



STATE OF NEW HAMPSHIRE
DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION FOR CHILDREN, YOUTH & FAMILIES

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Written Testimony to compliment live testimony by the Division for Children, Youth, and Families (DCYF) for HB 767 expanding requirements for reports to law enforcement by the Department of Health and Human Services on Friday, February 7, 2025, in front of the Criminal Justice and Public Safety Committee

Dear Chairman Roy and Members of the Criminal Justice and Public Safety Committee:

The New Hampshire Department of Health and Human Services, Division for Children, Youth, and Families (hereinafter DCYF) seeks to provide this written information to supplement the public hearing testimony on Friday, February 7, 2025, relative to HB 767.

As you are aware, DCYF, through the mandatory reporting of a suspicion of child abuse and/or neglect, receives calls to our 24-hour hotline handled by the Central Intake Unit (during business hours that unit is comprised of DCYF child protection service workers and during afterhours the hotline calls to the Central Intake Unit are received and processed by our contracted vendor).

In 2024, there were 27,197 calls to Central Intake, and of those calls, 7,888 resulted in Law Enforcement Notification and a Law Enforcement Notification Letter (written notification as required in RSA 169-C:38, I). Of those notifications to law enforcement, 6,789 resulted in distinct referrals to law enforcement as described in RSA 169-38, I.

The breakdown is as follows:

Calls To Intake - Calls Screened in and Screened Out

NOTES: Calls to Intake (Referrals) 7/1/2023 - 6/30/2024

	SFY 2024	SFY 2024	SFY 2024
Screening Result	After Hours	During Hours	Total
Add Info	1,085	6,134	7,219
Screened In	1,421	9,285	10,706
Screened Out	1,129	8,143	9,272
Grand Total	3,635	23,562	27,197

Number of Law Enforcement Letters: Multiple letters may be due to the same information being sent to multiple law enforcement agencies or due to multiple sets of victims/ perpetrators on the same referral

	SFY 2024	Oct-24
Screening Result		
Screened In	6,751	630
Screened Out	1,137	120
Grand Total	7,888	750

Distinct number of referrals

	SFY 2024	Oct-24
Screening Result		
Screened In	5,701	529
Screened Out	1,088	116
Grand Total	6,789	645

In addition to the aforementioned statute of RSA 169-C:38, multiple state statutes, federal laws, state multidisciplinary protocols, and internal policies and procedures have been enacted and developed to all work in combination and consistency of best practices for each multi-discipline that is part of the reporting, assessing, investigating and responding to these reports of concerns for abuse and/or neglect of a child.

This written information is provided to help describe and explain all of these essential components of assessing and investigating these concerns of abuse and/or neglect as well as any potential crime in which a child is a victim. The below information contains the summary and hyper link to the original source:

NEW HAMPSHIRE STATE STATUTES ADDRESSING THE REPORTING, ASSESSMENT, INVESTIGATION, AND RESPONSE TO CHILD ABUSE AND NEGLECT:

169-C:29 Persons Required to Report. –

Any physician, surgeon, county medical examiner, psychiatrist, resident, intern, dentist, osteopath, optometrist, chiropractor, psychologist, therapist, registered nurse, hospital personnel (engaged in admission, examination, care and treatment of persons), Christian Science practitioner, teacher, school official, school nurse, school counselor, social worker, day care worker, any other child or foster care worker, law enforcement official, priest, minister, or rabbi or any other person having reason to suspect that a child has been abused or neglected shall report the same in accordance with this chapter.

169-C:38 Report to Law Enforcement Authority. –

I. The department shall immediately by telephone or in person refer all cases in which there is reason to believe that any person under the age of 18 years has been: (a) sexually molested; (b) sexually exploited;

(c) intentionally physically injured so as to cause serious bodily injury; (d) physically injured by other than accidental means so as to cause serious bodily injury; or (e) a victim of a crime, to the local law enforcement agency in the community in which the acts of abuse are believed to have occurred. The department shall also make a written report to the law enforcement agency within 48 hours, Saturdays, Sundays and holidays excluded. A copy of this report shall be sent to the office of the county attorney.

