

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

CHAPTER 105
HB 168 - FINAL VERSION

2011 SESSION

11-0445
05/09

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CHAPTER 105
HB 168 – FINAL VERSION

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23 105:6 Effective Date. This act shall take effect upon its passage.

24 Approved: May 31, 2011

25 Effective Date: May 31, 2011

Committee Minutes

**SENATE CALENDAR NOTICE
HEALTH AND HUMAN SERVICES**

Senator Jeb Bradley Chairman
 Senator Tom De Blois V Chairman
 Senator Molly Kelly
 Senator Gary Lambert
 Senator Andy Sanborn

For Use by Senate Clerk's Office ONLY	
<input type="checkbox"/>	Bill Status
<input type="checkbox"/>	Docket
<input type="checkbox"/>	Calendar
Proof: <input type="checkbox"/>	Calendar <input type="checkbox"/> Bill Status

Date: April 21, 2011

HEARINGS

Thursday

4/28/2011

HEALTH AND HUMAN SERVICES

LOB 102

1:00 PM

(Name of Committee)

(Place)

(Time)

EXECUTIVE SESSION MAY FOLLOW

1:00 PM HB168

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

Sponsors:

HB168

Rep. Patricia Dowling

Rep. Debra DeSimone

Health and Human Services Committee

Hearing Report

TO: Members of the Senate

FROM: Robyn Dangora, Legislative Aide

RE: Hearing report on HB 168 – **establishing a committee to study the juvenile delinquency and child in need of services statutes.**

HEARING DATE: April 28, 2011

MEMBERS OF THE COMMITTEE PRESENT: Senator Bradley,
Senator De Blois, Senator Kelly, Senator Sanborn

MEMBERS OF THE COMMITTEE ABSENT: Senator Lambert

Sponsor(s): Rep. Dowling, Rock 5; Rep. DeSimone, Rock 6

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

Who supports the bill: Rep. Dowling, Rock 5; David Villiotti, Nashua Children's Home; Sheelu Joshi Flegal, Nashua Children's Home; Jack Lightfoot, Children and Family Service; Rebecca Niebling, Children's Alliance; Mark Ferine

Who opposes the bill: No one

Summary of testimony received:

Hearing opened at 1:03 PM

Rep. Patricia Dowling, Rock 5

- Prime Sponsor, having served in the Children and Family Law committee several times and on the State Advisory Group for Juvenile Justice Rep. Dowling is very familiar with juvenile delinquency and Children in Need of Services.
- The statutes regarding juvenile delinquency and Children in Need of Services (CHINS) have not been reviewed or amended since their inception many years ago.
- With the cuts to CHINS proposed in the budget there is a serious need to study these issues now.

●Senator De Blois asked: Are the for juvenile delinquents and CHINS rules governed by JLCAR?

-Response: These statutes have primarily been made through statute. There have been very few rules enacted by JLCAR.

●Senator Kelly asked: What is your priority in bringing forward this bill? Is it that you are concerned with the elimination of funds for these services or are you concerned with the statutes?

-Response: I am concerned with the statute first and we will have to deal with it within the constraints of the budget.

●Senator Kelly: I believe we need to start by looking into the needs of our juvenile delinquents and it sounds like you agree, thank you.

David Villiotti, Executive Director, Nashua Children's Home

●In support, Sen. Lambert suggested he attend the hearing to address the Home's concerns. The Nashua Children's Home has concerns regarding financing and the statute itself.

●Many of the Home's kids are in CHINS. Without CHINS funding these children will be forced to return either to an abusive home they left or the streets. The kids who run away and commit crimes, such as breaking and entering will receive funds as delinquents, but those who run away from a bad home life and do not commit crimes will be left without any assistance and likely resort to performing acts of delinquency.

●These statutes should be studied and the age until which an individual is eligible for CHINS should be returned to 18 years old and the lower age should be reviewed.

●We are now seeing the unintended consequences of the law passed in the early 1990s that lowered the age of trying an individual as an adult from 18 years old to 17 years old. Now children doing well in CHINS no longer receive funding as of their 17th birthday; some of these kids are just months away from graduating high school and then are forced back into a negative and detrimental situation.

