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THE SUPREME COURT OF NEW HAMPSHIRE

1st Circuit Court-Lancaster Family Division
Case No. 2025-0655
Citation: In re X.M., 2026 N.H. 38

IN RE X.M.

Argued: May 5, 2026
Opinion Issued: October 22, 2026

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COUNTWAY, J.

[¶1] The Claremont School District (CSD) appeals orders of the Circuit Court (Subers, J.) denying its motion to be dismissed as a party to the RSA chapter 169-C proceeding initiated by the New Hampshire Division for Children, Youth and Families (DCYF) concerning the minor child, X.M., and denying its motion to reconsider that decision. CSD argues that the trial court

erred when, in denying the motion to dismiss, it determined that X.M. resided in Claremont at the relevant time and, consequently, identified CSD as "the legally liable school district" pursuant to RSA 169-C:20 (2022) and deemed CSD the "sending district" under RSA 193:27, IV (2018) for the purpose of determining financial liability for the cost of providing special education to X.M. under RSA 193:29, I (Supp. 2025). Because we conclude that the trial court lacked the statutory authority to determine X.M.'s residency for that purpose, we vacate and remand.

I. Factual and Procedural Background

[¶2] The following facts were found by the trial court, reflect the content of documents in the appellate record, or are undisputed on appeal. X.M. is a child with a disability who is eligible for special education. See RSA 186-C:2, I (Supp. 2025). In 2021, the trial court awarded X.M.'s paternal grandmother a guardianship over him. In August 2023, while the guardianship remained in place, X.M. began living with his father in Claremont. X.M. was enrolled in and attended school in CSD from September 2023 until May 2024.

[¶3] In May 2024, DCYF filed neglect petitions in the 5th Circuit Court-Claremont Family Division against both X.M.'s father and guardian. The trial court awarded DCYF protective supervision of X.M. DCYF placed X.M. in several foster placements and then at Nashua Children's Home.

[¶4] Soon after filing the neglect petition, DCYF moved to join CSD as a party to the neglect proceeding. The motion identified CSD as a legally liable school district and, more specifically, as the "sending district." (Italics omitted.) See RSA 169-C:20, I; RSA 193:27, IV. The trial court granted that motion.

[¶5] Following an adjudicatory hearing, the trial court entered neglect findings against X.M.'s father and guardian and awarded DCYF legal custody of X.M. Thereafter, between September 2024 and June 2025, X.M. lived in several different placements. During that same time period, X.M.'s father moved to Lancaster and this case was transferred to the 1st Circuit Court-Lancaster Family Division. In July 2025, the trial court authorized DCYF to place X.M. at a residential treatment program in Maine.

[¶6] Meanwhile, also in July 2025, CSD filed a motion to be dismissed as a party to the neglect proceeding, arguing that the trial court erred in joining it because X.M. was not a legal resident of Claremont at the operative time and CSD was therefore not the sending district liable for the cost of providing special education services to X.M. After an evidentiary hearing, the trial court denied CSD's motion. It concluded that, because X.M. resided in Claremont at the time he was originally placed in Nashua Children's Home — a "[h]ome for

children" as defined in RSA 193:27, I (2018) — CSD is the sending district as defined in RSA 193:27, IV. CSD moved for reconsideration, arguing in part that regardless of whether it was the sending district, once the court placed X.M. in an out-of-state facility, the New Hampshire Department of Education (DOE) became liable for the cost of X.M.'s special education. The trial court denied that motion. This appeal followed. After this appeal was filed, X.M. was reunified with his mother in Nebraska.

II. Parties' Arguments and Legal Framework

[¶7] CSD challenges the trial court's denial of the motion to dismiss CSD as a party and the motion to reconsider on two grounds, arguing that the court erred when it: (1) determined that, because X.M. resided in Claremont at the relevant time, CSD is the financially liable sending district; and (2) rejected CSD's argument that, once the trial court authorized X.M.'s placement in an out-of-state facility, DOE became responsible for the cost of his special education. On the first issue, CSD contends that the trial court incorrectly applied the definition of "sending district" in RSA 193:27, IV to the facts of this case because, at the time of X.M.'s placement in a home for children, his "legal residence for school liability purposes" was where his guardian resided in Littleton, not Claremont where X.M. was physically living with his father. DCYF, on the other hand, asserts that the trial court's orders should be vacated because the trial court was not the "appropriate adjudicator" of X.M.'s residency. DCYF avers that the determination of a child's residency as it relates to financial liability for special education is governed by a statutory administrative process before the commissioner of DOE.

