

CHAPTER 39
SB 143 - FINAL VERSION

03/16/2017 0583s

2017 SESSION

17-0952
09/04

SENATE BILL ***143***

AN ACT relative to court requests for documents in conjunction with petitions for guardianship of a minor and guardianship of an incapacitated person.

SPONSORS: Sen. Lasky, Dist 13; Sen. Carson, Dist 14; Sen. Hennessey, Dist 5; Sen. Gannon, Dist 23; Rep. Wall, Straf. 6; Rep. Keans, Straf. 23; Rep. Berch, Ches. 1

COMMITTEE: Executive Departments and Administration

AMENDED ANALYSIS

This bill authorizes a court to request and receive a copy of the criminal conviction record of a proposed guardian and any household member who has provided authorization, in conjunction with a petition for guardianship of a minor pursuant to RSA 463 or a petition for guardianship of an incapacitated person pursuant to RSA 464-A.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Seventeen

AN ACT relative to court requests for documents in conjunction with petitions for guardianship of a minor and guardianship of an incapacitated person.

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

1 39:1 State Police; Criminal Records. Amend RSA 106-B:14, I(c) to read as follows:

2 (c) ***Except as provided in subparagraph (f)***, any individual or any public or private
3 agency may request and receive a copy of the criminal conviction record of another who has
4 provided authorization in writing, duly signed and notarized, explicitly allowing the requestor to
5 receive such information.

6 39:2 New Subparagraph; State Police; Criminal Records. Amend RSA 106-B:14, I by inserting
7 after subparagraph (e) the following new subparagraph:

8 (f) A court may request and receive a copy of the criminal conviction record of a
9 proposed guardian and any household member, in conjunction with a petition for guardianship of a
10 minor pursuant to RSA 463 or a petition for guardianship of an incapacitated person pursuant to
11 RSA 464-A, who has provided a signed authorization electronically or otherwise under the penalty
12 of perjury and the authorization document is accompanied by a statement under the electronic
13 signature stating "the penalty for perjury may include a fine or imprisonment or both."

14 39:3 Child Protection Act; Central Registry. Amend RSA 169-C:35, VI to read as follows:

15 VI. Upon receipt of a written request from ***a court in conjunction with a petition for***
16 ***guardianship of a minor pursuant to RSA 463 or a petition for guardianship of an***
17 ***incapacitated person pursuant to RSA 464-A, or from*** another state's child welfare agency or
18 from a private adoption agency that is licensed or certified in another state to check the central
19 registry established under this section for information on a prospective foster or adoptive parent or
20 any other adult living in the home of such a prospective foster or adoptive parent, the department
21 shall conduct the requested check and shall provide the requesting ***court***, state, or private adoption
22 agency with the results of the check along with such additional information from the department's
23 case records as the department deems necessary for the requesting ***court***, state, or private adoption
24 agency to be able to evaluate the results.

25 39:4 Effective Date. This act shall take effect 60 days after its passage.

Approved: May 09, 2017

Effective Date: July 08, 2017