

Rep. Gregg, Hills. 7  
Rep. DeSimone, Rock. 18  
Rep. Nelson, Rock. 13  
Rep. Rice, Hills. 38  
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2025-1079h  
11/05

Amendment to HB 553-FN

1 Amend the bill by replacing all after the enacting clause with the following:

2

3 1 Purpose; Modifications. Amend RSA 169-C:2 to read as follows:

4 169-C:2 Purpose.

5 I. It is the primary purpose of this chapter, through the mandatory reporting of suspected  
6 instances of child abuse or neglect, to provide protection to children whose life, health or **physical,**  
7 **emotional, or psychological** welfare is endangered. The best interest of the child shall be the  
8 primary consideration of the court in all proceedings under this chapter.

9 II. It is a further purpose of this chapter to establish a judicial framework to protect the  
10 rights of ~~[all parties involved]~~ **children, parents, and guardians** in the adjudication of child abuse  
11 or neglect cases. Each child coming within the provisions of this chapter shall receive, preferably in  
12 the child's own home **or the community**, the care, emotional security, guidance, and control that  
13 will promote the child's best interest~~[- and, if].~~ **If** the child should be removed from the control of his  
14 or her parents, guardian, or custodian, adequate care shall be secured for the child, **preferably in**  
15 **the community.**

16 **III.** This chapter seeks to coordinate efforts by parents and state and local authorities, in  
17 cooperation with private agencies and organizations, citizens' groups, and concerned individuals, to:

18 (a) Protect the ~~[safety]~~ **physical, emotional, and psychological welfare** of the child,  
19 **acknowledging the trauma caused to the child by abuse and neglect.**

20 (b) Take such action as may be necessary to prevent the abuse or neglect of children.

21 (c) ~~[Determine if the preservation of family unity is in the best interest of the child.]~~  
22 **Presume that family unity is in the best interest of the child; but, if it is determined to not**  
23 **be in the child's best interest, to secure placement in the least restrictive setting, as**  
24 **provided in RSA 169-C:19-h. There shall be frequent review of each child removed from the**  
25 **home with the goal to return the child home or to the community as quickly as possible.**

26 (d) Provide protection, treatment, and rehabilitation, as needed, to children ~~[placed in~~  
27 ~~alternative care]~~ **under the care and custody or legal supervision of the department, whether**  
28 **placed in the home or in out-of-home care.**

29 (e) Provide assistance to parents **and guardians** to deal with and correct problems in  
30 order to ~~[avoid]~~ **prevent** removal of children from~~[the family]~~ **their home.**

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1           ~~[HH]~~. **IV.** This chapter shall be liberally construed to the end that its purpose may be carried  
2 out, to wit:

3           (a) To encourage the mental, emotional, and physical development of each child coming  
4 within the provisions of this chapter, by providing the child with the protection, care, treatment,  
5 counseling, supervision, and rehabilitative resources which the child needs and has a right to  
6 receive.

7           (b) To achieve the foregoing purposes~~[and policies, whenever it is in the best interest of~~  
8 ~~the child,]~~ by keeping a child in~~[contact with his or her home community and in a family~~  
9 ~~environment by]~~ **his or her home, and** preserving the unity of the family and separating the child  
10 from his or her parents only when the ~~[safety]~~ **physical, emotional or psychological welfare** of  
11 the child is **at risk or** in danger or when it is clearly necessary for the child's welfare or the interests  
12 of the public safety and when it can be clearly shown that a change in custody will be in the best  
13 interest of the child; ~~[and]~~

14           (c) **To ensure that if a child must be removed from his or her home, the child**  
15 **shall be placed in accordance with RSA 169-C:19-h, with kin or fictive kin if such a**  
16 **placement is safe and available, otherwise in a licensed foster home, ensuring contact with**  
17 **his or her home community and in a family environment; and, only as a last resort and if**  
18 **necessary for the emotional, mental health, behavioral health, or psychological needs of**  
19 **the child, be placed in group home or child care institution licensed and certified pursuant**  
20 **to RSA 170-E and RSA 169-F;**

21           (d) **To provide trauma-informed services and care to system-involved children,**  
22 **families, and caregivers; and**

23           ~~[(e)]~~ (e) To provide effective judicial procedures through which the provisions of this  
24 chapter are executed and enforced and which ~~[recognize]~~ **recognizes as the primary determinant,**  
25 **the safety, welfare, and best interest of the child;** and ~~[enforce]~~ **protects** the constitutional and  
26 other rights of ~~[the]~~ **all** parties and assures them a fair hearing.

