

Bill as
Introduced

HB 260-FN - AS INTRODUCED

2013 SESSION

13-0728

05/09

HOUSE BILL

260-FN

AN ACT

relative to voluntary services provided by the department of health and human services to children in need.

SPONSORS:

Rep. Lovejoy, Rock 36; Rep. Copeland, Rock 19

COMMITTEE:

Children and Family Law

ANALYSIS

This bill authorizes the department of health and human services to provide voluntary services to a child who would otherwise be found to be a child in need of services under RSA 169-D. Such services are subject to available funding.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to voluntary services provided by the department of health and human services to children in need.

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

1 1 New Section; Children In Need of Services; Voluntary Service Plan. Amend.169-D by inserting
2 after section 5-b the following new section:

3 169-D:5-c Voluntary Services Plan. Notwithstanding any other provision of law, and subject to
4 available appropriations, the department may, pursuant to a voluntary service plan that is developed
5 and provided for a minor and the minor's family by the department, offer voluntary services to
6 families without making a determination that the child is a child in need of services pursuant to RSA
7 169-D:2, II. The department shall adopt rules, under RSA 541-A, relative to the provision of
8 voluntary services under this section.

9 2 Effective Date. This act shall take effect 60 days after its passage.

LBAO
13-0728
01/14/13

HB 260-FN - FISCAL NOTE

AN ACT relative to voluntary services provided by the department of health and human services to children in need.

FISCAL IMPACT:

The Department of Health and Human Services and the New Hampshire Municipal Association state this bill, **as introduced**, will increase state expenditures and revenue, and decrease local expenditures by an indeterminable amount in FY 2014 and in each year thereafter. There will be no fiscal impact on county or local revenue, or county expenditures.

METHODOLOGY:

The Department of Health and Human Services states the bill would authorize the Department to provide voluntary services to children and families under the CHINS statute. It would also require the Department to adopt rules relative to these services. The Department states it is not clear who would qualify for the services or what services would be provided, but assumes the adoption of administrative rules would clarify these issues. The Department assumes the bill will result in an indeterminable increase in state expenditures and state revenue if federal funds are available to cover a portion of the increased costs. The Department assumes an effective date of July 1, 2013.

The New Hampshire Municipal Association states this bill allows the Department of Health and Human Services to offer voluntary services to the family of a minor child without making a determination that the child is a child in need of services as defined in statute. The Association assumes the services would have the potential to reduce the burden on municipal services such as police and welfare, but the Association is not able to estimate the reduction in local expenditures as the services are voluntary and subject to available appropriations.

Amendments



Not Adopted 3

Amendment to HB 260-FN

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT relative to voluntary services provided to children in need under RSA 169-D.

4

5 Amend the bill by replacing all after the enacting clause with the following:

6

7 1 Children in Need of Services; Applicability of Chapter. RSA 169-D:1, IV and V are repealed
8 and reenacted to read as follows:

9 IV. To protect the integrity of the family by authorizing adjudication and the imposition of
10 dispositional judgment requiring participation in a plan of services only after appropriate voluntary
11 alternatives have been unsuccessful; and

12 V. When appropriate voluntary service options have been unsuccessful, to provide effective
13 judicial procedures through which family service plans are executed and enforced, and which assure
14 the parties fair hearings at which their constitutional and other rights as citizens are recognized and
15 protected.

16 2 Definition of Child in Need of Services. RSA 169-D:2, II is repealed and reenacted to read as
17 follows:

18 II. "Child in need of services" means a child under the age of 18 who is:

19 (a) Subject to compulsory school attendance, and who is habitually, willfully, and
20 without good and sufficient cause, truant from school; or

21 (b) A child who habitually runs away from home and places himself, herself, or others in
22 unsafe circumstances; or

23 (c) Is diagnosed with a severe emotional, cognitive, or other mental health issue and
24 engages in aggressive, fire-setting, or sexualized behaviors that pose a danger to the child or others;
25 and

26 (d) Is expressly found to be in need of care, guidance, counseling, discipline, supervision,
27 treatment, or rehabilitation.

28 3 Petition. Amend RSA 169-D:5, I to read as follows:

29 I. A petition alleging a child is in need of services may ~~with the consent of the department,~~
30 be filed by a parent, legal guardian or custodian, school official, or law enforcement officer with a
31 judge or clerk of the court in the judicial district in which the child is found or resides. The petition
32 shall be in writing and verified under oath. The following notice shall be printed on the front of the

Amendment to HB 260-FN

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1 petition in bold in no smaller than 14 point font size: "See back for important information and
2 financial obligations." The back of the petition shall include a notice of liability for parents and other
3 individuals chargeable by law for the child's support and necessities.

4 4 New Paragraph; Petition. Amend RSA 169-D:5 by inserting after paragraph II the following
5 new paragraph:

6 II-a. Any petition filed shall include language demonstrating that appropriate voluntary
7 services have been attempted, the nature of voluntary services attempted, and the reason court
8 compulsion is necessary. If, upon review of the petition, the court is not satisfied that the petition
9 includes sufficient information to find that appropriate voluntary services were attempted and
10 unsuccessful, the court shall, prior to scheduling the child's initial appearance, refer the petition to
11 the department, which shall proceed pursuant to RSA 169-D:9.

12 5 New Section; Voluntary Services. Amend RSA 169-D by inserting after section 5-b the
13 following new section:

14 169-D:5-c Voluntary Services. The department may offer the child and family, on a voluntary
15 basis, any services permitted under RSA 169-D:17.

16 6 Issuance of Summons and Notice. RSA 169-D:6, I is repealed and reenacted to read as follows:

17 I.(a) After a legally sufficient petition has been filed and the petitioner, pursuant to this
18 section and RSA 169-D:9, submits to the court clear and convincing information that voluntary
19 service and support options have been unsuccessful and that court compulsion is indicated, the court
20 shall schedule an initial appearance and issue a summons, including a copy of the petition, to be
21 served personally upon the person having custody or control of the child or with whom the child may
22 be, requiring that person to appear with the child on the specified date and time. Refusal of the child
23 to participate in the development of a voluntary service plan may constitute clear and convincing
24 information that voluntary service and support options have been unsuccessful.

25 (b) If personal service is not possible, service shall occur at the usual place of abode of
26 the person having custody or control of the child or with whom the child may be, requiring that
27 person to appear with the child at a specified place and time which time shall not be less than 24
28 hours after service. If the person so notified is not the parent or guardian of the child, then a parent
29 or guardian shall be notified, provided they and their residence are known, or if there is neither
30 parent nor guardian, or their residence is not known, then some relative, if there be one and the
31 residence is known.

32 7 Diversion and Pre-adjudicatory Procedure. RSA 169-D:9 is repealed and reenacted to read as
33 follows:

34 169-D:9 Pre-adjudicatory Procedure.

