

NEW HAMPSHIRE COMMUNITY RESPONSE GUIDE: SEXUAL ABUSE AND SEX TRAFFICKING STATUTE AND POLICY

September 2023

SCOPE

This document informs a preliminary conversation with the New Hampshire Community Response Guide (CRG) leadership team about the sexual abuse and sex trafficking decision trees in the draft CRG, which mandated reporters recently tested. The test results will be presented in New Hampshire in person on October 3 and 4, 2023. Evident Change recommends that the leadership team make no decisions about changes or uses of the tool until having all testing data and analysis to inform decision making.

BACKGROUND

When a reporter uses the CRG, the tool will provide them with one of three recommendations: (1) report, (2) consult, or (3) no report required. These thresholds are set by understanding what types of concerns child protection should respond to (report), what types of concerns may benefit from providing the family with service referrals (consult), and concerns that do not require further response by a reporter (no report required). [New Hampshire Revised Statutes Annotated 169-C:29](#) sets the threshold for what constitutes a mandated report to child protection and who is required to make those reports, as well as defining sexual abuse. The CRG does not change or replace what requires a report to child protection but helps reporters determine if they have **reason to suspect** that a child has been abused or neglected.

STATUTORY LANGUAGE

Related statutory language pertaining to this to this discussion from [New Hampshire Revised Statutes Annotated 169-C:29](#) is below.

- **“Persons Required to Report.** Any physician, surgeon, county medical examiner, psychiatrist, resident, intern, dentist, osteopath, optometrist, chiropractor, psychologist, therapist, registered nurse, hospital personnel (engaged in admission, examination, care and treatment of persons), Christian Science practitioner, teacher, school official, school nurse, school counselor, social worker, day care worker, any other child or foster care worker, law enforcement official, priest, minister, or rabbi or any other person having **reason to suspect** that a child has been abused or neglected shall report the same in accordance with this chapter.”
- **“RSA 169- C:3 “Sexual abuse’** means the employment, use, persuasion, inducement, enticement, or coercion of any child to engage in, or having a child assist any other person to engage in, any sexually explicit conduct or any simulation of such conduct for the purpose of producing any visual depiction of such conduct; or the rape, molestation, prostitution, or other form of sexual exploitation of children, or incest with children. With respect to the definition of sexual abuse, the term ‘child’ or ‘children’ means any individual who is under the age of 18 years.”
- **RSA 169**, which is the Child Protection Act in New Hampshire, does not define sex trafficking specifically, but rather adopts definitions from criminal law which can be found in [RSA 633:7](#).

ALLEGATION TYPE SPECIFICITY

New Hampshire DCYF Policies [1150.3](#) and [1150.4](#) provide specificity around abuse and neglect allegation types that constitute “credible reports” of child abuse or neglect, which are screened for assessment or other response by the department.

New Hampshire statute and DCYF policies were used to develop the content of the CRG (thresholds and definitions). A margin exists in the CRG where not all concerns that get a “report” recommendation from the CRG meet the threshold for a screen-in by New Hampshire DCYF. In this way, the reporting decision and the screening decision are separate.

Research has shown that statutory language, such as “reason to suspect,” found in mandated reporting laws impacts reporter decision making about if and when to make a report. Further, it has been found that vague statutory language, such as “reason to suspect,” leads mandated reporters to have inconsistent understandings of what meets the threshold of reporting to child protection. This can lead to inconsistency and inaccuracy in reporting decisions, such as not filing reports when the law says they should (underreporting) and filing reports when they should not (overreporting). The CRG aims to increase the accuracy of child maltreatment reporting by filling this gap.¹

¹ Sources consulted include the following.

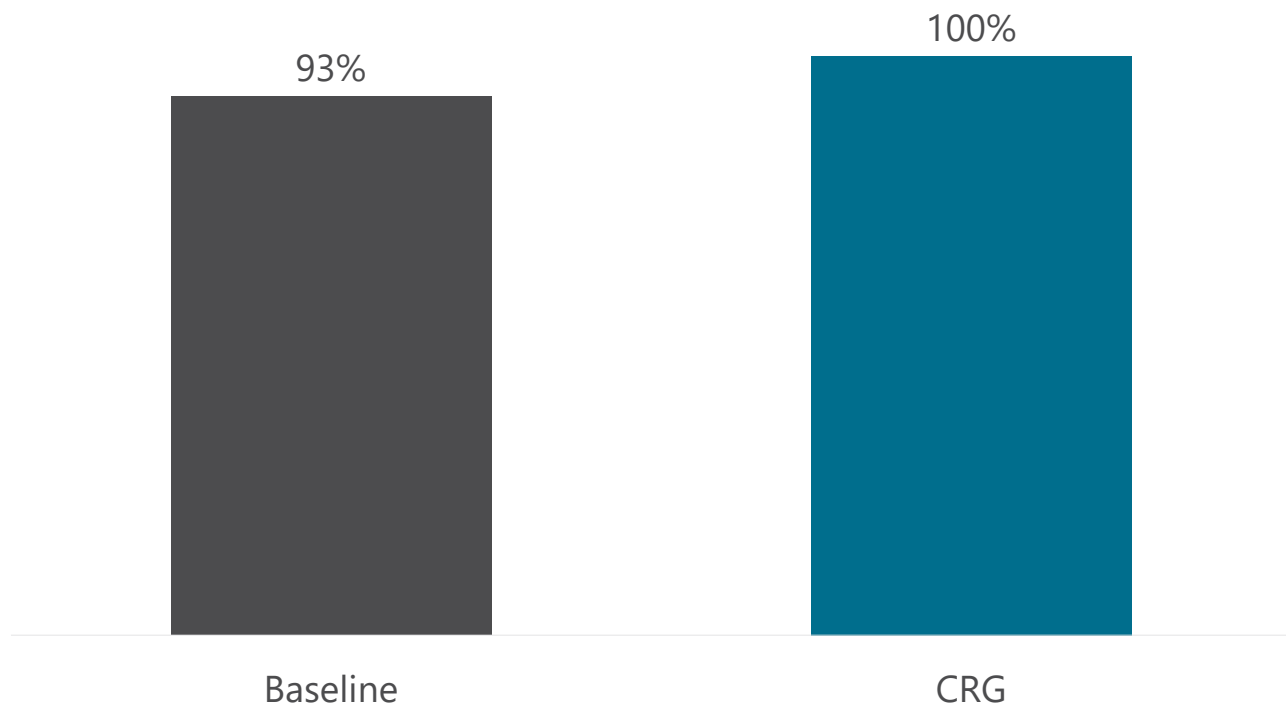
Piersiak, H. A., Levi, B. H., & Humphreys, K. L. (2023). Statutory threshold wording is associated with child maltreatment reporting. *Child Maltreatment*, 28(3), 517–526.

