HB 108 - AS INTRODUCED

2023 SESSION

23-0060
06/04

HOUSE BILL ***108***

AN ACT relative to the confidentiality of reports made to the division of children, youth, and families and requiring guardians ad litem be appointed in certain instances.

SPONSORS: Rep. Spillane, Rock. 2; Rep. Roy, Rock. 31; Rep. B. Boyd, Hills. 12; Rep. DeSimone, Rock. 18; Rep. Sheehan, Hills. 43; Rep. Cushman, Hills. 28; Sen. Avard, Dist 12

COMMITTEE: Children and Family Law

ANALYSIS

This bill provides that reports of suspected abuse and neglect may include the name of the person making the report and provides that the person's identity shall be fully confidential unless such a person makes such a report in bad faith or maliciously and with intent to cause harm, in which case the person may be subject to civil and criminal penalties.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to the confidentiality of reports made to the division of children, youth, and families and requiring guardians ad litem be appointed in certain instances.

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

1 Child Protection Act; Reporting Law; Nature of Report; Liability. Amend RSA 169-C:30 and RSA 169-C:31 to read as follows:

169-C:30 Nature and Content of Report. An oral report shall be made immediately by telephone or otherwise, and followed within 48 hours by a report in writing, if so requested, to the department. Such report shall, if known, contain the name and address of the child suspected of being neglected or abused and the person responsible for the child's welfare, the specific information indicating neglect or the nature and extent of the child's injuries (including any evidence of previous injuries), the identity of the person or persons suspected of being responsible for such neglect or abuse, and any other information that might be helpful in establishing neglect or abuse or that may be required by the department. ***Reports made to the department may include the name, address, or phone number of the person or persons making the report of suspected abuse or neglect of a child under this chapter. The department may inform the complainant that should the complaint be made maliciously or with intent to harm, the complainant may be subject to criminal and civil penalties.***

169-C:31 Immunity From Liability.

I. Anyone participating in good faith in the making of a report pursuant to this chapter or who provides information or assistance, including medical evaluations or consultations, in connection with a report, investigation, or legal intervention pursuant to a good faith report of child abuse or neglect, is immune from any liability, civil or criminal, that might otherwise be incurred or imposed. Any such participant has the same immunity with respect to participation in any investigation by the department or judicial proceeding resulting from such report.

II. It shall be a misdemeanor to knowingly make false statements of suspected child abuse as defined by RSA 169-C:3 to the department, to any court, to any law enforcement agency, to any social services agency, or to any mandatory reporter of suspected child abuse as defined in RSA 169-C:29. Any person who knowingly or in bad faith makes a false report of suspected child abuse as defined by RSA 169-C:3 may also be subject to civil penalties.

2 Services for Children, Youth, and Families; Case Records. Amend RSA 170-G:8-a, I(d) to read as follows:

(d) The name of a person who makes a report of suspected abuse or neglect of a child pursuant to RSA 169-C:29, or any information which would identify the reporter, ***except as provided in subparagraph VI(c).***

3 New Subparagraph; Services for Children, Youth, and Families; Case Records; Confidentiality. Amend RSA 170-G:8-a, VI by inserting after subparagraph (b) the following new subparagraph:

(c) The identity of the person who makes a report of suspected abuse or neglect of a child shall be confidentially retained separately from any other case records of the department. Such information shall be sealed and confidential at all times unless and until the complaint is found by the caseworker assigned to the complaint to have been made in bad faith or maliciously and with intent to cause harm. The identity of any complainant found to have made a complaint in bad faith or maliciously and with intent to cause harm, shall be unsealed and identified, and included as part of the case records of the department. Under no circumstances shall the identity of a complainant who makes a report of suspected abuse or neglect in good faith or pursuant to RSA 169-C:29 be released.

4 Effective Date. This act shall take effect January 1, 2024.