II. All law enforcement personnel and department employees shall cooperate in limiting the number of interviews of a child victim and, when appropriate, shall conduct joint interviews of the child. Employees of the department shall share with the investigating police officers all information in their possession which it is lawful for them to disclose to a law enforcement agency. Investigating police officers shall not use or reveal any confidential information shared with them by the department except to the extent necessary for the investigation and prosecution of the case.

III. No staff member of the department shall be held civilly or criminally liable for a telephone referral or a written report made under paragraph I.

IV. Law enforcement personnel or department employees who are trained caseworkers shall have the right to enter any public place, including but not limited to schools and child care agencies, for the purpose of conducting an interview with a child, with or without the consent or notification of the parent or parents of such child, if there is reason to believe that the child has been:

- (a) Sexually molested.
- (b) Sexually exploited.
- (c) Intentionally physically injured so as to cause serious bodily injury.
- (d) Physically injured by other than accidental means so as to cause serious bodily injury.
- (e) A victim of a crime.
- (f) Abandoned.
- (g) Neglected.

V. For any interview conducted pursuant to paragraph IV, the interview with the child shall be videotaped if possible. If the interview is videotaped, it shall be videotaped in its entirety. If the interview cannot be videotaped in its entirety, an audio recording of the entire interview shall be made.

169-C:34 Duties of the Department of Health and Human Services. –

I. If it appears that the immediate safety or well-being of a child is endangered, the family may flee or the child disappear, or the facts otherwise so warrant, the department shall commence an investigation immediately after receipt of a report. In all other cases, a child protective investigation shall be commenced within 72 hours of receipt of the report.

II. For each report it receives, the department **shall promptly perform** a child protective investigation to:

- (a) Determine the composition of the family or household, including the name, address, age, sex, and race of each child named in the report, and any siblings or other children in the same household or in the care of the same adults, the parents or other persons responsible for their welfare, and any other adults in the same household;
- (b) Determine whether any person in the same family or household was named in a prior report of abuse or neglect, and, if there are 2 or more prior unfounded or unfounded but with reasonable concern reports involving any family or household member, conduct an administrative review of all identified reports;
- (c) Determine whether there is probable cause to believe that any child in the family or household is abused or neglected, including a determination of harm or threatened harm to each child, the nature and extent of present or prior injuries, abuse, or neglect, and any evidence thereof, and a determination

of the person or persons apparently responsible for the abuse or neglect;

(d) Determine the immediate and long-term risk to each child if the child remains in the existing home environment; and

(e) Determine the protective treatment, and ameliorative services that appear necessary to help prevent further child abuse or neglect and to improve the home environment and the parents' ability to adequately care for the children.

II-a. The department may issue a confidential letter of concern to a person or persons responsible for the safety and welfare of the child that although there is insufficient evidence to substantiate a finding of abuse or neglect or of unfounded but with reasonable concern, the department encourages the person or persons responsible for the safety and welfare of the child to seek family support services and provide contact information to obtain such services. Upon initiating an assessment, the department may offer the family ameliorative services to reduce risk and address child safety concerns.

II-b. The department may make a confidential determination of unfounded but with reasonable concern.

III. The department may request and shall receive from any agency of the state or any of its political subdivisions or any schools, such assistance and information as will enable it to fulfill its responsibilities under this section.

IV. Upon notification by the department that the immediate safety or well-being of a child may be endangered, the court shall, upon finding probable cause to believe that the child's immediate safety or well-being is endangered, order a police officer or a juvenile probation and parole officer or child protection service worker, accompanied by a police officer, to enter the place where the child is located, in furtherance of such investigation.

V. Notwithstanding any other provision of law to the contrary, the department may offer voluntary services to families without making a determination of the person or persons responsible for the abuse or neglect. The department shall adopt rules, pursuant to RSA 541-A, relative to the provision of voluntary services under this paragraph. The rules shall include provisions relative to the development of metrics to measure the effectiveness of voluntary services. The costs of voluntary services provided by the department under this paragraph shall not be eligible for reimbursement under RSA 169-C:27.