27           2 Definitions; Modifications. Amend RSA 169-C:3 to read as follows:

28           169-C:3 Definitions.

29           When used in this chapter and unless the specific context indicates otherwise:

30           I. "Abandoned" means the child has been left by ~~[his]~~ **their** parent, guardian or custodian,  
31 without provision for care, **including but not limited to their physical, emotional or**  
32 **psychological well-being;** supervision; or, financial support although financially able ~~[to provide~~  
33 ~~such support];~~ **or assisted to do so, but not if the child has been left due to a lack of**  
34 **availability of mental or behavioral health services.**

35           II. ~~["Abused child"]~~ "Abuse" means **any of the following:** ~~[any child who has been]:~~

36           (a) ~~[Sexually abused]~~ **Sexual abuse of a child**~~[-or].~~

37           (b) ~~[Intentionally physically injured; or~~

1           ~~[(c) Psychologically injured so that said child exhibits symptoms of emotional problems~~  
2 ~~generally recognized to result from consistent mistreatment or neglect]~~ ***Emotional abuse, which***  
3 ***means a persistent pattern of threatening, demeaning, or humiliating behavior directed at***  
4 ***a child by a caregiver, which may include, but is not limited to:***

5           (1) ***Rejection, which means communicating to a child that they are***  
6 ***worthless, unwanted, or unloved, which may cause harm to the child's emotional***  
7 ***development or sense of well-being.***

8           (2) ***Neglecting emotional needs, which means failing to provide necessary***  
9 ***emotional support or affection to a child, depriving them of care, attention, and nurturing***  
10 ***essential for their healthy development.***

11           (3) ***Shaming or humiliating, which means engaging in a pattern of***  
12 ***persistent criticism or belittlement, likely to cause emotional harm and undermine the***  
13 ***child's sense of self-worth.***

14           (4) ***Terrorizing, which means using threats, verbal aggression, or***  
15 ***intimidating behavior to control a child, which may lead to emotional harm and instill***  
16 ***fear or anxiety.***

17           (5) ***Isolation, which means the deliberate act of restricting or preventing a***  
18 ***child from engaging in social interactions with family, peers, or the community for a***  
19 ***prolonged amount of time, resulting in social and emotional deprivation.***

20           (6) ***Corrupting, which means harming a child through involvement in or***  
21 ***exposure to criminal activities.***

22           (7) ***Exploiting, which means using a child unfairly for the abuser's own***  
23 ***advantage such that the action may adversely affect the child cognitively, emotionally, and***  
24 ***socially.***

25           (c) ~~[Physically injured]~~ ***Physical injury to a child*** by other than accidental means, ***or***  
26 ***indeterminate means if the parents, guardians, or custodians are the primary or sole***  
27 ***caregivers and have offered no reasonable alternative explanation for said injuries***~~[; or]~~.

28           ~~[(e)]~~ (d) ~~[Subjected]~~ ***Subjection of a child***, by any person, to human trafficking as  
29 defined in RSA 633:7.~~[; or]~~

30           ~~[(f)]~~ (e) ~~[Subjected]~~ ***Subjection of a child*** to an act prohibited by RSA 632-A:10-d.

31           III. "Adjudicatory hearing" means a hearing to determine the truth of the allegations in the  
32 petition filed under this chapter.

33           IV. [Repealed].

34           V. "Child" means any person who has not reached ~~[his]~~ ***their*** eighteenth birthday.

35           VI. "Child care agency" means a "child day care agency" as defined in RSA 170-E:2, IV or a  
36 "child care agency" as defined in RSA 170-E:25, II.

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1 VII. "Child placing agency" means the department, Catholic charities of New Hampshire, or  
2 child and family services of New Hampshire, or any successor organization.

