

# STATE OF NEW HAMPSHIRE

## PROBATE COURT

### ADMINISTRATIVE ORDER 9

#### **RELATIVE TO: Protocol For Background Check In Adoption Proceedings With No Home Study**

Pursuant to RSA 170-B:18, the probate court shall require a background check in adoption proceedings where a minor child is being adopted and there has been no assessment (f/k/a "home study"). In these cases, the court shall require persons seeking to adopt a child to sign and file a "Criminal Record Release Authorization Form" produced by the New Hampshire State Police (the State Police have agreed to waive all fees in connection with these records requests) and a "Department of Health and Human Services Record Release Authorization" created by the probate court. No court shall take any further action to process the adoption petition until the required releases are filed.

The background check will include both a criminal records check conducted by the New Hampshire State Police and a search of the abuse and neglect registry maintained by the Division of Children, Youth and Families (DCYF). If the court has information that the petitioner has lived in another state, the court may also request a search of that state's abuse and neglect registry.

All records and releases shall be maintained in the confidential adoption file. The court shall forward the appropriate releases to the state agencies listed below and schedule a hearing upon receipt of the records.

New Hampshire Department of Safety  
Division of State Police  
Central Repository for Criminal Records  
10 Hazen Drive  
Concord, NH 03301

Dept. of Health & Human Services  
Div of Children Youth & Families  
DCYF Central Registry, Brown Bldg.  
129 Pleasant Street  
Concord, NH 03301

#### Judicial Inquiry at Hearing

When a background check discloses information that has an adverse bearing on a petitioner's fitness to parent, the court should, in its discretion, use this information to make further inquiry at a hearing. The information may be considered by the court in acting on the petition.

The court should ask any petitioner(s) as to the existence of any of the following matters for all other adults living in the home:

1. State or federal criminal convictions (felony, misdemeanor or violation) not previously annulled, any pending criminal prosecutions, and any state or federal contempt proceedings or findings;
2. State or federal probation, parole or alternative criminal sentence release program;
3. Pending domestic violence proceedings or outstanding orders of protection, pending abuse or neglect proceedings, complaints or investigations and outstanding dispositional orders; and
4. Registration on any abuse or neglect registry.

When a judicial inquiry is conducted, the Administrative Judge recommends the inquiry of the petitioner(s) be on the record. If the inquiry is not on the record, the court should make written findings relative to the questions asked of the petitioner(s).

**Last Reviewed:** August 1, 2007

\_\_\_\_\_/s/ David D. King  
David D. King  
Administrative Judge of Probate Court

History:

Revised August 1, 2007

Revised January 2, 2005

Revised January 1, 2001

Effective August 1, 2000

Formerly Administrative Order 2000-03, Issued 8/1/00