

LEGISLATIVE COMMITTEE MINUTES

**SB93**

# Bill as Introduced

SB 93-FN - AS INTRODUCED

2021 SESSION

21-0941  
05/04

SENATE BILL        **93-FN**

AN ACT            relative to permanency planning under the child protection act.

SPONSORS:        Sen. Carson, Dist 14; Sen. Avard, Dist 12; Sen. Bradley, Dist 3; Sen. D'Allesandro,  
Dist 20; Sen. Soucy, Dist 18; Rep. Rice, Hills. 37

COMMITTEE:      Judiciary

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ANALYSIS

This bill clarifies that adoption rather than the termination of parental rights is a potential permanency plan objective; clarifies the timing of the 12-month permanency hearing; specifies other circumstances for when a subsequent permanency hearing may be conducted; allows for an earlier permanency hearing; provides for cases where the parents are in compliance but the unique needs of the child prevent reunification; and clarifies that the court can modify a permanency plan by agreement at a post-permanency hearing.

The bill is a request of the New Hampshire Model Court Protect and the legislative study committee established in 2019, 129:1 (HB 354).

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Explanation:      Matter added to current law appears in **bold italics**.  
Matter removed from current law appears ~~[in brackets and struck through.]~~  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 One*

AN ACT                   relative to permanency planning under the child protection act.

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

1           1 Child Protection Act; Definition of Compelling Reason Added. Amend RSA 169-C:3, VII-a to  
2 read as follows:

3           VII-a. *"Compelling reason" for assessing permanency at an early permanency*  
4 *hearing includes circumstances where:*

5           (a) *Both parents, or only one parent if the other parent is deceased or not*  
6 *identified, have made no effort or only negligible efforts to comply with the dispositional*  
7 *orders.*

8           (b) *A ground exists for termination of parental rights for both parents, or for*  
9 *only one parent if other parent is deceased or not identified, under one or more paragraphs*  
10 *of RSA 170-C:5.*

11           (c) *There is another compelling reason to assess the permanency plan of*  
12 *reunification earlier than the 12-month permanency hearing.*

13           VII-b. "Concurrent plan" means an alternate permanency plan in the event that a child  
14 cannot be safely reunified with his or her parents.

15           2 Child Protection Act; Definition of Permanency Plan. Amend RSA 169-C:3, XXI-c to read as  
16 follows:

17           XXI-c. "Permanency plan" means a plan for a child in an out-of-home placement that is  
18 adopted by the court and provides for timely reunification, ***adoption through*** termination of  
19 parental rights or parental surrender [~~when an adoption is contemplated~~], guardianship with a fit  
20 and willing relative or another appropriate party, or another planned permanent living  
21 arrangement.

22           3 Child Protection Act; Adjudicatory Hearing. Amend RSA 169-C:18, V-a to read as follows:

23           V-a. Where an adjudicatory order includes a finding and provides for the out-of-home  
24 placement of a child, the order shall set a date for a permanency hearing that is [~~within~~] 12 months  
25 [~~of~~] ***from*** the date of the [~~adjudicatory~~] finding ***pursuant to RSA 169-C:17 and/or RSA 169-C:18.***

26           4 Child Protection Act; Permanency Hearings. RSA 169-C:24-b is repealed and reenacted to  
27 read as follows:

28           169-C:24-b Permanency Hearings.

29           I. A permanency hearing may be scheduled as follows:

30           (a) For a child who has been in an out-of-home placement for 12 or more months, the  
31 court shall hold a permanency hearing 12 months from the finding pursuant to RSA 169-C:17 and/or

1 RSA 169-C:18. For a child who enters an out-of-home placement subsequent to a finding pursuant to  
2 RSA 169-C:17 and/or RSA 169-C:18, the court shall hold a permanency hearing 12 months from the  
3 date the child enters the out-of-home placement.

4 (b) If the court at the 12-month permanency hearing grants an extension pursuant to  
5 RSA 169-C:24-b, IV, the court shall hold a subsequent permanency hearing no later than 90 days  
6 from the 12-month permanency hearing.

7 (c) If a termination of parental rights petition is withdrawn or dismissed, the court shall  
8 hold a subsequent permanency hearing no later than 90 days from the withdrawal or dismissal of  
9 the termination of parental rights petition.

10 (d) If a child has been reunified at or following a permanency hearing, and is thereafter  
11 removed from parental care prior to closure of the RSA 169-C case, the court may hold a subsequent  
12 permanency hearing.

13 (e) For a child in an out-of-home placement pursuant to RSA 169-C:24-b, V, the court  
14 may hold another permanency hearing upon request of any party at any time.

15 (f) For a child in an out-of-home placement, at any time 14 days prior to the 6-month  
16 review hearing and before the 12-month permanency hearing, the department may request an early  
17 permanency hearing for the child. The court may schedule an early permanency hearing if the  
18 department alleges sufficient facts to satisfy the standard set forth in RSA 169-C:24-b, II(b).

19 II.(a) At a permanency hearing pursuant to subparagraph I(a), (b), (c), (d), or (e), the court  
20 shall determine whether and, if applicable, when the child will be returned to the parent or parents,  
21 pursuant to RSA 169-C:23. Except as provided for in RSA 169-C:24-b, IV, if the standard for return  
22 pursuant to RSA 169-C:23 is not met, the court shall identify a permanency plan other than  
23 reunification for the child. Other options for a permanency plan include:

24 (1) Adoption through termination of parental rights or parental surrender when an  
25 adoption is contemplated;

26 (2) Guardianship with a fit and willing relative or another appropriate party; or

27 (3) Another planned permanent living arrangement.

28 (b) At an early permanency hearing pursuant to subparagraph I(f), the court shall  
29 determine whether the department has proven by clear and convincing evidence that both parents,  
30 or only one parent if the other parent is deceased or not identified, cannot currently satisfy the  
31 standard of return of the child under RSA 169-C:23 and would be highly unlikely to satisfy such  
32 standard at the time of a 12-month permanency hearing such that an early permanency should be  
33 assessed early, based on parents making no effort or only negligible efforts to comply with  
34 dispositional orders or based on another compelling reason. If the department does not satisfy its  
35 burden, the court shall hold, within 90 days, a periodic review hearing or the 12-month permanency  
36 hearing. If the department satisfies its burden, the court shall determine whether it is in the child's  
37 best interest to:

1 (1) Identify a permanency plan other than reunification for the child, as set forth in  
2 RSA 169-C:24-b, II(a), and hold a post-permanency hearing within 60 days; or

3 (2) Maintain reunification as the permanency plan, providing parents additional  
4 time to meet the requirements of RSA 169-C:23, and hold, within 90 days, another early permanency  
5 hearing or the 12-month permanency hearing.

6 III. At a permanency hearing the court shall determine whether the department has made  
7 reasonable efforts to finalize the permanency plan that is in effect. Where reunification is the  
8 permanency plan that is in effect, the court shall consider whether services to the family have been  
9 accessible, available, and appropriate.

