HB 1261 - AS INTRODUCED

2024 SESSION

24-2268
05/08

HOUSE BILL ***1261***

AN ACT relative to voluntary services under the CHINS program.

SPONSORS: Rep. Vandecasteele, Rock. 25

COMMITTEE: Children and Family Law

ANALYSIS

This bill provides that a child's initial refusal or reluctance to participate in a voluntary services plan under RSA 169-C shall not form the sole basis for the decision not to offer or to withdraw such services.

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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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 voluntary services under the CHINS program.

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

1 Child in Need of Services; Voluntary Services. Amend RSA 169-D:5, II-a to read as follows:

II-a. Any petition filed shall include language demonstrating whether appropriate voluntary services have been attempted, the nature of voluntary services attempted, and the reason court compulsion is necessary. The petition also shall include information regarding the department's determination as to whether voluntary services are appropriate for the child or family under RSA 169-D:5-c. Refusal of the child to participate in the development of a voluntary family services plan may constitute sufficient information that voluntary service and support options have been unsuccessful***; provided that in no case shall the initial refusal or reluctance of the child to participate form the sole basis for the decision not to offer voluntary services in a case in which the department and parents are in agreement that such services are appropriate and are in the best interest of the child***.

2 Child in Need of Services; Voluntary Services. Amend RSA 169-D:5-c to read as follows:

169-D:5-c Voluntary Services. The department shall assess whether to offer the child and family, on a voluntary basis, any services permitted under RSA 169-D:17 except out-of-home placement of the child. The department may decline to offer services to a child or family if it concludes that the child does not meet the definition of child in need of services in RSA 169-D:2, II, or if the department otherwise determines that voluntary services are not appropriate for the child or family***; provided that the child's initial refusal or reluctance to participate shall not form the sole basis for the decision not to offer or to withdraw voluntary services***. The department shall document the basis for its decision. Notwithstanding RSA 541-A, the department's decision shall not be subject to appeal, nor shall the fact that the department declined to offer voluntary services preclude a person from filing a petition under RSA 169-D:5, I. Voluntary services provided under this section shall not exceed 9 months, unless the department determines that an extension for an additional, specified period of time is appropriate.

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