

CHAPTER 271
HB 1198 – FINAL VERSION

19Feb2014... 0023h

2014 SESSION

14-2089
05/03

HOUSE BILL ***1198***

AN ACT relative to the procedure for filing a child in need of services (CHINS) petition and relative to the definition of sexual abuse under the child protection act.

SPONSORS: Rep. Walz, Merr 23; Rep. Gargasz, Hills 27; Sen. Fuller Clark, Dist 21

COMMITTEE: Children and Family Law

AMENDED ANALYSIS

This bill makes a technical correction to the CHINS statute as amended by 2013, 249. It requires the court to inquire whether the child is eligible for special education services during the initial appearance in a CHINS proceeding.

The bill also removes the reference to harm in the definition of sexual abuse under RSA 169-C, the child protection act.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 the procedure for filing a child in need of services (CHINS) petition and relative to the definition of sexual abuse under the child protection act.

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

1 271:1 Children in Need of Services; Initial Appearance. Amend RSA 169-D:11, II to read as
2 follows:

3 II. At the initial appearance, the court shall:

4 (a) Advise the child in writing and orally of any formal charges;

5 (b) Appoint counsel pursuant to RSA 169-D:12;

6 (c) Establish any conditions for release;

7 (d) Set a hearing date; and

8 (e) Inquire of the child and a parent or guardian of the child if the child has been:

9 (1) Determined to have an intellectual disability; ~~or~~

10 (2) Determined to have a mental illness, emotional or behavioral disorder, or another
11 disorder that may impede the child’s decision-making abilities; **or**

12 **(3) Identified as eligible for special education services.**

13 **II-a.** However, no plea shall be taken until the child has had the opportunity to consult with
14 counsel or until a waiver is filed pursuant to RSA 169-D:12.

15 271:2 Children in Need of Services; Pre-Adjudicatory Procedure; Technical Correction. RSA 169-
16 D:9, III(c) is repealed and reenacted to read as follows:

17 (c) The name of the person within each affected public service agency who is directly
18 responsible for assuring that specific services identified in the plan are provided.

19 271:3 Child Protection Act; Definition of Sexual Abuse. Amend RSA 169-C:3, XXVII-a to read as
20 follows:

21 XXVII-a. “Sexual abuse” means ~~[the following activities under circumstances which indicate~~
22 ~~that the child’s health or welfare is harmed or threatened with harm.]~~ the employment, use,
23 persuasion, inducement, enticement, or coercion of any child to engage in, or having a child assist
24 any other person to engage in, any sexually explicit conduct or any simulation of such conduct for the
25 purpose of producing any visual depiction of such conduct; or the rape, molestation, prostitution, or
26 other form of sexual exploitation of children, or incest with children. With respect to the definition of
27 sexual abuse, the term “child” or “children” means any individual who is under the age of 18 years.

28 271:4 Effective Date. This act shall take effect upon its passage.

29 Approved: July 28, 2014

Effective Date: July 28, 2014