

# 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 94,**

**AN ACT relative to juvenile diversion programs.**

**Having considered the same, report the same with the  
recommendation that the bill OUGHT TO PASS.**

**Rep. Cody Belanger**

**FOR THE COMMITTEE**

## **COMMITTEE REPORT**

Committee:	<b>Children and Family Law</b>
Bill Number:	<b>SB 94</b>
Title:	<b>relative to juvenile diversion programs.</b>
Date:	<b>April 21, 2021</b>
Consent Calendar:	<b>REGULAR</b>
Recommendation:	<b>OUGHT TO PASS</b>

### **STATEMENT OF INTENT**

It is the opinion of the majority of the committee that this bill will allow police officers and juvenile probation and parole officers to refer a juvenile for a needs assessment without taking the minor into custody. The majority believes this will reduce the recidivism rate among juveniles being detained at the Sununu Youth Service Center (SYSC).

Vote 13-1.

Rep. Cody Belanger  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

## **REGULAR CALENDAR**

Children and Family Law

**SB 94**, relative to juvenile diversion programs. **OUGHT TO PASS.**

Rep. Cody Belanger for Children and Family Law. It is the opinion of the majority of the committee that this bill will allow police officers and juvenile probation and parole officers to refer a juvenile for a needs assessment without taking the minor into custody. The majority believes this will reduce the recidivism rate among juveniles being detained at the Sununu Youth Service Center (SYSC).

**Vote 13-1.**

Original: House Clerk

Cc: Committee Bill File

# Voting Sheets

EXECUTIVE SESSION on Bill # SB 94

BILL TITLE: Relative to Juvenile diversion programs

DATE: 4-21-2021

LOB ROOM: 203

270  
145

MOTION: (Please check one box)

- OTP
- ITL
- Retain (1<sup>st</sup> year)
- Adoption of Amendment # \_\_\_\_\_ (if offered)
- Interim Study (2nd year)

Moved by Rep. Belange Secoded by Rep. DeSimone Vote: 13-1

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1<sup>st</sup> year)
- Adoption of Amendment # \_\_\_\_\_ (if offered)
- Interim Study (2nd year)

Moved by Rep. \_\_\_\_\_ Secoded by Rep. \_\_\_\_\_ Vote: \_\_\_\_\_

MOTION: (Please check one box)

- OTP
- OTP/A
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- Retain (1<sup>st</sup> year)
- Adoption of Amendment # \_\_\_\_\_ (if offered)
- Interim Study (2nd year)

Moved by Rep. \_\_\_\_\_ Secoded by Rep. \_\_\_\_\_ Vote: \_\_\_\_\_

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1<sup>st</sup> year)
- Adoption of Amendment # \_\_\_\_\_ (if offered)
- Interim Study (2nd year)

Moved by Rep. \_\_\_\_\_ Secoded 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 #: SB 94 Motion: \_\_\_\_\_ 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.	<del>6</del>		
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		
<b>TOTAL VOTE:</b>	13	1	

# Public Hearing



**HOUSE COMMITTEE ON CHILDREN AND FAMILY LAW**

**PUBLIC HEARING ON SB 94**

**BILL TITLE:** relative to juvenile diversion programs.

**DATE:** April 21, 2021

**LOB ROOM:** 203                      **Time Public Hearing Called to Order:** 11:15 AM

**Time Adjourned:** 12:07 PM

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

**Bill Sponsors:**

**Sen. Carson**

**Rep. Belanger**

**TESTIMONY**

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

**\*Mindy Greene – Derry, NH**

- RSA 169B – filed
- Juvenile transportation group team and other members of DCYF
- Public defenders and prosecutors office – needs of goal is to lower court involvement – get kids in services prior to going to court

**\*Michael Scibbie - Disabilities Rights**

- Thanks to Senator Carson, 1hr. Ribson and his staff
- (Support) challenges
- As system responds to youth, it often makes things worse than better

**Q:** Rep. Long – Do you have the bill in front of you? Page 2 line 15 – Do you see the d – do you think this could be confusing?

**Joe Ribson – Director of DCYF**

- In office in Concord – alone in office
- Smart from a resource perspective – the bill helps juvenile staff and shorten their time
- Kids go through court without having gone through assessments
- When it occurs better recommendations can be made – it's voluntary – if either party accepts it can not go any further
- Additional protections were put into place to identify needs

**Q:** Rep. Rice – 27 signed in from mostly police dept – what is their issue?

- We did have some law enforcement persons turn up based on their experience
- They have not seen a lot of success with this
- Providing alternatives, those that are skeptical will find that it's better

**Q:** Rep. Long – It appeared that the arresting officer would revert it to DHHS – if they plan to go to court they don't have to wait; kids get arrested – have to wait 30 days before they go to court

**Q:** Rep. Long – I just don't want a parent saying my rights were taken away from me. Either party can say they do not want to consent to do it. Overlaying a treatment level. No attorney would be assigned.