3 VII-a. "Compelling reason" for assessing permanency at an early permanency hearing  
4 includes circumstances where:

5 (a) Both parents, or only one parent if the other parent is deceased or not identified,  
6 have made no effort or only negligible efforts to comply with the dispositional orders;

7 (b) A ground exists for termination of parental rights for both parents, or for only one  
8 parent if the other parent is deceased or not identified, under one or more paragraphs of RSA 170-  
9 C:5; or

10 (c) There is another compelling reason to assess the permanency plan of reunification  
11 earlier than the 12-month permanency hearing.

12 VII-b. "Concurrent plan" means an alternate permanency plan in the event that a child  
13 cannot be safely reunified with his or her parents.

14 VIII. "Consent order" means a written agreement entered into among or between the parties  
15 regarding the facts and the disposition in a neglect or abuse case, and approved by the court.

16 IX. "Court" means the district court, unless otherwise indicated.

17 X. "Custodian" means an agency or person, other than a parent or guardian, licensed  
18 pursuant to RSA 170-E to whom legal custody of the child has been given by court order.

19 XI. "Dispositional hearing" means a hearing held after a finding of abuse or neglect to  
20 determine what dispositional order should be made on behalf of the child.

21 XII. "Department" means the Department of Health and Human Services.

22 XIII. "Foster home" means a residential care facility licensed pursuant to RSA 170-E for  
23 child care in which family care and training are provided on a regular basis for no more than 6  
24 unrelated children, unless all the children are of common parentage.

25 XIII-a. "Founded report" means a report made pursuant to this chapter for which the  
26 department finds by a preponderance of the evidence that the child who is the subject of such report  
27 is abused or neglected.

28 XIV. "Guardian" means a parent or person appointed by a court having jurisdiction with the  
29 duty and authority to make important decisions in matters having a permanent effect on the life and  
30 development of the child, and to be concerned about the general welfare of the child. Such duty and  
31 authority include but are not necessarily limited either in number or kind to:

32 (a) The authority to consent: (1) to marriage, (2) to enlistment in the armed forces of the  
33 United States, and (3) to major medical, psychiatric and surgical treatment, (4) to represent the  
34 child in legal actions; and (5) to make other decisions of substantial legal significance concerning the  
35 child;

36 (b) The authority and duty of reasonable visitation, except to the extent that such right  
37 of visitation has been limited by court order; and

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1 (c) The rights and responsibilities of legal custody except where legal custody has been  
2 vested in another individual or in an authorized agency.

3 XIV-a. "Household member" means any person living with the parent, guardian, or  
4 custodian of the child from time to time or on a regular basis, who is involved occasionally or  
5 regularly with the care of the child.

6 XV. "Imminent danger" means circumstances or surroundings causing immediate peril or  
7 risk to a child's *psychological or emotional well-being, physical or mental* health, or life.

8 XVI. "Institutional child abuse or neglect" means situations of known or suspected child  
9 abuse or neglect wherein the person responsible for the child's welfare is a foster parent or is an  
10 employee of a public or private residential home, institution or agency. *This includes, but is not*  
11 *limited to, use of restraint or seclusion under circumstances which do not indicate that*  
12 *restraint or seclusion is necessary to ensure the immediate physical safety of a person due*  
13 *to substantial and imminent risk of serious bodily harm to the child or others.*

14 XVII. "Legal custody" means a status created by court order embodying the following rights  
15 and responsibilities unless otherwise modified by court order:

16 (a) The right to determine where and with whom the child shall live;

17 (b) The right to have the physical possession of the child;

18 (c) The right and the duty to protect and constructively discipline the child; and

19 (d) The responsibility to provide the child with food, clothing, shelter, education,  
20 emotional security and ordinary medical care provided that such rights and responsibilities shall be  
21 exercised subject to the power, rights, duties and responsibilities of the guardian of the child and  
22 subject to residual parental rights and responsibilities if these have not been terminated by judicial  
23 decree.

24 XVIII. "Legal supervision" means a legal status created by court order wherein the child is  
25 permitted to remain in his home under the supervision of a child placing agency subject to further  
26 court order.

27 XIX. [~~"Neglected child"~~] **"Neglect"** means [~~a child~~] *any of the following:*

28 (a) [~~Who has been abandoned~~] *Abandonment of a child* by his or her parents,  
29 guardian, or custodian[~~;~~].

