

HB 490 - AS INTRODUCED

2023 SESSION

23-0672

06/05

HOUSE BILL **490**

AN ACT relative to modifying the definition of neglect.

SPONSORS: Rep. Corcoran, Hills. 44

COMMITTEE: Children and Family Law

ANALYSIS

This bill amends the definition of neglected child to exclude a child permitted to engage in certain independent activities.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to modifying the definition of neglect.

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

1 1 Public Safety and Welfare; Child Protection Act; Definition of Neglected Child. Amend RSA
2 169-C:3, XIX to read as follows:

3 XIX. "Neglected child" means a child:

4 (a) Who has been abandoned by his or her parents, guardian, or custodian; or

5 (b) Who is without proper parental care or control, subsistence, education as required by
6 law, or other care or control necessary for the child's physical, mental, or emotional health, when it
7 is established that the child's health has suffered or is likely to suffer serious impairment; and the
8 deprivation is not due primarily to the lack of financial means of the parents, guardian, or custodian;
9 or

10 (c) Whose parents, guardian or custodian are unable to discharge their responsibilities
11 to and for the child because of incarceration, hospitalization or other physical or mental incapacity;

12 Provided, that no child who is, in good faith, under treatment solely by spiritual means through
13 prayer in accordance with the tenets and practices of a recognized church or religious denomination
14 by a duly accredited practitioner thereof shall, for that reason alone, be considered to be a neglected
15 child under this chapter. ***Furthermore, this paragraph shall not include permitting a child,***
16 ***whose basic needs are met and who is of sufficient age and maturity to avoid harm or***
17 ***unreasonable risk of harm, to engage in independent activities, including traveling to and***
18 ***from school, such as by walking, running, or bicycling; traveling to and from nearby***
19 ***commercial or recreational facilities; engaging in outdoor play; remaining in a vehicle***
20 ***unattended; remaining at home unattended; or engaging in a similar independent activity.***

21 2 New Paragraph; Criminal Code; Offenses Against the Family; Endangering Welfare of Child;
22 Exemption. Amend RSA 639:3 by inserting after paragraph VI the following new paragraph:

23 VII. No person shall be guilty of a violation of this section for permitting a child to engage in
24 conduct permitted under RSA 169-C:3, XIX.

25 3 Effective Date. This act shall take effect January 1, 2024.

HB 490 - AS INTRODUCED

LBA
23-0672
1/6/23

**HB - FISCAL NOTE
AS INTRODUCED**

AN ACT relative to modifying the definition of neglect.

FISCAL IMPACT:

Due to time constraints, the Office of Legislative Budget Assistant is unable to provide a fiscal note for this bill, **as introduced**, at this time. When completed, the fiscal note will be forwarded to the House Clerk's Office.

AGENCIES CONTACTED:

Department of Health and Human Services