10 IV. At a 12-month permanency hearing for both parents, or only one parent if the other  
11 parent is deceased or not identified, the court may grant one extension of time that shall not exceed  
12 90 days, and hold a subsequent permanency hearing for both parents pursuant to RSA 169-C:24-b,  
13 I(b). Such extension may be granted if the court finds a parent to be in substantial compliance with  
14 the outstanding dispositional orders and if the parent establishes, by clear and convincing evidence,  
15 that:

16 (a) The parent is diligently working toward reunification, which is expected to occur  
17 within 90 days;

18 (b) It is probable the parent will be able to demonstrate, after the extension and at a  
19 subsequent permanency hearing held pursuant to RSA 169-C:24-b, I(b), that the parent has met the  
20 3 requirements of RSA 169-C:23; and

21 (c) The extension is in the best interest of the child.

22 V. If the standard for return of the child pursuant to RSA 169-C:23 is met, but, due to the  
23 unique needs of the child, the child is not returned to the custody of the parent, the court may  
24 maintain reunification as the permanency plan, and the court shall provide a written explanation as  
25 to what circumstances warrant the continued out-of-home placement for the child. In such cases, the  
26 court shall schedule subsequent post-permanency hearings pursuant to RSA 169-C:24-c, I, until the  
27 child may be returned to the custody of the parent. Upon the request of any party at any time, based  
28 on a material change in circumstances, the court may schedule another permanency hearing at  
29 which the court may review, modify, and/or implement the permanency plan, or adopt the  
30 concurrent plan.

31 5 Child Protection Act; Post-Permanency Hearings. Amend RSA 169-C:24-c to read as follows:

32 169-C:24-c Post-Permanency Hearings.

33 I. For a child who is in an out-of-home placement following the *12-month* permanency  
34 hearing, the court shall hold ~~[and complete]~~ a post-permanency hearing within 12 months of the  
35 permanency hearing and every 12 months thereafter as long as the child remains in an out-of-home  
36 placement. The court may conduct periodic post-permanency hearings upon its motion or upon the  
37 request of any party at any time.

1           II. At a post-permanency hearing the court shall determine whether the department has  
2 made reasonable efforts to finalize the permanency plan that is in effect. Where reunification is the  
3 permanency plan that is in effect, the court shall consider whether the services to the family have  
4 been accessible, available, and appropriate.

5           **III. At a post-permanency hearing, the court may, upon agreement of the parties,**  
6 **modify the permanency plan. In such cases a permanency hearing is not required.**

7           6 Grounds for Termination of the Parent-Child Relationship. Amend RSA 170-C:5, III to read  
8 as follows:

9           III. [~~The parents,~~] Subsequent to a finding of child neglect or abuse under RSA 169-C, *the*  
10 *parents* have failed to correct the conditions leading to such a finding within 12 months of the  
11 finding despite reasonable efforts under the direction of the [~~district~~] court to rectify the conditions.

12           **III-a. Subsequent to a finding of child neglect or abuse under RSA 169-C, the**  
13 **parents have failed to correct the conditions leading to such a finding prior to an early**  
14 **permanency hearing held pursuant to RSA 169-C:24-b, II(b) at which the court changed the**  
15 **child's permanency plan, despite reasonable efforts under the direction of the court to**  
16 **rectify the conditions.**

17           7 Effective Date. This act shall take effect January 1, 2022.

LBA  
21-0941  
1/22/21

**SB 93-FN- FISCAL NOTE  
AS INTRODUCED**

AN ACT relative to permanency planning under the child protection act.

FISCAL IMPACT:  State  County  Local  None

STATE:	Estimated Increase / (Decrease)			
	FY 2021	FY 2022	FY 2023	FY 2024
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable	Indeterminable	Indeterminable
Funding Source:	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

**METHODOLOGY:**

This bill clarifies that adoption rather than the termination of parental rights is a potential permanency plan objective; clarifies the timing of the 12-month permanency hearing; specifies other circumstances for when a subsequent permanency hearing may be conducted; allows for an earlier permanency hearing; provides for cases where the parents are in compliance but the unique needs of the child prevent reunification; and clarifies that the court can modify a permanency plan by agreement at a post-permanency hearing.

The Judicial Branch anticipates this bill will help clarify court processes and expects it will only have a negligible fiscal impact.

The Department of Health and Human Services indicates this bill proposes changes to the Child Protection Act to provide flexibility for the court and the parties when the existing statutory time frames are not in the child's best interest. The Department reports in the rare cases where the parents have failed to meaningfully engage in the reunification process the permanency hearing could occur earlier. In cases where the reunification has not occurred based on the unique needs of the child not the parent's failure to correct the conditions leading to abuse and neglect the process can be extended. The Department assumes these exceptions will be rare and any impact on the DCYF family services caseload capacity would be de minimus. Additionally, the bill makes a corresponding change to RSA 170-C:5, termination of parental rights, to allow termination to move forward when there has been an early permanency hearing and the plan is adoption. It is assumed this proposed statutory change will have no impact on the number of termination of parental rights cases brought by the department and will not have a fiscal impact.



**AGENCIES CONTACTED:**

Department of Health and Human Services and Judicial Branch

SB 93-FN - AS AMENDED BY THE SENATE

03/18/2021 0763s

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3 date the child enters the out-of-home placement.

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10 (d) If a child has been reunified at or following a permanency hearing, and is thereafter  
11 removed from parental care prior to closure of the RSA 169-C case, the court may hold a subsequent  
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13 (e) For a child in an out-of-home placement pursuant to RSA 169-C:24-b, V, the court  
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19 II.(a) At a permanency hearing pursuant to subparagraph I(a), (b), (c), (d), or (e), the court  
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6 III. At a permanency hearing the court shall determine whether the department has made  
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10 IV. At a 12-month permanency hearing for both parents, or only one parent if the other  
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15 that:

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10 *parents* have failed to correct the conditions leading to such a finding within 12 months of the  
11 finding despite reasonable efforts under the direction of the [~~district~~] court to rectify the conditions.

12           ***III-a. Subsequent to a finding of child neglect or abuse under RSA 169-C, the***  
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15 ***child's permanency plan, despite reasonable efforts under the direction of the court to***  
16 ***rectify the conditions.***

17           7 Effective Date. This act shall take effect January 1, 2022.

**SB 93-FN- FISCAL NOTE**  
AS AMENDED BY THE SENATE (AMENDMENT #2021-0763s)

AN ACT relative to permanency planning under the child protection act.

**FISCAL IMPACT:**     State             County             Local             None

STATE:	Estimated Increase / (Decrease)			
	FY 2021	FY 2022	FY 2023	FY 2024
<b>Appropriation</b>	\$0	\$0	\$0	\$0
<b>Revenue</b>	\$0	\$0	\$0	\$0
<b>Expenditures</b>	\$0	Indeterminable	Indeterminable	Indeterminable
<b>Funding Source:</b>	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

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Department of Health and Human Services and Judicial Branch



CHAPTER 219  
SB 93-FN - FINAL VERSION

03/18/2021 0763s  
06/24/2021 2055EBA

2021 SESSION

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17 XXI-c. "Permanency plan" means a plan for a child in an out-of-home placement that is  
18 adopted by the court and provides for timely reunification, ***adoption through*** termination of  
19 parental rights or parental surrender [~~when an adoption is contemplated~~], guardianship with a fit  
20 and willing relative or another appropriate party, or another planned permanent living  
21 arrangement.

