

**THE STATE OF NEW HAMPSHIRE**  
**JUDICIAL BRANCH**  
<https://www.courts.nh.gov>

Court Name: \_\_\_\_\_

Case Number: \_\_\_\_\_

IN THE MATTER OF: \_\_\_\_\_ DOB: \_\_\_\_\_

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**ACKNOWLEDGMENT OF POSSIBLE CONSEQUENCES TO PARENTAL RIGHTS  
IN ABUSE AND NEGLECT CASES**

*FOR USE WHEN: Pursuant to RSA 169-C:15, IV, at a **preliminary hearing** the Court shall determine whether each parent summoned understands the possible consequences to parental rights should the Court find the child(ren) is(are) abused and/or neglected and shall have each parent sign a statement to that effect. Additionally, and if a **Rights and Consequences hearing is held for a non-petitioned parent**, the Court shall determine, pursuant to RSA 169-C:15, IV, whether the non-petitioned parent understands the possible consequences to his/her parental rights based upon the court's prior finding that the child(ren) is(are) abused and/or neglected and have the parent sign a statement to that effect.*

The filing of a petition pursuant to RSA 169-C alleging that your child(ren) is(are) abused and/or neglected is a serious matter. If the Court determines, or has determined, that there is evidence that your child(ren) is(are) abused and/or neglected, the Court's orders will affect you and your child(ren) and may affect your parental rights **whether you are the petitioned or non-petitioned parent in the abuse and/or neglect case.**

**1. Right to an Attorney**

Pursuant to RSA 169-C:10, II(a), a petitioned parent has the right to an attorney, and if such parent cannot afford an attorney, an attorney will be appointed by the Court. The Court has the discretion to appoint an attorney for a non-petitioned parent who is a household member, if such parent cannot afford an attorney. The Court has no statutory authority to appoint an attorney for a non-petitioned parent who is not a household member, however such parent may hire their own attorney.

**2. Requesting a Parental Fitness Hearing and Custody of Your Child**

A non-petitioned parent has a right to request a parental fitness hearing, pursuant to RSA 169-C:19-e. The request may be made orally at a RSA 169-C court hearing or by filing a written request, including the court form Request for a Parental Fitness Hearing Pursuant to RSA 169-C:19-e (NHJB-3169-F). Pursuant to 169-C:19-e, I, a parent shall be awarded custody unless DCYF demonstrates, by a preponderance of the evidence, that the parent has abused or neglected the child or is otherwise unfit to perform their parental duties. Pursuant to *In re Bill F.*, 145 NH 267, 274 (2000), a parental fitness hearing addresses physical custody only. Pursuant to RSA 169-C:19-e, I, at a parental fitness hearing the parent shall be provided the opportunity to present evidence pertaining to his/her ability to provide care for the child. A court order in a RSA 169-C case vesting a fit parent with physical custody is not a permanent order of custody, and will expire upon closure of the RSA 169-C.

**3. Custody and Placement**

The Court will determine whether your child(ren) will remain at home or with another parent or whether your child(ren) will be removed and placed in a foster home or another appropriate placement. The Court may impose conditions on any placement it makes, such as your family having regular visitation through the Division for Children, Youth and Families (DCYF).

**ACKNOWLEDGMENT OF POSSIBLE CONSEQUENCES TO PARENTAL RIGHTS IN ABUSE & NEGLECT CASES**

**A. Legal Supervision**

The Court may award, pursuant to RSA 169-C:3, XVIII, legal supervision and permit your child(ren) to remain at home or with another parent under the supervision of DCYF subject to further Court order.

**B. Protective Supervision**

The Court may award, pursuant to RSA 169-C:3, XXV, protective supervision to DCYF and place your child(ren) with DCYF pending the adjudicatory hearing. This would give DCYF the right to temporarily remove your child(ren) from parental care and custody and determine where and with whom your child(ren) will live, including a foster home.

