

Amendment to SB 479

1 Amend the bill by inserting after section 2 the following and renumbering the original sections 3-5
2 to read as 5-7, respectively:

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4 3 Office of the Child Advocate; Complaint Investigation. RSA 170-G:18, III(i) is repealed and
5 reenacted to read as follows:

6 (i) Upon its own initiative or upon receipt of a complaint, review and if deemed
7 necessary, investigate actions of the division for children, youth and families, or any entity that
8 provides services to children under contract with and at the direction of the division, and make
9 appropriate referrals. Findings of all investigations and responses to all complaints received shall
10 be summarized in the annual report of the office of the child advocate.

11 4 New Paragraph; Office of the Child Advocate; Confidentiality of Complaints; Limited
12 Disclosure. Amend RSA 170-G:18 by inserting after paragraph III the following new paragraph:

13 III-a.(a) The office of the child advocate investigations and oversight activities and the
14 information gathered in such investigations and oversight activities, including the identity of any
15 complainant, shall be exempt from the public disclosure provisions of RSA 91-A.

16 (b) The director of the office of the child advocate may disclose confidential information
17 about a child to any individual or entity that is responsible for, or provides services to, the child.
18 Any disclosure of confidential information shall be the minimum necessary to ensure proper care
19 and treatment for the child or to identify, prevent, or treat the abuse or neglect of a child.

20 (c) The director of the office of the child advocate shall have the same authority as the
21 commissioner of the department of health and human services to publicly release information
22 pursuant to RSA 126-A:5, XII in furtherance of the mission and responsibilities of the office.

23 (d) Notwithstanding any provision of law to the contrary, if the director of the office of
24 the child advocate determines that the health, safety, and welfare of children are at risk, the
25 director may publicly disclose the details of investigation findings, subject to the following
26 limitations:

27 (1) Names, addresses, or other identifying information of individuals who are the
28 subject of any confidential proceeding or statutory confidential provision shall not be released to the
29 public.

30 (2) Investigation findings shall not be released if there is a pending law enforcement
31 investigation or prosecution.

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AMENDED ANALYSIS

This bill:

I. Requires the office of the child advocate to submit its annual report to the oversight commission on children's services, clarifies the duties of the commission, and repeals the commission's reporting requirement.

II. Revises the complaint investigation procedures and confidentiality requirements of the office of the child advocate.

III. Makes the commission to review child abuse fatalities permanent and establishes an annual reporting requirement.