

SB 161 - AS INTRODUCED

2025 SESSION

25-0357

11/05

SENATE BILL **161**

AN ACT providing that in-state placements may include placements in New England in certain circumstances and addressing particular statutory technical defects.

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

COMMITTEE: Children and Family Law

ANALYSIS

This bill replaces references to placements for children "contracted" with the department of health and human services with placements "certified" by the department; and provides that in-state placements may include placements in New England deemed necessary and appropriate by the court.

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

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Five

AN ACT providing that in-state placements may include placements in New England in certain circumstances and addressing particular statutory technical defects.

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

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

3 169-C:19-b Presumption in Favor of In-State Placements. There shall be a presumption that an
4 in-state placement is the least restrictive and most appropriate placement. The court may order an
5 out-of-state placement only upon an express written finding that no options for in-state placement
6 exist and the out-of-state placement offers specialized programming or services that are unable to be
7 provided within New Hampshire, and the placement is ~~[contracted with the state]~~ **licensed in**
8 **accordance with the laws of the state in which they operate and certified by the**
9 **department.** Preference shall be given to out-of-state placements that are in proximity to the
10 child's family and/or kin, who are able to participate in family and/or reunification services. Any
11 out-of-state placements shall be limited in time and require both increased judicial oversight and the
12 written approval of the director of the division for children, youth and families, **or designee. For**
13 **purposes of this chapter, placements considered to be in-state may include placements in**
14 **New England deemed necessary and appropriate by the court pursuant to RSA 169-F:8.**

15 2 Evidence-Informed Safety Assessments. Amend RSA 169-C:19-e, I-a(g) to read as follows:

16 (g) The results of the department's ~~[evidence-based]~~ **evidence-informed** safety
17 assessment of that parent, their home, and any other adults in the home. A parent's cooperation
18 with the department's assessment, or their effort to provide any records necessary to such a
19 determination, shall be weighed as a factor in favor of the fitness of that parent. The fact that a
20 parent owns a firearm shall not make a home unsafe per se, nor be weighed against the parent,
21 provided they are compliant with federal and state law, including but not limited to RSA 650-C:1.

22 3 Order of Preference; Controlling Law. Amend RSA 169-F:5 to read as follows:

23 169-F:5 Presumption in Favor of In-State Placements. There shall be a presumption that an in-
24 state placement is the least restrictive and most appropriate placement. The court may order an
25 out-of-state placement only upon an express written finding that no in-state options exist and that
26 the out-of-state placement offers specialized programming or services that are unable to be provided
27 within New Hampshire, and the placement is ~~[contracted with the state]~~ **licensed in accordance**
28 **with the laws of the state in which they operate and certified by the department.** Preference
29 shall be given to out-of-state placements that are in proximity to the child's family and/or kin, who
30 are able to participate in family and/or reunification services. Any out-of-state placements shall be

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1 limited in time and require both increased judicial oversight and the written approval of the director
2 of the division for children, youth and families, *or designee. For purposes of this chapter,*
3 *placements considered to be in-state may include placements in New England deemed*
4 *necessary and appropriate by the court pursuant to RSA 169-F:8.*

5 4 Oversight; Department Responsibilities. Amend RSA 169-F:7, II to read as follows:

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

10 5 Effective Date. This act shall take effect January 1, 2026.