V-a. Notwithstanding any other provision of law to the contrary, the department may offer voluntary services to any child who prior to his or her eighteenth birthday was found to be neglected or abused, who was in legal custody of the department as of his or her eighteenth birthday, and who is less than 21 years of age. The costs of voluntary services provided by the department under this paragraph shall not be eligible for reimbursement under RSA 169-C:27.

VI. At the first contact in person, any person investigating a report of abuse or neglect on behalf of the department shall verbally inform the parents of a child suspected of being a victim of abuse or neglect of the specific nature of the charges and that they are under no obligation to allow a social worker or state employee on their premises or surrender their children to interviews unless that social worker or state employee is in possession of a court order to that effect. Upon receiving such information, the parent shall sign a written acknowledgement indicating that the information required under this paragraph was provided by the person conducting the investigation. The parent and department shall each retain a copy of the acknowledgment.

VII. If the child's parents refuse to allow a social worker or state employee on their premises as part of the department's investigation, and the department has probable cause to believe that the child has been abused or neglected, the department shall seek a court order to enter the premises. If the court finds probable cause to believe that the child has been abused or neglected, the court shall issue an order permitting a police officer, juvenile probation and parole officer, or child protection service

worker to enter the premises in furtherance of the department's investigation and to assess the child's immediate safety and well-being. Any juvenile probation and parole officer or child protection service worker who serves or executes a motion to enter issued under this paragraph shall be accompanied by a police officer.

VIII. The department shall develop a methodology to notify the child's primary health care provider regarding the nature of the investigation in those cases in which the investigation has identified the primary health care provider.

IX. The use of medication restraint shall be limited as provided in RSA 126-U.

169-C:38-a Standardized Protocol for the Investigation and Assessment of Child Abuse and Neglect

Cases. – The department of health and human services and the department of justice shall jointly develop a standardized protocol for the interviewing of victims and the investigation and assessment of cases of child abuse and neglect. The protocol shall seek to minimize the impact on the victim. The protocol shall also be designed to protect the rights of all parties affected. The protocol shall specifically address the need to establish safe and appropriate places for interviewing children.

***The above statute was enhanced and expanded with the below statute with the onset of the Child Advocacy Centers in every county throughout the state for the multidisciplinary best practices approach of a joint-team approach for the investigation, assessment, response and support of child abuse and neglect including in that multidisciplinary team approach, DCYF, LE, Prosecution, CACs with expert forensic interviewers, and medical experts in child abuse and neglect.**

RSA 169-C:34-a Multidisciplinary Child Protection Teams. –

I. The department of health and human services may enter into formal cooperative agreements with appropriate agencies and organizations to create multidisciplinary child protection teams to assist with the investigation and evaluation of reports of abuse and neglect under this chapter.

II. Multidisciplinary child protection team members may include licensed physical and mental health practitioners, educators, law enforcement officers, representatives from the local child advocacy center, social workers, and such other individuals as may be necessary to assist with the investigation and evaluation of reports of abuse or neglect.

III. The department may share information from its case records to the extent permitted by law with members of a multidisciplinary child protection team in order to assist the team with its investigation and evaluation of a report of abuse or neglect. Multidisciplinary child protection team members shall be required to execute a confidentiality agreement and shall be bound by the confidentiality provisions of RSA 169-C:25 and RSA 170-G:8-a.

IV. The department, in conjunction with the department of justice and the New Hampshire Network of Children's Advocacy Centers, **shall develop a written protocol for multidisciplinary child protection team investigations. The purpose of the protocol shall be to ensure the coordination and cooperation of the agencies involved in multidisciplinary child protection team investigations, to increase the efficiency in the handling of these cases, and to minimize the impact on the child of the legal and investigatory process. The protocol developed shall be reviewed and, if necessary, revised not less than once every 3 years. The department shall forward a copy of the approved protocol to the speaker of the house of representatives, the senate president, and the governor by November 1 of the year in which they were approved and revised.**

FEDERAL GUIDELINES AND REQUIREMENTS FOR THE ASSESSMENT AND INVESTIGATION OF CHILD ABUSE AND NEGLECT:

Our New Hampshire statutes addressing the reporting, assessment, investigation and response to child abuse and neglect are informed by and compliant with the key seminal Federal legislation addressing child abuse and neglect is the **Child Abuse Prevention and Treatment Act (CAPTA)**, originally enacted on January 31, 1974 (P.L. 93-247).

