

HB 1111-FN - AS AMENDED BY THE HOUSE

22Feb2024... 0245h

22Feb2024... 0627h

2024 SESSION

24-2071

05/02

HOUSE BILL

1111-FN

AN ACT relative to the penalty for false reports of suspected abuse and neglect made to the division for children, youth, and families.

SPONSORS: Rep. Spillane, Rock. 2; Rep. Cushman, Hills. 28; Rep. Aures, Merr. 13; Rep. Notter, Hills. 12; Rep. Kofalt, Hills. 32; Rep. Summers, Rock. 20; Rep. A. Lekas, Hills. 38; Rep. Hoell, Merr. 27; Rep. DeSimone, Rock. 18

COMMITTEE: Children and Family Law

AMENDED ANALYSIS

This bill provides that reports of suspected abuse and neglect may include the name of the person making the report and that a report made maliciously or with the intent to cause harm may be subject to civil and criminal penalties. The bill also provides that a person who in their professional capacity is a mandatory reporter of suspected abuse and neglect may be subject to civil liability for the failure to report.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Four

AN ACT relative to the penalty for false reports of suspected abuse and neglect made to the division for children, youth, and families.

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

1 1 Child Protection Act; Reporting Law; Nature of Report; Liability. Amend RSA 169-C:30 and
2 RSA 169-C:31 to read as follows:

3 169-C:30 Nature and Content of Report. An oral report shall be made immediately by telephone
4 or otherwise, and followed within 48 hours by a report in writing, if so requested, to the department.
5 Such report shall, if known, contain the name and address of the child suspected of being neglected
6 or abused and the person responsible for the child's welfare, the specific information indicating
7 neglect or the nature and extent of the child's injuries (including any evidence of previous injuries),
8 the identity of the person or persons suspected of being responsible for such neglect or abuse, and
9 any other information that might be helpful in establishing neglect or abuse or that may be required
10 by the department. ***Reports made to the department may include the name, address, or***
11 ***phone number of the person or persons making the report of suspected abuse or neglect of a***
12 ***child under this chapter. The department shall inform the complainant that should the***
13 ***complaint be made maliciously or with the intent to harm, the complainant may be subject***
14 ***to criminal and civil penalties.***

15 169-C:31 Immunity From Liability.

16 ***I.*** Anyone participating in good faith in the making of a report pursuant to this chapter or
17 who provides information or assistance, including medical evaluations or consultations, in
18 connection with a report, investigation, or legal intervention pursuant to a good faith report of child
19 abuse or neglect, is immune from any liability, civil or criminal, that might otherwise be incurred or
20 imposed. Any such participant has the same immunity with respect to participation in any
21 investigation by the department or judicial proceeding resulting from such report.

22 ***II.*** ***Nothing in this section shall provide civil or criminal immunity for a***
23 ***professional mandatory reporter who knowingly fails to make a report of suspected abuse***
24 ***or neglect under RSA 169-C:29 or for a person who knowingly files a false report of abuse or***
25 ***neglect with malice or the intent to harm under RSA 169-C:31-a.***

26 2 New Sections; Child Abuse; Intentional False Report; Civil Liability. Amend RSA 169-C by
27 inserting after section 31 the following new sections:

28 169-C:31-a Intentional False Report of Abuse or Neglect. No person shall maliciously or with
29 the intent to harm make false statements of suspected child abuse or neglect as defined by RSA 169-

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1 C:3 to the department, to any court, to any law enforcement agency, to any social services agency, or
2 to any professional mandatory reporter of suspected child abuse identified in RSA 169-C:29. Any
3 person in violation of this section may be subject to civil and criminal liability under RSA 169-C:31-b
4 and RSA 169-C:39, respectively.

5 169-C:31-b Civil Liability.

6 I. Any person harmed by the intentional submission of a false report of abuse or neglect
7 under RSA 169-C:31-a may bring a civil action against the responsible party for monetary damages
8 and other appropriate relief.

9 II. Any person who, in their professional capacity as a mandatory reporter under RSA 169-
10 C:29, knowingly or intentionally fails to report suspected abuse or neglect may be subject to civil
11 liability, including monetary damages, for the harm caused by the failure to report such abuse or
12 neglect.

13 3 Effective Date. This act shall take effect January 1, 2025.

**HB 1111-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to the penalty for false reports of suspected abuse and neglect made to the division for children, youth and families.

FISCAL IMPACT: ☒ State ☒ County ☒ Local ☐ None

Estimated State Impact - Increase / (Decrease)				
	FY 2024	FY 2025	FY 2026	FY 2027
Revenue	\$0	\$0	\$0	\$0
<i>Revenue Fund</i>	None			
Expenditures	Indeterminable			
<i>Funding Source</i>	General Fund			
Appropriations	\$0	\$0	\$0	\$0
<i>Funding Source</i>	None			

Estimated Political Subdivision Impact - Increase / (Decrease)				
	FY 2024	FY 2025	FY 2026	FY 2027
County Revenue	\$0	\$0	\$0	\$0
County Expenditures	Indeterminable			
Local Revenue	\$0	\$0	\$0	\$0
Local Expenditures	Indeterminable			

METHODOLOGY:

This bill adds, deletes, or modifies a criminal penalty, or changes statute to which there is a penalty for violation. Therefore, this bill may have an impact on the judicial and correctional systems, which could affect prosecution, incarceration, probation, and parole costs, for the state, as well as county and local governments. A summary of such costs can be found at: https://gencourt.state.nh.us/lba/Budget/Fiscal_Notes/JudicialCorrectionalCosts.pdf

The Department of Health and Human Services states that the bill will have no fiscal impact on that department.

AGENCIES CONTACTED:

Department of Health and Human Services, Judicial Branch, Judicial Council, Department of Justice, Department of Corrections, New Hampshire Association of Counties, and New Hampshire Municipal Association