[¶8] The parties' arguments present a threshold question: whether the trial court had the authority to determine the residency of X.M. — a child who was the subject of an RSA chapter 169-C proceeding and who had been placed in a home for children — for the purpose of identifying the school district that bears financial responsibility for his special education. The circuit court is a court of limited jurisdiction with powers conferred on it by statute. In re A.G., 176 N.H. 651, 652 (2024), 2024 N.H. 32, ¶4. Whether the circuit court had statutory authority to determine X.M.'s residency for the purpose of assigning financial liability for his special education is a matter of statutory interpretation, which presents a question of law. See In re Guardianship of J.H., 176 N.H. 410, 413 (2024), 2024 N.H. 3, ¶8.

[¶9] When engaging in statutory interpretation, we first examine the language found in the statute and where possible, we ascribe the plain and ordinary meanings to words used. Maldini v. Maldini, 168 N.H. 191, 194-95 (2015). We interpret the statute as written and will not consider what the legislature might have said or add language that the legislature did not see fit to include. In re Alexis O., 157 N.H. 781, 785 (2008). We construe all parts of

a statute together to effectuate its overall purpose and avoid an absurd or unjust result. Id. Moreover, we do not consider words and phrases in isolation, but rather within the context of the statute as a whole. Id. This analysis enables us to better discern the legislature's intent and to interpret statutory language in light of the policy or purpose sought to be advanced by the statutory scheme. Id. Where, as here, we must interpret several statutes pertaining to a similar subject matter, we will construe the various statutory provisions harmoniously to the extent reasonably possible. See Nashua School Dist. v. State, 140 N.H. 457, 458 (1995); State v. Farrow, 140 N.H. 473, 475 (1995). Because our analysis of the question presented on appeal involves a review of the trial court's interpretation of the relevant statutes and its application of those statutes to the essentially undisputed facts relevant to this appeal, our review is de novo. See Alexis O., 157 N.H. at 784; In re Juvenile 2004-789, 153 N.H. 332, 334 (2006).

[¶10] Determining whether the trial court acted within its statutory authority in this case requires us to "examine the interrelationship of several statutes pertaining to education and the court-ordered placement of juveniles." Juvenile 2004-789, 153 N.H. at 334. We therefore provide a brief discussion of the applicable special education laws before turning to the statutory authority of the circuit court.

[¶11] RSA chapter 186-C sets forth the statutory scheme that ensures "that all children with disabilities have available to them a free appropriate public education." RSA 186-C:1, I (2018); see also Petition of Milan School District, 123 N.H. 227, 231 (1983) (explaining that RSA chapter 186-C "represents New Hampshire's efforts to ensure compliance with" federal law regarding children with disabilities). Under RSA 186-C:13, "[a]ll expenses incurred by a school district in administering the law in relation to education for children with disabilities in need of special education and related services shall be paid by the school district where the child resides," except when the child is placed in certain facilities. RSA 186-C:13, I (2018).

[¶12] One exception to this financial liability rule applies when a child with a disability "is placed in a home for children or health care facility as defined in RSA 193:27," in which case the liability for special education expenses "shall be determined in accordance with RSA 193:29." RSA 186-C:13, I(a); see also Nashua School Dist., 140 N.H. at 459; RSA 193:27, I-II (2018) (defining "[h]ome for children" and "[h]ealth care facility"). RSA 193:29, in turn, makes the "sending district" liable for some or all of the child's special education expenses. See RSA 193:29, I; Nashua School Dist., 140 N.H. at 459-60. The "sending district" is the school district in which the child is deemed to reside according to the provisions of RSA 193:27, IV. See RSA 193:27, IV; Nashua School Dist., 140 N.H. at 459; see also Juvenile 2004-789, 153 N.H. at 335-36 (interpreting definition of "sending district").

III. Analysis

[¶13] With this context in mind, we turn to CSD's arguments. CSD contends that the trial court had statutory authority over the disputed issue pursuant to RSA 169-C:20. It asserts that, because RSA 169-C:20 authorizes the circuit court to join the legally liable school district in the RSA chapter 169-C proceeding, the statute "implies that [the circuit court] . . . determines which school district is 'legally liable.'" CSD appears to treat "legally liable school district" and "sending district" as synonymous terms. CSD further claims that the circuit court's apparent authority to decide which school district is legally liable included the power to determine X.M.'s residency. We are unpersuaded.

