

Information for Parents About Child Abuse and Neglect

This information is intended to give parents an overview of the abuse and neglect system and Division of Children, Youth and Families (DCYF) in New Hampshire. This is not a comprehensive guide and is no substitute for legal advice.

DCYF is the state agency in New Hampshire that manages programs to protect children and families. Child Protective staff work together with families to assess the safety of children, identify needs, and develop a case plan. This plan clearly outlines the specific needs of the children and family members. It also explains how DCYF will assist in resolving the family's protective service issues.

There are three main things DCYF does:

1. Intake: DCYF takes in reports of child abuse or neglect and refers appropriate cases to district offices.
2. Assessment: District offices investigate reports that are referred from the central office to determine the safety of the child and potential harm to the child. They assess all the information gathered and determine whether the allegation is “unfounded”, which means that the allegations of abuse or neglect are not proven, or “founded”, which means that the allegations are proven.
3. Family services: If the allegations are “founded,” services are provided to the family to ensure the continued safety and well-being of the child. The services provided are intended to help keep a child in his/her home. However, if the home is not a safe environment for the child, DCYF may ask the court to remove the child and place the child with some other family member or a foster family.

If you have been contacted by the DCYF, you should consult with an attorney. Every case is different, and this guide simply provides a general view of the things a parent should consider if contacted by DCYF.

How does the process work?

If DCYF makes a finding of abuse or neglect, it will file a Petition with the District Court. This begins the court process and is how DCYF gets an order. First, there will be a Preliminary Hearing where DCYF must show the court that services are necessary to keep the child safe.

A parent is entitled to be represented by an attorney in an abuse or neglect proceeding. At the Preliminary Hearing the parent may request court-appointed counsel if the parent is not able to pay for an attorney.

Later, there is an Adjudicatory Hearing when the court will find the accused parent either guilty or not guilty of the abuse or neglect.

DCYF may also ask the parent to sign a Consent Decree. A Consent is basically an agreement to allow DCYF to provide services. In most cases the Consent will include an admission that the child was abused or neglected. A Consent can allow the parent and DCYF to avoid some or all of the court process. Because of the consequences of signing a Consent, it is a good idea to talk to a lawyer first.

What do parents need to know when a report of abuse or neglect has been made?

Parents usually come into contact with DCYF after a report of abuse or neglect has been made and a social worker contacts the parent to begin an assessment. This can be a very stressful time for a parent – whether the parent knew the report had been made or not. Often the social worker will ask to interview you or your child as the first step in their assessment. At this point, there is usually no court order and the social worker will ask for your cooperation. There is no uniform answer to the question of whether or how to cooperate with the social worker. As a parent, you must decide how to handle their request. This can be a difficult decision and there is no simple “right” or “wrong” answer to this question. Every case is unique.

Overview of factors to consider

- Without a court order, you have the right to decline to be interviewed.
- Without a court order, you have the right to decline to have the social worker in your home.

- DCYF is charged with protecting children – that is their only role, they do not want to take your child unless your child cannot be safe in your home.
- Reporting suspected abuse or neglect is required by law – whoever made the report may have had no choice in the matter.
- DCYF must prove their case to a judge if they think your child has been abused or neglected and you do not have to help them make their case.
- DCYF is charged with protecting children, and may view your refusal to cooperate as an indication that you are hiding something.
- A social worker may view your behavior towards him/her as an indication that the allegations are true.
- The social worker may suggest you sign an agreement (a Consent) rather than go to court so that DCYF can provide services to your family.
- A Consent may say that you admit to the abuse or neglect alleged against you. Consent may result in your name being entered onto the registry of those found to have abused or neglected a child.
- If DCYF files a court case against you, you are entitled to an attorney and the court will appoint one if you cannot afford to hire one.