22 219:3 Child Protection Act; Adjudicatory Hearing. Amend RSA 169-C:18, V-a to read as follows:

23 V-a. Where an adjudicatory order includes a finding and provides for the out-of-home  
24 placement of a child, the order shall set a date for a permanency hearing that is [~~within~~] 12 months  
25 [~~of~~] ***from*** the date of the [~~adjudicatory~~] finding ***pursuant to RSA 169-C:17 and/or RSA 169-C:18.***

26 219:4 Child Protection Act; Permanency Hearings. RSA 169-C:24-b is repealed and reenacted to  
27 read as follows:

28 169-C:24-b Permanency Hearings.

29 I. A permanency hearing may be scheduled as follows:

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SB 93-FN - FINAL VERSION  
- Page 2 -

1 (a) For a child who has been in an out-of-home placement for 12 or more months, the  
2 court shall hold a permanency hearing 12 months from the finding pursuant to RSA 169-C:17 and/or  
3 RSA 169-C:18. For a child who enters an out-of-home placement subsequent to a finding pursuant to  
4 RSA 169-C:17 and/or RSA 169-C:18, the court shall hold a permanency hearing 12 months from the  
5 date the child enters the out-of-home placement.

6 (b) If the court at the 12-month permanency hearing grants an extension pursuant to  
7 RSA 169-C:24-b, IV, the court shall hold a subsequent permanency hearing no later than 90 days  
8 from the 12-month permanency hearing.

9 (c) If a termination of parental rights petition is withdrawn or dismissed, the court shall  
10 hold a subsequent permanency hearing no later than 90 days from the withdrawal or dismissal of  
11 the termination of parental rights petition.

12 (d) If a child has been reunified at or following a permanency hearing, and is thereafter  
13 removed from parental care prior to closure of the RSA 169-C case, the court may hold a subsequent  
14 permanency hearing.

15 (e) For a child in an out-of-home placement pursuant to RSA 169-C:24-b, V, the court  
16 may hold another permanency hearing upon request of any party at any time.

17 (f) For a child in an out-of-home placement, at any time 14 days prior to the 6-month  
18 review hearing and before the 12-month permanency hearing, the department may request an early  
19 permanency hearing for the child. The court may schedule an early permanency hearing if the  
20 department alleges sufficient facts to satisfy the standard set forth in RSA 169-C:24-b, II(b).

21 II.(a) At a permanency hearing pursuant to subparagraph I(a), (b), (c), (d), or (e), the court  
22 shall determine whether and, if applicable, when the child will be returned to the parent or parents,  
23 pursuant to RSA 169-C:23. Except as provided for in RSA 169-C:24-b, IV, if the standard for return  
24 pursuant to RSA 169-C:23 is not met, the court shall identify a permanency plan other than  
25 reunification for the child. Other options for a permanency plan include:

26 (1) Adoption through termination of parental rights or parental surrender when an  
27 adoption is contemplated;

28 (2) Guardianship with a fit and willing relative or another appropriate party; or

29 (3) Another planned permanent living arrangement.

30 (b) At an early permanency hearing pursuant to subparagraph I(f), the court shall  
31 determine whether the department has proven by clear and convincing evidence that both parents,  
32 or only one parent if the other parent is deceased or not identified, cannot currently satisfy the  
33 standard of return of the child under RSA 169-C:23 and would be highly unlikely to satisfy such  
34 standard at the time of a 12-month permanency hearing such that permanency should be assessed  
35 early, based on parents making no effort or only negligible efforts to comply with dispositional orders  
36 or based on another compelling reason. If the department does not satisfy its burden, the court shall

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- Page 3 -

1 hold, within 90 days, a periodic review hearing or the 12-month permanency hearing. If the  
2 department satisfies its burden, the court shall determine whether it is in the child's best interest to:

3 (1) Identify a permanency plan other than reunification for the child, as set forth in  
4 RSA 169-C:24-b, II(a), and hold a post-permanency hearing within 60 days; or

5 (2) Maintain reunification as the permanency plan, providing parents additional  
6 time to meet the requirements of RSA 169-C:23, and hold, within 90 days, another early permanency  
7 hearing or the 12-month permanency hearing.

8 III. At a permanency hearing the court shall determine whether the department has made  
9 reasonable efforts to finalize the permanency plan that is in effect. Where reunification is the  
10 permanency plan that is in effect, the court shall consider whether services to the family have been  
11 accessible, available, and appropriate.

12 IV. At a 12-month permanency hearing for both parents, or only one parent if the other  
13 parent is deceased or not identified, the court may grant one extension of time that shall not exceed  
14 90 days, and hold a subsequent permanency hearing for both parents pursuant to RSA 169-C:24-b,  
15 I(b). Such extension may be granted if the court finds a parent to be in substantial compliance with  
16 the outstanding dispositional orders and if the parent establishes, by clear and convincing evidence,  
17 that:

18 (a) The parent is diligently working toward reunification, which is expected to occur  
19 within 90 days;

20 (b) It is probable the parent will be able to demonstrate, after the extension and at a  
21 subsequent permanency hearing held pursuant to RSA 169-C:24-b, I(b), that the parent has met the  
22 3 requirements of RSA 169-C:23; and

23 (c) The extension is in the best interest of the child.

24 V. If the standard for return of the child pursuant to RSA 169-C:23 is met, but, due to the  
25 unique needs of the child, the child is not returned to the custody of the parent, the court may  
26 maintain reunification as the permanency plan, and the court shall provide a written explanation as  
27 to what circumstances warrant the continued out-of-home placement for the child. In such cases, the  
28 court shall schedule subsequent post-permanency hearings pursuant to RSA 169-C:24-c, I, until the  
29 child may be returned to the custody of the parent. Upon the request of any party at any time, based  
30 on a material change in circumstances, the court may schedule another permanency hearing at  
31 which the court may review, modify, and/or implement the permanency plan, or adopt the  
32 concurrent plan.

33 219:5 Child Protection Act; Post-Permanency Hearings. Amend RSA 169-C:24-c to read as  
34 follows:

35 169-C:24-c Post-Permanency Hearings.

36 I. For a child who is in an out-of-home placement following the *12-month* permanency  
37 hearing, the court shall hold [~~and complete~~] a post-permanency hearing within 12 months of the

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- Page 4 -

1 permanency hearing and every 12 months thereafter as long as the child remains in an out-of-home  
2 placement. The court may conduct periodic post-permanency hearings upon its motion or upon the  
3 request of any party at any time.

4 II. At a post-permanency hearing the court shall determine whether the department has  
5 made reasonable efforts to finalize the permanency plan that is in effect. Where reunification is the  
6 permanency plan that is in effect, the court shall consider whether the services to the family have  
7 been accessible, available, and appropriate.

