

HB 1710-FN - AS INTRODUCED

2026 SESSION

26-2694

09/06

HOUSE BILL ***1710-FN***

AN ACT relative to procedures relating to child abduction.

SPONSORS: Rep. Markell, Rock. 18; Rep. DeSimone, Rock. 18; Rep. Litchfield, Rock. 32; Rep. Lynn, Rock. 17; Rep. Nelson, Rock. 13; Rep. M. Pearson, Rock. 34

COMMITTEE: Children and Family Law

ANALYSIS

This bill adopts the Uniform Child Abduction Prevention Act to govern actions seeking abduction prevention measures.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty-Six

AN ACT relative to procedures relating to child abduction.

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

1 1 New Chapter; Uniform Child Abduction Prevention Act. Amend RSA by inserting after
2 chapter 458-E the following new chapter:

3 CHAPTER 458-F

4 UNIFORM CHILD ABDUCTION PREVENTION ACT

5 458-F:1 Short Title. This chapter may be cited as the "Uniform Child Abduction Prevention
6 Act."

7 458-F:2 Definitions. In this chapter:

8 I. "Abduction" means the wrongful removal or wrongful retention of a child.

9 II. "Child" means an unemancipated individual who is less than 18 years of age.

10 III. "Child-custody determination" means a judgment, decree, or other order of a court
11 providing for the legal custody, physical custody, or visitation with respect to a child. The term
12 includes a permanent, temporary, initial, and modification order.

13 IV. "Child-custody proceeding" means a proceeding in which legal custody, physical custody,
14 or visitation with respect to a child is at issue. The term includes a proceeding for divorce,
15 dissolution of marriage, separation, neglect, abuse, dependency, guardianship, paternity,
16 termination of parental rights, or protection from domestic violence.

17 V. "Court" means an entity authorized under the law of a state to establish, enforce, or
18 modify a child-custody determination.

19 VI. "Petition" includes a motion or its equivalent.

20 VII. "Record" means information that is inscribed on a tangible medium or that is stored in
21 an electronic or other medium and is retrievable in perceivable form.

22 VIII. "State" means a state of the United States, the District of Columbia, Puerto Rico, the
23 United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the
24 United States. The term includes a federally recognized Indian tribe or nation.

25 IX. "Travel document" means records relating to a travel itinerary, including travel tickets,
26 passes, reservations for transportation, or accommodations. The term does not include a passport or
27 visa.

28 X. "Wrongful removal" means the taking of a child that breaches rights of custody or
29 visitation given or recognized under the law of this state.

30 XI. "Wrongful retention" means the keeping or concealing of a child that breaches rights of
31 custody or visitation given or recognized under the law of this state.

1 458-F:3 Cooperation and Communication Among Courts. RSA 458-A:9, 458-A:10, and 458-A-11
2 shall apply to cooperation and communications among courts in proceedings under this chapter.

3 458-F:4 Actions for Abduction Prevention Measures.

4 I. A court on its own motion may order abduction prevention measures in a child-custody
5 proceeding if the court finds that the evidence establishes a credible risk of abduction of the child.

6 II. A party to a child-custody determination or another individual or entity having a right
7 under the law of this state or any other state to seek a child-custody determination for the child may
8 file a petition seeking abduction prevention measures to protect the child under this chapter.

9 III. A prosecutor or public authority designated under RSA 458-A:36 may seek a warrant to
10 take physical custody of a child under RSA 458-F:9 or other appropriate prevention measures.

11 458-F:5 Jurisdiction.

12 I. A petition under this chapter may be filed only in a court that has jurisdiction to make a
13 child-custody determination with respect to the child at issue under RSA 458-A.

14 II. A court of this state has temporary emergency jurisdiction under RSA 458-A:15 if the
15 court finds a credible risk of abduction.

16 458-F:6 Contents of Petition.

17 I. A petition under this chapter shall be verified and include a copy of any existing child-
18 custody determination, if available.

19 II. The petition shall specify the risk factors for abduction, including the relevant factors
20 described in RSA 458-F:7.

21 III. Subject to RSA 458-A:20, V, if reasonably ascertainable, the petition shall contain:

22 (a) The name, date of birth, and gender of the child;

23 (b) The customary address and current physical location of the child;

24 (c) The identity, customary address, and current physical location of the respondent;

25 (d) A statement of whether a prior action to prevent abduction or domestic violence has
26 been filed by a party or other individual or entity having custody of the child, and the date, location,
27 and disposition of the action;

28 (e) A statement of whether a party to the proceeding has been arrested for a crime
29 related to domestic violence, stalking, or child abuse or neglect, and the date, location, and
30 disposition of the case; and

31 (f) Any other information required to be submitted to the court for a child-custody
32 determination under RSA 458-A:20.