**A:** Correct.

**Q:** Rep. Lewicke – Answer question Mr. Ribson

**Pamela Jones – NHPD – Nashua Office – Member of Transforming Group, liaison – Support**

- NHPD supports passing
- Goal decrease system involved youth it comes from a place of understanding youth's brains
- They have an assessment to respond to all of their needs
- Black and brown also are important pending racial situation

**Q:** Rep. Long – 1/22 – 10/22 – Reasoning behind this

**A:** This is a lot so implementation should be smooth so we are stating it's low support

**Richard Head – Gov Affairs Coordinator**

- Supports bill as written

**Q:** Rep. Long – Manchester has one of the last ones – Nashua has one of the first

**A:** Will get it to the committee, regarding number of cases –

Ribson – Don't have exact numbers in front of me but can pull it up – Shifty staff – hope we can have more staff to deal with it – don't want to overwhelm

**\*Moria O'Neill**

- Please see written testimony
- SB94 is about prevention
- Want to make sure children's needs are met
- Never underestimate how smart a child may be

**Q:** Rep. Long – Are you aware of any police training on this issue?

**A:** That's part of the work we are doing, We have 4 more meetings coming up that are a little more deep

Mr. Head – RE: Rep. Long's question – the grouping are not top heavy, they are balancing the numbers so that it can be rolled out evenly

Respectfully submitted,

Rep. Caroletta Alicea

# 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:** Tuesday, April 20, 2021 9:58:16 PM  
**To:** ~House Children and Family Law Committee  
**Subject:** SB 94 Testimony - Child Advocate  
**Importance:** Normal  
**Attachments:**  
SB 94 relative to juvenile diversion - Child Advocate Testimony 4-21-2021.pdf ;

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Hello,  
Attached is testimony in support of SB 94 relative to juvenile diversion.  
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 10:47:27 AM  
**From:** [Christina Dyer](#)  
**Sent:** Wednesday, April 21, 2021 12:03:25 PM  
**To:** ~House Children and Family Law Committee  
**Subject:** SB 94  
**Importance:** Normal  
**Attachments:**  
[SB 94 Remote Testify Full List.pdf](#) 

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**Christina Dyer**  
Committee Researcher  
New Hampshire House of Representatives  
House Committee Services  
603-271-3385



**Archived:** Tuesday, May 4, 2021 10:47:28 AM  
**From:** Nila Bala  
**Sent:** Tuesday, April 20, 2021 3:16:06 PM  
**To:** ~House Children and Family Law Committee  
**Subject:** Testimony for SB 94  
**Importance:** Normal  
**Attachments:**  
[Final\\_NH SB94 Testimony - Nila Bala \(1\).docx](#) 

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Please find my testimony in support attached. Thank you for the opportunity to weigh in regarding this important bill.

Cheers,  
Nila

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Nila Bala  
Associate Director of Criminal Justice Policy | R Street Institute  
[nbala@rstreet.org](mailto:nbala@rstreet.org)



Bill as  
Introduced

**SB 94 - AS INTRODUCED**

2021 SESSION

21-0942

05/04

SENATE BILL        **94**

AN ACT            relative to juvenile diversion programs.

SPONSORS:        Sen. Carson, Dist 14; Rep. Belanger, Rock. 9

COMMITTEE:      Judiciary

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ANALYSIS

This bill clarifies the procedure for obtaining a needs assessment through juvenile diversion prior to proceeding with a delinquency petition under RSA 169-B.

.....

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 juvenile diversion programs.

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

1 1 Statement of Purpose and Findings.

2 I. In furtherance of the objectives stated in RSA 169-B:1, the general court finds that  
3 promoting the earlier engagement in the community based services and minimizing the involvement  
4 of youth in the formal legal system will promote the goal of positive youth development.

5 II. The general court finds that authorizing pre-petition engagement by the department for  
6 the purpose of completing assessments and making referrals to the children's behavior health  
7 system or other appropriate services and supports will increase the use of diversion and decrease the  
8 need for future judicial involvement.

9 III. It is the intent of this act to provide the department with the authority to assess all  
10 youth as early as possible in the process and the ability to share that information with law  
11 enforcement, prior to formal involvement with the court, in order to minimize the need for court  
12 involvement when the minor's needs can be met with services.

