

CHAPTER 127
SB 244 – FINAL VERSION

03/26/2015 0974s
6May2015... 1388h
05/21/2015 1877EBA

2015 SESSION

15-1004
05/04

SENATE BILL **244**

AN ACT relative to abuse and neglect investigations and establishing a commission to review child abuse fatalities.

SPONSORS: Sen. Boutin, Dist 16; Sen. Avard, Dist 12; Sen. Lasky, Dist 13; Sen. Stiles, Dist 24; Sen. Carson, Dist 14; Sen. Fuller Clark, Dist 21

COMMITTEE: Health and Human Services

ANALYSIS

This bill clarifies the burden of proof and requires the department of health and human services to seek a motion to enter a home as part of a child abuse or neglect investigation in certain circumstances. The bill also establishes a commission to review child abuse fatalities.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to abuse and neglect investigations and establishing a commission to review child abuse fatalities.

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

1 127:1 Child Protection Act; Duties of the Department; Motion to Enter. Amend RSA 169-C:34,
2 IV to read as follows:

3 IV. Upon notification by the department that the immediate safety or well-being of a child
4 may be endangered, the court [~~may, in its discretion,~~] **shall, upon finding probable cause to**
5 **believe that the child's immediate safety or well-being is endangered,** order a police officer[~~]~~
6 **or a** juvenile probation and parole officer[~~]~~ or child protection service worker, **accompanied by a**
7 **police officer,** to enter the place where the child is located, in furtherance of such investigation.

8 127:2 New Paragraph; Child Protection Act; Duties of the Department; Motion to Enter. Amend
9 RSA 169-C:34 by inserting after paragraph VI the following new paragraph:

10 VII. If the child's parents refuse to allow a social worker or state employee on their premises
11 as part of the department's investigation, and the department has probable cause to believe that the
12 child has been sexually molested, sexually exploited, intentionally physically injured so as to cause
13 serious bodily injury, physically injured by other than accidental means so as to cause bodily injury,
14 a victim of a crime, abandoned, or neglected, the department shall seek a court order to enter the
15 premises. If the court finds probable cause to believe that the child has been abused or neglected in
16 the manner described in this paragraph, the court shall issue an order permitting a police officer,
17 juvenile probation and parole officer, or child protection service worker to enter the premises in
18 furtherance of the department's investigation and to assess the child's immediate safety and well-
19 being. Any juvenile probation and parole officer or child protection service worker who serves or
20 executes a motion to enter issued under this paragraph shall be accompanied by a police officer.

21 127:3 New Paragraph; Adjudicatory Hearing; Out-of-Home Placement. Amend RSA 169-C:18 by
22 inserting after paragraph V-b the following new paragraph:

23 V-c. If a preliminary order provided for an out-of-home placement of the child, the child shall
24 not be returned to the home unless the court finds that there is no threat of imminent harm to the child
25 and the parent or parents are actively engaged in remedial efforts to address the circumstances
26 surrounding the underlying petition. The court order shall include the facts supporting the placement.

27 127:4 New Subdivision; Child Protection Act; Commission to Review Child Abuse Fatalities.

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1 Amend RSA 169-C by inserting after section 39-j the following new subdivision:

2 Commission to Review Child Abuse Fatalities

3 169-C:39-k Commission to Review Child Abuse Fatalities. There is established a commission to
4 review child abuse fatalities.

5 I. The members of the commission shall be as follows:

6 (a) One member of the senate, appointed by the president of the senate.

7 (b) Three members of the house of representatives, appointed by the speaker of the
8 house of representatives.

9 (c) One representative of the office of the governor, appointed by the governor.

10 (d) The attorney general, or designee.

11 (e) The commissioner of the department of health and human services, or designee.

12 (f) One representative of New Hampshire Kids Count, appointed by that organization.

13 (g) One representative of the New Hampshire Coalition against Domestic and Sexual
14 Violence, appointed by that organization.

15 (h) One representative of the New Hampshire child fatality review committee,
16 established by executive order number 95-1, appointed by the committee.

17 (i) One representative of Child and Family Services of New Hampshire, appointed by
18 that organization.

19 (j) One representative of the New Hampshire Children's Trust, appointed by that
20 organization.

21 II. Members of the commission shall serve without compensation, except that legislative
22 members shall receive mileage at the legislative rate when attending to the duties of the commission.

23 III. The commission shall:

24 (a) Review state laws, rules, policies, and protocols governing child abuse and neglect
25 investigations and child abuse fatalities.

26 (b) Identify any gaps, deficiencies, or problems in the delivery of services to children who
27 are victims of abuse or neglect.

28 (c) Determine whether existing procedures adequately provide for a thorough and timely
29 investigation of a child abuse fatality.

30 (d) Recommend any changes to state law and practice the commission deems appropriate
31 to protect children from abuse or neglect and reduce preventable child abuse deaths.

32 IV. The members of the commission shall elect a chairperson from among the members. The
33 first meeting of the commission shall be called by the senate member. The first meeting of the
34 commission shall be held within 45 days of the effective date of this section. Four members of the
35 commission shall constitute a quorum.

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1 V. The commission shall submit an interim report of its findings and any recommendations
2 for proposed legislation to the president of the senate, the speaker of the house of representatives,
3 the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2015.
4 The commission shall submit a final report of its findings and recommendations on or before
5 June 30, 2016.

6 127:5 Repeal. RSA 169-C:39-k, relative to the commission to review child abuse fatalities, is
7 repealed.

8 127:6 Effective Date.

9 I. Sections 1, 2, and 3 of this act shall take effect January 1, 2016.

10 II. Section 5 of this act shall take effect June 30, 2016.

11 III. The remainder of this act shall take effect upon its passage.

12

13 Approved: June 11, 2015

14 Effective Date: I. Sections 1, 2 and 3 shall take effect January 1, 2016.

15 II. Section 5 shall take effect June 30, 2016.

16 III. Remainder shall take effect June 11, 2015.