30 (b) [~~Who is without proper parental care or control, subsistence, education as required~~  
31 ~~by law, or other care or control necessary for the child's physical, mental, or emotional health, when~~  
32 ~~it is established that the child's health has suffered or is likely to suffer serious impairment; and the~~  
33 ~~deprivation is not due primarily to the lack of financial means of the parents, guardian, or custodian;~~  
34 ~~or~~] *Failure by a child's parent, guardian, or custodian, either deliberately or through*  
35 *negligence or inability, to provide proper supervision, care, and attention to a child, or*  
36 *provide adequate food, clothing, shelter, or education, or proper medical care, and it is*  
37 *established that the child's physical, mental, emotional, or psychological well-being has*

1 *suffered or is likely to suffer serious impairment, when such inability is not due solely to*  
2 *inadequate economic means.*

3 (c) [~~Whose parents, guardian or custodian are unable~~] *Inability of a parent,*  
4 *guardian, or custodian* to discharge their responsibilities to and for the child because of  
5 incarceration, hospitalization or other physical or mental incapacity[;].

6 (d) *Voluntary or knowing entrustment of the care of a child by a parent,*  
7 *guardian, or custodian to individuals who may not provide safe care, including but not*  
8 *limited to:*

9 (1) *Persons who are subject to active protective or restraining orders;*

10 (2) *Persons with current or past history of sex-crimes;*

11 (3) *Persons with current or recent violent crimes; or*

12 (4) *Persons with recent instances of substance misuse, or of manufacturing,*  
13 *sales or trafficking of legal or illegal substances; and*

14 (5) *It is established that the child's physical, mental, emotional, or*  
15 *psychological well-being has suffered or is likely to suffer serious impairment.*

16 (e) *The birth of a child exposed to alcohol or substances, unless these substances*  
17 *were used as prescribed or recommended, and if the mother is under the treatment of or*  
18 *monitored by a licensed health care provider, and the child's health or welfare may be at*  
19 *serious risk due to substance use.*

20 (f) [~~Provided, that no~~] *No* child who is, in good faith, under treatment solely by spiritual  
21 means through prayer in accordance with the tenets and practices of a recognized church or religious  
22 denomination by a duly accredited practitioner thereof shall, for that reason alone, be considered to  
23 be a neglected child under this chapter.

24 XX. "Notice" means communication given in person or in writing to the parent, guardian,  
25 custodian or other interested party not having custody or control of the child, of the time and place  
26 fixed for hearing; and it shall be given in all cases, unless it appears to the court that such notice will  
27 be ineffectual.

28 XX-a. "Out-of-home placement" means the placement of a child in substitute care with  
29 someone other than the child's biological parent or parents, adoptive parent or parents, or legal  
30 guardian.

31 XXI. "Parent" means mother, father, adoptive parent, stepparent, but such term shall not  
32 include a parent as to whom the parent-child relationship has been terminated by judicial decree or  
33 voluntary relinquishment.

34 XXI-a. "Party having an interest" means the child; the guardian ad litem of the child; the  
35 child's parent, guardian or custodian; the state; or any household member subject to court order.

36 XXI-b. "Permanency hearing" means a court hearing for a child in an out-of-home placement  
37 to review, modify, and/or implement the permanency plan or to adopt the concurrent plan.

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1           XXI-c. "Permanency plan" means a plan for a child in an out-of-home placement that is  
2 adopted by the court and provides for timely reunification, adoption through termination of parental  
3 rights or parental surrender, guardianship with a fit and willing relative or another appropriate  
4 party, or another planned permanent living arrangement.

5           XXII. "A person responsible for a child's welfare" includes the child's parent, guardian or  
6 custodian, as well as the person providing out-of-home care of the child, if that person is not the  
7 parent, guardian or custodian. For purposes of this definition, "out-of-home care" includes child day  
8 care, and any other settings in which children are given care outside of their homes.

9           XXIII. "Probable cause" means facts and circumstances based upon accurate and reliable  
10 information, including hearsay, that would justify a reasonable person to believe that a child subject  
11 to a report under this chapter is abused or neglected.

12           XXIV. "Protective custody" means the status of a child who has been taken into physical  
13 custody by a police officer or juvenile probation and parole officer because the child was in such  
14 circumstances or surroundings which presented an imminent danger to the child's health or life and  
15 where there was not sufficient time to obtain a court order.