33 458-F:7 Factors to Determine Risk of Abduction.

34 I. In determining whether there is a credible risk of abduction of a child, the court shall
35 consider any evidence that the petitioner or respondent:

36 (a) Has previously abducted or attempted to abduct the child;

37 (b) Has threatened to abduct the child;

- 1 (c) Has recently engaged in activities that may indicate a planned abduction, including:
- 2 (1) Abandoning employment;
- 3 (2) Selling a primary residence;
- 4 (3) Terminating a lease;
- 5 (4) Closing bank or other financial management accounts, liquidating assets, hiding
- 6 or destroying financial documents, or conducting any unusual financial activities;
- 7 (5) Applying for a passport or visa or obtaining travel documents for the respondent,
- 8 a family member, or the child; or
- 9 (6) Seeking to obtain the child's birth certificate or school or medical records;
- 10 (d) Has engaged in domestic violence, stalking, or child abuse or neglect;
- 11 (e) Has refused to follow a child-custody determination;
- 12 (f) Lacks strong familial, financial, emotional, or cultural ties to the state or the United
- 13 States;
- 14 (g) Has strong familial, financial, emotional, or cultural ties to another state or country;
- 15 (h) Is likely to take the child to a country that:
- 16 (1) Is not a party to the Hague Convention on the Civil Aspects of International
- 17 Child Abduction and does not provide for the extradition of an abducting parent or for the return of
- 18 an abducted child;
- 19 (2) Is a party to the Hague Convention on the Civil Aspects of International Child
- 20 Abduction but:
- 21 (A) The Hague Convention on the Civil Aspects of International Child Abduction
- 22 is not in force between the United States and that country;
- 23 (B) Is noncompliant according to the most recent compliance report issued by the
- 24 United States Department of State;
- 25 (C) Lacks legal mechanisms for immediately and effectively enforcing a return
- 26 order under the Hague Convention on the Civil Aspects of International Child Abduction;
- 27 (D) Poses a risk that the child's physical or emotional health or safety would be
- 28 endangered in the country because of specific circumstances relating to the child or because of
- 29 human rights violations committed against children;
- 30 (E) Has laws or practices that would:
- 31 (i) Enable the respondent, without due cause, to prevent the petitioner from
- 32 contacting the child;
- 33 (ii) Restrict the petitioner from freely traveling to or exiting from the country
- 34 because of the petitioner's gender, nationality, marital status, or religion; or
- 35 (iii) Restrict the child's ability legally to leave the country after the child
- 36 reaches the age of majority because of the child's gender, nationality, or religion;

1 (F) Is included by the United States Department of State on a current list of
2 state sponsors of terrorism;

3 (G) Does not have an official United States diplomatic presence in the country;
4 or

5 (H) Is engaged in active military action or war, including a civil war, to which
6 the child may be exposed;

7 (i) Is undergoing a change in immigration or citizenship status that would adversely
8 affect the respondent's ability to remain in the United States legally;

9 (j) Has had an application for United States citizenship denied;

10 (k) Has forged or presented misleading or false evidence on government forms or
11 supporting documents to obtain or attempt to obtain a passport, a visa, travel documents, a Social
12 Security card, a driver's license, or other government-issued identification card or has made a
13 misrepresentation to the United States government;

14 (l) Has used multiple names to attempt to mislead or defraud; or

15 (m) Has engaged in any other conduct the court considers relevant to the risk of
16 abduction.

17 II. In the hearing on a petition under this chapter, the court shall consider any evidence that
18 the respondent believed in good faith that the respondent's conduct was necessary to avoid imminent
19 harm to the child or respondent and any other evidence that may be relevant to whether the
20 respondent may be permitted to remove or retain the child.

21 458-F:8 Provisions and Measures to Prevent Abduction.

22 I. If a petition is filed under this chapter, the court may enter an order that shall include:

23 (a) The basis for the court's exercise of jurisdiction;

24 (b) The manner in which notice and opportunity to be heard were given to the persons
25 entitled to notice of the proceeding;

26 (c) A detailed description of each party's custody and visitation rights and residential
27 arrangements for the child;

28 (d) A provision stating that a violation of the order may subject the party in violation to
29 civil and criminal penalties; and

30 (e) Identification of the child's country of habitual residence at the time of the issuance
31 of the order.