[¶14] RSA 169-C:20, titled "Disposition of a Child With a Disability," provides in relevant part that:

> At any point during the proceedings, the court may, either on its own motion or that of any other person, and if the court contemplates a residential placement, the court shall immediately, join the legally liable school district for the limited purposes of directing the school district to determine whether the child is a child with a disability or of directing the school district to review the services offered or provided under RSA 186-C if the child had already been determined to be a child with a disability.

RSA 169-C:20, I (emphasis added). The plain language of RSA 169-C:20, I, authorizes the circuit court to join the legally liable school district "for the limited purposes" of directing the school district either to determine whether the child who is the subject of the proceeding has a disability or, if the child has already been found to have a disability, to review the special education services provided to the child. Id.; see also RSA 490-D:2, IV (2010) (conferring jurisdiction over actions under RSA chapter 169-C to judicial branch family division); RSA 490-F:3 (Supp. 2025) (granting the circuit court the jurisdiction and powers previously conferred upon former judicial branch family division). RSA 169-C:20 does not, by contrast, expressly empower the circuit court to determine the child's residency for the purpose of deciding which school district is responsible for the cost of providing the child special education, to determine which school district is "legally liable," or to resolve disputes about those matters. See RSA 169-C:20.

[¶15] This reading of RSA 169-C:20 is bolstered by the fact that a separate statute authorizes the commissioner of DOE — not the circuit court — to resolve residency disputes for all pupils and, in some circumstances, to also resolve the related issue of financial responsibility. See RSA 193:12, V-b, VI (2018). RSA 193:12, VI provides that the commissioner of DOE "shall decide residency issues for all pupils" and sets forth a general administrative process

for doing so. RSA 193:12, VI(a). RSA 193:12, V-b details how that administrative process applies to a specific subset of residency disputes. It provides:

> Whenever a dispute arises among one or more school districts, the department of health and human services, or one or more of the previously mentioned parties, as to the residency of a child who is in the legal custody or guardianship of the department of health and human services, or who has been placed pursuant to a court order in a proceeding under RSA 169-B, RSA 169-C, RSA 169-D, or RSA 463, the department of health and human services shall request in writing that the superintendents involved resolve the dispute. If the residency dispute remains unresolved 10 days after such request, the department of health and human services shall request that the commissioner of the department of education determine the residence of the child. The child shall be permitted to attend school in the district in which the child has been placed by the court or the department of health and human services pending the resolution of the residency dispute. Liability as to the cost of school attendance provided under this paragraph shall be determined by the commissioner of education.

RSA 193:12, V-b (emphasis added).

[¶16] This provision applies to residency disputes that arise between multiple school districts or between one or more school districts and the New Hampshire Department of Health and Human Services (DHHS), of which DCYF is a division, see RSA 170-G:2, I (2022), during an RSA chapter 169-C proceeding when: (1) the child who is the subject of the proceeding is in the legal custody or guardianship of DHHS; or (2) the child has been placed pursuant to a court order in the proceeding, see RSA 193:12, V-b. When the language of paragraph V-b is read in the context of RSA 193:12 as a whole, see RSA 193:12 (Supp. 2025), the statute explicitly contemplates the application of this residency dispute process to children who have been placed and cared for in a home for children or health care facility by providing that "[f]or the purpose of determining liability" for such children "the provisions of RSA 193:29 shall apply," RSA 193:12, X.

[¶17] When a residency dispute falling within RSA 193:12, V-b arises, the statute requires, in the first instance, that DHHS request the superintendents of the involved school districts to resolve the dispute. RSA 193:12, V-b. If the dispute remains unresolved after 10 days, DHHS must then request that the commissioner of DOE determine the residency of the child. Id. Once the issue is referred to the commissioner, she or he has the authority to resolve the residency dispute — including the issue of "[l]iability as to the cost of school

attendance." Id. Thus, as relevant here, RSA 193:12, V-b authorizes the commissioner of DOE to resolve residency disputes between a school district and DCYF involving a child who is in the legal custody of DCYF, including when that child has been placed and cared for in a home for children. See RSA 193:12, V-b, X.

