

# Bill as Introduced

HB 168 - AS INTRODUCED

2011 SESSION

11-0445  
05/09

HOUSE BILL

**168**

AN ACT

establishing a committee to study the juvenile delinquency and child in need of services statutes.

SPONSORS:

Rep. Dowling, Rock 5; Rep. DeSimone, Rock 6

COMMITTEE:

Children and Family Law

---

ANALYSIS

This bill establishes a committee to study the juvenile delinquency and child in need of services statutes.

-----  
Explanation:

Matter added to current law appears in ***bold italics***.

Matter removed from current law appears [~~in brackets and struck through.~~]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Eleven*

AN ACT                    establishing a committee to study the juvenile delinquency and child in need of services statutes.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1            1 Committee Established. There is established a committee to study the juvenile delinquency  
2 and child in need of services statutes.

3            2 Membership and Compensation.

4            I. The members of the committee shall be as follows:

5            (a) Three members of the house of representatives, appointed by the speaker of the  
6 house of representatives.

7            (b) One member of the senate, appointed by the president of the senate.

8            II. Members of the committee shall receive mileage at the legislative rate when attending to  
9 the duties of the committee.

10           3 Duties. The committee shall study RSA 169-B, relative to juvenile delinquency, and RSA 169-  
11 D, relative to children in need of services, including the need to revise or amend the statutes in order  
12 to resolve conflicts between the 2 chapters of law. The committee shall consult with the department  
13 of health and human services, division for juvenile justice services and division for children, youth,  
14 and families, the department of education, the law enforcement community, and others with  
15 information and testimony relevant to the study.

16           4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from  
17 among the members. The first meeting of the committee shall be called by the first-named house  
18 member. The first meeting of the committee shall be held within 45 days of the effective date of this  
19 section. Three members of the committee shall constitute a quorum.

20           5 Report. The committee shall report its findings and any recommendations for proposed  
21 legislation to the speaker of the house of representatives, the president of the senate, the house  
22 clerk, the senate clerk, the governor, and the state library on or before November 1, 2011.

23           6 Effective Date. This act shall take effect upon its passage.

# Speakers



# Hearing Minutes

HOUSE COMMITTEE ON CHILDREN AND FAMILY LAW

PUBLIC HEARING ON HB 168

**BILL TITLE:** establishing a committee to study the juvenile delinquency and child in need of services statutes.

**DATE:** January 20, 2011

**LOB ROOM:** 206 **Time Public Hearing Called to Order:** 10:00 am

**Time Adjourned:** 10:43 am

(please circle if present)

**Committee Members:** Reps. ~~Moran, Hogan, J. Brown, Gargas, Dowling, J. Johnson, DeSimone, Katsakiores, Sapienza, Soucy, Perkins, Oligny, Robbins, Grassie, Gould, Dovejoy and Porter.~~

**Bill Sponsors:** Rep. Dowling, Rock 5; Rep. DeSimone, Rock 6

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

10:05 am Rep. Moran reported Rep. Pitre, prime sponsor, has wished to wait on hearing or may prefer to have HB 182 included in HB 168.

**Rep. Dowling, prime sponsor**

Rep. Dowling introduced House Bill 168 and explained about juveniles facing difficulty "CHINS" (Children In Need of Services)

Explained who could sign and the procedure that follows to educate new representatives. One must have permission to attend the court during these cases due to the minors involved. Cautions that this program will be a focus this session in budgeting.

Diversion Programs: She explained county petitions for share of money because they must pay for diversion in the county. She notices changes made "last year" and emphasizes the many variations in law as it relates to ages.

She questions if more juveniles are going on the work load of parole and other officers. Also refers to SAG Committee and the Youth Development Center (YDC) small part of juvenile delinquency.

**Rep. Robbins:** Q. Asks for specifics as to conflicts between JD and CHIN.

**Rep. Dowling:** Ans. More conflict within each law. Refers to age change 18 to 17. Reason being budgetary -- transport to YDC.

**Rep. Robbins:** Questions timeliness of final report and deadlines for legislation in second year of session.

**Rep. Moran:** Ans. YES

**Rep. Gargas:** Question? "pre CHINS?"

**Rep. Dowling:** Ans. Diversion committee in every county. Explains working together with Children and Family Law and Criminal Justice and Public Safety.

Rep. Gargasz: Q. What about the committees and county responsibility?  
Rep. Dowling: Discussed.

