereafter. There will be no fiscal impact on county or local revenues and expenditures.

METHODOLOGY:

The Department of Health and Human Services states the Division of Child Support Services is mandated under RSA 161-B:1 and other applicable state and federal law to conserve the expenditure of public assistance and recover child support from obligated parents. The Department states to the extent this bill terminates the obligation of a parent to support a child receiving public assistance, the Division would lose the ability to recover support from that parent. The Department indicates the number of cases that may be impacted by the bill is unknown, but is not expected to be significant. The Department expects the potential loss of recovered public assistance will have a minimal fiscal impact.