

Child + Family Law

11

HB1650



STATE OF NEW HAMPSHIRE
DEPARTMENT OF HEALTH AND HUMAN SERVICES
OFFICE OF HUMAN SERVICES
DIVISION FOR CHILDREN, YOUTH & FAMILIES

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February 20, 2018

Representative Kimberly Rice, Chairman
House Children and Family Law Committee
New Hampshire House of Representatives
107 N. Main Street
Concord, NH 03301

Re: HB1650 removing education as required by law as a criterion for determining child neglect

Dear Chairman Rice and Members of the Committee:

I am writing to express my concern with HB1650 which would remove "educational neglect" from the definition of neglect under the child protection act. This category of neglect provides a means for the department to intervene where there are concerns that a child's educational needs are not being met. In deciding whether or not to remove this category from the statute, I would offer the following for the committee's consideration:

- Reports of educational neglect (the vast majority of which come from the public schools) are typically made only after the school and community resource officer have exhausted their efforts to work with the family. It's not unusual in these cases for educational officials to have tried to engage the family for months before filing a report with the department.
- Depending on the circumstances, the report may be screened in as either a CHINS or as "educational neglect". With older children, where the child's behavior is a significant contributing factor, the report will likely be screened in as a CHINS. With younger children, however, (those in elementary school) where the child's parents are unwilling or unable to provide for the child's educational needs, the report is more likely to be screened in as "educational neglect".
- The statute sets a high standard for what constitutes educational neglect and limits the department's ability to intervene to only the most serious cases. The statute requires that the department prove not only that the child is, "... without proper education as required by law" but also that, "... the child's health has suffered or is likely to suffer serious impairment."
- Assessments of educational neglect, even if ultimately unfounded, can provide an opportunity for the department to assist the family with any underlying issues that may have led to the concern for educational neglect.

In my view, this category of neglect serves a valuable purpose and can help to insure that children are not deprived of the education that they need and deserve. I would urge the committee to retain it in our statutes.

Sincerely,

Joseph Ribsam, Jr.
Director

NH Division for Children Youth and Families