[¶18] In light of the plain language of the relevant provisions of RSA 193:12, we are not persuaded by CSD's arguments that the statute cannot be construed as applicable to residency disputes relating to a school district's financial liability for special education. CSD first argues that the RSA 193:12 administrative process is too "informal" for resolving the "high stakes" issue of special education liability because it does not require the commissioner to hold a hearing and develop an administrative record. Although RSA 193:12, V-b lacks language regarding the creation of an administrative record, as noted above, we read that provision together with RSA 193:12, VI, which sets forth procedures that provide the interested parties an opportunity to create an administrative record. See Alexis O., 157 N.H. at 785 ("We construe all parts of a statute together to effectuate its overall purpose . . . ."). "[A]ll parties with an interest in the dispute" shall be notified of the proceedings, offered an opportunity to review the information provided to the commissioner, and afforded "an opportunity to present facts and legal arguments to the commissioner." RSA 193:12, VI(a). The commissioner must then issue a written decision within prompt time limits, see id., which may be appealed to a court of competent jurisdiction, RSA 193:12, VI(c).

[¶19] CSD next asserts that the commissioner is not equipped to make a binding residency determination because, unlike the circuit court, the commissioner lacks access to confidential court records pertaining to the child's residency. Court records of RSA chapter 169-C proceedings and case records of DHHS relative to abuse and neglect are, with limited exceptions, confidential. See RSA 169-C:25, I, III (2022); RSA 170-G:8-a, I-II (Supp. 2025). There is no specific statutory exception or process established in RSA 193:12 or RSA 169-C:20 by which the commissioner of DOE may gain access to such confidential records for the purpose of resolving a residency dispute, cf. RSA 169-C:20, IV-V; however, there are general procedural avenues through which DHHS, the school district, or another interested party can request a court order granting the commissioner access to case records to the extent necessary to resolve the residency dispute, see RSA 170-G:8-a, IV (2022); Fam. Div. R. 1.30.

[¶20] Finally, CSD contends that the administrative process outlined above does not apply to the facts of this case. We disagree. The record reflects that a dispute arose between CSD and DCYF about the residency of X.M., who was, at that time, in the legal custody of DCYF — a dispute that falls squarely into the RSA 193:12 scheme. See RSA 193:12, V-b. CSD's appellate

arguments illustrate that the underlying disagreement is about X.M.'s residency: CSD contends that X.M. should be deemed to have resided with his guardian in Littleton at the relevant time, not with his father in Claremont, and, therefore, the trial court improperly identified it as the district "legally liable" for special education costs. We have considered CSD's remaining arguments disputing the applicability of RSA 193:12, V-b and VI in this context and have concluded that they do not require further discussion. See Vogel v. Vogel, 137 N.H. 321, 322 (1993).

[¶21] Given that the powers of the circuit court are limited to those conferred by statute, and in light of the plain language of RSA 169-C:20 and the authority granted to the DOE commissioner in RSA 193:12, we conclude that the trial court lacked the authority to decide X.M.'s residency for the purpose of determining financial liability for his special education. Reading the order on the motion to dismiss and the order on reconsideration together and in context, we interpret them as purporting to rule upon those exact issues. See State v. Surrell, 171 N.H. 82, 88 (2018) ("The interpretation of a trial court order presents a question of law for us to decide."). Accordingly, we conclude that those rulings exceeded the trial court's statutory authority and we therefore vacate them. Once CSD disputed its joinder as a party on residency grounds, DCYF should have requested a resolution of that issue pursuant to the administrative process set forth in RSA 193:12, V-b and VI. See RSA 193:12, V-b, VI.

[¶22] We note that CSD argues in the alternative that, even if it is the sending district, it cannot be held liable for the cost of special education provided to X.M. in a court-ordered placement outside New Hampshire. We decline to address this claim because, on remand, the outcome of the administrative process described above could result in a finding that X.M. did not reside in Claremont at the relevant time and that CSD is not the sending district, thereby absolving it of financial liability and mooting this issue. Cf. Soares v. Town of Atkinson, 129 N.H. 313, 315-16 (1987) (acknowledging that moot claim "may come before us again," but declining to consider it further).

IV. Conclusion

[¶23] In sum, we conclude that the trial court lacked authority to determine the residency of X.M. for the purpose of assigning financial liability for his special education. Where, as here, a dispute arises between a school district and DCYF as to the residency of a child in the legal custody of DCYF, that dispute must be resolved pursuant to the process set forth in RSA 193:12, V-b and VI. Because the trial court's denial of the motions to dismiss and to reconsider were, in effect, a determination of X.M.'s residency for the purpose of assigning financial liability for special education that exceeded its statutory

authority, we vacate those rulings and remand for further proceedings consistent with this opinion.

Vacated and remanded.

DONOVAN, GOULD, and WILL, JJ., concurred; MACDONALD, C.J., sat for oral argument but did not participate in the final vote.