

Sen. Kelly, Dist 10
Sen. Reagan, Dist. 17
March 23, 2016
2016-1159s
05/04

Floor Amendment to SB 515-FN

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

2
3 1 Statement of Findings. The general court finds and declares that the state of New
4 Hampshire is facing an epidemic regarding the misuse and abuse of opiates, including, but not
5 limited to, heroin and fentanyl. A parent's use of these drugs can pose a substantial threat to the
6 safety of the children living in the home. Consistent with the purposes of the child protection act,
7 this act will help the department to insure the safety of the children living in the home, will enable
8 the department to provide services to the parents and family to help them address their drug use so
9 that they can safely parent their children and shall be administered to insure the preservation and
10 unity of the family whenever possible.

11 2 Child Protection Act; Definition of a Neglected Child. Amend RSA 169-C:3, XIX(b) to read as
12 follows:

13 (b) Who is without proper parental care or control, subsistence, education as required
14 by law, or other care or control necessary for his *or her* physical, mental, or emotional health, when
15 it is established that his *or her* health has suffered or is very likely to suffer serious impairment;
16 and the deprivation is not due primarily to the lack of financial means of the parents, guardian, or
17 custodian. ***Evidence of a custodial parent's opioid drug abuse or opioid drug dependence,***
18 ***as defined in RSA 318-B:1, I or RSA 318-B:1, IX, shall constitute prima facie evidence that***
19 ***the child's health has suffered or is very likely to suffer serious impairment, unless the***
20 ***parent is compliant in treatment for such use or dependence;*** or

21 3 New Section; Child Protection Act; Court Ordered Alcohol and Drug Testing. Amend
22 RSA 169-C by inserting after section 12-c the following new section:

23 169-C:12-d Court-Ordered Alcohol and Drug Testing. The court may order alcohol or drug
24 testing at any stage of the proceeding where substance abuse is an ongoing issue in the case, where
25 alcohol or drug use is a disputed issue of fact, or where there is reason to believe that alcohol or
26 drug use may be substantially interfering with a parent's ability to adhere to the case plan. Unless
27 otherwise ordered by the court, the frequency and type of such testing shall be at the discretion of
28 the department.

29 4 Child Protection Act; Liability of Expenses and Hearing on Liability. Amend RSA 169-C:27,
30 I(b) to read as follows:

31 (b) Subparagraph (a) shall not apply to expenses incurred for special education and

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1 related services, or to expenses incurred for evaluation, care, and treatment of the child at the
2 New Hampshire hospital or to expenses incurred for the cost of accompanied transportation ~~or to~~
3 ~~expenses incurred for the cost of alcohol and drug testing~~].

4 5 Child Protection Act; Definition of a Neglected Child; Effective July 1, 2020. RSA 169-C:3,
5 XIX(b) is repealed and reenacted to read as follows:

6 (b) Who is without proper parental care or control, subsistence, education as required
7 by law, or other care or control necessary for his or her physical, mental, or emotional health, when
8 it is established that his or her health has suffered or is very likely to suffer serious impairment;
9 and the deprivation is not due primarily to the lack of financial means of the parents, guardian, or
10 custodian; or

11 6 Effective Date.

12 I. Section 5 of this act shall take effect July 1, 2020.

13 II. The remainder of this act shall take effect upon its passage.

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AMENDED ANALYSIS

This bill temporarily amends the definition of a neglected child to provide that, unless the parent is in treatment, evidence of a custodial parent's opioid drug abuse or dependence shall constitute evidence of child neglect. The bill also permits the court to order periodic alcohol or drug testing and provides that the parent may be responsible for the cost of such tests.

The bill is a request of the department of health and human services.