

Committee Report

REGULAR CALENDAR

April 21, 2021

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on Children and Family Law to which
was referred SB 93-FN,**

**AN ACT relative to permanency planning under the
child protection act. Having considered the same,
report the same with the recommendation that the bill
OUGHT TO PASS.**

Rep. Debra DeSimone

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Children and Family Law
Bill Number:	SB 93-FN
Title:	relative to permanency planning under the child protection act.
Date:	April 21, 2021
Consent Calendar:	REGULAR
Recommendation:	OUGHT TO PASS

STATEMENT OF INTENT

In crafting this legislation, the Model Court's Executive Committee (MCEC) carefully considered the report and recommendations of the Committee to Study Whether Modification Should Be Made to the Timeframe for Determining Permanency to RSA 169-C:24-b, chaired by Representative (and former Circuit Court Judge) Ned Gordon. This bill addresses this and several permanency or post-permanency issues that have been identified by the Model Court including 1) Adoption is a permanency plan; 2) Termination of parental rights is a legal step towards the finalization of such plan; 3) Specifying other circumstances for when a subsequent permanency hearing shall or may be conducted; and 4) Allowing for earlier permanency hearings. If this bill is passed there will be clarity on several permanency concerns. This will allow the Model Court to properly revise our existing permanency protocols to implement best practices for achieving timely permanency for New Hampshire's most vulnerable children.

Vote 14-0.

Rep. Debra DeSimone
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Children and Family Law

SB 93-FN, relative to permanency planning under the child protection act. **OUGHT TO PASS.**

Rep. Debra DeSimone for Children and Family Law. In crafting this legislation, the Model Court's Executive Committee (MCEC) carefully considered the report and recommendations of the Committee to Study Whether Modification Should Be Made to the Timeframe for Determining Permanency to RSA 169-C:24-b, chaired by Representative (and former Circuit Court Judge) Ned Gordon. This bill addresses this and several permanency or post-permanency issues that have been identified by the Model Court including 1) Adoption is a permanency plan; 2) Termination of parental rights is a legal step towards the finalization of such plan; 3) Specifying other circumstances for when a subsequent permanency hearing shall or may be conducted; and 4) Allowing for earlier permanency hearings. If this bill is passed there will be clarity on several permanency concerns. This will allow the Model Court to properly revise our existing permanency protocols to implement best practices for achieving timely permanency for New Hampshire's most vulnerable children. **Vote 14-0.**

Original: House Clerk

Cc: Committee Bill File

Voting Sheets

BILL TITLE: Relative to the permanency planning under the child Protection Act.

DATE: 4-21-2021

LOB ROOM: 203

11:01
11:04

MOTION: (Please check one box)

- OTP
- ITL
- Retain (1st year)
- Adoption of Amendment # _____ (if offered)
- Interim Study (2nd year)

Moved by Rep. Desimone Seconded by Rep. Belanger Vote: 14-0

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # _____ (if offered)
- Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # _____ (if offered)
- Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # _____ (if offered)
- Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

CONSENT CALENDAR: YES NO

Minority Report? Yes No If yes, author, Rep: _____ Motion _____

Respectfully submitted: Rep. Caroletta Alicea
Rep. Caroletta Alicea



2021 SESSION

Children and Family Law

Bill #: SB93 FN Motion: OTP. AM #: _____ Exec Session Date: 4-21-2021

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Rice, Kimberly A. Chairman	2		
DeSimone, Debra L. Vice Chairman	1		
Yokela, Josh S.	3		
Lewicke, John	4		
Belanger, Cody M.	5		
Cross, Kenna E.	0		
Litchfield, Melissa A.	6		
Smith, Denise M.	7		
Long, Patrick T.	8		
Alicea, Caroletta C. Clerk	9		
Grossman, Gaby M.	10		
Levesque, Cassandra N.	11		
Wazir, Safiya	12		
Petrigno, Peter	13		
Altschiller, Debra	14		
TOTAL VOTE:	14	0	

Public Hearing

HOUSE COMMITTEE ON CHILDREN AND FAMILY LAW

PUBLIC HEARING ON SB 93-FN

BILL TITLE: relative to permanency planning under the child protection act.

DATE: April 21, 2021

LOB ROOM: remote **Time Public Hearing Called to Order:** 10:30 a.m.