35 I. Except in emergencies or where the court determines it to be inappropriate, the
36 department, its agent, or any person or agency it designates shall determine what voluntary service
37 options are available to the child and family. To achieve this purpose, the department may



1 designate a multi-disciplinary team to consider the facts and circumstances of the case, the needs of
2 the child and family, and available diversion programs, services, and resources. This conference
3 shall be attended by the child, if appropriate, his or her parents, legal guardians or custodians, and
4 representatives of any public institution or agency having legal responsibility over the child, and
5 may be attended by parties invited by the family and representatives of any public or private
6 institutions or agencies having discretionary ability to coordinate and/or supply services to the child
7 or family. If the child does not attend a multi-disciplinary conference, an appropriate individual
8 shall be designated to solicit the child's input and help the child understand available service options
9 and supports.

10 II. If available, a multi-disciplinary conference may be held at any time before or after a
11 petition is filed but shall be held before the child's initial appearance pursuant to RSA 169-D:11.

12 III. At any time before or after a petition is filed, the child, his or her caretakers, and the
13 department may effect an individualized voluntary family services plan, which shall include:

14 (a) Identification of the conduct of the child, caretaker, or any family member which is
15 causing harm to the child.

16 (b) A description of the services that are needed for the child, the child's caretakers, or
17 other family members, the availability of such services within the community, and a plan for
18 ensuring that any such services that are available will be secured and provided.

19 (c) The name of the person within the affected public service agency who is directly
20 responsible for assuring that the voluntary family services plan is implemented.

21 (d) An estimate of the time anticipated to be necessary to accomplish the goals set out in
22 the plan.

23 (e) Any other provisions deemed appropriate by the parties.

24 IV. A voluntary family services plan shall set forth in writing the terms and conditions
25 agreed to by the child, the child's caretaker, and all parties responsible for implementation of the
26 voluntary services plan. A written copy of the plan shall be submitted to each party or person
27 responsible for implementation of the plan.

28 V. A voluntary services plan may be amended by agreement of the parties at any time. If a
29 petition has been filed, the amended plan shall be filed in the record.

30 VI. If a petition has been filed, the voluntary family services plan shall be filed in the record.
31 A voluntary services plan shall stay the proceedings for a period not to exceed 90 days from the date
32 of implementation, unless the parties agree, in writing, to an extension for additional periods not to
33 exceed 90 days. If the parties determine services are necessary for longer than 180 days, the
34 department shall submit a report to the court which outlines the progress that has been achieved
35 during the duration of services and explains why continued services are necessary. Such reports
36 shall be filed every 180 days until voluntary services are discontinued. If, upon reviewing the report,
37 the court questions the need for continued services, it shall schedule a show cause hearing, at which



1 the child, if appropriate, the child's parent or caretaker, and the department shall appear.

2 VII. When the petitioning person or agency, the court, the department, or a member of the
3 multi-disciplinary team suspects that a child has a disability, an administrator at the responsible
4 school district shall be notified. If appropriate, the school district shall refer the child for evaluation
5 to determine if the child is in need of special education and related services.

6 VIII. A voluntary family services plan shall not be considered an adjudicatory hearing
7 pursuant to RSA 169-B or 169-D, or a criminal trial. Evidence of the existence of such agreement
8 shall not be used against the child over objection in any juvenile adjudicatory hearing or criminal
9 trial.

10 IX. Any incriminating statement made by the child during discussions or conferences
11 incident to the voluntary family services plan shall not be used against the child, over objection, in
12 adjudicatory hearing pursuant to RSA 169-B or 169-D, or a criminal trial. Any such statement may
13 be reported as the basis for a referral to the department pursuant to RSA 169-C, if there is
14 reasonable basis to believe that a child's physical or mental health or welfare is endangered by abuse
15 or neglect.

16 X. A voluntary family services plan suspends the proceedings on the conduct alleged in a
17 child in need of services petition. If the child satisfies the terms of the voluntary family services
18 plan, he or she shall be discharged from further services or supervision, and the pending complaint
19 or petition shall be dismissed with prejudice.

20 8 Initial Appearance. Amend RSA 169-D:11, II(c) and (d) to read as follows:

21 (c) Establish any conditions for release; [~~and~~]

22 (d) Set a hearing date[-]; *and*

23 (e) *Inquire of the juvenile and a parent or guardian of the juvenile if the*
24 *juvenile has been:*

25 (1) *Determined to have a cognitive disability; or*

26 (2) *Determined to have a mental illness, emotional or behavioral disorder,*
27 *or another disorder that may impede the child's decision-making abilities; or*

28 (3) *Identified as eligible for special education services.*

29 9 New Section; Data Collection. Amend RSA 169-D by inserting after section 30 the following
30 new section:

31 169-D:31 Data Collection. The department shall establish, by rules adopted under RSA 541-A, a
32 system to collect data on all requests for assistance and petitions and how they are resolved under
33 this chapter. This system shall maintain the privacy of clients served. The system shall collect
34 information related to:

35 I. The person or entity who referred the child for services and/or filed the petition.

36 II. The racial and ethnic identity of the child.

37 III. The insurance status and coverage of child served.



Amendment to HB 260-FN

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1 IV. The length of time a child receives services under this chapter, including the time prior
2 and subsequent to the filing of a petition.

3 V. The identity of any public or private organization to whom the department has referred a
4 child or family.

5 VI. Any other information, including outcome data, that may assist the department and the
6 court in evaluating the availability and effectiveness of services for children who receive assistance
7 under this chapter.

8 10 Effective Date. This act shall take effect July 1, 2013.



2013-0154h

AMENDED ANALYSIS

This bill expands the definition of a child in need of services under RSA 169-D and requires consideration of voluntary services before proceeding with a petition under RSA 169-D. The bill also requires the department of health and human services to collect certain data regarding petitions under RSA 169-D.

Amendment to HB 260-FN

1 Amend the title of the bill by replacing it with the following:

2
3 AN ACT relative to voluntary services provided to children in need under RSA 169-D.
4

5 Amend the bill by replacing all after the enacting clause with the following:

6
7 1 Children in Need of Services; Applicability of Chapter. RSA 169-D:1, IV and V are repealed
8 and reenacted to read as follows:

9 IV. To protect the integrity of the family by authorizing adjudication and the imposition of
10 dispositional judgment requiring participation in a plan of services only after appropriate voluntary
11 alternatives have been unsuccessful; and

12 V. When appropriate voluntary service options have been unsuccessful, to provide effective
13 judicial procedures through which family service plans are executed and enforced, and which assure
14 the parties fair hearings at which their constitutional and other rights as citizens are recognized and
15 protected.

16 2 Definition of Child in Need of Services. RSA 169-D:2, II is repealed and reenacted to read as
17 follows:

18 II. "Child in need of services" means a child under the age of 18 who is:

19 (a) Subject to compulsory school attendance, and who is habitually, willfully, and
20 without good and sufficient cause, truant from school; or

21 (b) A child who habitually runs away from home or who repeatedly disregards the
22 reasonable and lawful commands of his or her parents, guardian, or custodian and places himself or
23 herself or others in unsafe circumstances; or

24 (c) Is diagnosed with a severe emotional, cognitive, or other mental health issue and
25 engages in aggressive, fire-setting, or sexualized behaviors that pose a danger to the child or others;
26 and

27 (d) Is expressly found to be in need of care, guidance, counseling, discipline, supervision,
28 treatment, or rehabilitation.