Rep. Lovejoy: Q. What about the intent of House Bill 168?  
Rep. Dowling: Ans Mentions purpose of study is to learn if there is conflict and if the laws are effectively applied.

Rep. Sapienza: How do you feel about Children and Family Law making a recommendation rather than having a "study committee?"  
Rep. Dowling: Non-committal.

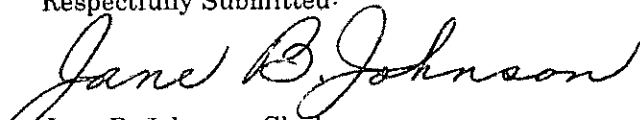
Rep. Oligny: Questions clarification of bill's purpose.  
Rep. Dowling: Ans Concerned that too much time or too many times in programs spurs MORE delinquency.

Rep. Oligny: Define "CHINS" and "delinquent"  
Rep. Dowling: Ans Explains.

Jack Lightfoot., Attorney with Child and Family Services – supports  
Introduced his work with Child and Family Services. Stated RSA 169B and RSA 169D, since 1969 amended many times, i.e. age of 17 to 18, etc. Refers to learning over 40 years the many influences that affect behavior, etc. Now, due to added education, is an appropriate time for this study.  
Child who hasn't committed a crime should not be incarcerated.  
(Tobacco and alcohol --- occurrence of this)  
(Mental Health),  
(CHINS used as an avenue to services that aren't covered)

Rep. Gould: Q. Studies of recidivism of those minors who have been involved through diversion programs?  
Jack Lightfoot: Ans. Not aware of any, but diversion programs are under purview of Children and Family Law.

Respectfully Submitted:

  
Jane B. Johnson, Clerk



HOUSE COMMITTEE ON CHILDREN AND FAMILY LAW

PUBLIC HEARING ON HB 168

**BILL TITLE:** establishing a committee to study the juvenile delinquency and child in need of services statutes.

**DATE:** January 20, 2011

**LOB ROOM:** 206                      **Time Public Hearing Called to Order:** 10:00 am

**Time Adjourned:** 10:43 am.

(please circle if present)

**Committee Members:** (Reps. Moran, Hogan, J. Brown, Gargas, Dowling, U. Johnson, DeSimone, Katsakiores, Sapienza, Soucy, Perkins, Oligny, Robbins, Grassie, Gould, Lovejoy and Porter.)

not here

**Bill Sponsors:** Rep. Dowling, Rock 5; Rep. DeSimone, Rock 6

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

see extra sheets

Respectfully Submitted:

*Jane B. Johnson*  
Jane B. Johnson, Clerk

HOUSE BILL ~~182~~

~~AN ACT~~ relative to the definition of a child in need of services.

~~SPONSORS:~~ Rep. Pitre, Straf 3

~~COMMITTEE:~~ Children and Family Law

ANALYSIS

This bill amends the definition of a child in need of services by removing the reference to willful repeated or habitual conduct.

Explanation: Matter added to current law appears in **bold italics**.  
Matter removed from current law appears [in brackets and struck through].  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

1/20/11  
P1

10:05 a.m.

Rep. Moran reported  
Rep. Pitre, pr. spnsr has wished to wait on hearing or may prefer to have HB182 included in HB168

10:07 a.m.

Rep. Dowling, Prime Sponsor, intros HB188  
Explains juveniles facing Difficulty  
"CHINS" (children in need of services)  
Explains "who could sign and procedure that follows to educate new reps  
(~~Recommends~~ attending court during these cases. One must have permission due to minors involved.  
Cautions that this program will be a focus this session in budgeting.

(over)

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Eleven

AN ACT relative to the definition of a child in need of services.

Be It Enacted by the Senate and House of Representatives in General Court convened:

- 1 1 Definition of Child in Need of Services. Amend RSA 169-D:2, II(c) to read as follows:
- 2 (c) A child who has exhibited ~~[willful repeated or habitual]~~ conduct constituting offenses
- 3 which would be violations under the criminal code of this state if committed by an adult or, if
- 4 committed by a person 16 years of age or older, would be violations under the motor vehicle code of
- 5 this state, and
- 6 2 Effective Date. This act shall take effect January 1, 2012.

1/20/11

P 2

Diversion Programs - Rep. Dowling explained County petitions for share of money because they must pay for Diversion in County

Rep Dowling notices changes made "last year" and emphasises the many variations in law as it relates to ages!