32 II. If, at a hearing on a petition under this chapter or on the court's own motion, the court
33 after reviewing the evidence finds a credible risk of abduction of the child, the court shall enter an
34 abduction prevention order. The order shall include the provisions required by subparagraph I(a)
35 and measures and conditions, including those in subparagraphs I(c), (d), and (e), that are reasonably
36 calculated to prevent abduction of the child, giving due consideration to the custody and visitation
37 rights of the parties. The court shall consider the age of the child, the potential harm to the child

1 from an abduction, the legal and practical difficulties of returning the child to the jurisdiction if
2 abducted, and the reasons for the potential abduction, including evidence of domestic violence,
3 stalking, or child abuse or neglect.

4 III. An abduction prevention order may include one or more of the following:

5 (a) An imposition of travel restrictions that require that a party traveling with the child
6 outside a designated geographical area provide the other party with the following:

7 (1) The travel itinerary of the child;

8 (2) A list of physical addresses and telephone numbers at which the child can be
9 reached at specified times; and

10 (3) Copies of all travel documents;

11 (b) A prohibition of the respondent directly or indirectly:

12 (1) Removing the child from this state, the United States, or another
13 geographic area without permission of the court or the petitioner's written consent;

14 (2) Removing or retaining the child in violation of a child-custody determination;

15 (3) Removing the child from school or a child care or similar facility; or

16 (4) Approaching the child at any location other than a site designated for supervised
17 visitation;

18 (c) A requirement that a party register the order in another state as a prerequisite to
19 allowing the child to travel to that state;

20 (d) With regard to the child's passport:

21 (1) A direction that the petitioner place the child's name in the United States
22 Department of State's Child Passport Issuance Alert Program;

23 (2) A requirement that the respondent surrender to the court or the petitioner's
24 attorney any United States or foreign passport issued in the child's name, including a passport
25 issued in the name of both the parent and the child; and

26 (3) A prohibition upon the respondent from applying on behalf of the child for a new
27 or replacement passport or visa;

28 (e) As a prerequisite to exercising custody or visitation, a requirement that the
29 respondent provide:

30 (1) To the United States Department of State Office of Children's Issues and the
31 relevant foreign consulate or embassy, an authenticated copy of the order detailing passport and
32 travel restrictions for the child;

33 (2) To the court:

34 (A) Proof that the respondent has provided the information in subparagraph
35 III(e)(1); and

36 (B) An acknowledgment in a record from the relevant foreign consulate or
37 embassy that no passport application has been made, or passport issued, on behalf of the child;

1 (3) To the petitioner, proof of registration with the United States Embassy or other
2 United States diplomatic presence in the destination country and with the Central Authority for the
3 Hague Convention on the Civil Aspects of International Child Abduction, if that Convention is in
4 effect between the United States and the destination country, unless one of the parties objects; and

5 (4) A written waiver under the Privacy Act, 5 U.S.C. Section 552a as amended, with
6 respect to any document, application, or other information pertaining to the child authorizing its
7 disclosure to the court and the petitioner; and

8 (f) Upon the petitioner's request, a requirement that the respondent obtain an order
9 from the relevant foreign country containing terms identical to the child-custody determination
10 issued in the United States.

11 IV. In an abduction prevention order, the court may impose conditions on the exercise of
12 custody or visitation that:

13 (a) Limit visitation or require that visitation with the child by the respondent be
14 supervised until the court finds that supervision is no longer necessary and order the respondent to
15 pay the costs of supervision;

16 (b) Require the respondent to post a bond or provide other security in an amount
17 sufficient to serve as a financial deterrent to abduction, the proceeds of which may be used to pay for
18 the reasonable expenses of recovery of the child, including reasonable attorney's fees and costs if
19 there is an abduction; and

20 (c) Require the respondent to obtain education on the potentially harmful effects to the
21 child from abduction.

22 V. To prevent imminent abduction of a child, a court may:

23 (a) Issue a warrant to take physical custody of the child under RSA 458-F:9 or the law of
24 this state other than this chapter;

25 (b) Direct the use of law enforcement to take any action reasonably necessary to locate
26 the child, obtain return of the child, or enforce a custody determination under this chapter or the law
27 of this state other than this chapter; or

28 (c) Grant any other relief allowed under the law of this state other than this chapter.

29 VI. The remedies provided in this chapter are cumulative and do not affect the availability
30 of other remedies to prevent abduction.

31 458-F:9 Warrant to Take Physical Custody of Child.

32 I. If a petition under this chapter contains allegations, and the court finds that there is a
33 credible risk that the child is imminently likely to be wrongfully removed, the court may issue an ex
34 parte warrant to take physical custody of the child.