29 3 New Paragraph; Definition Added. Amend RSA 169-D:2 by inserting after paragraph XIII the
30 following new paragraph:

31 XIV. "Truant" means a child between the ages of 6 and 18 years who is either not attending
32 school as required by law or who is not participating in an alternative learning plan under RSA

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1 193:1. "Truancy" shall have the same meaning as in RSA 189:35-a.

2 4 Petition. Amend RSA 169-D:5, I to read as follows:

3 I. A petition alleging a child is in need of services may~~[-with the consent of the department,]~~
4 be filed by a parent, legal guardian or custodian, school official, or law enforcement officer with a
5 judge or clerk of the court in the judicial district in which the child is found or resides. The petition
6 shall be in writing and verified under oath. The following notice shall be printed on the front of the
7 petition in bold in no smaller than 14 point font size: "See back for important information and
8 financial obligations." The back of the petition shall include a notice of liability for parents and other
9 individuals chargeable by law for the child's support and necessities.

10 5 New Paragraph; Petition. Amend RSA 169-D:5 by inserting after paragraph II the following
11 new paragraph:

12 II-a. Any petition filed shall include language demonstrating that appropriate voluntary
13 services have been attempted, the nature of voluntary services attempted, and the reason court
14 compulsion is necessary. If, upon review of the petition, the court is not satisfied that the petition
15 includes sufficient information to find that appropriate voluntary services were attempted and
16 unsuccessful, the court shall, prior to scheduling the child's initial appearance, refer the petition to
17 the department, which shall proceed pursuant to RSA 169-D:9.

18 6 New Section; Voluntary Services. Amend RSA 169-D by inserting after section 5-b the
19 following new section:

20 169-D:5-c Voluntary Services. The department may offer the child and family, on a voluntary
21 basis, any services permitted under RSA 169-D:17.

22 7 Issuance of Summons and Notice. RSA 169-D:6, I is repealed and reenacted to read as follows:

23 I.(a) After a legally sufficient petition has been filed, unless the case is referred to the
24 department pursuant to RSA 169-D:5 or a consent order is entered and approved, the court shall
25 schedule an initial appearance and issue a summons, including a copy of the petition, to be served
26 personally upon the person having custody or control of the child or with whom the child may be,
27 requiring that person to appear with the child on the specified date and time. Refusal of the child to
28 participate in the development of a voluntary service plan may constitute sufficient information that
29 voluntary service and support options have been unsuccessful.

30 (b) If personal service is not possible, service shall occur at the usual place of abode of
31 the person having custody or control of the child or with whom the child may be, requiring that
32 person to appear with the child at a specified place and time which time shall not be less than 24
33 hours after service. If the person so notified is not the parent or guardian of the child, then a parent
34 or guardian shall be notified, provided they and their residence are known.

35 8 Diversion and Pre-adjudicatory Procedure. RSA 169-D:9 is repealed and reenacted to read as
36 follows:

37 169-D:9 Pre-adjudicatory Procedure.

Amendment to HB 260-FN

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1 I. Except in emergencies, the department, its agent, or any person or agency it designates
2 shall determine what voluntary service options are available to the child and family. To achieve this
3 purpose, the department may designate a multi-disciplinary team to consider the facts and
4 circumstances of the case, the needs of the child and family, and available diversion programs,
5 services, and resources. This conference shall be attended by the child, if appropriate, his or her
6 parents, legal guardians or custodians, and representatives of any public institution or agency
7 having legal responsibility over the child, and may be attended by parties invited by the family and
8 representatives of any public or private institutions or agencies having discretionary ability to
9 coordinate and/or supply services to the child or family. If the child does not attend a multi-
10 disciplinary conference, an appropriate individual shall be designated to solicit the child's input and
11 help the child understand available service options and supports.

12 II. If available, a multi-disciplinary conference may be held at any time before or after a
13 petition is filed but shall be held before the child's initial appearance pursuant to RSA 169-D:11.

14 III. At any time before or after a petition is filed, the child, his or her caretakers, and the
15 department may effect an individualized voluntary family services plan, which shall include:

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18 (b) A description of the services that are needed for the child, the child's caretakers, or
19 other family members, the availability of such services within the community, and a plan for
20 ensuring that any such services that are available will be secured and provided.

21 (c) The name of the person within the affected public service agency who is directly
22 responsible for assuring that the voluntary family services plan is implemented.

23 (d) An estimate of the time anticipated to be necessary to accomplish the goals set out in
24 the plan.

25 (e) Any other provisions deemed appropriate by the parties.

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27 agreed to by the child, the child's caretaker, and all parties responsible for implementation of the
28 voluntary services plan. A written copy of the plan shall be submitted to each party or person
29 responsible for implementation of the plan.

30 V. A voluntary services plan may be amended by agreement of the parties at any time. If a
31 petition has been filed, the amended plan shall be submitted to the court.

32 VI. If a petition has been filed, the voluntary family services plan shall be submitted to the
33 court. A voluntary services plan shall stay the proceedings for a period not to exceed 90 days from
34 the date of implementation, unless the parties agree, in writing, to an extension for additional
35 periods not to exceed 90 days. If the parties determine services are necessary for longer than 180
36 days, the department shall submit a report to the court which outlines the progress that has been
37 achieved during the duration of services and explains why continued services are necessary. Such

1 reports shall be filed every 180 days until voluntary services are discontinued. If, upon reviewing
2 the report, the court questions the need for continued services, it shall schedule a show cause
3 hearing, at which the child, if appropriate, the child's parent or caretaker, and the department shall
4 appear.

5 VII. When the petitioning person or agency, the court, the department, or a member of the
6 multi-disciplinary team suspects that a child has a disability, an administrator at the responsible
7 school district shall be notified. If appropriate, the school district shall refer the child for evaluation
8 to determine if the child is in need of special education and related services.

9 VIII. A voluntary family services plan shall not be considered an adjudicatory hearing
10 pursuant to RSA 169-B or 169-D, or a criminal trial. Evidence of the existence of such agreement
11 shall not be used against the child over objection in any juvenile adjudicatory hearing or criminal
12 trial.

13 IX. Any incriminating statement made by the child during discussions or conferences
14 incident to the voluntary family services plan shall not be used against the child, over objection, in
15 adjudicatory hearing pursuant to RSA 169-B or 169-D, or a criminal trial. Any such statement may
16 be reported as the basis for a referral to the department pursuant to RSA 169-C, if there is
17 reasonable basis to believe that a child's physical or mental health or welfare is endangered by abuse
18 or neglect.

19 X. A voluntary family services plan suspends the proceedings on the petition. If the child
20 satisfies the terms of the voluntary family services plan, he or she shall be discharged from further
21 services or supervision, and the pending complaint or petition shall be dismissed with prejudice.

