



Create Protections for Abused Children in NH's "Parental Rights and Responsibilities Act"

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Issue Overview

In 2005 the NH Legislature adopted the "Parental Rights and Responsibilities Act" under RSA 461-A. The intent of the statute is in part to "support frequent and continuing contact between each child and both parents" and to "encourage parents to share in the rights and responsibilities of raising their children after the parents have separated or divorced." In the majority of parental rights and responsibility cases (formerly known as "custody"), this statute is beneficial. However, in cases where child abuse and/or neglect are present, these concepts can be detrimental to the child.

Some courts in NH are interpreting the statute to read that a close relationship with both parents is always in the best interest of the child. If one parent makes allegations of child abuse and/or neglect perpetrated by the other parent, they appear to be uncooperative and not willing to co-parent. As a result, "protective parents" are not given primary residential rights and responsibilities and are "punished" for making good faith allegations of abuse and/or neglect.

Since the passage of this Act, child advocacy organizations, lawmakers, Guardian Ad Litem and family law attorneys have become aware of a trend in parenting rights and responsibilities cases where abused and/or neglected children are placed in the home of the abusive or violent parent. Nationally, about 58,000 children per year in the U.S. are ordered into unsupervised contact with physically or sexually abusive parents following divorce.¹

Proposed Solution

We advocate for new judicial guidelines in RSA 461-A:6 to provide protections for abused children. NHCADSV and their 14 member programs, Child and Family Services, a grassroots network of protective parents, legislators, GAL's and Family Law Attorneys have been engaged in the process of drafting this "legislative fix" to this issue.

Call to Action

NH CAN can be of assistance in this legislative effort by providing access to their network of child advocates who can lend support to this important issue facing abused children in NH today. The expertise of the individual members of the NH CAN network will help to illustrate the immediate need to address this growing problem.

¹ The Leadership Council on Child Abuse and Interpersonal Violence