8 ***III. At a post-permanency hearing, the court may, upon agreement of the parties,  
9 modify the permanency plan. In such cases a permanency hearing is not required.***

10 219:6 Grounds for Termination of the Parent-Child Relationship. Amend RSA 170-C:5, III to  
11 read as follows:

12 III. [~~The parents,~~] Subsequent to a finding of child neglect or abuse under RSA 169-C, *the*  
13 *parents* have failed to correct the conditions leading to such a finding within 12 months of the  
14 finding despite reasonable efforts under the direction of the [~~district~~] court to rectify the conditions.

15 ***III-a. Subsequent to a finding of child neglect or abuse under RSA 169-C, the***  
16 ***parents have failed to correct the conditions leading to such a finding prior to an early***  
17 ***permanency hearing held pursuant to RSA 169-C:24-b, II(b) at which the court changed the***  
18 ***child's permanency plan, despite reasonable efforts under the direction of the court to***  
19 ***rectify the conditions.***

20 219:7 Effective Date. This act shall take effect January 1, 2022.

Approved: August 23, 2021  
Effective Date: January 01, 2022

# Amendments

Amendment to SB 93-FN

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

2

3 1 Child Protection Act; Definition of Compelling Reason Added. Amend RSA 169-C:3, VII-a to  
4 read as follows:

5 VII-a. *"Compelling reason" for assessing permanency at an early permanency*  
6 *hearing includes circumstances where:*

7 (a) *Both parents, or only one parent if the other parent is deceased or not*  
8 *identified, have made no effort or only negligible efforts to comply with the dispositional*  
9 *orders;*

10 (b) *A ground exists for termination of parental rights for both parents, or for*  
11 *only one parent if other parent is deceased or not identified, under one or more paragraphs*  
12 *of RSA 170-C:5; or*

13 (c) *There is another compelling reason to assess the permanency plan of*  
14 *reunification earlier than the 12-month permanency hearing.*

15 VII-b. "Concurrent plan" means an alternate permanency plan in the event that a child  
16 cannot be safely reunified with his or her parents.

17

18 Amend the introductory paragraph of RSA 169-C:24-b, II(b) as inserted by section 4 of the bill by  
19 replacing it with the following:

20

21 (b) At an early permanency hearing pursuant to subparagraph I(f), the court shall  
22 determine whether the department has proven by clear and convincing evidence that both parents,  
23 or only one parent if the other parent is deceased or not identified, cannot currently satisfy the  
24 standard of return of the child under RSA 169-C:23 and would be highly unlikely to satisfy such  
25 standard at the time of a 12-month permanency hearing such that permanency should be assessed  
26 early, based on parents making no effort or only negligible efforts to comply with dispositional orders  
27 or based on another compelling reason. If the department does not satisfy its burden, the court shall  
28 hold, within 90 days, a periodic review hearing or the 12-month permanency hearing. If the  
29 department satisfies its burden, the court shall determine whether it is in the child's best interest to:

# Committee Minutes



# SENATE CALENDAR NOTICE

## Judiciary

Sen Sharon Carson, Chair  
Sen Bill Gannon, Vice Chair  
Sen Harold French, Member  
Sen Rebecca Whitley, Member  
Sen Jay Kahn, Member

Date: January 26, 2021

### HEARINGS

Tuesday		02/02/2021
(Day)		(Date)
Judiciary	REMOTE 000	1:00 p.m.
(Name of Committee)	(Place)	(Time)
1:00 p.m.	SB 93-FN	relative to permanency planning under the child protection act.
1:20 p.m.	SB 95-FN	adopting omnibus legislation relative to remote meetings and penalties for violation of privacy.
1:40 p.m.	SB 92-FN	relative to increasing the penalty for criminal mischief, the release of a defendant pending trial, and requiring law enforcement candidate background checks.
2:00 p.m.	SB 96-FN-A	requiring implicit bias training for judges; establishing a body-worn and dashboard camera fund and making an appropriation therefor; relative to race and ethnicity data on driver's licenses, and relative to juvenile delinquency.

Committee members will receive secure Zoom invitations via email.

Members of the public may attend using the following links:

1. Link to Zoom Webinar: <https://www.zoom.us/j/94823525179>
2. To listen via telephone: Dial (for higher quality, dial a number based on your current location): 1-301-715-8592, or 1-312-626-6799 or 1-929-205-6099, or 1-253-215-8782, or 1-346-248-7799, or 1-669-900-6833
3. Or iPhone one-tap: US: +16465588656,,94823525179# or +13017158592,,94823525179#
4. Webinar ID: 948 2352 5179
5. To view/listen to this hearing on YouTube, use this link: <https://www.youtube.com/channel/UCjBZdtrjRnQdmg-2MPMiWrA>
6. To sign in to speak, register your position on a bill and/or submit testimony, use this link: <http://gencourt.state.nh.us/remotecommittee/senate.aspx>

The following email will be monitored throughout the meeting by someone who can assist with and alert the committee to any technical issues: [remotesenate@leg.state.nh.us](mailto:remotesenate@leg.state.nh.us) or call (603-271-6931).

EXECUTIVE SESSION MAY FOLLOW

**Sponsors:**

**SB 93-FN**

Sen. Carson

Sen. Soucy

**SB 95-FN**

Sen. Daniels

**SB 92-FN**

Sen. Bradley

Sen. D'Allesandro

**SB 96-FN-A**

Sen. Bradley

Sen. Kahn

Sen. Hennessey

Sen. Soucy

Sen. Avard

Rep. Rice

Sen. Avard

Sen. Ricciardi

Sen. Gray

Sen. Prentiss

Sen. Perkins Kwoka

Rep. Cushing

Sen. Bradley

Sen. Carson

Sen. Giuda

Sen. Watters

Sen. Rosenwald

Sen. Morse

Rep. M. Smith

Sen. D'Allesandro

Sen. Hennessey

Sen. Cavanaugh

Sen. Whitley

Sen. D'Allesandro

Sen. Sherman

Jennifer Horgan 271-7875

Sharon M Carson

Chairman

# Senate Judiciary Committee

*Jennifer Horgan 271-7875*

SB 93-FN, relative to permanency planning under the child protection act.

Hearing Date: February 2, 2021

Time Opened: 1:05 p.m. Time Closed: 1:22 p.m.

Members of the Committee Present: Senators Carson, Gannon, French, Whitley and Kahn

Members of the Committee Absent : None

**Bill Analysis:** This bill clarifies that adoption rather than the termination of parental rights is a potential permanency plan objective; clarifies the timing of the 12-month permanency hearing; specifies other circumstances for when a subsequent permanency hearing may be conducted; allows for an earlier permanency hearing; provides for cases where the parents are in compliance but the unique needs of the child prevent reunification; and clarifies that the court can modify a permanency plan by agreement at a post-permanency hearing.

The bill is a request of the New Hampshire Model Court Protect and the legislative study committee established in 2019, 129:1 (HB 354).