22 9 Initial Appearance. Amend RSA 169-D:11, II(c) and (d) to read as follows:

23 (c) Establish any conditions for release; [~~and~~]

24 (d) Set a hearing date[-]; *and*

25 (e) *Inquire of the juvenile and a parent or guardian of the juvenile if the*
26 *juvenile has been:*

27 (1) *Determined to have an intellectual disability; or*

28 (2) *Determined to have a mental illness, emotional or behavioral disorder,*
29 *or another disorder that may impede the child's decision-making abilities; or*

30 (3) *Identified as eligible for special education services.*

31 10 New Section; Data Collection. Amend RSA 169-D by inserting after section 30 the following
32 new section:

33 169-D:31 Data Collection.

34 I. The department shall establish a system to collect data. The system shall collect
35 information related to:

36 (a) The person or entity who referred the child for services and/or filed the petition.

37 (b) The racial and ethnic identity of the child.

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1 (c) The insurance status and coverage of child served.

2 (d) The length of time a child receives services under this chapter, including the time
3 prior and subsequent to the filing of a petition.

4 (e) The identity of any public or private organization to whom the department has
5 referred a child or family.

6 (f) Any other information, including outcome data, that may assist the department and
7 the court in evaluating the availability and effectiveness of services for children who receive
8 assistance under this chapter.

9 II. The department shall, upon request, make available to members of the public,
10 compilations of the data which do not contain identifying information.

11 11 Effective Date. This act shall take effect September 1, 2013.

2013-0447h

AMENDED ANALYSIS

This bill expands the definition of a child in need of services under RSA 169-D and requires consideration of voluntary services before proceeding with a petition under RSA 169-D. The bill also requires the department of health and human services to collect certain data regarding petitions under RSA 169-D.

Speakers

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # HB 260 Date February 5, 2013

Committee Children and Family Law

** Please Print All Information **

Name	Address	Phone	Representing	(check one)	
				Pro	Con
Rep Aquilino			Hills 28		X
Rep Anne Grassio			Stratford 11	X	
Mary Jo Beane	2 Hillcrest Dr Rochester	603-856-7517	Every Child Matters	X	
Mackenzie Plessas	47 Hill St Concord NH	603-850-5111	Every Child Matter	V	
Jane Lang	Salem, NH			X	
Laura Hainey			AFT-NH	V	
Pat Seanora-Salvati	Moultonboro NH			X	
Erika Argersinger	Concord, NH		Children's Alliance	✓	
MARTY BROWN	045 MANCIE ST			✓	
Jennifer Mack	Youth Villages 912 Union St, Manchester			✓	
Dave Lynch	69 Merrimac Street #2		Laconia, NH	✓	
Nash Sumner	9 Sargent Place unit #109		Gilford NH 03033	✓	
ED ORLOWSKI	103 N STATE ST		Concord NH	✓	
Kathleen O'Donnell	698 Ch. J. Rd. Portsmouth	436-63216		✓	
Karen Cusano	40 Park Ln Centerville, NH		Karen Cusano (NHAFI.com)	✓	
Lindsay Grite			Children's alliance of NH	✓	
Alma Alvarado				✓	
Bill Guncer	Box 760, New Castle	436-6306	AMHPIZ	✓	
Ellen Fineberg	Two Delta Dr. Concord	225-2264	Children's Alliance	✓	
John DeJoie			NH Child Advocacy Network	✓	

Hearing Minutes

HOUSE COMMITTEE ON CHILDREN AND FAMILY LAW

PUBLIC HEARING ON HB 260

BILL TITLE: relative to voluntary services provided by the department of health and human services to children in need.

DATE: February 5, 2013

LOB ROOM: 206 **Time Public Hearing Called to Order:** 2:05 pm

Time Adjourned: 3:40 pm

(please circle if present)

Committee Members: Reps. Walz, Long, Kollo, Flockhart, Friedrich, Chase, M. MacKay, Alicea, Frambach, Gulick, Stevens, Gargas, DeSimone, Hoell, Itse, Kelleigh Murphy, Nigrello, Oligny, Tremblay and Dumaine.

Bill Sponsors: Rep. Lovejoy, Rock 36; Rep. Copeland, Rock 19

TESTIMONY

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

Rep. Lovejoy, prime sponsor

Introduced the bill to an amendment (#2013-0514h) which replaced the entire original bill and testified in support of the amendment.

Rep. Copland, co-sponsor

Testified in support of the amendment.

***Keith Kuenning, Children and Family Services and Claudia Ferber, National Alliance on Mental Illness (NAMI) – support**

Police Chief Sielicki, representing New Hampshire Chiefs of Police – support

Testified in support of the amendment.

***Scott McGilvery, National Education Association – New Hampshire – support**

Noah Simonton, representing Kids of New Hampshire - support

A 17-year old student testified in support of the amendment. He also bravely answered questions from Reps. Walz, Chase, Long and Tremblay.

***Marty Boldin, Manchester Office of Youth Services and Michelle Wangerin, New Hampshire Legal Assistance - support**

Testified in support of the amendment and submitted written testimony. They also answered questions from Reps. Tremblay, Long, Walz, Gargas, Flockhart, Dumaine and Murphy.

Michael Skibbie, Disabilities Rights Center - support

Respectfully submitted,



Rep. Debra DeSimone, Committee Clerk

HOUSE COMMITTEE ON CHILDREN AND FAMILY LAW

PUBLIC HEARING ON HB 260

BILL TITLE: relative to voluntary services provided by the department of health and human services to children in need.

DATE: 2-5-13

LOB ROOM: 206 Time Public Hearing Called to Order: 2:05 pm

Time Adjourned: 3:40 pm

(please circle if present)

Committee Members: Reps. ~~Walz, Long, Rollo, Flockhart, Friedrich, Chase, M. MacKay, Alicea, Frambach, Gulick, Stevens, Gargasz, DeSimone, Hoell, Itse, Kelleigh Murphy, Nigrello, Oigny, Tremblay and Dumaine~~

Bill Sponsors: Rep. Lovejoy, Rock 36; Rep. Copeland, Rock 19

TESTIMONY

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

REP. LOVEJOY

REP. COPELAND

* KEITH KUENNING

* CLAUDIA FERBER

POLICE CHIEF SIELIKI

* SCOTT MCGILVARY

NOAH SIMONTON

* HARTY BOLDIN

* MICHELLE SWANERIN

MICHAEL SKIBBIE

Respectfully submitted,

Rep. Debra DeSimone, Committee Clerk

Sub-Committee Minutes

HOUSE COMMITTEE ON CHILDREN AND FAMILY LAW

SUBCOMMITTEE WORK SESSION ON HB 260

BILL TITLE: relative to voluntary services provided by the department of health and human services to children in need.

DATE: February 14, 2013

Subcommittee Members: Reps. Rep. Walz, Chair; Reps. Rollo, Gargas, DeSimone and Long

Comments and Recommendations:

Amendments:

Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:

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

Moved by Rep.

Seconded by Rep.

Vote:

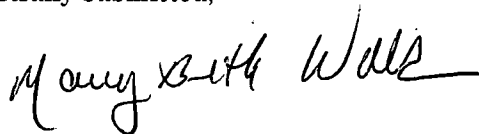
Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,



Rep. Mary Beth Walz
Subcommittee Chairman

Amendment to HB 260-FN

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT relative to voluntary services provided to children in need under RSA 169-D.