●Another concern of the CHIN statute is the low end of the age of individuals in CHINS. Younger siblings of CHINS recipients displaying erratic behavior are unable to receive services.

●Currently there are three ways in which children come to receive services at the Nashua Children's Home: (1) the commit an act of delinquency (2) their parent charges them with being uncontrollable through CHINS or (3) the parent is charged with neglect or abuse. If CHINS is removed, there are only two very narrow channels through which these children may come to receive services.

Sheelu Joshi Flegal, Residential Director, Nashua Children's Home

●In support, provided an example of why the CHINS eligibility age should return to 18 years of age: a young man at Nashua Children's Home under a CHINS petition just turned 17 years old. His mother hasn't been in his life since he was two years old, his father is a violent alcohol, and his legal guardian recently relinquished custody. With the removal of CHINS his options are now to live with his mother, who has never wanted to be part of

his life or to live with his father who is abusive and has substance abuse problems; these are both negative options.

- An example of younger individuals needing CHINS: there is a 10 year old girl whose sister is in the Home on a CHINS petition who had been abused. It is believed the 10 year old girl was as well and she struggles with mental health issues. Many young people suffer with this issue and both they and their parents need assistance.

- Senator Kelly asked: How many individuals reside in the Nashua Children's Home?

-Mr. Villiotti: We have a capacity for 46 and currently have 34 in placement.

- Senator Kelly asked: How many are there on a CHINS petition?

-Mr. Villiotti: 18. They generally make up about half.

- Senator Kelly asked: Without CHINS funding, will these residents have to leave the next day?

-Mr. Villiotti: We are not sure of when they will leave the facility yet. The services to these individuals will end and they will likely go back home; if being home was a good situation they would have been there already, so this will likely be detrimental.

- Senator De Blois asked: Do you refer some of these children to other private facilities in the state such as the YMCA, the Boys and Girls Club, Easter Seals, etc?

-Mr. Villiotti: We work in conjunction with other service providers. We focus our services on local kids and provide them with community services that they can continue to be a part of when they leave. We do not interact with other centers that provide the same services as we do, but we do work with Gateways that would provide services to individuals with behavioral disabilities.

- Senator De Blois asked: If CHINS is eliminated, would those centers be able to fill the void?

-Mr. Villiotti: I do not believe that the centers that do provide the residential setting could properly fulfill the needs of these children. Since we provide a place to live, the residents obtain services reliably, when living in their home setting, there is no way to determine if they receive all necessary services.

-Ms. Joshi Flegal: Often times the other services you mentioned have been tried already. We are typically a last resort.

Hearing closed at 1:21 PM

Funding: N/A

Action: The committee went into executive session. Senator De Blois made a motion of "Ought to Pass", seconded by Senator Kelly. The committee voted 4-0 OTP. Senator De Blois will report the bill out of committee.

rmd

{file: HB 168 report}

Date: 4/29/11

Speakers

Testimony



State of New Hampshire

HOUSE OF REPRESENTATIVES

CONCORD

MEMORANDUM

DATE: October 21, 2011

TO: Honorable William L. O'Brien, Speaker of the House
Honorable Peter Bragdon, President of the Senate
Honorable Karen O. Wadsworth, House Clerk
Tammy L. Wright, Senate Clerk
Honorable John H. Lynch, Governor
Michael York, State Librarian

FROM: Representative Lawrence Kappler, Chairman

SUBJECT: Final Report on HB 168, Chapter 105:1, Laws of 2011

Pursuant to HB 168, Chapter 105:1, Laws of 2011, please find enclosed the Final Report of the Committee to Study the Juvenile Delinquency and Child in Need of Services Statutes.

If you have any questions or comments regarding this report, please do not hesitate to contact me.