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**Sponsors:**

Sen. Carson

Sen. Avard

Sen. Bradley

Sen. D'Allesandro

Sen. Soucy

Rep. Rice

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**Who supports the bill:** Senator Carson; Senator Sherman; Representative Belanger; Honorable Susan Ashley, Judicial Branch; Rebecca Ross, DCYF; Teresa Rosenberger, CASA

**Who opposes the bill:** No one

**Summary of testimony presented in support:**

**Senator Carson**

- This bill clarifies that adoption rather than the termination of parental rights is a potential permanency plan objective.
- It clarifies the timing of the 12-month permanency hearing and specifies other circumstances for when a subsequent permanency hearing may be conducted.
- It allows for an earlier permanency hearing, provides for cases where the parents are in compliance but the unique needs of the child prevent

reunification, and clarifies that the court can modify a permanency plan by agreement at a post-permanency hearing.

- The bill is a request of the New Hampshire Model Court Project and the legislative study committee established in 2019, 129:1 (HB 354).

**Honorable Susan Ashley** (submitted written testimony)

- The Model Court Project worked in drafting this to address several issues that relate to permanency for children in abuse and neglect cases that could use statutory correction or updating.
- This bill addresses the specifics of when we can have a permanency hearing.
- Currently the statute only focuses on the majority of times these hearings take place, the 12-month mark of following the finding of abuse or neglect.
- There are other times where the court must or should have a permanency hearing and that is not currently delineated in the statute.
- In some instances, the Supreme Court has said that a hearing must be held, which is fine, even though there is no codification of that.
- However, thinks there should be a clear codification of these proceedings.
- Sometimes there is a need for an extensions past the 12-months, which already happens in some cases.
- However, clearer guidance in statute as to when and how those can take place, will ensure no unnecessary delays will occur for permanency for children.
- In these instances, parents may be close to reunifying with their children but they are not quite there yet at the 12-month mark.
- This addition to statute has been requested across the board.
- This bill will provide a standard for a 90-day extension to occur followed by another permanency hearing.
- If the parents aren't able to meet the requirements for reunification after that extension, then the permanency plan would change to something other than reunification.
- There are also times where there is a need for an earlier permanency hearing.
- One of the case types that prompts this is when the parents are not doing anything on the cases; it is not often that both parents are not doing anything, but it does occur.
- Having an earlier permanency hearing would require DCYF to meet the high standards set forth in this legislation.
- Having an earlier permanency hearing does not mean that they would automatically move for the termination of parental rights; it could be that scheduling that hearing jump starts the parent to comply with a case plan.
- Allowing for these earlier hearings will give the court discretion as to what to do at that early stage.
- If a termination petition is denied, case law provides that another permanency hearing must be scheduled. This bill spells that out in statute.
- There are some circumstances where parents do well enough to reunify but the case does not close because there are still services being provided and there is

still a need for child protection to be involved, and then things turn south and the child has to be re-removed.

- In these circumstances there is uncertainty as to whether DCYF has to file brand new petitions, starting the process all over again, or just do another permanency hearing.
- This bill would provide for another permanency hearing to revisit the issue and not require restarting the clock.
- There are also circumstances where the parent, at the time of permanency, have complied with the terms of reunification (RSA 169-C:23) but there are unique needs of the child that would prohibit that.
- Perhaps a child is in a treatment program and it is important the child completes that program before returning to the family home.
- Currently, the system is not set up to allow the child to stay in the program but then move to reunification without continuing the child protection case with the status of an out of home placement.
- This bill would provide an opportunity for the court to keep the child placed but still have reunification as the goal, unless another permanency hearing is requested to change the plan.
- Senator Whitley asked who is part of the Model Court Project and how did it start.
  - NH was selected back in the mid-2000s to participate in the Model Court Project with some grant funding and technical assistance. That funding has gone to the wayside but NH has continued it. It is made up of those involved in the child court protection cases: representatives from the court, DCYF, CASA, non-CASA guardian ad litem, and parent attorneys. The Model Court meets regularly to discuss any and all issues that address permanency and other procedural matters for child protection cases. This work has resulted in multiple sets of protocols. However, NH's permanency protocols have not been revisited since 2003. This bill will give clearer guidance on that.
- Senator French asked how early a permanency hearing could take place.
  - It would not happen before the 6-month mark from the court's finding of abuse or neglect, which is usually 30-days after a petition is filed. At the time of the 6-month marker DCYF could ask the court to have an early permanency hearing and then it would be scheduled. The Model Court talked at length as to what a fair time to have an early hearing would be.

**Rebecca Ross (Division for Children Youth and Families)**

- Believes this provides clarity to the courts and the parties on the permanency process and adds flexibility where the circumstances warrant it.
- Believes this would apply to limited cases on both ends but recognizes that the 12-month hearing mark does not meet the interests of all NH children.
- Does not believe there would be a fiscal impact from this.

- The high burden for the exceptions would limit the use of this and would ensure the appropriate families have access to it.
- The bill provides updates to terminology which bring NH in line with practice and federal requirements.

**Summary of testimony presented in opposition:**

None

jch

Date Hearing Report completed: February 3, 2021

# Speakers

**Judiciary Committee Testify List for Bill SB93 on 2021-02-02****Support: 6 Oppose: 0 Neutral: 0 Total to Testify: 3**

<b>Name</b>	<b>Title</b>	<b>Representing</b>	<b>Position</b>	<b>Testifying</b>	<b>Signed Up</b>
Carson Sharon	An Elected Official	Senate District 14	Support	Yes	1/27/2021 15:51
Ashley Susan	State Agency Staff	Judicial Branch	Support	Yes	1/29/2021 13:11
Ross Rebecca	State Agency Staff	DHHS - DCYF	Support	Yes	2/2/2021 11:07
Sherman Senator Tom	An Elected Official	SD 24	Support	No	2/1/2021 8:37
Belanger Cody	An Elected Official	Myself	Support	No	2/2/2021 10:58
Rosenberger Teresa	A Lobbyist	CASA	Support	No	2/2/2021 10:08



# Testimony

## Jennifer Horgan

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**From:** Chrisinda Lynch <cmmelynch@comcast.net>  
**Sent:** Sunday, February 14, 2021 3:34 PM  
**To:** Sharon Carson; William Gannon; Harold French; Becky Whitley; Jay Kahn; Jennifer Horgan  
**Subject:** SB 93

Dear Senators,

I am writing to urge you to vote ITL on SB 92. This legislation would undo the bail reform measures that were enacted previously, resulting in people who have not been deemed dangerous being jailed pre-trial while they are presumed innocent.

This bill would go against efforts to reduce mass incarceration. SB 92 is a step backward in the collective efforts by the stakeholders involved to create real and lasting criminal justice reform.