4

5 Amend the bill by replacing all after the enacting clause with the following:

6

7 1 Children in Need of Services; Applicability of Chapter. RSA 169-D:1, IV and V are repealed
8 and reenacted to read as follows:

9 IV. To protect the integrity of the family by authorizing adjudication and the imposition of
10 dispositional judgment requiring participation in a plan of services only after appropriate voluntary
11 alternatives have been unsuccessful; and

12 V. When appropriate voluntary service options have been unsuccessful, to provide effective
13 judicial procedures through which family service plans are executed and enforced, and which assure
14 the parties fair hearings at which their constitutional and other rights as citizens are recognized and
15 protected.

16 2 Definition of Child in Need of Services. RSA 169-D:2, II is repealed and reenacted to read as
17 follows:

18 II. "Child in need of services" means a child under the age of 18 who is:

19 (a) Subject to compulsory school attendance, and who is habitually, willfully, and
20 without good and sufficient cause, truant from school; or

21 (b) A child who habitually runs away from home or who repeatedly disregards the
22 reasonable and lawful commands of his or her parents, guardian, or custodian and places himself or
23 herself or others in unsafe circumstances; or

24 (c) Is diagnosed with a severe emotional, cognitive, or other mental health issue and
25 engages in aggressive, fire-setting, or sexualized behaviors that pose a danger to the child or others;
26 and

27 (d) Is expressly found to be in need of care, guidance, counseling, discipline, supervision,
28 treatment, or rehabilitation.

29 3 New Paragraph; Definition Added. Amend RSA 169-D:2 by inserting after paragraph XIII the
30 following new paragraph:

31 XIV. "Truant" means a child between the ages of 6 and 18 years who is either not attending
32 school as required by law or who is not participating in an alternative learning plan under RSA

Amendment to HB 260-FN

- Page 2 -

1 193:1. "Truancy" shall have the same meaning as in RSA 189:35-a.

2 4 Petition. Amend RSA 169-D:5, I to read as follows:

3 I. A petition alleging a child is in need of services may~~[, with the consent of the department,]~~
4 be filed by a parent, legal guardian or custodian, school official, or law enforcement officer with a
5 judge or clerk of the court in the judicial district in which the child is found or resides. The petition
6 shall be in writing and verified under oath. The following notice shall be printed on the front of the
7 petition in bold in no smaller than 14 point font size: "See back for important information and
8 financial obligations." The back of the petition shall include a notice of liability for parents and other
9 individuals chargeable by law for the child's support and necessities.

10 5 New Paragraph; Petition. Amend RSA 169-D:5 by inserting after paragraph II the following
11 new paragraph:

12 II-a. Any petition filed shall include language demonstrating that appropriate voluntary
13 services have been attempted, the nature of voluntary services attempted, and the reason court
14 compulsion is necessary. If, upon review of the petition, the court is not satisfied that the petition
15 includes sufficient information to find that appropriate voluntary services were attempted and
16 unsuccessful, the court shall, prior to scheduling the child's initial appearance, refer the petition to
17 the department, which shall proceed pursuant to RSA 169-D:9.

18 6 New Section; Voluntary Services. Amend RSA 169-D by inserting after section 5-b the
19 following new section:

20 169-D:5-c Voluntary Services. The department may offer the child and family, on a voluntary
21 basis, any services permitted under RSA 169-D:17.

22 7 Issuance of Summons and Notice. RSA 169-D:6, I is repealed and reenacted to read as follows:

23 I.(a) After a legally sufficient petition has been filed, unless the case is referred to the
24 department pursuant to RSA 169-D:5 or a consent order is entered and approved, the court shall
25 schedule an initial appearance and issue a summons, including a copy of the petition, to be served
26 personally upon the person having custody or control of the child or with whom the child may be,
27 requiring that person to appear with the child on the specified date and time. Refusal of the child to
28 participate in the development of a voluntary service plan may constitute sufficient information that
29 voluntary service and support options have been unsuccessful.

30 (b) If personal service is not possible, service shall occur at the usual place of abode of
31 the person having custody or control of the child or with whom the child may be, requiring that
32 person to appear with the child at a specified place and time which time shall not be less than 24
33 hours after service. If the person so notified is not the parent or guardian of the child, then a parent
34 or guardian shall be notified, provided they and their residence are known.

35 8 Diversion and Pre-adjudicatory Procedure. RSA 169-D:9 is repealed and reenacted to read as
36 follows:

37 169-D:9 Pre-adjudicatory Procedure.

Amendment to HB 260-FN

- Page 3 -

1 I. Except in emergencies, the department, its agent, or any person or agency it designates
2 shall determine what voluntary service options are available to the child and family. To achieve this
3 purpose, the department may designate a multi-disciplinary team to consider the facts and
4 circumstances of the case, the needs of the child and family, and available diversion programs,
5 services, and resources. This conference shall be attended by the child, if appropriate, his or her
6 parents, legal guardians or custodians, and representatives of any public institution or agency
7 having legal responsibility over the child, and may be attended by parties invited by the family and
8 representatives of any public or private institutions or agencies having discretionary ability to
9 coordinate and/or supply services to the child or family. If the child does not attend a multi-
10 disciplinary conference, an appropriate individual shall be designated to solicit the child's input and
11 help the child understand available service options and supports.

12 II. If available, a multi-disciplinary conference may be held at any time before or after a
13 petition is filed but shall be held before the child's initial appearance pursuant to RSA 169-D:11.

14 III. At any time before or after a petition is filed, the child, his or her caretakers, and the
15 department may effect an individualized voluntary family services plan, which shall include:

16 (a) Identification of the conduct of the child, caretaker, or any family member which is
17 causing harm to the child.

18 (b) A description of the services that are needed for the child, the child's caretakers, or
19 other family members, the availability of such services within the community, and a plan for
20 ensuring that any such services that are available will be secured and provided.

21 (c) The name of the person within the affected public service agency who is directly
22 responsible for assuring that the voluntary family services plan is implemented.

23 (d) An estimate of the time anticipated to be necessary to accomplish the goals set out in
24 the plan.

25 (e) Any other provisions deemed appropriate by the parties.

26 IV. A voluntary family services plan shall set forth in writing the terms and conditions
27 agreed to by the child, the child's caretaker, and all parties responsible for implementation of the
28 voluntary services plan. A written copy of the plan shall be submitted to each party or person
29 responsible for implementation of the plan.

30 V. A voluntary services plan may be amended by agreement of the parties at any time. If a
31 petition has been filed, the amended plan shall be submitted to the court.

32 VI. If a petition has been filed, the voluntary family services plan shall be submitted to the
33 court. A voluntary services plan shall stay the proceedings for a period not to exceed 90 days from
34 the date of implementation, unless the parties agree, in writing, to an extension for additional
35 periods not to exceed 90 days. If the parties determine services are necessary for longer than 180
36 days, the department shall submit a report to the court which outlines the progress that has been
37 achieved during the duration of services and explains why continued services are necessary. Such

1 reports shall be filed every 180 days until voluntary services are discontinued. If, upon reviewing
2 the report, the court questions the need for continued services, it shall schedule a show cause
3 hearing, at which the child, if appropriate, the child's parent or caretaker, and the department shall
4 appear.

