

Amendment to HB 377

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

2
3 AN ACT relative to the best interest of the child under RSA 169-C and the duties of the
4 oversight commission on children's services.
5

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

7
8 1 Child Protection Act; Statement of Purpose. Amend RSA 169-C:2 to read as follows:
9 169-C:2 Purpose.

10 I. It is the primary purpose of this chapter, through the mandatory reporting of suspected
11 instances of child abuse or neglect, to provide protection to children whose life, health or welfare is
12 endangered. ***The best interest of the child shall be the primary consideration of the court in***
13 ***all proceedings under this chapter.***

14 II. It is a further purpose of this chapter to establish a judicial framework to protect the
15 rights of all parties involved in the adjudication of child abuse or neglect cases. Each child coming
16 within the provisions of this chapter shall receive, preferably in the child's own home, the care,
17 emotional security, guidance, and control that will promote the child's best interest; and, if the child
18 should be removed from the control of his or her parents, guardian, or custodian, adequate care shall
19 be secured for the child. This chapter seeks to coordinate efforts by ***parents and*** state and local
20 authorities, in cooperation with private agencies and organizations, citizens' groups, and concerned
21 individuals, to:

22 (a) Protect the safety of the child.

23 (b) Take such action as may be necessary to prevent the abuse or neglect of children.

24 (c) ~~[Preserve the unity of the family]~~ ***Determine if the preservation of family unity is***
25 ***in the best interest of the child.***

26 (d) Provide protection, treatment, and rehabilitation, as needed, to children placed in
27 alternative care.

28 (e) Provide assistance to parents to deal with and correct problems in order to avoid
29 removal of children from the family.

30 III. This chapter shall be liberally construed to the end that its purpose may be carried out,
31 to wit:

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1 (a) To encourage the mental, emotional, and physical development of each child coming
2 within the provisions of this chapter, by providing the child with the protection, care, treatment,
3 counseling, supervision, and rehabilitative resources which the child needs and has a right to
4 receive.

5 (b) To achieve the foregoing purposes and policies, whenever ~~[possible]~~ ***it is in the best***
6 ***interest of the child***, by keeping a child in contact with his or her home community and in a family
7 environment by preserving the unity of the family and separating the child from his or her parents
8 only when the safety of the child is in danger or when it is clearly necessary for the child's welfare or
9 the interests of the public safety and when it can be clearly shown that a change in custody ~~[and~~
10 ~~control will plainly better]~~ ***will be in the best interest of*** the child; and

11 (c) To provide effective judicial procedures through which the provisions of this chapter
12 are executed and enforced and which recognize and enforce the constitutional and other rights of the
13 parties and assures them a fair hearing.

14 2 New Subparagraph; Oversight Commission on Children's Services; Study of Child Protection
15 Statutes. Amend RSA 170-G:19, III by inserting after subparagraph (e) the following new
16 subparagraph:

17 (f) Review the child protection act under RSA 169-C, identify other statutes that
18 promote the best interest of the child, determine compliance with applicable federal regulations
19 governing child protection, and identify any statutory changes needed to improve child protection in
20 New Hampshire.

21 3 Effective Date. This act shall take effect upon its passage.

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AMENDED ANALYSIS

This bill amends the purpose statement of RSA 169-C, the child protection act, and directs the oversight commission on children's services to study the child protection act and related statutes that promote the best interest of the child.