Thank you for your consideration,  
Chrisinda Lynch  
Concord, NH

## Jennifer Horgan

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**From:** Richard W. Head <RHead@courts.state.nh.us>  
**Sent:** Monday, February 1, 2021 10:03 AM  
**To:** Sharon Carson; William Gannon; Harold French; Becky Whitley; Jay Kahn; Jennifer Horgan  
**Cc:** sashley@courts.state.nh.us  
**Subject:** Senate Bill 93 (relative to permanency planning under the child protection act)  
**Attachments:** SB93 - Judicial Branch, Proposed Edits.pdf; SB93 Judicial Branch Testimony 2021.2.1.pdf; SB93 Judicial Branch Cover Letter.pdf

Good morning Senators –

Attached you will find the following regarding Senate Bill 93 for the hearing scheduled for February 2, 2021 at 1:00.

1. Cover letter.
2. Written testimony of Judge Susan W. Ashley.
3. Minor proposed edits to SB 93.

Judge Ashley will also be providing testimony at tomorrow's hearing.

Please let me know if you have any questions or need any additional information.

Thank you.

Richard

Richard W. Head  
Government Affairs Coordinator  
New Hampshire Judicial Branch  
One Granite Place, Suite N400  
Concord, NH 03301  
[rhead@courts.state.nh.us](mailto:rhead@courts.state.nh.us)  
Direct dial: 603-415-0779  
Cell: 603-716-8235

Edits to SB 93 As Introduced

**Section 1, Page 1, Lines 3-12:**

VII-a. "Compelling reason" for assessing permanency at an early permanency hearing includes circumstances where:

- (a) Both parents, or only one parent if the other parent is deceased or not identified, have made no effort or only negligible efforts to comply with the dispositional orders;
- (b) A ground exists for termination of parental rights for both parents, or for only one parent if other parent is deceased or not identified, under one or more paragraphs of RSA 170-C:5; or
- (c) There is another compelling reason to assess the permanency plan of reunification earlier than the 12-month permanency hearing.

**Section 4, Page 2, Lines 28-37:**

(b) At an early permanency hearing pursuant to subparagraph I(f), the court shall determine whether the department has proven by clear and convincing evidence that both parents, or only one parent if the other parent is deceased or not identified, cannot currently satisfy the standard of return of the child under RSA 169-C:23 and would be highly unlikely to satisfy such standard at the time of a 12-month permanency hearing such that ~~an early~~ permanency should be assessed early, based on parents making no effort or only negligible efforts to comply with dispositional orders or based on another compelling reason. If the department does not satisfy its burden, the court shall hold, within 90 days, a periodic review hearing or the 12-month permanency hearing. If the department satisfies its burden, the court shall determine whether it is in the child's best interest to:

- (1) Identify a permanency plan other than reunification for the child, as set forth in RSA 169-C:24-b, II(a), and hold a post-permanency hearing within 60 days; or
- (2) Maintain reunification as the permanency plan, providing parents additional time to meet the requirements of RSA 169-C:23, and hold, within 90 days, another early permanency hearing or the 12-month permanency hearing.

The State of New Hampshire  
ADMINISTRATIVE OFFICE OF THE COURTS

Christopher Keating  
Director

1 Granite Place, Suite N400  
Concord, NH 03301  
(603) 271-2521  
Fax: (603) 513-5454  
eMail: [aoc@courts.state.nh.us](mailto:aoc@courts.state.nh.us)  
TTY/TDD Relay: (800) 735-2964

February 1, 2021

The Honorable Sharon Carson, Chair  
Senate Judiciary Committee  
State House, Room 100  
Concord, New Hampshire 03301

RE: SB 93 (relative to permanency planning under the child protection act)

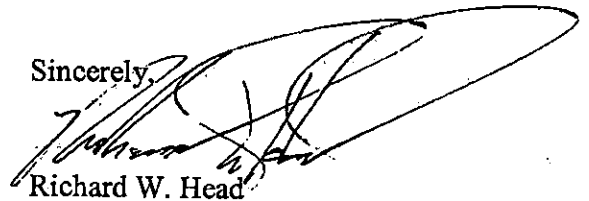
Dear Senator Carson:

In anticipation of the hearing on Senate Bill 93 on February 2, 2021, enclosed is the testimony of Judge Susan Ashley. Judge Ashley will also be attending the hearing to provide testimony.

In addition, I have attached a redline to two sections of Senate Bill 93 where minor edits are needed.

Thank you for your assistance on this matter. Please let me know if you have any questions or if you need any additional information.

Sincerely,



Richard W. Head

Government Affairs Coordinator  
Email: [rhead@courts.state.nh.us](mailto:rhead@courts.state.nh.us)  
Cell: 603-716-8235

**SB 93-FN**

**Written Testimony, Senate Judiciary Committee meeting, February 2, 2021  
Circuit Court Judge Susan W. Ashley**

As Deputy Administrative Judge for the Circuit Court and lead judge for the New Hampshire Model Court project, I offer the following written testimony in support of SB 93.

The Model Court is comprised of leaders and representatives of the court and parties involved in child protection cases, who meet regularly to identify, develop and implement best practices to improve outcomes for children, youth and families. The Model Court's research, discussion and collaboration results in written protocols for use in all child protection cases, which ensure consistency in court processing and compliance with state and federal mandates. Examples of recent protocols drafted by the Model Court and thereafter mandated by Circuit Court administrative orders include the 2018 revised set of protocols for Termination of Parental Rights, Surrender of Parental Rights, Voluntary Mediated Agreements and Adoption, and the 2020 protocols for Missing Parents and Parental Fitness hearings.

The current task of the Model Court is to revise our Permanency protocols, to reflect changes in the law and best practices that have developed since the protocols were originally adopted in 2003. However, during our preliminary work on protocol revisions, we realized that statutory changes should be requested to properly codify some case law mandates and current practice. The Model Court's Executive Committee (MCEC) worked collaboratively to draft legislation that will address these issues. Although the committee members represent divergent interests, all agreed to these revisions, in order to provide clarity and consistency in the determination of permanency for abused and neglected children in New Hampshire. The MCEC members are:

Joseph Ribsam, Jr. Esq., Director, Division for Children, Youth & Families  
Anne Edwards, Esq., Assoc. Attorney and Gen. Counsel, Dept. of Justice  
Deanna Baker, Esq., Director of Legal Services, DCYF  
Sherry Ermel, Bureau Chief of Field Services, DCYF  
Marcia Sink, President/CEO, CASA of NH  
Betsy Paine, Senior Staff Attorney, CASA of NH  
Sarah T. Blodgett, Esq., Executive Director, NH Judicial Council  
Elizabeth Richter, Esq., Parent Attorney  
Kristy Lamont, Esq., Director, New Hampshire Court Improvement Project

In crafting this legislation, the MCEC carefully considered the report and recommendations of the *Committee to Study Whether Modification Should Be Made to the Timeframe for Determining Permanency Pursuant to RSA 169-C:24-b*, chaired by Representative (and former Circuit Court judge) Ned Gordon. While SB 93 does not *mandate* early permanency hearings in *all* child protection

cases as recommended by the committee, it does authorize early permanency hearings in circumstances cited by the committee—for instance where, after six months, parents have made no efforts or only negligible efforts to comply with dispositional orders to correct conditions of abuse or neglect.

