

Floor Amendment to HB 553-FN

1 Amend the title of the bill by replacing it with the following:

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3 AN ACT establishing a clear and convincing standard for determining whether a report of
4 abuse or neglect is founded.

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

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8 1 Abuse and Neglect; Founded Report. Amend RSA 169-C:3, XIII-a to read as follows:

9 XIII-a. "Founded report" means a report made pursuant to this chapter for which the
10 department finds by ~~[a preponderance of the]~~ **clear and convincing** evidence that the child who is
11 the subject of such report is abused or neglected.

12 2 Abuse and Neglect; Unfounded Report. Amend RSA 169-C:3, XXVIII-XXIX to read as follows:

13 XXVIII. "Unfounded report" means a report made pursuant to this chapter for which the
14 department ~~[determines that there is insufficient evidence to substantiate a finding]~~ **cannot find by**
15 **clear and convincing evidence** that the child **who is the subject of such report** is abused or
16 neglected.

17 XXIX. A report that is "unfounded but with reasonable concern" means a report made
18 pursuant to this chapter for which the department determines that there is probable cause to believe
19 the child was abused or neglected, but ~~[for which there is insufficient evidence to establish by a~~
20 ~~preponderance of the evidence]~~ **cannot find by clear and convincing evidence** that the child
21 ~~[was]~~ **is** abused or neglected.

22 3 Abuse and Neglect; Burden of Proof. Amend RSA 169-C:13 to read as follows:

23 169-C:13 Burden of Proof. – The petitioner has the burden to prove the allegations in support of
24 the petition by ~~[a preponderance of the]~~ **clear and convincing** evidence.

25 4 Effective Date. This act shall take effect 60 days after its passage.

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AMENDED ANALYSIS

This bill establishes that a founded report of abuse or neglect requires clear and convincing evidence of abuse or neglect, and redefines certain terms to align with that requirement.