16           XXV. "Protective supervision" means the status of a child who has been placed with a child  
17 placing agency pending the adjudicatory hearing.

18           XXV-a. "Psychological maltreatment" means pervasive and emotionally abusive behavior,  
19 which shall include, but not be limited to, patterns of threatening, berating, or demeaning behavior.

20           XXV-b. "Psychotropic medication" means a drug prescribed by a licensed medical  
21 practitioner, to treat illnesses that affect psychological functioning, perception, behavior, or mood.

22           XXV-c. "Medication restraint" means the involuntary administration of any medication,  
23 including a psychotropic medication, for the purpose of immediate control of behavior.

24           XXVI. "Relative" means parent, grandparent, brother, sister, stepparent, stepbrother,  
25 stepsister, uncle, aunt, nieces, nephews or first and second cousins.

26           XXVII. "Residual parental rights and responsibilities" means those rights and  
27 responsibilities remaining with the parent after the transfer of legal custody or guardianship except  
28 guardianship pursuant to termination of parental rights, including, but not limited to, right of  
29 visitation, consent to adoption, right to determine religious affiliation and responsibilities for  
30 support.

31           XXVII-a. "Serious impairment" means ~~[a substantial weakening or diminishment of]~~ ***an***  
32 ***adverse impact on*** a child's emotional, physical, ***psychological***, or mental ~~[health or of a child's]~~  
33 ***well-being or safety, and [general well-being] which may result from a single event or from a***  
34 ***consistent pattern of behavior, and may be currently observed or predicted.*** The following  
35 circumstances shall be considered in determining the likelihood that a child may suffer serious  
36 impairment, ***with a trauma-informed lens, as defined in RSA 169-C:3, XXVIII:***

1 (a) The age and developmental level of the child; ***although the child's age or ability***  
2 ***to care for themselves is not dispositive of the potential harm caused by other factors.***

3 (b) [~~Any recognized mental, emotional, or physical disabilities~~] ***The child's social,***  
4 ***emotional, learning, mental health, behavioral health, or physical conditions.***

5 (c) School attendance and [~~performance~~] ***the child's ability to fully engage in school.***

6 (d) The child's [~~illegal use of controlled substances, or the child's contact with other~~]  
7 ***exposure to*** persons involved in the [~~illegal use of controlled substances~~] ***misuse*** or sale,  
8 ***manufacture, or trafficking of legal or illegal substances or the parent's or child's*** abuse of  
9 alcohol.

10 (e) Exposure to incidents of domestic or sexual violence.

11 (f) Any documented failure to thrive.

12 (g) Any history of frequent illness or injury.

13 (h) Findings in other proceedings.

14 (i) The condition of the child's place of residence.

15 (j) Assessments or evaluations of the child conducted by qualified professionals.

16 (k) Such other factors that may be determined to be appropriate or relevant.

17 ***(l) Any single incident or occurrence of serious injury or illness.***

18 ***(m) Parentification of a child, which occurs when a child is regularly expected***  
19 ***to take on parental responsibilities, including but not limited to providing emotional or***  
20 ***practical support for a parent or another individual, beyond what would be reasonably***  
21 ***expected for the child's age and circumstances, instead of receiving that care and support***  
22 ***themselves.***

23 XXVII-b. "Sexual abuse" means the employment, use, persuasion, inducement, enticement,  
24 or coercion of any child to engage in, or having a child assist any other person to engage in, any  
25 sexually explicit conduct or any simulation of such conduct for the purpose of producing any visual  
26 depiction of such conduct; or the rape, molestation, prostitution, or other form of sexual exploitation  
27 of children, or incest with children. With respect to the definition of sexual abuse, the term "child" or  
28 "children" means any individual who is under the age of 18 years.

29 XXVII-c. "Screened-out report" means a report made pursuant to this chapter that the  
30 department has determined does not rise to the level of a credible report of abuse or neglect and is  
31 not referred for assessment.

