

REPORTING CHILD ABUSE

New Hampshire law requires the reporting of child abuse or neglect to the Division for Children, Youth and Families of the New Hampshire Department of Health and Human Services (DCYF). Any school employee or school official having reason to suspect that a child has been abused or neglected, as defined in RSA 169-C:3 II or XIX respectively, shall report the same to DCYF. The reporting person shall notify the Executive Director or designee that a report has been made. The report will comply with the requirements of RSA 169-C:30. Anyone participating in good faith in preparing the report will have the immunity described in RSA 169-C:31.

New Hampshire RSA 169-C:3 II defines "abused child" as any person who has not reached his eighteenth birthday who has been:

- Sexually abused; or
- Intentionally physically injured; or
- Psychologically injured so that said child exhibits symptoms of emotional problems generally recognized to result from consistent mistreatment or neglect; or
- Physically injured by other than accidental means; or
- Subjected, by any person, to human trafficking as defined in RSA 633:7; or
- Subjected to an act prohibited by RSA 632-A:10-d.

New Hampshire RSA 169-C:3 XIX defines "neglected child" as any person who has not reached his eighteenth birthday:

- Who has been abandoned by his or her parents, guardian, or custodian; or
- Who is without proper parental care or control, subsistence, education as required by law, or other care or control necessary for the child's physical, mental, or emotional health, when it is established that the child's health has suffered or is likely to suffer serious impairment; and the deprivation is not due primarily to the lack of financial means of the parents, guardian, or custodian; or
- Whose parents, guardian or custodian are unable to discharge their responsibilities to and for the child because of incarceration, hospitalization or other physical or mental incapacity; Provided, that no child who is, in good faith, under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner thereof shall, for that reason alone, be considered to be a neglected child under this chapter.

RSA 169-C:30 requires that "An oral report shall be made immediately by telephone or otherwise, and followed within 48 hours by a report in writing, if so requested, to the department. Such report shall, if known, contain the name and address of the child suspected of being

neglected or abused and the person responsible for the child's welfare, the specific information indicating neglect or the nature and extent of the child's injuries (including any evidence of previous injuries), the identity of the person or persons suspected of being responsible for such neglect or abuse, and any other information that might be helpful in establishing neglect or abuse or that may be required by the department.”

RSA 169-C:31 provides that “Anyone participating in good faith in the making of a report pursuant to this chapter or who provides information or assistance, including medical evaluations or consultations, in connection with a report, investigation, or legal intervention pursuant to a good faith report of child abuse or neglect, is immune from any liability, civil or criminal, that might otherwise be incurred or imposed. Any such participant has the same immunity with respect to participation in any investigation by the department or judicial proceeding resulting from such report.”

Legal Reference:

- New Hampshire RSA 169-C Sections 3, 29, 30, and 31
- Ed 318.16 (b)(1)

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