Time Adjourned: 10:52 a.m.

Committee Members: Reps. Rice, DeSimone, Alicea, Yokela, Lewicke, Belanger, Cross, Litchfield, D. Smith, Long, Grossman, Levesque, Wazir, Petrigno and Altschiller

Bill Sponsors:

Sen. Carson

Sen. Avard

Sen. Bradley

Sen. D'Allesandro

Sen. Soucy

Rep. Rice

TESTIMONY

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

*Grant Bosse - representing Senator Carson - Adoption is a potential permanency hearing and gives the will bring clarify to parents.

*Judge Ashley - written testimony

Rebecca Ross- DCYF - supports - Better meets needs to children and families. Explains what to do if the child does not fit in the cookie cutter. Corresponds with other changes i.e.children for behavioral health. Provide clarity and constancy and will.

Rep. Belanger - Does the bill only deal with cases that deal with DCYF?

Yes

M. Syni - CASA of NH - supports - Been with them since 1989, fully supports proposed changes. Children best interest is paramount, bet interest for the kids, timely permanency.

Succell Jarez - supports. Working master at NH mental Health center in Manchester. Over 30k youth have waited for a long time feeling hopeless for long periods of time waiting to be adopted.

Mario O'Niell - direction of child advocacy - supports - can't add to eloquence of what Casa person shared. permanency should not be crushed.

Rep. Lewicke - how does the schedule work?

O'Niell - I wish judge Ashley was available. The expectation is 12 months.

Respectfully submitted,

Rep. Caroletta Alicea, Clerk

House Remote Testify

Children and Family Law Committee Testify List for Bill SB93 on 2021-04-21

Support: 7 Oppose: 0 Neutral: 2 Total to Testify: 5

[Export to Excel](#)

<u>Name</u>	<u>City, State</u> <u>Email Address</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Non-Germane</u>	<u>Signed Up</u>
Carson, Sharon	Londonderry, NH deborah.chroniak@leg.state.nh.us	An Elected Official	Senate District 14 - PRIME SPONSOR	Support	Yes (5m)	No	4/14/2021 11:20 AM
Ashley, Susan	Strafford, NH sashley@courts.state.nh.us	State Agency Staff	Myself	Support	Yes (5m)	No	4/19/2021 8:21 AM
Ross, Rebecca	Concord, NH Rebecca.Ross@dhhs.nh.gov	State Agency Staff	DHHS-DCYF	Support	Yes (5m)	No	4/20/2021 4:05 PM
Sink, Marcia	Manchester, NH m_sink@casanh.org	A Member of the Public	CASA of NH	Support	Yes (5m)	No	4/20/2021 3:00 PM
Jerez, Susel	Manchester, NH sj1097@wildcats.unh.edu	A Member of the Public	Myself	Neutral	Yes (3m)	No	4/21/2021 2:58 AM
ONeill, Moira	Concord, NH moira.k.oneill@childadvocate.nh.gov	State Agency Staff	Office of the Child Advocate	Support	No	No	4/21/2021 9:47 AM
Bradley, Jeb	Concord, NH jeb.bradley@leg.state.nh.us	An Elected Official	SD3	Support	No	No	4/14/2021 8:46 AM
Richter, Elizabeth	Derry, NH elizabeth@germainelaw.com	A Member of the Public	Myself	Support	No	No	4/20/2021 4:44 PM
Vogt, Robin	Portsmouth, NH robin.w.vogt@gmail.com	A Member of the Public	Myself	Neutral	No	No	4/19/2021 9:17 AM

Testimony

Archived: Tuesday, May 4, 2021 10:47:28 AM
From: O'Neill, Moira
Sent: Wednesday, April 21, 2021 10:09:19 AM
To: ~House Children and Family Law Committee
Subject: SB 93 Permanance - Child Advocate
Importance: Normal
Attachments:

SB 93 Perm Plan Testimony Child Advocate 4-21-21 .pdf ;

Good morning. Please find attached written testimony in support of SB 93-FN relative to permanency planning.
My apologies for the late notice. I see the opportunity to sign up to speak is closed. However if there is time, I would appreciate presenting this testimony.
Thank you
Moira



Moira K. O'Neill, Child Advocate
She/her
Office of the Child Advocate
State of New Hampshire
Johnson Hall
107 Pleasant Street
Concord, New Hampshire 03301
603-271-7773 (Office)
603-848-0413 (Cell)



Childadvocate.nh.gov

If you think a child is in danger, call 9-1-1 immediately. To report suspected abuse/neglect call 1-800-894-5533.