13 2 Juvenile Delinquency; Juvenile Diversion. Amend RSA 169-B:10, I and I-a to read as follows:

14 I. An officer authorized under RSA 169-B:9 to take a minor into custody may dispose of the  
15 case without court referral by releasing the minor to a parent, guardian, or custodian. The officer  
16 shall make a written report to the officer's department identifying the minor, specifying the grounds  
17 for taking the minor into custody and indicating the basis for the ~~[disposition]~~ **disposal** of the case.  
18 ***The officer may refer the minor to the department of health and human services for the***  
19 ***needs assessment described in paragraph I-a.***

20 I-a. Prior to filing a delinquency petition with the court, the arresting agency or  
21 prosecutor shall ~~[screen the petition for participation in diversion.]~~ ***refer the minor to the***  
22 ***department of health and human services for a voluntary needs assessment within 2***  
23 ***business days of arrest, to be completed as follows:***

24 (a) ***The department shall obtain the consent of the minor and the minor's***  
25 ***parent or guardian, prior to conducting the needs assessment.***

26 (b) ***If the minor or the minor's parent or guardian does not consent, the***  
27 ***department shall report to the prosecutor that the voluntary needs assessment was***  
28 ***declined and the prosecutor may proceed with a petition and inform the court that the***  
29 ***needs assessment was declined.***

30 (c) ***The department shall complete the voluntary needs assessment within 30***  
31 ***days from referral or, if an assessment has been completed within the prior 6 months, the***

1 *department shall provide the referring entity with the report and recommendations from*  
2 *any prior assessments.*

3 *(d) A report and recommendations shall be provided to the minor, the minor's*  
4 *parent or guardian, the minor's attorney, and the referring entity and shall include the*  
5 *department's specific recommendation regarding whether a petition should be filed and*  
6 *any recommendations for supports and services.*

7 *(e) The report and recommendations, any additional documents and records,*  
8 *and any statements made by the minor or others providing information for the purpose of*  
9 *the needs assessment shall not be admissible at the adjudicatory hearing held pursuant to*  
10 *RSA 169-B:16.*

11 *(f) If a finding is made at the adjudicatory hearing, the needs assessment,*  
12 *report and recommendations shall be admissible at all subsequent hearings including the*  
13 *dispositional hearing, for the purpose of determining appropriate services and supports.*

14 *(g) Prior to filing a delinquency petition with the court, the arresting agency or*  
15 *prosecutor shall review the department's report and recommendations to screen the*  
16 *petition for participation in other voluntary services or diversion.*

17 *(h) A petition may be filed prior to the completion of the referral and needs*  
18 *assessment if:*

19 *(1) The prosecutor or arresting officer determines there is a need to request*  
20 *an order from the court for immediate detention or non-secure placement to protect the*  
21 *minor or the community; or*

22 *(2) The minor or the minor's parent or guardian does not consent to the*  
23 *voluntary assessment.*

24 *(i) The petitioner shall identify why diversion was not an appropriate disposition prior to*  
25 *seeking court involvement.*

26 *(j) If the petition is filed prior to the referral and assessment, and the minor has*  
27 *not had an assessment in the prior 6 months, the department shall make the assessment*  
28 *available to the minor after the petition is filed and the confidentiality and admissibility*  
29 *of the report and recommendations and related statements shall be treated the same as*  
30 *assessments completed prior to the petition.*

31 3 Applicability. This act shall apply to the circuit courts as follows:

32 I. Beginning January 1, 2022, in the following circuit court locations: Lebanon of circuit 2,  
33 Claremont and Newport of circuit 5, Dover and Rochester of circuit 7, Keene and Jaffrey of circuit 8,  
34 and Nashua, Milford and Merrimack of circuit 9.

35 II. Beginning July 1, 2022, in the following circuit court locations: Concord, Hillsborough  
36 and Hooksett of circuit 6 and Portsmouth, Hampton, Brentwood, Derry, Salem and Candia of circuit

37 10.

**SB 94 - AS INTRODUCED**

**- Page 3 -**

1           III. Beginning October 1, 2022, in the following circuit court locations: Berlin, Colebrook and  
2 Lancaster of circuit 1, Plymouth, Littleton and Haverhill of circuit 2, Conway and Ossipee of circuit  
3 3, Laconia of circuit 4, Franklin of circuit 6, Manchester and Goffstown of circuit 9.

4           IV. In all circuit court locations as of October 1, 2022.

5           4 Effective Date. This act shall take effect January 1, 2022.