Rep Dowling questions if more juveniles are going on the work load of parole + other officers. Refers to SAG committee. YDC small part of juvenile delinquency - Questions

Rep Robbins: Asks for specifics as to conflicts btwn JD

Ans: More conflict within each law.

Refers to age change 18 → 17 - Reason: Budgetary Transport to YDC

Rep Robbins: Questions timeliness of final report and deadlines for legislation in second yr. of session. Rep Moran: ans (YES)

Rep. Gargass: Questions "pre CHINS"

Rep. Dowling: Explains Diversion Committee in every county

CHINS

Rep. Dowling explains working together C+F Law + Crim Jus

Rep. Gargasz: Asks Rep. Dowling about I  
Committees + County Responsibility

Ans: Discussed

Rep. Lovejoy: Asks about intent of Bill HB 168

Rep. Dowling: Mentions purpose of study is  
to learn if there is conflict and  
if the laws are effectively applied.

Rep. Sapienza: How do you feel about C+F Law  
making a recommendation rather than having  
a "study committee"

Ans. - non-committal

Rep. Oigny - questions clarification of bill's purpose

Rep. Dowling: concerned that too much time or  
too many times in programs spurs MORE  
delinquency

Rep. Oigny: Define "CHINS" - "behinquent"

Rep. D.: explains

10:43a.m. Atty Lightfoot testimony (Jack)

Intro his work w/ Child & Family Services  
Supports HB 168

RSA 169B + RSA 169D - since 1969

amended many times - i.e. age of 17 to 18, etc.

Refers to learning over 40 yrs. the many  
influences that affect behavior, etc.

P-4

Now, due to added education, is an appropriate time for this study.

Child who hasn't committed a crime should not be incarcerated.  
(Tobacco + alcohol = occurrence of this)  
(Mental Health)  
(CHINS used as an avenue to services that aren't covered)

Rep. Gould: ? Studies of Recidivism of those minors who have been involved thru diversion programs?

Atty. Gen. - Not aware of any but diversion programs  
Jack Lightfoot are under purview of C+F Law

Ended @ 10:50 a.m. Break  
Re convene @ 11 a.m.

# Voting Sheets

HOUSE COMMITTEE ON CHILDREN AND FAMILY LAW

EXECUTIVE SESSION on HB 168

establishing a committee to study the juvenile delinquency and child in need of services statutes.

**BILL TITLE:** relative to the number of children in a licensed foster family home.

**DATE:** January 20, 2011

**LOB ROOM:** 206

Amendments:

Sponsor: Rep. Dowling, Rock 5 OLS Document #:

Sponsor: Rep. DeSimone, Rock 6 OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Franklin Gould

Seconded by Rep. Julie Brown

Vote: 16-0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

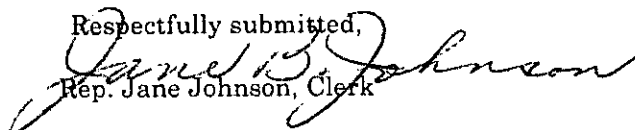
Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: Yea -Unanimous vote

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

  
Rep. Jane Johnson, Clerk

HOUSE COMMITTEE ON CHILDREN AND FAMILY LAW

EXECUTIVE SESSION on HB 168

establishing a committee to study the juvenile delinquency and child in need of services statutes.

BILL TITLE: relative to the number of children in a licensed foster family home.

DATE: {Type DATE}

LOB ROOM: 206

Amendments:

Sponsor: Rep. Dowling, Rock. 5 OLS Document #:  
Sponsor: Rep. De Simone, Rock. 6 OLS Document #:  
Sponsor: Rep. OLS Document #:

Motions: OTP OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Frank Gould

Seconded by Rep. Julie Brown

Vote: (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: {Type VOTE}

(Vote to place on Consent Calendar must be unanimous.)