Statement of Confidentiality

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Archived: Tuesday, May 4, 2021 10:47:28 AM
From: Elizabeth Richter
Sent: Tuesday, April 20, 2021 4:53:05 PM
To: ~House Children and Family Law Committee
Subject: NH House Remote Testify: 10:30 am - SB93 in House Children and Family Law
Importance: Normal

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*Member of New Hampshire and Massachusetts Bar

April 20, 2021

New Hampshire House of Representatives
Children and Family Law Committee
107 North Main Street
Concord, New Hampshire 03303

Re: SB 93-FN: Relative to Permanency Planning
Under the Child Protection Act

To the Members of the Children and Family Law Committee:

I submit this testimony in support of SB 93-FN, Relative to Permanency Planning Under the Child Protection Act. I am a member of the Executive Committee of the New Hampshire Model Court project.

As an attorney practicing in Derry, I represent parents in Abuse and Neglect cases brought by the Division for Children, Youth and Families. I also represent children in Children in Need of Services (CHINS) cases. In addition, I act as a Guardian ad Litem in both Abuse and Neglect and CHINS cases.

I will focus on the substantive provisions of the proposed legislation that could raise the most significant questions and concerns among attorneys who represent parents in child protection cases.

Most noteworthy is the proposed provision to allow, under certain circumstances, a permanency hearing to be held as early as six months after a Court finding of abuse or neglect. Under current law, parents are allowed twelve months to correct the conditions that led to the finding of abuse or neglect before a permanency hearing is held.

I certainly understand the fear that shortening the twelve-month period could unfairly and prematurely lead to an adoption-through-termination of parental rights permanency plan. In other words, one might worry that this provision could be used as a fast track toward parents losing their children. The concern is magnified because, for example, in certain abuse and neglect cases necessary services for parents are not put in place before several months have passed.

However, this provision was drafted in a way to make the early permanency hearing available only in a small subset of cases and to make the burden on DCYF in advocating for an early permanency hearing relatively high.

More specifically, the proposed provision would require DCYF to prove by clear and convincing evidence that the parents cannot, at the six-month point, satisfy the standard of return of the child to his or her parents, and would be highly unlikely to satisfy such standard at the time of a twelve-month permanency hearing, based on the parents making no effort or only negligible efforts to comply with dispositional orders or based on another compelling reason.

Moreover, in Model Court Executive Committee discussions of this proposed legislation, DCYF representatives made clear that the Division would seek the early permanency hearing only in exceptional circumstances. If parents are making some effort and some progress toward correcting conditions and complying with the case plan, the early permanency hearing should not be available.

From a parent attorney perspective, the prospect of an early permanency hearing could perhaps, in certain cases, be used as an additional tool to inspire parents to focus early in the process on meeting the case plan requirements.

I also think that we must be mindful of the broader context. Most states allow for a permanency hearing before the twelve-month mark. Only four states, in addition to New Hampshire, mandate the full twelve months.

There has been recent legislative consideration, by the Joint Legislative Study Committee, chaired by Representative Edward Gordon, of providing for a permanency hearing after six months in all cases, with the possibility of up to two three-month extensions.

In my view, S.B. 93 is a far preferable approach. The proposed legislation retains the twelve-month period that parents have, in the first instance, before the permanency hearing is held. Only if a Court were to find that parents have made negligible or no progress toward fulfilling the requirements of the case plan would the permanency hearing be held six months after a finding of abuse or neglect.

The other provisions of this bill, for the most part, add clarity to the existing statute and give statutory authority for certain measures that may currently be allowed as a matter of practice (for example, amending RSA 169-C:23 to address situations in which parents are able to satisfy the case plan requirements, but the unique needs of the child require continued out-of-home placement).

Please note that the opinions expressed in this letter are my own, and do not necessarily reflect the views of my employer.