**C. Legal Custody**

The Court may award, pursuant to RSA 169-C:3, XVII, legal custody to DCYF, which would give DCYF the following rights and responsibilities unless otherwise modified by Court order:

- (1) The right to determine where and with whom your child(ren) shall live;
- (2) The right to have the physical possession of your child(ren);
- (3) The right and duty to protect and constructively discipline your child(ren); and
- (4) The responsibility to provide your child(ren) with food, clothing, shelter, education, emotional security and ordinary medical care, provided that such rights and responsibilities will be exercised subject to the power, rights, duties and responsibilities of the guardian of the child(ren) and subject to residual parental rights and responsibilities if these have not been terminated by judicial decree.

**4. Provision of Services and Social Study**

The Court may order a child(ren), his/her parents, guardian, custodian, or a household member to submit to a mental health evaluation, or to undergo a physical examination or treatment. A written assessment of the evaluation, examination or treatment will be provided to the Court.

If the Court determines that your child(ren) is(are) abused and/or neglected, the Court will order DCYF to submit to the Court a social study consisting of, but not limited to, the home conditions, family background, financial assessment, school record, mental and physical and social history of your family. DCYF will also submit a case plan, which the Court may adopt in whole, in part or not at all in making its orders.

The school district may be joined in the matter to determine whether educational services are required for your child(ren).

**5. Additional Court Orders**

The Court may make additional orders designed to protect the health, safety and well-being of your child(ren).

**6. Financial Responsibility**

With limited exception, the department of health and human services shall be responsible for the cost of services provided under RSA 169-C.

**7. Confidentiality**

All Court hearings and records of abuse and neglect cases are confidential. The hearings are not open to the public and only people involved in the case, or invited by the parties and approved by the Court, will be admitted to the Court hearings.

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**ACKNOWLEDGMENT OF POSSIBLE CONSEQUENCES TO PARENTAL RIGHTS IN ABUSE & NEGLECT CASES**

**8. A Finding of Abuse or Neglect and a Parent's Failure to Follow the Court's Orders and Correct the Conditions may be the basis for a Petition to Terminate the Parent's Parental Rights**

In New Hampshire, there are several ways that a parent's rights can be terminated; one of them is a finding of abuse or neglect and a parent's failure after twelve (12) months to correct the conditions that led to the finding, whether the petitioned or non-petitioned parent in the abuse and/or neglect case; another is a finding of abuse or neglect and parents' failure, after at least six (6) months, to correct the conditions that led to the finding prior to an early permanency hearing held pursuant to RSA 169-C:24-b, II(b) at which the court changed the child's permanency plan due to a compelling reason such as parents making no effort or only negligible efforts to comply with dispositional orders.

In the event a petition is filed to terminate your rights as a parent, pursuant to RSA 170-C, you will be notified of the Court hearings. You will have the right to an attorney. If you cannot afford one, the Court will appoint one for you. A guardian *ad litem* (GAL) will be appointed for your child(ren).

At a hearing, both sides will present evidence to the Court concerning the reasons why your rights should or should not be terminated. The Court will make a decision based on the evidence it hears as well as any reports or examinations offered to the Court.

If your parental rights are terminated, you will no longer have any legal rights, privileges, duties or obligations regarding your child(ren).

**By signing below, you acknowledge that you understand the possible consequences to your parental rights should the Court make a finding of "TRUE" that your child(ren) is(are) abused and/or neglected.**

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Parent

\_\_\_\_\_  
Printed Name of Parent

\_\_\_\_\_  
Signature of Parent's Attorney (if applicable)

\_\_\_\_\_  
Printed Name of Parent's Attorney (if applicable)

**I have reviewed the content of this form with the above-named parent and have determined that s/he understands the possible consequences to her/his parental rights should the Court make a finding of "TRUE" that the child(ren) is(are) abused and/or neglected.**

**Recommended:**

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Marital Master/Referee

\_\_\_\_\_  
Printed Name of Marital Master/Referee

**So Ordered:**

I hereby certify that I have read the recommendation(s) and agree that, to the extent the marital master/judicial referee has made factual findings, she/he has applied the correct legal standard to the facts determined by the marital master/judicial referee.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Judge

\_\_\_\_\_  
Printed Name of Judge