SB 93 addresses this and several Permanency or Post-Permanency issues that have been identified by the Model Court, as described below:

1. Adoption is a permanency plan, and termination of parental rights is a legal step towards finalizing such plan.

SB 93 amends language in RSA 169-C:3, XXI-c to correct the mischaracterization of termination of parental rights (TPR) as a “permanency plan.” In actuality, the permanency plan for the child is adoption, which becomes permissible following the termination or surrender of parental rights.

2. Specifying other circumstances for when a subsequent permanency hearing shall or may be conducted.

Currently, RSA 169-C:24-b only authorizes a 12-month permanency hearing, but case law and best practice reflect the need for other permanency hearings beyond the singular 12-month permanency hearing. SB 93 will delineate six circumstances when the court shall or may schedule a permanency hearing. Beyond the potential for an early permanency hearing, discussed below in paragraph 3, and the traditional 12-month permanency hearing, there are 4 other occasions that warrant a subsequent permanency hearing:

- Extension for parent to comply; standard for allowing such extension:  
In current practice, the court sometimes allows an extension of time beyond 12 months, either by agreement of the parties or after a contested permanency hearing, for parents who are close to achieving reunification. Some parents successfully reunify after an extension, so the additional time proves beneficial to the family and achieves the overarching purposes of the Child Protection Act under RSA 169-C:2. Other parents do not reunify after an extension, and, in hindsight, permanency for the child may have been unnecessarily delayed. Moreover, RSA 169-C:24-b as currently written states that if parents do not satisfy the standard for return of the child under RSA 169-C:23 at the permanency hearing, the court is mandated to select a permanency plan other than reunification. Judges would prefer the discretion to allow an extension, particularly where access to housing or treatment have delayed a parent’s progress on the dispositional orders, but we also recognize the need for consistency in the application of such extensions, ideally through a statutory standard.

SB 93 amends RSA 169-C:24-b to add a new section IV which specifically allows for one 90-day extension, and sets forth a standard for such extension. Through this standard, the court should only grant an extension when reunification is achievable within a short period of time, and where it is in the child's best interest.

SB 93 also amends RSA 169-C:24-b, I, by adding a new subparagraph (b) that mandates the scheduling of a subsequent permanency hearing if an extension is granted at the permanency hearing. This will clarify for all parties that, if an extension is granted, the subsequent hearing will be another permanency hearing during which the parents must establish they have satisfied the standard for return of the child under RSA 169-C:23, or permanency plan other than reunification will be designated.

- Codifying need for another permanency hearing after TPR dismissed: Case law provides that if a TPR is dismissed, the court must schedule another permanency hearing. SB 93 amends RSA 169-C:24-b, I, to add a new subparagraph (c) mandating another permanency hearing after a TPR dismissal or if a TPR is withdrawn.
- Resolving question of whether the court can change the permanency plan after reunification and a subsequent re-removal of the child: If the court finds at a permanency hearing that the parent satisfied RSA 169-C:23 and returns the child to the parent, but before the RSA 169-C case closes the court grants a request to re-remove the child from parental care, DCYF must decide what action to take regarding permanency for the child. Sometimes, DCYF continues to work with parents to reunify (again), so the permanency plan never actually changes from reunification. Under different circumstances, DCYF may seek to modify the permanency plan from reunification to another permanency plan, including adoption through termination of parental rights. Parents may object, arguing that the court cannot later terminate parental rights if the court previously found that the parents were in compliance with dispositional orders, even if they later fell out of compliance. Parents argue DCYF must file new RSA 169-C petitions and that parents then will have another 12 months to comply. However, the legal standard for termination of parental rights under RSA 170-C:5, III is different from the legal requirements for return of the child pursuant to RSA 169-C:23. Therefore, an earlier finding that a parent was in compliance with dispositional orders does not prohibit a petition for termination of parental rights for failing to correct conditions of neglect. NH case law supports the ability to modify a permanency plan after reunification. SB 93 amends RSA 169-C:24-b, I, to add subsection (d), giving the court statutory discretion to revisit



permanency at a subsequent permanency hearing following a re-removal of a child.

- Revisiting the permanency plan after parents had satisfied RSA 169-C:23 and court did not reunify due to unique needs of child, but now a party has requested another permanency determination.  
See paragraph 4 below.

3. Allowing for earlier permanency hearing: In a small subset of Abuse/Neglect cases, both parents may be making no effort or only negligible efforts to comply with dispositional orders, or there is some other compelling reason to assess permanency earlier than 12 months (i.e., grounds for TPR already exist due to lengthy incarceration or parent's mental deficiency/illness). SB 93 amends RSA 169-C:24-b, I, to add subsection (f) allowing the court to grant a request by DCYF for an early permanency hearing, upon the allegation of sufficient facts to satisfy the standard for an early permanency hearing set forth in the new subsection (b) of RSA 169-C:24-b, II.

The new RSA 169-C:24-b, II(b) would require DCYF to prove by clear and convincing evidence that both parents, or only one parent if the other parent is deceased or not identified, cannot currently satisfy the standard of return of the child under RSA 169-C:23 and would be highly unlikely to satisfy such standard at the time of a 12-month permanency hearing, based on parents making no effort or only negligible efforts to comply with dispositional orders or based on another compelling reason. If DCYF does not satisfy its burden, the case stays on the "normal" course and the court next holds a periodic review hearing or the 12-month permanency hearing. If DCYF satisfies its burden, the court considers whether it is in the child's best interest to 1) change the permanency plan to something other than reunification, or 2) maintain reunification as the permanency plan and give the parents an additional 90 days to meet the requirements of RSA 169-C:23.

The revision adds a definition of "compelling reason" in RSA 169-C:3.

The revision also adds a ground for termination of parental rights under RSA 170-C:5, III-a, mirroring the ground for failure to correct conditions of neglect, except over a time-period that is shorter than 12 months.

These revisions are an effort to achieve permanency earlier when there is a compelling reason to do so, such as when parents make no effort to reunify with their child. While our child protection system is designed to encourage parents to access services and treatment that will resolve neglectful circumstances or prevent future abuse, some parents simply do not or cannot respond to this opportunity. In such circumstances, their

children can be spared additional months of disappointment and uncertainty by assessing permanency after six months. It is anticipated that merely the prospect of this early permanency hearing will prompt some parents to engage earlier in their case plan, thus resulting in a higher likelihood of reunification and less time for their children in out-of-home placement.

4. Cases where parents are in compliance but the unique needs of the child prevent reunification: On rare occasion, parents are able to satisfy RSA 169-C:23 but the unique needs of the child require continued out-of-home placement. SB 93 amends RSA 169-C: 24-b by adding subsection V, which allows continued out-of-home placement while keeping reunification as the permanency plan, unless and until there is another permanency hearing to change the permanency plan. The revision also adds subsection (e) to RSA 169-C:24-b, I to allow for an additional permanency hearing, if requested. In its decision under subsection V, the court must explain why continued placement is necessary, so parties have notice of what needs to be resolved before reunification can occur.
  