5 VII. When the petitioning person or agency, the court, the department, or a member of the
6 multi-disciplinary team suspects that a child has a disability, an administrator at the responsible
7 school district shall be notified. If appropriate, the school district shall refer the child for evaluation
8 to determine if the child is in need of special education and related services.

9 VIII. A voluntary family services plan shall not be considered an adjudicatory hearing
10 pursuant to RSA 169-B or 169-D, or a criminal trial. Evidence of the existence of such agreement
11 shall not be used against the child over objection in any juvenile adjudicatory hearing or criminal
12 trial.

13 IX. Any incriminating statement made by the child during discussions or conferences
14 incident to the voluntary family services plan shall not be used against the child, over objection, in
15 adjudicatory hearing pursuant to RSA 169-B or 169-D, or a criminal trial. Any such statement may
16 be reported as the basis for a referral to the department pursuant to RSA 169-C, if there is
17 reasonable basis to believe that a child's physical or mental health or welfare is endangered by abuse
18 or neglect.

19 X. A voluntary family services plan suspends the proceedings on the petition. If the child
20 satisfies the terms of the voluntary family services plan, he or she shall be discharged from further
21 services or supervision, and the pending complaint or petition shall be dismissed with prejudice.

22 9 Initial Appearance. Amend RSA 169-D:11, II(c) and (d) to read as follows:

23 (c) Establish any conditions for release; ~~and~~

24 (d) Set a hearing date[-]; *and*

25 (e) *Inquire of the juvenile and a parent or guardian of the juvenile if the*
26 *juvenile has been:*

27 (1) *Determined to have an intellectual disability; or*

28 (2) *Determined to have a mental illness, emotional or behavioral disorder,*
29 *or another disorder that may impede the child's decision-making abilities; or*

30 (3) *Identified as eligible for special education services.*

31 10. New Section; Data Collection. Amend RSA 169-D by inserting after section 30 the following
32 new section:

33 169-D:31 Data Collection.

34 I. The department shall establish a system to collect data. The system shall collect
35 information related to:

36 (a) The person or entity who referred the child for services and/or filed the petition.

37 (b) The racial and ethnic identity of the child.

Amendment to HB 260-FN

- Page 5 -

1 (c) The insurance status and coverage of child served.

2 (d) The length of time a child receives services under this chapter, including the time
3 prior and subsequent to the filing of a petition.

4 (e) The identity of any public or private organization to whom the department has
5 referred a child or family.

6 (f) Any other information, including outcome data, that may assist the department and
7 the court in evaluating the availability and effectiveness of services for children who receive
8 assistance under this chapter.

9 II. The department shall, upon request, make available to members of the public,
10 compilations of the data which do not contain identifying information.

11 11 Effective Date. This act shall take effect September 1, 2013.

2013-0447h

AMENDED ANALYSIS

This bill expands the definition of a child in need of services under RSA 169-D and requires consideration of voluntary services before proceeding with a petition under RSA 169-D. The bill also requires the department of health and human services to collect certain data regarding petitions under RSA 169-D.

Testimony for Public Hearing
Child and Family Law
February 5, 2013

Marty Boldin, LICSW, MLADC, LCS, Director
City of Manchester Office of Youth Services
1045 Elm Street / Suite 204
Manchester, New Hampshire 03101
603-624-6470
mboldin@manchesternh.gov

Madame Chair and Members of the Committee, for the record, my name is Marty Boldin. I am the Director of the City of Manchester Office of Youth Services. I am pleased to be before the Child & Family Law Committee, speaking in support of HB 260, relative to voluntary services provided by the department of health and human services to children in need of supervision. I support this bill as a NH CAN 2013 Priority for New Hampshire's Children initiative, but also as an important step to improve services for children in need. I appreciate the opportunity to speak to you on this important matter.

As the Director of the City of Manchester Office of Youth Service, it is my privilege and duty to address a variety of issues related to juvenile delinquency in Manchester. At the Office of Youth Services (OYS), we work to enhance public safety and help youth find their way back from maladaptive behaviors that are likely to land them in the criminal justice system. Our belief system is clear and easy to understand. We believe that the earlier a person engages in a maladaptive behavior, the longer that behavior will last in their lives. For example, if a person starts smoking when they are 7, they will likely die smoking. Similarly, if a person enters the criminal justice system when they are 12 or 13 years old, it is likely a life sentence. Children who enter the juvenile justice system at an early age spend critical years of their lives learning how to live in the juvenile justice system as opposed to learning how to live productive lives. They essentially become wards of the state for decades, doing life 'on the installment plan.' They do not become taxpayers; they become a burden to the taxpayer, an unnecessary burden.

To alleviate that burden, in 2004, OYS developed a multidisciplinary team that insured continued dialogue related to identified pre-delinquent and delinquent youth in the city. Members of the multidisciplinary team in Manchester include Manchester Police Department, Manchester School District, The Department of Health and Human Services Division of Children Youth and Families, The Bureau for Juvenile Justice Services, The Mental Health Center of Greater Manchester, and OYS.

The goal of this multidisciplinary team is to work with each family of each child who is likely to receive a CHINS petition before the petition is filed. In order to insure that all available options have been exhausted before a child goes to court. In Manchester, this approach has produced two important outcomes. First, the overall number of youth going to court is reduced by more than 300%. Second, number of young people and families who received services before going to court increased by 350%. In other words, delivering services earlier in the intervention process

reduces the need for a child to enter the juvenile justice system. This immediately reduced the tax burden: Fewer children in court means lower court costs. When the program began in 2004, one out of every three children at the Sununu Youth Services Center was from Manchester. Within 24 months of the onset of this program, one out of every eleven children at SYSC was from Manchester. At the same time, this program was implemented, juvenile crime in Manchester reduced by 40%. This all happened because prevention works and teamwork makes prevention work better.

It is vital that committee members understand that there will always be a need for legal remedy as it relates to status offenses (i.e. CHINS Petitions). Simply put, there are times when the real possibility of legal involvement provides motivation for youth and families to engage in services when other attempts of providing impetus for change come up short. In other words, sometimes when a child knows they are about to go to court, they will change their behavior to avoid that outcome.

Frankly, it is healthy that youth want to avoid involvement in the juvenile justice system. When the multidisciplinary team makes sure that a young person has an opportunity to know with certainty that their behavior will result in 'another chance' or in a court appearance, they can rest assured that their due diligence has been done. The multidisciplinary team also saves administrative costs because they are able to 'join' cases when necessary to provide an instant reduction in the number of times that dual court proceedings are initiated. Finally, in the unfortunate case where a young person does go to court, the Department of Health and Human Services (DHHS) can rest assured that all avenues of remedy have been attempted before the petition was filed. As a result, DHHS will also have a much better idea of what the specific needs of a child are before they are asked to participate in that child's care.

