CHAPTER 99
SB 161 - FINAL VERSION

03/06/2025 0539s
1May2025... 1539h

2025 SESSION

25-0357
11/05

SENATE BILL *161*

AN ACT making technical corrections to statutes governing out-of-state placements for children.

SPONSORS: Sen. Birdsell, Dist 19; Sen. Long, Dist 20; Sen. Carson, Dist 14

COMMITTEE: Children and Family Law

AMENDED ANALYSIS

This bill requires out-of-state placements for children to be licensed in accordance with the laws of the state in which they operate and be certified by the department of health and human services. This bill replaces references to placements for children "contracted" with the department of health and human services with placements "certified" by the department.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT making technical corrections to statutes governing out-of-state placements for children.

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

99:1 Child Protection Act; Presumption in Favor of In-State Placements; License; Controlling State. Amend RSA 169-C:19-b to read as follows:

169-C:19-b Presumption in Favor of In-State Placements. There shall be a presumption that an in-state placement is the least restrictive and most appropriate placement. The court may order an out-of-state placement only upon an express written finding that no options for in-state placement exist and the out-of-state placement offers specialized programming or services that are unable to be provided within New Hampshire, and the placement is [~~contracted with the state~~] ***licensed in accordance with the laws of the state in which they operate and certified by the department***. Preference shall be given to out-of-state placements that are in proximity to the child's family and/or kin, who are able to participate in family and/or reunification services. Any out-of-state placements shall be limited in time and require [~~both~~] increased judicial oversight***,*** and the written approval of the director of the division for children, youth and families***, or designee, for placements outside of New England***.

99:2 Order of Preference; Controlling Law. Amend RSA 169-F:5 to read as follows:

169-F:5 Presumption in Favor of In-State Placements. There shall be a presumption that an in-state placement is the least restrictive and most appropriate placement. The court may order an out-of-state placement only upon an express written finding that no in-state options exist and that the out-of-state placement offers specialized programming or services that are unable to be provided within New Hampshire, and the placement is [~~contracted with the state~~] ***licensed in accordance with the laws of the state in which they operate, and certified by the department***. Preference shall be given to out-of-state placements that are in proximity to the child's family and/or kin, who are able to participate in family and/or reunification services. Any out-of-state placements shall be limited in time***,*** and require [~~both~~] increased judicial oversight***,*** and the written approval of the director of the division for children, youth and families***, or designee, for placements outside of New England***.

99:3 Oversight; Department Responsibilities. Amend RSA 169-F:7, II to read as follows:

II. The department shall develop, in consultation with the office of child advocate, a standard operating procedure and form for monthly visits with children conducted by the department, pursuant to [~~RSA 169-F:5, I~~] ***paragraph I of this section***, to be completed during each monthly in-person visit.

99:4 Effective Date. This act shall take effect January 1, 2026.

Approved: June 17, 2025
Effective Date: January 01, 2026