Very truly yours,

Elizabeth B. Richter

EBR/lbb

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Archived: Tuesday, May 4, 2021 10:49:16 AM
From: [Richard W. Head](#)
Sent: Monday, April 19, 2021 5:13:10 PM
To: ~House Children and Family Law Committee
Cc: sashley@courts.state.nh.us
Subject: SB 93 - Permanency Planning under Child Protection Act
Importance: Normal
Attachments:
[NHJB Testimony - SB 93 Permanency Planning.pdf](#) 

Good afternoon Representative Rice and members of the House Children and Family Law Committee:

Attached is a copy of the New Hampshire Judicial Branch's written testimony on Senate Bill 93, scheduled for a hearing on April 21, 2021. Should you have any questions before the hearing, please do not hesitate to contact me. Judge Ashley will also be presenting testimony at the hearing for SB 93 and will be available to answer questions.

Thank you.

Richard

Richard W. Head
Government Affairs Coordinator
New Hampshire Judicial Branch
One Granite Place, Suite N400
Concord, NH 03301
rhead@courts.state.nh.us
Direct dial: 603-415-0779
Cell: 603-716-8235

Bill as
Introduced

SB 93-FN - AS INTRODUCED

2021 SESSION

21-0941

05/04

SENATE BILL ***93-FN***

AN ACT relative to permanency planning under the child protection act.

SPONSORS: Sen. Carson, Dist 14; Sen. Avard, Dist 12; Sen. Bradley, Dist 3; Sen. D'Allesandro, Dist 20; Sen. Soucy, Dist 18; Rep. Rice, Hills. 37

COMMITTEE: Judiciary

ANALYSIS

This bill clarifies that adoption rather than the termination of parental rights is a potential permanency plan objective; clarifies the timing of the 12-month permanency hearing; specifies other circumstances for when a subsequent permanency hearing may be conducted; allows for an earlier permanency hearing; provides for cases where the parents are in compliance but the unique needs of the child prevent reunification; and clarifies that the court can modify a permanency plan by agreement at a post-permanency hearing.

The bill is a request of the New Hampshire Model Court Protect and the legislative study committee established in 2019, 129:1 (HB 354).

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struckthrough.]~~
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 Twenty One

AN ACT relative to permanency planning under the child protection act.

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

1 1 Child Protection Act; Definition of Compelling Reason Added. Amend RSA 169-C:3, VII-a to
2 read as follows:

3 VII-a. ***“Compelling reason” for assessing permanency at an early permanency***
4 ***hearing includes circumstances where:***

5 (a) ***Both parents, or only one parent if the other parent is deceased or not***
6 ***identified, have made no effort or only negligible efforts to comply with the dispositional***
7 ***orders.***

8 (b) ***A ground exists for termination of parental rights for both parents, or for***
9 ***only one parent if other parent is deceased or not identified, under one or more paragraphs***
10 ***of RSA 170-C:5.***

11 (c) ***There is another compelling reason to assess the permanency plan of***
12 ***reunification earlier than the 12-month permanency hearing.***

13 VII-b. "Concurrent plan" means an alternate permanency plan in the event that a child
14 cannot be safely reunified with his or her parents.

15 2 Child Protection Act; Definition of Permanency Plan. Amend RSA 169-C:3, XXI-c to read as
16 follows:

17 XXI-c. "Permanency plan" means a plan for a child in an out-of-home placement that is
18 adopted by the court and provides for timely reunification, ***adoption through*** termination of
19 parental rights or parental surrender [~~when an adoption is contemplated~~], guardianship with a fit
20 and willing relative or another appropriate party, or another planned permanent living
21 arrangement.

22 3 Child Protection Act; Adjudicatory Hearing. Amend RSA 169-C:18, V-a to read as follows:

23 V-a. Where an adjudicatory order includes a finding and provides for the out-of-home
24 placement of a child, the order shall set a date for a permanency hearing that is [~~within~~] 12 months
25 [~~of~~] ***from*** the date of the [~~adjudicatory~~] finding ***pursuant to RSA 169-C:17 and/or RSA 169-C:18.***

26 4 Child Protection Act; Permanency Hearings. RSA 169-C:24-b is repealed and reenacted to
27 read as follows:

28 169-C:24-b Permanency Hearings.