35 II. The respondent on a petition under paragraph I shall be afforded an opportunity to be
36 heard at the earliest possible time after the ex parte warrant is executed, but not later than the next

1 judicial day unless a hearing on that date is impossible. In that event, the court shall hold the
2 hearing on the first judicial day possible.

3 III. An ex parte warrant under paragraph I to take physical custody of a child shall:

4 (a) Recite the facts upon which a determination of a credible risk of imminent wrongful
5 removal of the child is based;

6 (b) Direct law enforcement officers to take physical custody of the child immediately;

7 (c) State the date and time for the hearing on the petition; and

8 (d) Provide for the safe interim placement of the child pending further order of the court.

9 IV. If feasible, before issuing a warrant and before determining the placement of the child
10 after the warrant is executed, the court may order a search of the relevant databases of the National
11 Crime Information Center system and similar state databases to determine if either the petitioner or
12 respondent has a history of domestic violence, stalking, or child abuse or neglect.

13 V. The petition and warrant shall be served on the respondent when or immediately after
14 the child is taken into physical custody.

15 VI. A warrant to take physical custody of a child, issued by this state or another state, is
16 enforceable throughout this state. If the court finds that a less intrusive remedy will not be effective,
17 it may authorize law enforcement officers to enter private property to take physical custody of the
18 child. If required by exigent circumstances, the court may authorize law enforcement officers to
19 make a forcible entry at any hour.

20 VII. If the court finds, after a hearing, that a petitioner sought an ex parte warrant under
21 paragraph I for the purpose of harassment or in bad faith, the court may award the respondent
22 reasonable attorney's fees, costs, and expenses.

23 VIII. This chapter does not affect the availability of relief allowed under the law of this state
24 other than this chapter.

25 458-F:10 Duration of Abduction Prevention Order. An abduction prevention order remains in
26 effect until the earliest of:

27 I. The time stated in the order;

28 II. The emancipation of the child;

29 III. The child's attaining 18 years of age; or

30 IV. The time the order is modified, revoked, vacated, or superseded by a court with
31 jurisdiction under RSA 458-A:12, 458-A:13, and 458-A:14.

32 458-F:11 Uniformity of Application and Construction. In applying and construing this chapter
33 as a uniform act, the courts shall give due consideration to the need to promote uniformity of the law
34 with respect to its subject matter among states that enact it.

35 458-F:12 Relation to Electronic Signatures in Global and National Commerce Act. This chapter
36 modifies, limits, and supersedes the federal Electronic Signatures in Global and National Commerce
37 Act, 15 U.S.C. section 7001, et seq., but does not modify, limit, or supersede section 101(c) of that act,

HB 1710-FN - AS INTRODUCED

- Page 8 -

1 15 U.S.C. section 7001(c), or authorize electronic delivery of any of the notices described in section
2 103(b) of that act, 15 U.S.C. section 7003(b).

3 2 Effective Date. This act shall take effect 60 days after its passage.

**HB 1710-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to procedures relating to child abduction.

FISCAL IMPACT: This bill does not provide funding, nor does it authorize new positions.

Estimated State Impact				
	FY 2026	FY 2027	FY 2028	FY 2029
Revenue	\$0	\$0	\$0	\$0
<i>Revenue Fund(s)</i>	None			
Expenditures*	\$0	\$173,000+	\$173,000+	\$173,000+
<i>Funding Source(s)</i>	General Fund			
Appropriations*	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

***Expenditure = Cost of bill**

***Appropriation = Authorized funding to cover cost of bill**

METHODOLOGY:

This bill adopts the Uniform Child Abduction Prevention Act. In so doing, it establishes court procedures in which petitioners may request the issuance of orders imposing child abduction prevention measures, and gives courts the ability under certain circumstances to issue warrants authorizing law enforcement to take physical custody of children deemed at risk of abduction. The Judicial Branch states that, in order to support judges in fulfilling their obligations under the bill, it will need to employ an individual with expertise in immigration practices, the Hague Convention on the Civil Aspects of Child Abduction, domestic violence, child protection, the State Department's Child Passport Issuance Alert Program, foreign consulate and embassy procedures, and other highly specialized skills. The Branch also anticipates hiring a case manager to handle the increased volume of filings and case processing requirements resulting from the bill. Combined, the two positions are anticipated to cost approximately \$173,000 per year, with higher costs possible if the workload is greater than anticipated.

The Department of Health and Human Services states that it has no data from which to extrapolate the costs of the entirely new process for abduction prevention measures created by the bill, and so the fiscal impact is indeterminable.

AGENCIES CONTACTED:

Judicial Branch and Department of Health and Human Services