There is not time or space to discuss 'all' the benefits of these teams in this document. Suffice to say this, when strong attempts are made to improve communication among families, providers, DHHS, and the courts, the outcome for the child is always improved. Those of us who work with disconnected youth must do two extremely difficult jobs at the same time. First, we must protect those youth from a world that is all too ready to victimize them. Second, we must protect the world from being hurt by those youth. To balance this work is an impossible task. There will always be terrible consequences from the behaviors of youth who are outside of the control of their families and their communities. However, with appropriate training and a modicum of resource, agencies like OYS, no matter where they reside in the State will have victories over the forces that seem to prey on the weakest among us.

With your support, OYS and agencies like ours will be able to improve the outcomes for the children we work with in our own community. By encouraging a collaborative approach across the state, you will see a reduction in the need for services and an increase in public safety simultaneously. By supporting HB 260, you will be providing hope for mothers and fathers who have lost their children without any remedy for the heartache and pain of watching their child fade into darkness, never knowing whether or not they will return.

Thank you for your time and consideration.

Testimony

Testimony for Public Hearing
Child and Family Law
February 5, 2013

Claudia J. Ferber, MS
NAMI NH
85 No. State Street
Concord, N.H.
Phone: 603.225.5359
Email: cferber@naminh.org

Keith Kuenning
Child and Family Services
464 Chestnut Street
Manchester, N.H. 03105
Phone: 603. 518.4045
Email: KuenningK@cfsnh.org

Re: HB. No. 260

Good afternoon Madame Chair and Committee Members,

My name is Claudia Ferber and I am the Director of Child and Family Programs at The National Alliance on Mental Illness NH, also, known as NAMI NH. We are a grassroots organization of families, consumers, professionals and other members, dedicated to improving the quality of life of persons of all ages affected by mental illness and/or serious emotional disorders through education, support and advocacy.

Joining me today is Keith Kuenning, Advocacy Director at Child and Family Services. Child and Family Services is an independent nonprofit agency dedicated to advancing the well-being of children by providing an array of social services to strengthen family life and by promoting community commitment to the needs of children.

We are here speaking in favor of HB 260 to modernize the CHINS (children in need of services) Statute RSA 169-D.

In New Hampshire, the CHINS legal process is governed by state statute to address specific behavioral problems of children under age 18. Prior to 2011, under New Hampshire's CHINS Statute approximately 1,000 children per year were served. This equated to an average of 400 children served at any point in time. Truants, runaways, and children who committed violation level offenses or disregarded the commands of their parents would have had a CHINS petition filed against them. This was a court-based adversarial process.

In 2011, CHINS was restricted to access for the children with the highest level of needs by an amendment that changed the eligibility criteria. The 2011 eligibility criteria that is used today reads: "Child in need of services" means a child under the age of 18 with a diagnosis of severe emotional, cognitive or mental health issues who engages in aggressive, fire setting or sexualized behaviors that pose a danger to the child or others and who is otherwise unable or ineligible to receive services under RSA 169-B or RSA 169-C" and serves at any one point in time slightly more than 50 children.

The narrowing of the eligibility criteria eliminated resources to families, school districts and law enforcement to address the challenges presented by children who engaged in truant or runaway behaviors. Research supports that many of these children have underlying emotional and/or substance use disorders and a high occurrence of trauma that have not been diagnosed and has gone untreated. Access to early identification and treatment will improve outcomes and hopefully divert youth from dropping out of school or involvement with the criminal justice system.

The only course of action has been to wait until the child's behaviors "become dangerous enough" to deem them as delinquents or the family becomes involved with the child protection system. Both of which are punitive, stigmatizing and provide families with little decision making authority.

Each fall the New Hampshire Child Advocacy Network (NH CAN) holds a Children's Summit to develop a consensus set of *Priorities for New Hampshire's Children* focused on safety and well-being, health and wellness, economic security and education. The Safety and Well-being Priority this year is *Coordinating and modernizing the CHINS system to encourage access to integrated and voluntary services for children and families.*

A workgroup was established and leadership reached out to other groups holding similar dialogues. Over the past 5 months this diverse representation of family advocates, superintendents of schools, law enforcement, child and family serving organizations and New Hampshire Department of Health and Human Services Division of Children, Youth and Families has engaged in many discussions, reviewed results of models in other states and research about effective ways to address truancy and runaways. There is agreement that families should not be required to reach their breaking points and have to navigate an adversarial and court based process before accessing services. There is agreement that voluntary service options, while reserving the court-based system of adjudication as an option of last resort can better serve NH's children at risk and their families.

HB 260 is the result of this collaborative effort. DCYF has agreed to the conceptual framework proposed in HB 260.

Today we are here with "one voice" to ask for your support of the following amendments to the CHINS Statute:

- an expansion of 162-D:2-Definition to include **two** populations of children: truancy and runaways and
- to allow a voluntary services option coordinated by DCYF personnel or their designee under 162.D: 9-Diversion.

Following our testimony you will hear from representatives from our workgroup and other community leaders who will explain how the CHINS reductions have impacted New Hampshire's families, school districts and police departments and how the proposed amendments in HB 260 will work to strengthen NH families by using voluntary service options to provide more timely services to children before their behaviors harm themselves or someone else.

Thank you for allowing our testimony and we have copies for the committee. We are prepared to assist as you deliberate this bill, in any way you request. We can answer any questions you may have.

Respectfully submitted,



Claudia J. Ferber

Good afternoon chairman and members of the committee. I am Scott McGilvray President of the NEA-NH and a 25 year high school special education and social studies teacher.

The effects of the elimination of CHINS over the last few years have been dramatic on families, schools and most importantly the children of NH.

I would like to speak today to the effects on school attendance and truancy. Children in today's society are facing multiple obstacles in their lives that can have a negative effect on their education. Family issues, drug and alcohol issues, mental health issues and learning disabilities, but the first step in providing an education to a student is to get them in the school on a consistent basis.

A child who is not attending school on a consistent basis and is truant is sending a clear message to the adults in their lives. They are crying out for help even if they do not realize they are. All human behavior needs to have consequences both positive and negative to either keep the behavior going or negative if you want to change the behavior. If a child is truant and there are no sanctions from the adults in their life than that behavior is going to continue and will only increase. What message did we send to the children of our state when CHINS was eliminated? I have seen what that message is directly as a classroom teacher who worked much of my career with troubled and delinquent children.

Sam is a 17 year old student who arrived in my class last year in January as a transfer from another school in the northern part of the state. He was a 17 year old that had only earned a few credits towards graduation and was still a second semester freshman.

After reviewing his permanent record file I found out that Sam had not been in school a lot and when he did there were many discipline issues. His parents had tried everything they could to get him in school and to deal with his drug and alcohol problems, but without the ability to mandate that he attend school and counseling and to follow the rules of their home Sam's delinquent behavior only increased to the point where the parents only option they felt was to send him to live with his Uncle and Aunt in Manchester and get a fresh start and hopefully there would be more services available in a larger city than were available way up in the north country.

I wish I could end my story of Sam with a happy ending of great success and that Sam is now in college and is going to someday contribute positively to the community, but it does not end that way. I recently ran into Sam who has now dropped out of school and continues to struggle. I believe that the elimination of CHINS contributed directly to Sam's increase in truancy and behavior spiraling out of control. There is not a safety net to catch children anymore or a place where parents can go for help.