29 I. A permanency hearing may be scheduled as follows:

30 (a) For a child who has been in an out-of-home placement for 12 or more months, the
31 court shall hold a permanency hearing 12 months from the finding pursuant to RSA 169-C:17 and/or

1 RSA 169-C:18. For a child who enters an out-of-home placement subsequent to a finding pursuant to
2 RSA 169-C:17 and/or RSA 169-C:18, the court shall hold a permanency hearing 12 months from the
3 date the child enters the out-of-home placement.

4 (b) If the court at the 12-month permanency hearing grants an extension pursuant to
5 RSA 169-C:24-b, IV, the court shall hold a subsequent permanency hearing no later than 90 days
6 from the 12-month permanency hearing.

7 (c) If a termination of parental rights petition is withdrawn or dismissed, the court shall
8 hold a subsequent permanency hearing no later than 90 days from the withdrawal or dismissal of
9 the termination of parental rights petition.

10 (d) If a child has been reunified at or following a permanency hearing, and is thereafter
11 removed from parental care prior to closure of the RSA 169-C case, the court may hold a subsequent
12 permanency hearing.

13 (e) For a child in an out-of-home placement pursuant to RSA 169-C:24-b, V, the court
14 may hold another permanency hearing upon request of any party at any time.

15 (f) For a child in an out-of-home placement, at any time 14 days prior to the 6-month
16 review hearing and before the 12-month permanency hearing, the department may request an early
17 permanency hearing for the child. The court may schedule an early permanency hearing if the
18 department alleges sufficient facts to satisfy the standard set forth in RSA 169-C:24-b, II(b).

19 II.(a) At a permanency hearing pursuant to subparagraph I(a), (b), (c), (d), or (e), the court
20 shall determine whether and, if applicable, when the child will be returned to the parent or parents,
21 pursuant to RSA 169-C:23. Except as provided for in RSA 169-C:24-b, IV, if the standard for return
22 pursuant to RSA 169-C:23 is not met, the court shall identify a permanency plan other than
23 reunification for the child. Other options for a permanency plan include:

24 (1) Adoption through termination of parental rights or parental surrender when an
25 adoption is contemplated;

26 (2) Guardianship with a fit and willing relative or another appropriate party; or

27 (3) Another planned permanent living arrangement.

28 (b) At an early permanency hearing pursuant to subparagraph I(f), the court shall
29 determine whether the department has proven by clear and convincing evidence that both parents,
30 or only one parent if the other parent is deceased or not identified, cannot currently satisfy the
31 standard of return of the child under RSA 169-C:23 and would be highly unlikely to satisfy such
32 standard at the time of a 12-month permanency hearing such that an early permanency should be
33 assessed early, based on parents making no effort or only negligible efforts to comply with
34 dispositional orders or based on another compelling reason. If the department does not satisfy its
35 burden, the court shall hold, within 90 days, a periodic review hearing or the 12-month permanency
36 hearing. If the department satisfies its burden, the court shall determine whether it is in the child's
37 best interest to:

1 (1) Identify a permanency plan other than reunification for the child, as set forth in
2 RSA 169-C:24-b, II(a), and hold a post-permanency hearing within 60 days; or

3 (2) Maintain reunification as the permanency plan, providing parents additional
4 time to meet the requirements of RSA 169-C:23, and hold, within 90 days, another early permanency
5 hearing or the 12-month permanency hearing.

6 III. At a permanency hearing the court shall determine whether the department has made
7 reasonable efforts to finalize the permanency plan that is in effect. Where reunification is the
8 permanency plan that is in effect, the court shall consider whether services to the family have been
9 accessible, available, and appropriate.

10 IV. At a 12-month permanency hearing for both parents, or only one parent if the other
11 parent is deceased or not identified, the court may grant one extension of time that shall not exceed
12 90 days, and hold a subsequent permanency hearing for both parents pursuant to RSA 169-C:24-b,
13 I(b). Such extension may be granted if the court finds a parent to be in substantial compliance with
14 the outstanding dispositional orders and if the parent establishes, by clear and convincing evidence,
15 that:

16 (a) The parent is diligently working toward reunification, which is expected to occur
17 within 90 days;

18 (b) It is probable the parent will be able to demonstrate, after the extension and at a
19 subsequent permanency hearing held pursuant to RSA 169-C:24-b, I(b), that the parent has met the
20 3 requirements of RSA 169-C:23; and

21 (c) The extension is in the best interest of the child.