This act has been amended several times including 2003's **Keeping Children and Families Safe Act** and was last reauthorized on December 20, 2010, by the CAPTA Reauthorization Act of 2010 (P.L. 111-320). It was amended in 2015, 2016, and 2018, and most recently, certain provisions of the act were amended on January 7, 2019, by the Victims of Child Abuse Act Reauthorization Act of 2018 (P.L. 115-424).

CAPTA provides Federal funding and guidance to States in support of prevention, assessment, investigation, prosecution, and treatment activities and also provides grants to public agencies and nonprofit organizations, including Indian Tribes and Tribal organizations, for demonstration programs and projects.

Additionally, CAPTA identifies the Federal role in supporting research, evaluation, technical assistance, and data collection activities; establishes the Office on Child Abuse and Neglect; and establishes a national clearinghouse of information relating to child abuse and neglect.

CAPTA also sets forth a federal definition of child abuse and neglect. In 2015, the Federal definitions of "child abuse and neglect" and "sexual abuse" were expanded by the Justice for Victims of Trafficking Act to include a child who is identified as a victim of sex trafficking or severe forms of trafficking in persons. **The complete official text of the law can be found on the website of the U.S. Government Printing Office at **42 U.S.C. chapter 67, sections 5101–5116i**.

NEW HAMPSHIRE MULTI-DISCIPLINARY PROTOCOLS ADDRESSING THE REPORTING, ASSESSMENT, INVESTIGATION, AND RESPONSE TO CHILD ABUSE AND NEGLECT:

As described and required in RSA **169-C:34-a, IV Multidisciplinary Child Protection Teams** (referenced above), **The Attorney General's Task Force on Child Abuse and Neglect** was created and is comprised of various stakeholders who are responsible for this important task of responding to child abuse and neglect including DCYF, law enforcement, prosecutors, child advocacy centers, the medical community, schools, and others.

As required by the above law, this task force drafted best practices and joint protocols for the reporting, assessment, investigation, and response to child abuse and neglect. The latest version of these protocols, the 2021 e-version of the aforementioned ***Model Protocol for the Multidisciplinary Response to Child Abuse and Neglect, 2021*** can be found at the below:

[July 16, 2007 draft](#)

(the title of the link is misleading as it does contain the latest version of the Protocols that were released in 2021, the next version has not yet been released)

If this response leads to a court involved case pursuant to RSA 169-C the ***Protocols Relative to Abuse and Neglect Cases and Permanency Planning*** developed by the Model Court Project in cooperation with the New Hampshire Court Improvement Project guide practice that is prescribed in RSA 169-C.
[Abuse-and-Neglect-Protocols.pdf](#)

DIVISION FOR CHILDREN, YOUTH, AND FAMILIES POLICIES AND PROCEDURES FOR THE REPORTING TO LAW ENFORCEMENT AND THE ASSESSMENT AND INVESTIGATION OF CHILD ABUSE AND NEGLECT:

[DCYF Policy Manual | New Hampshire Department of Health and Human Services](#)

The response times and collaboration with Law Enforcement is addressed throughout various policies and procedures throughout the DCYF Policy Manual (link above) and specific to reporting to Law Enforcement in these specific policies and standard operating procedures:

DCYF SOP 1150.1: Report Types, Screening Decisions, Overrides, and Response Priority Level

DCYF Policy 1172: CPS Assessments of Abuse and Neglect

DCYF SOP 1172.1: Planning and Commencing an Assessment

DCYF SOP 1172.2: Report to Law Enforcement

Of the over 5,700 Screened-In for DCYF Assessment and Investigation that resulted in a Law Enforcement Notification, the Levels as described in the above policies and procedures are as follows for SFY 2024:

Level 1	1173
Level 2	2173
Level 3	2254
No Level (SIU)	103

If there are any questions and/or concerns regarding anything in this written testimony, we will be happy to address further at the hearing.

Sincerely,

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Director of DCYF

Susan Larrabee, Esq.
General Counsel and Legislative Liaison for DCYF