CHINS provided both the sanctions and services the children and families in this state need and I ask for your support of HB 260.

Voting Sheets

HOUSE COMMITTEE ON CHILDREN AND FAMILY LAW

EXECUTIVE SESSION on HB 260

BILL TITLE: . relative to voluntary services provided by the department of health and human services to children in need.

DATE: February 19, 2013

LOB ROOM: 206

Amendments:

Sponsor: Rep. Walz

OLS Document #: 2013-0447h

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions: OTP (amendment) OTP/A, ITL, Retained (Please circle one.)

Moved by Rep. Long

Seconded by Rep. Walz

Vote: 18-1 (Please attach record of roll call vote.)

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

Moved by Rep. Long

Seconded by Rep. MacKay

Vote: 19-0 (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: NO

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,



Rep. Debra L. DeSimone, Clerk

HOUSE COMMITTEE ON CHILDREN AND FAMILY LAW

EXECUTIVE SESSION on HB 260

BILL TITLE: relative to voluntary services provided by the department of health and human services to children in need.

DATE: {Type DATE} 2-19-13

LOB ROOM: 206

Amendments:

Sponsor: Rep. Waltz OLS Document #: 2013-0447h

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

#1 Motions: AMENDMENT
OTP, OTP/A, JTL, Retained (Please circle one.)

Moved by Rep. DEBATA LONG

Seconded by Rep. WALTZ

Vote: 18-0 (Please attach record of roll call vote.)

#2 Motions: OTP, OTP/A, JTL, Retained (Please circle one.)

Moved by Rep. LONG

Seconded by Rep. MAKAY

Vote: 19-0 (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: {Type VOTE} YES (NO)

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,

DEBRA L. DESIMONE

Rep. Debra DeSimone, Clerk



STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

1/10/2013 11:53:29 AM
Roll Call Committee Registers
Report

2013 SESSION

CHILDREN AND FAMILY LAW

Bill #: 260 Title: Relative to Voluntary Services provided by the Dept. of HHS to
CHNS
PH Date: 1 1 Exec Session Date: 02 1 13 13
Motion: AMENDMENT Amendment #: 2013 - 0447h

MEMBER

YEAS

NAYS

MEMBER	YEAS	NAYS
Walz, Mary Beth E, Chairman	✓	
Long, Patrick T, V Chairman	✓	
Rollo, Deanna S	✓	
Flockhart, Eileen C	✓	
Friedrich, Carol H	✓	
Chase, Cynthia L	✓	
Alicea, Caroletta C	✓	
Frambach, Mary E	✓	
Gulick, Ruth P	✓	
MacKay, Mariellen J	✓	
Stevens, Audrey M	✓	
Gargasz, Carolyn M	✓	
Itse, Daniel C	✓	
DeSimone, Debra L, Clerk	✓	
Oigny, Jeffrey D	✓	
Dumaine, Dudley D	✓	
Hoell, J.R.	ABSENT	
Tremblay, Stella S		✓
Murphy, Kelleigh D	✓	
Nigrello, Robert L	✓	
TOTAL VOTE:	18	1



STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

1/10/2013 11:53:29 AM
Roll Call Committee Registers
Report

2013 SESSION

CHILDREN AND FAMILY LAW

Bill #: HB 260

Title: Relative to Voluntary Services provided by the Dep. of HHS to CHNS

PH Date: 1 1 1

Exec Session Date: 021 19 13

Motion: OTPA

Amendment #: 2013-0447h

MEMBER

YEAS

NAYS

Walz, Mary Beth E, Chairman	✓	
Long, Patrick T, V Chairman	✓	
Rollo, Deanna S	✓	
Flockhart, Eileen C	✓	
Friedrich, Carol H	✓	
Chase, Cynthia L	✓	
Alicea, Caroletta C	✓	
Frambach, Mary E	✓	
Gulick, Ruth P	✓	
MacKay, Mariellen J	✓	
Stevens, Audrey M	✓	
Gargas, Carolyn M	✓	
Itse, Daniel C	✓	
DeSimone, Debra L, Clerk	✓	
Oigny, Jeffrey D	✓	
Dumaine, Dudley D	✓	
Hoell, J.R.	ABSENT	
Tremblay, Stella S	✓	
Murphy, Kelleigh D	✓	
Nigrello, Robert L	✓	
TOTAL VOTE:	19	0

101

Committee Report

REGULAR CALENDAR

February 20, 2013

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on CHILDREN AND FAMILY LAW to
which was referred HB 260-FN,**

**AN ACT relative to voluntary services provided by the
department of health and human services to children in
need. Having considered the same, report the same
with the following amendment, and the
recommendation that the bill OUGHT TO PASS WITH
AMENDMENT.**

Rep. Patrick T Long

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	CHILDREN AND FAMILY LAW
Bill Number:	HB260-FN
Title:	relative to voluntary services provided by the department of health and human services to children in need.
Date:	February 20, 2013
Consent Calendar:	NO
Recommendation:	OUGHT TO PASS WITH AMENDMENT

STATEMENT OF INTENT

This bill as amended addresses the needs expressed by police and school districts throughout the state. It creates a broad voluntary CHINS (Children in Need) Program. It also requires that appropriate voluntary services have been attempted and were unsuccessful prior to the petition being filed. The amendment replaces the entire bill.

Vote 19-0.

Rep. Patrick T Long
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

CHILDREN AND FAMILY LAW

HB 260-FN, relative to voluntary services provided by the department of health and human services to children in need. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Patrick T Long for CHILDREN AND FAMILY LAW. This bill as amended addresses the needs expressed by police and school districts throughout the state. It creates a broad voluntary CHINS (Children in Need) Program. It also requires that appropriate voluntary services have been attempted and were unsuccessful prior to the petition being filed. The amendment replaces the entire bill. **Vote 19-0.**

REGULAR CALENDAR

CHILDREN AND FAMILY LAW

MAJORITY REPORT

HB 260, relative to voluntary services provided by the department of health and human services to children in need.

RECOMMENDATION: OUGHT TO PASS WITH AMENDMENT

VOTE: 19-0

This bill as amended addresses the needs expressed by police and school districts throughout the state. It creates a broad voluntary CHINS (Children in Need) Program. It also requires that appropriate voluntary services have been attempted and were unsuccessful prior to the petition being filed. The amendment replaces the entire bill.

Rep. Patrick Long

ML

COMMITTEE REPORT

COMMITTEE: C&FL

BILL NUMBER: 260

TITLE: Relative to Voluntary services provided by the department of HHS services to CHINS

DATE: 2-19-13 CONSENT CALENDAR: YES NO

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

Amendment No. <u>2013-0447h</u>

STATEMENT OF INTENT:

This Bill, AS Amended, Addresses The NEEDS expressed by Police and School Districts Throughout The state. IT Creates A broad Voluntary CHINS Program. This bill also requires That Appropriate Voluntary Services have been Attempted and were UNSUCCESSFUL Prior TO The Petition being Filed. The Amendment REPLACES The Entire bill.

mw

COMMITTEE VOTE: 19-0

RESPECTFULLY SUBMITTED,

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

Rep. Patrick Long
For the Committee