

Amendment to SB 574

1 Amend RSA 461-A:19-a, III as inserted by section 1 of the bill by replacing it with the following:

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3 III.(a) A parent or guardian subject to a parenting plan may appoint a temporary agent of a
4 minor if the appointment is effective only during that parent's court-ordered parenting time and is in
5 accordance with the parenting plan. If there is no parenting plan in place, a parent or guardian may
6 not appoint a temporary agent of a minor if the minor has another living parent whose whereabouts
7 are known and who is willing and able to safely provide care and custody for the minor, unless the
8 non-appointing parent consents to the appointment in writing.

9 (b) Subparagraph (a) shall not apply in cases where the non-appointing parent is the
10 subject of a protective order in the parenting plan, a domestic violence restraining order, order of
11 protection, bail conditions prohibiting contact with the child or minors in general, or if the non-
12 appointing parent is under investigation by the division for children, youth and families (DCYF),
13 under investigation by law enforcement for crimes related to children, the subject of a DCYF safety
14 plan, or involved in a case brought pursuant to RSA 169-C.

15 (c) A parent may not appoint a temporary agent if the appointing parent's parental
16 rights have been terminated or if the parent has signed a voluntary surrender of parental rights. A
17 parent or guardian may also not appoint a temporary agent when a court has ordered that the minor
18 child be placed in the custody of a person other than the parent or guardian, or if the parent is under
19 investigation by DCYF for child abuse or neglect and makes the appointment in an effort to avoid
20 that investigation.