Yea  
unanimous (16)  
absence

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Jane Johnson, Clerk

Jane B. Johnson



CHILDREN AND FAMILY LAW

Bill #: HB 168

Title: establishing a committee to study the juvenile delinquency and child in need of services statutes

PH Date: 01 / 20 / 11

Exec Session Date: 01 / 20 / 11

Motion: OTP 16/0

Amendment #: \_\_\_\_\_

MEMBER	YEAS	NAYS
Moran, Edward P, Chairman	✓	
Hogan, Edith A, V Chairman	✓	
Brown, Julie M	✓	
Gargasz, Carolyn M	✓	
Dowling, Patricia A	✓	
Johnson, Jane B	✓	
DeSimone, Debra L	(ab)	
Katsakiores, Phyllis M	✓	
Sapienza, Marie N	✓	
Soucy, Connie M	✓	
Perkins, Amy S	✓	
Oligny, Jeffrey D	✓	
Robbins, David S	✓	
Grassie, Anne C	✓	
Gould, Franklin F	✓	
Lovejoy, Patricia T	✓	
Porter, Marjorie A	✓	
	16	0

TOTAL VOTE:

Printed: 1/4/2011

# Committee Report

**CONSENT CALENDAR**

**January 20, 2011**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

The Committee on CHILDREN AND FAMILY LAW to which  
was referred HB 168,

AN ACT establishing a committee to study the juvenile  
delinquency and child in need of services statutes. Having  
considered the same, report the same with the  
recommendation that the bill OUGHT TO PASS.

**Rep. Franklin F. Gould**

**FOR THE COMMITTEE**

## COMMITTEE REPORT

Committee:	CHILDREN AND FAMILY LAW
Bill Number:	HB 168
Title:	establishing a committee to study the juvenile delinquency and child in need of services statutes.
Date:	January 20, 2011
Consent Calendar:	YES
Recommendation:	OUGHT TO PASS

### STATEMENT OF INTENT

This bill establishes a study committee to review the statutes relative to Juvenile Delinquency and Children in Need of Services (CHINS). These statutes were established at the same time in the late 1970's. Their effectiveness has not been reviewed since with the potential to streamline services and develop best practices, a study at this time makes sense.

Vote 16-0.

Rep. Franklin F. Gould  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

## CONSENT CALENDAR

### CHILDREN AND FAMILY LAW

**HB 168**, establishing a committee to study the juvenile delinquency and child in need of services statutes. **OUGHT TO PASS.**

Rep. Franklin F. Gould for CHILDREN AND FAMILY LAW. This bill establishes a study committee to review the statutes relative to Juvenile Delinquency and Children in Need of Services (CHINS). These statutes were established at the same time in the late 1970's. Their effectiveness has not been reviewed since with the potential to streamline services and develop best practices, a study at this time makes sense. **Vote 16-0.**

Original: House Clerk  
Cc: Committee Bill File

COMMITTEE REPORT

COMMITTEE: Children & Family Law

BILL NUMBER: HB 168

TITLE: \_\_\_\_\_

DATE: 1-20-11 CONSENT CALENDAR: YES  NO

- OUGHT TO PASS
- OUGHT TO PASS W/ AMENDMENT
- INEXPEDIENT TO LEGISLATE
- INTERIM STUDY (Available only 2<sup>nd</sup> year of biennium)

Amendment No.  
\_\_\_\_\_

STATEMENT OF INTENT:

CONSENT CALENDAR

MAJORITY REPORT

BILL #: HB 168, establishing a committee to study the juvenile delinquency and child in need of services statutes.

RECOMMENDATION: OUGHT TO PASS VOTE: 16-0

FROM: Rep. Franklin F. Gould

This bill establishes a study committee to review the statutes relative to Juvenile Delinquency and Children in Need of Services (CHINS). These statutes were established at the same time in the late 1970's. Their effectiveness has not been reviewed since with the potential to streamline services and develop best practices, a study at this time makes sense.

COMMITTEE VOTE: 16-0

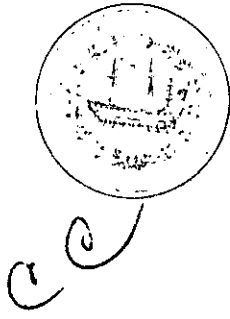
RESPECTFULLY SUBMITTED,

- Copy to Committee Bill File
- Use Another Report for Minority Report

Rep. *FFG*

For the Committee

*Franklin F. Gould*



# State of New Hampshire

HOUSE OF REPRESENTATIVES

CONCORD

HB 168    OTP    16-0

This bill establishes a study committee to review the statutes relative to Juvenile Delinquency and Children in need of Services (CHINS). These statutes were established at the same time in the late 1970's, and their effectiveness has not been reviewed since. With the potential to streamline services and develop best practices, a study at this time makes sense.

ok  
Ed Morrish    Rep Franklin Gould