32 ***XXVII-d. "Trauma informed" means a service system in which all parties involved***  
33 ***recognize and respond to the impact of traumatic stress on those who have contact with the***  
34 ***system including children, families, caregivers, and service providers. It is an expansion of***  
35 ***the system's concerns beyond children's physical safety and permanence to include***  
36 ***children's psychological safety; attempts to address trauma-related needs by promoting the***  
37 ***well-being and resilience of children, families, caregivers, and service providers; treats***

1 *children and families as partners in their own care; and, collaborates with other relevant*  
2 *agencies and systems.*

3 XXVIII. "Unfounded report" means a report made pursuant to this chapter for which the  
4 department determines that there is, ***by a preponderance of the evidence***, insufficient evidence to  
5 substantiate a finding that the child is abused or neglected.

6 XXIX. A report that is "unfounded but with reasonable concern" means a report made  
7 pursuant to this chapter for which the department determines that there is probable cause to believe  
8 the child was abused or neglected, but for which there is insufficient evidence to establish by a  
9 preponderance of the evidence that the child was abused or neglected.

10 3 Presumption of Harm. Amend RSA 169-C:12-f to read as follows:

11 169-C:12-f Rebuttable Presumption of Harm.

12 There shall be a rebuttable presumption that a child's ~~health~~ ***emotional, physical,***  
13 ***psychological, or mental well-being*** has suffered or is likely to suffer serious impairment by  
14 exposure to any of the following conduct:

15 I. Evidence of a parent's, guardian's, or custodian's substance misuse ~~[that is adversely~~  
16 ~~affecting a child's care or supervision, when that parent, guardian, or custodian is not actively~~  
17 ~~engaged in treatment]~~ ***or sale, manufacturing, or trafficking of legal or illegal substances,***  
18 ***shall create a rebuttable presumption that the child's physical, emotional, or psychological***  
19 ***well-being has suffered or is very likely to suffer serious impairment. The presumption may***  
20 ***be rebutted by evidence of the parent's compliance with treatment for such use or***  
21 ***dependence.***

22 II. Evidence of a parent's, guardian's, or custodian's impaired driving or operating of a motor  
23 vehicle while a child is in the vehicle; or

24 III. Evidence of a parent's, guardian's, or custodian's exposure of a child to:

25 ~~[(a) Physical violence directed at a sibling, the other parent, or another person living in~~  
26 ~~the home; or~~

27 ~~(b) Psychological maltreatment directed at the child, a sibling, the other parent, or~~  
28 ~~another person living in the home.]~~ ***physical violence, verbal abuse, or psychological***  
29 ***maltreatment directed at the child, a sibling, the other parent or significant other, or***  
30 ***another person living in the home.***

31 IV. The rebuttable presumption of harm established in paragraph III shall not apply to  
32 victims of domestic violence who are subject to an abuse or neglect ***investigation or*** petition filed  
33 pursuant to this chapter as a result of an incident or incidents in which that parent, guardian, or  
34 caregiver was the victim.

35 V. ***Evidence of serious injury, broken bones, or unexplained injury to any non-***  
36 ***ambulatory child, or frequent illnesses that are not being adequately addressed or***  
37 ***controlled.***

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1           4 School Boards; Studies; Abuse. Amend RSA 189:10, II to read as follows:

2           II. The school board shall ensure that health education, physical education to include the  
3 importance of exercise, and wellness are taught to pupils as part of the curriculum, specifically to  
4 include physiology, hygiene, health and interpersonal relationships, physical education, and  
5 wellness, as they relate to the effects of alcohol and other drugs, prevention of sexual violence, child  
6 abuse as established in the definition of [~~abused child~~] "**abuse**" under RSA 169-C:3, II, human  
7 immunodeficiency virus (HIV)/acquired immunodeficiency syndrome (AIDS), and sexually  
8 transmitted diseases on the human system.

9           5 Genital Mutilation; Abuse. Amend RSA 632-A:10-d, IV to read as follows:

10           IV. Any child subjected to conduct prohibited by paragraph I, but which is not justified  
11 pursuant to paragraph III, shall be considered [~~an abused child~~] **to have suffered abuse** pursuant  
12 to RSA 169-C:3, II.

13           6 Repeal. RSA 169-C:3, XXV-a, relative to the definition of psychological maltreatment, is  
14 repealed.

15           7 Effective Date. This act shall take effect 60 days after its passage.