5. Clarification that the court can modify a permanency plan by agreement at a post-permanency hearing: Parties sometimes agree at a post-permanency hearing to modify the permanency plan. This occurs most frequently for older youth whose permanency plan has been adoption but they have turned 16 years old and would prefer a permanency plan of APPLA, Another Planned Permanent Living Arrangement. SB 93 amends RSA 169-C:24-c to add section III which allows for such modification at a post-permanency hearing, without the need to have a formal permanency hearing scheduled.

If SB 93 is passed, there will be clarity on several permanency concerns. This will allow the Model Court to properly revise our existing permanency protocols to implement best practices for achieving timely permanency for New Hampshire's most vulnerable children.

Thank you.

# Voting Sheets

**Senate Judiciary Committee**  
**EXECUTIVE SESSION RECORD**  
*2021-2022 Session*

Bill # **5393**

Hearing date: \_\_\_\_\_

Executive Session date: \_\_\_\_\_

Motion of: Comm amend Vote: 5-0

Committee Member	Made by	Second	Yes	No
Sen. Carson, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Gannon, V-Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. French	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Kahn	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Whitley	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: OTPA Vote: 5-0

Committee Member	Made by	Second	Yes	No
Sen. Carson, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Gannon, V-Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. French	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Kahn	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Whitley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: consent Vote: 5-0

Committee Member	Made by	Second	Yes	No
Sen. Carson, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Gannon, V-Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. French	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Kahn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Whitley	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reported out by: Carson

Notes: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

# Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE  
FOR THE CONSENT CALENDAR

Wednesday, March 10, 2021

THE COMMITTEE ON Judiciary

to which was referred **SB 93-FN**

AN ACT

relative to permanency planning under the child  
protection act.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 5-0

AMENDMENT # 2021-0763s

Senator Sharon Carson  
For the Committee

The bill is a request of the New Hampshire Model Court Protect and the Committee To Investigate Whether Modification Should Be Made To the Time Frame For Determining Permanency Pursuant To RSA 169-C:24-B. As amended, this bill clarifies that adoption rather than the termination of parental rights is a potential permanency plan objective; clarifies the timing of the 12-month permanency hearing; specifies other circumstances for when a subsequent permanency hearing may be conducted; allows for an earlier permanency hearing; provides for cases where the parents are in compliance but the unique needs of the child prevent reunification; and clarifies that the court can modify a permanency plan by agreement at a post-permanency hearing. The Committee amended the bill to address two technical corrections requested by the Judicial Branch.

Jennifer Horgan 271-7875

FOR THE CONSENT CALENDAR

**JUDICIARY**

**SB 93-FN**, relative to permanency planning under the child protection act.

Ought to Pass with Amendment, Vote 5-0.

Senator Sharon Carson for the committee.

The bill is a request of the New Hampshire Model Court Protect and the Committee To Investigate Whether Modification Should Be Made To the Time Frame For Determining Permanency Pursuant To RSA 169-C:24-B. As amended, this bill clarifies that adoption rather than the termination of parental rights is a potential permanency plan objective; clarifies the timing of the 12-month permanency hearing; specifies other circumstances for when a subsequent permanency hearing may be conducted; allows for an earlier permanency hearing; provides for cases where the parents are in compliance but the unique needs of the child prevent reunification; and clarifies that the court can modify a permanency plan by agreement at a post-permanency hearing. The Committee amended the bill to address two technical corrections requested by the Judicial Branch.

**Docket of SB93**

Docket Abbreviations

**Bill Title:** relative to permanency planning under the child protection act.*Official Docket of SB93.:*

<b>Date</b>	<b>Body</b>	<b>Description</b>
1/26/2021	S	<b>Introduced</b> 01/06/2021 and Referred to Judiciary; <b>SJ 3</b>
1/27/2021	S	Remote <b>Hearing:</b> 02/02/2021, 01:00 pm; Links to join the hearing can be found in the Senate Calendar; <b>SC 9</b>
3/10/2021	S	Committee Report: Ought to Pass with Amendment <b>#2021-0763s</b> , 03/18/2021; Vote 5-0; CC; <b>SC 15</b>
3/18/2021	S	Committee Amendment <b>#2021-0763s</b> , RC 23Y-1N, AA; 03/18/2021; <b>SJ 8</b>
3/18/2021	S	<b>Ought to Pass with Amendment</b> 2021-0763s, RC 23Y-1N, MA; OT3rdg; 03/18/2021; <b>SJ 8</b>
3/31/2021	H	Introduced (in recess of) 02/25/2021 and referred to Children and Family Law <b>HJ 4 P. 50</b>
4/14/2021	H	Public Hearing: 04/21/2021 10:30 am Members of the public may attend using the following link: To join the webinar: <a href="https://www.zoom.us/j/93446087542">https://www.zoom.us/j/93446087542</a> / Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.
5/11/2021	H	Committee Report: Ought to Pass (Vote 14-0; RC) <b>HC 26 P. 15</b>
6/3/2021	H	<b>Ought to Pass:</b> MA VV 06/03/2021
7/12/2021	H	Enrolled Bill Amendment <b>#2021-2055e:</b> AA VV (in recess of) 06/24/2021
7/13/2021	S	Enrolled Bill Amendment <b>#2021-2055e</b> Adopted, VV, (In recess of 06/24/2021); <b>SJ 20</b>

NH House

NH Senate



# Other Referrals

# Senate Inventory Checklist for Archives

Bill Number: SBA 3

Senate Committee: Jud

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

### Bill Hearing Documents: {Legislative Aides}

Bill version as it came to the committee

All Calendar Notices

Hearing Sign-up sheet(s)

Prepared testimony, presentations, & other submissions handed in at the public hearing

Hearing Report

Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

### Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

- amendment # 0763s       - amendment # \_\_\_\_\_

- amendment # \_\_\_\_\_       - amendment # \_\_\_\_\_

Executive Session Sheet

Committee Report

### Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

- amendment # \_\_\_\_\_       - amendment # \_\_\_\_\_

- amendment # \_\_\_\_\_       - amendment # \_\_\_\_\_

### Post Floor Action: (if applicable) {Clerk's Office}

Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):

Enrolled Bill Amendment(s)

Governor's Veto Message

### All available versions of the bill: {Clerk's Office}

as amended by the senate       as amended by the house

final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

\_\_\_\_\_  
Committee Aide

\_\_\_\_\_  
Date

Senate Clerk's Office \_\_\_\_\_

July 6, 2021  
2021-2055-EBA  
10/08

Enrolled Bill Amendment to SB 93-FN

The Committee on Enrolled Bills to which was referred SB 93-FN

AN ACT            relative to permanency planning under the child protection act.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

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Explanation to Enrolled Bill Amendment to SB 93-FN

This enrolled bill amendment makes a grammatical correction.

Enrolled Bill Amendment to SB 93-FN

Amend RSA 169-C:3, VII-a(b) as inserted by section 1 of the bill by replacing line 2 with the following:

*only one parent if the other parent is deceased or not identified, under one or more paragraphs*