Enclosure

cc: Committee Members

Committee to Study the Juvenile Delinquency &
Child in Need of Services Statutes
(HB 168, Chapter 105:1, Laws of 2011)

Final Report
October 21, 2011

Rep. Lawrence Kappler, Chair
Rep. Debra DeSimone
Rep. Susan DeLemus
Sen. Lou D'Allesandro

The committee was established to study RSA 169-B, relative to juvenile delinquency, and RSA 169-D, relative to children in need of services, including the need to revise or amend the statutes in order to resolve conflicts between the two chapters of law.

Due to time constraints, the committee was unable to complete its study.

The committee intends to seek legislation in the 2012 session to extend the study.

Respectfully submitted,

Rep. Lawrence Kappler, Chair

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Date: April 28, 2011

THE COMMITTEE ON Health and Human Services
to which was referred House Bill 168

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

Having considered the same, the committee recommends that the Bill:

OUGHT TO PASS

BY A VOTE OF: 4-0

AMENDMENT # s

Senator Tom De Blois
For the Committee

Robyn Dangora 271-7585

New Hampshire General Court - Bill Status System

Docket of HB168

Docket Abbreviations

Bill Title: establishing a committee to study the juvenile delinquency and child in need of services statutes.*Official Docket of HB168:*

Date	Body	Description
1/11/2011	H	Introduced 1/6/2011 and Referred to Children and Family Law
1/13/2011	H	Public Hearing: 1/20/2011 10:00 AM LOB 206 ==Executive Session to Follow==
1/21/2011	H	Committee Report: Ought to Pass for Feb 9 (Vote 16-0; CC); HC 10 , PG.146
2/9/2011	H	Ought to Pass: MA VV; HJ 16 , PG.309
4/20/2011	S	Introduced and Referred to Health and Human Services; SJ 14 , Pg.272
4/21/2011	S	Hearing: 4/28/11, Room 102, LOB, 1:00 p.m.; SC21
4/28/2011	S	Committee Report: Ought to Pass, 5/4/11; SC22
5/4/2011	S	Ought to Pass, MA, VV; OT3rdg; SJ 15 , Pg.306
5/4/2011	S	Passed by Third Reading Resolution; SJ 15 , Pg.312
5/4/2011	H	Enrolled; HJ 42 , PG.1492
5/11/2011	S	Enrolled; SJ 16
6/1/2011	H	Signed By Governor 05/31/2011; Effective 05/31/2011; Chapter 0105

NH House

NH Senate

Other Referrals

COMMITTEE REPORT FILE INVENTORY

HB168 ORIGINAL REFERRAL _____ RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE AIDE AND PLACED INSIDE THE FOLDER AS THE FIRST ITEM IN THE COMMITTEE FILE.
2. PLACE ALL DOCUMENTS IN THE FOLDER FOLLOWING THE INVENTORY IN THE ORDER LISTED.
3. THE DOCUMENTS WHICH HAVE AN "X" BESIDE THEM ARE CONFIRMED AS BEING IN THE FOLDER.
4. THE COMPLETED FILE IS THEN DELIVERED TO THE CALENDAR CLERK.

DOCKET (Submit only the latest docket found in Bill Status)

COMMITTEE REPORT

CALENDAR NOTICE

HEARING REPORT

N/A HANDOUTS FROM THE PUBLIC HEARING

N/A PREPARED TESTIMONY AND OTHER SUBMISSIONS

SIGN-UP SHEET(S)

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

____ - AMENDMENT # ____ ____ - AMENDMENT # ____
____ - AMENDMENT # ____ ____ - AMENDMENT # ____

ALL AVAILABLE VERSIONS OF THE BILL:

AS INTRODUCED ____ AS AMENDED BY THE HOUSE
 FINAL VERSION ____ AS AMENDED BY THE SENATE

____ OTHER (Anything else deemed important but not listed above, such as amended fiscal notes): _____

IF YOU HAVE A RE-REFERRED BILL, YOU ARE GOING TO MAKE UP A DUPLICATE FILE FOLDER

DATE DELIVERED TO SENATE CLERK

8/16/11

Rolyn (my sister)
BY COMMITTEE AIDE