Levi, B., Dellasega, C., & Boehmer, S. (2012). What is reasonable suspicion of child abuse? *Journal of Public Child Welfare*, 6(5), 569–589.

Levi, B. H., & Loeben, G. (2004). Index of suspicion: Feeling not believing. *Theoretical Medicine and Bioethics*, 25(4), 277–310.

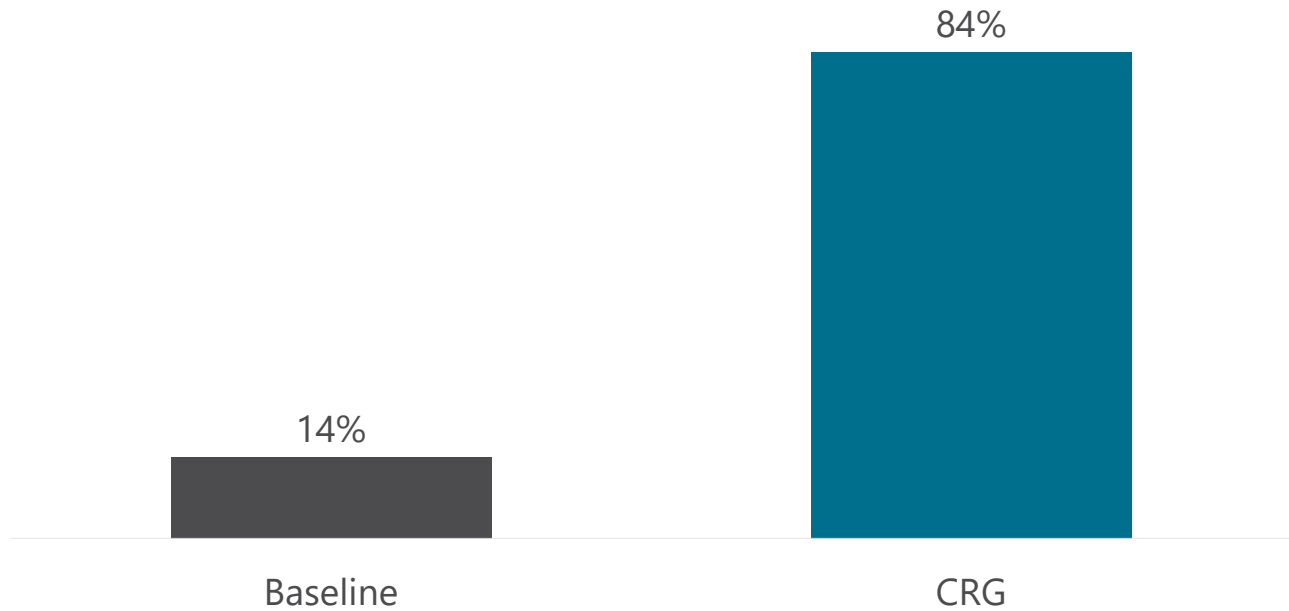
TOOL TESTING RESULTS: PRELIMINARY SNAPSHOT

Figure 1
Sexual Abuse Report Decisions in Report Scenarios



- Baseline testing results show underreporting tendencies among mandated reporters in sexual abuse and trafficking situations without use of the CRG.
- In case vignettes designed to elicit a reporting decision from testers, there was a greater proportion of testers who said their intention was to report the situation when they used the CRG than in baseline testing, which asked testers to react to a scenario without using the CRG.
- This effect was present for the sexual abuse scenario, but it was much more pronounced in the trafficking scenario.

Figure 2
Trafficking Report Decisions in Report Scenarios



- In testing the trafficking concern, only 14% of testers said they would report a situation designed to elicit a report. However, the number of reporting testers grew to 84%—a 70-point increase—when testers used the CRG to reach a decision with a 7-point increase for the sexual abuse concern test.
- Considering these results, it is possible that use of the CRG could increase reporting in report-appropriate situations from where report rates sit currently.