22 V. If the standard for return of the child pursuant to RSA 169-C:23 is met, but, due to the
23 unique needs of the child, the child is not returned to the custody of the parent, the court may
24 maintain reunification as the permanency plan, and the court shall provide a written explanation as
25 to what circumstances warrant the continued out-of-home placement for the child. In such cases, the
26 court shall schedule subsequent post-permanency hearings pursuant to RSA 169-C:24-c, I, until the
27 child may be returned to the custody of the parent. Upon the request of any party at any time, based
28 on a material change in circumstances, the court may schedule another permanency hearing at
29 which the court may review, modify, and/or implement the permanency plan, or adopt the
30 concurrent plan.

31 5 Child Protection Act; Post-Permanency Hearings. Amend RSA 169-C:24-c to read as follows:

32 169-C:24-c Post-Permanency Hearings.

33 I. For a child who is in an out-of-home placement following the **12-month** permanency
34 hearing, the court shall hold [~~and complete~~] a post-permanency hearing within 12 months of the
35 permanency hearing and every 12 months thereafter as long as the child remains in an out-of-home
36 placement. The court may conduct periodic post-permanency hearings upon its motion or upon the
37 request of any party at any time.

1 II. At a post-permanency hearing the court shall determine whether the department has
2 made reasonable efforts to finalize the permanency plan that is in effect. Where reunification is the
3 permanency plan that is in effect, the court shall consider whether the services to the family have
4 been accessible, available, and appropriate.

5 ***III. At a post-permanency hearing, the court may, upon agreement of the parties,***
6 ***modify the permanency plan. In such cases a permanency hearing is not required.***

7 6 Grounds for Termination of the Parent-Child Relationship. Amend RSA 170-C:5, III to read
8 as follows:

9 III. [~~The parents,~~] Subsequent to a finding of child neglect or abuse under RSA 169-C, ***the***
10 ***parents*** have failed to correct the conditions leading to such a finding within 12 months of the
11 finding despite reasonable efforts under the direction of the [~~district~~] court to rectify the conditions.

12 ***III-a. Subsequent to a finding of child neglect or abuse under RSA 169-C, the***
13 ***parents have failed to correct the conditions leading to such a finding prior to an early***
14 ***permanency hearing held pursuant to RSA 169-C:24-b, II(b) at which the court changed the***
15 ***child's permanency plan, despite reasonable efforts under the direction of the court to***
16 ***rectify the conditions.***

17 7 Effective Date. This act shall take effect January 1, 2022.

**SB 93-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to permanency planning under the child protection act.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2021	FY 2022	FY 2023	FY 2024
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable	Indeterminable	Indeterminable
Funding Source:	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

METHODOLOGY:

This bill clarifies that adoption rather than the termination of parental rights is a potential permanency plan objective; clarifies the timing of the 12-month permanency hearing; specifies other circumstances for when a subsequent permanency hearing may be conducted; allows for an earlier permanency hearing; provides for cases where the parents are in compliance but the unique needs of the child prevent reunification; and clarifies that the court can modify a permanency plan by agreement at a post-permanency hearing.

The Judicial Branch anticipates this bill will help clarify court processes and expects it will only have a negligible fiscal impact.

The Department of Health and Human Services indicates this bill proposes changes to the Child Protection Act to provide flexibility for the court and the parties when the existing statutory time frames are not in the child’s best interest. The Department reports in the rare cases where the parents have failed to meaningfully engage in the reunification process the permanency hearing could occur earlier. In cases where the reunification has not occurred based on the unique needs of the child not the parent’s failure to correct the conditions leading to abuse and neglect the process can be extended. The Department assumes these exceptions will be rare and any impact on the DCYF family services caseload capacity would be de minimus. Additionally, the bill makes a corresponding change to RSA 170-C:5, termination of parental rights, to allow termination to move forward when there has been an early permanency hearing and the plan is adoption. It is assumed this proposed statutory change will have no impact on the number of termination of parental rights cases brought by the department and will not have a fiscal impact.

AGENCIES CONTACTED:

Department of Health and Human Services and Judicial Branch