

Amendment to HB 1376

1 Amend the bill by replacing section 1 with the following:

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3 1 Definitions; Parenting Based on Biological Sex Excluded. Amend RSA 169-C:3, II to read as
4 follows:

5 II.(a) "Abused child" means any child who has been:

6 [~~(a)~~] (1) Sexually abused; or

7 [~~(b)~~] (2) Intentionally physically injured; or

8 [~~(c)~~] (3) Psychologically injured so that said child exhibits symptoms of emotional
9 problems generally recognized to result from consistent mistreatment or neglect; or

10 [~~(d)~~] (4) Physically injured by other than accidental means; or

11 [~~(e)~~] (5) Subjected, by any person, to human trafficking as defined in RSA 633:7; or

12 [~~(f)~~] (6) Subjected to an act prohibited by RSA 632-A:10-d.

13 (b) *No child shall be considered an "abused child" under this chapter for the*
14 *reason that they have been raised by their parent or guardian consistent with their*
15 *biological sex, including but not limited to referring to a child consistent with their*
16 *biological sex and making mental health or medical decisions based on the child's*
17 *biological sex. Nothing in this subparagraph shall be construed to authorize any other*
18 *acts or omissions that meet the definition of "abused child" in subparagraph II(a).*

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20 Amend RSA 169-C:6-c as inserted by section 2 of the bill by replacing it with the following:

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22 169-C:6-c Basis for Findings of Child Abuse; Exclusion.

23 I. Parents or guardians raising a child consistent with their biological sex, referring to a
24 child consistent with their biological sex, or making mental health or medical decisions based on the
25 child's biological sex shall not constitute a basis for:

26 (a) A court order relative to removing a child from the home, as described in RSA 169-
27 C:6-b;

28 (b) Grounds for filing a petition alleging neglect or abuse of a child, as described in RSA
29 169-C:7;

30 (c) Evidence of conduct establishing the rebuttable presumption of harm defined in RSA
31 169-C:12-f;

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1 (d) Grounds for filing a petition for the termination of the parent-child relationship, as
2 described in RSA 170-C:4; or

3 (e) Conditions for termination of the parent-child relationship as described in RSA 170-
4 C:5.

5 II. Nothing in this section shall be construed to preclude consideration of any other acts or
6 omissions that meet the definition of abuse or neglect of a child, or that are contrary to the child's
7 welfare, as defined or provided for under this chapter.

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9 Amend RSA 170-B:18, I-b as inserted by section 4 of the bill by replacing it with the following:

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11 I-b. Nothing in paragraph I-a shall be construed to relieve the department of its duty to
12 make each placement consistent with the best interests of the child as otherwise required by law.
13 Nothing in paragraph I-a shall preclude the department from taking into account the religious or
14 moral beliefs of a particular child, considered in relation to the religious or moral beliefs of a
15 prospective adoptive parent when determining which placement is in the best interests of the child.