

LEGISLATIVE COMMITTEE MINUTES

**SB159**

Bill as  
Introduced

SB 159-FN - AS INTRODUCED

2021 SESSION

21-0971  
05/08

SENATE BILL

***159-FN***

AN ACT

establishing the department of children's services and juvenile justice.

SPONSORS:

Sen. Carson, Dist 14

COMMITTEE:

Health and Human Services

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ANALYSIS

This bill establishes the department of children's services and juvenile justice and transfers the powers and duties of the department of health and human services, division for children youth and families to the new department.

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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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 establishing the department of children's services and juvenile justice.

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

1           1   Transfer of Functions, Powers, and Duties, from the Department of Health and Human  
2   Services, Division for Children, Youth and Families to the Department of Children's Services and  
3   Juvenile Justice. All the functions, powers, duties, personnel, records, property, programs,  
4   operations, and funds of the department of health and human services, division for children, youth  
5   and families relative to children's services and juvenile justice provided under RSA 161:2, II-IV-a,  
6   161:2, XII, 161:2, XVII, 169-A, 169-B, 169-C, 169-D, 169-E, 169-F, 169-G, 170-A, 170-B, 170-C, 170-  
7   E, 170-G, 170-H, 126-D, 126-G, 621, and 621-A are hereby transferred to the department of  
8   children's services and juvenile justice established in this act and vested in the commissioner of that  
9   department.

10           2   New Chapter; Department of Children's Services and Juvenile Justice. Amend RSA by  
11   inserting after chapter 21-V the following new chapter:

12   CHAPTER 21-W

13                           DEPARTMENT OF CHILDREN'S SERVICES AND JUVENILE JUSTICE

14           21-W:1   Purpose; Intent. The purpose of this chapter is to provide a unified, statewide  
15   administration of programs and services for children and youth, including child protection, foster  
16   care, adoption, children in need of services, juvenile justice, residential services, residential care, and  
17   all related administrative functions.

18           21-W:2   Definitions. In this chapter:

19               I. "Commissioner" means the commissioner of the department of children's services and  
20   juvenile justice.

21               II. "Department" means the department of children's services and juvenile justice.

22           21-W:3   Department Established; General Functions.

23               I. There is hereby established the department of children's services and juvenile justice, an  
24   agency of the state, under the executive direction of a commissioner of the department of children's  
25   services and juvenile justice.

26               II. The department of children's services and juvenile justice, through its officials, shall be  
27   responsible for the following functions:

28                   (a) Statewide administration and enforcement of programs and services for children and  
29   youth. Such programs and services shall be organized into the following 4 functional areas:

30                       (1) Administration support, including program certification, rate setting, rate  
31   review, and quality assurance.

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1 (2) Child protection, including adoption, foster care, and child day care licensing.

2 (3) Juvenile justice and children in need of services.

3 (4) Residential services, including secure facilities and residential care programs.

4 (b) Administration and oversight of the juvenile parole board pursuant to RSA 170-H,  
5 the child welfare advisory board, the interstate compact for juveniles, pursuant to RSA 169-A, the  
6 interstate compact on the placement of children pursuant to RSA 170-A, and the compact for hard to  
7 place children, pursuant to RSA 126-D.

8 21-W:4 Commissioner; Compensation.

9 I. The commissioner of the department of children's services and juvenile justice shall be  
10 appointed by the governor, with the consent of the council, and shall serve a term of 4 years. The  
11 commissioner shall be qualified to hold the position by reason of education and experience. Any  
12 vacancy shall be filled for the unexpired term.

13 II. The compensation of the commissioner shall be as specified in RSA 94:1-a.

14 21-W:5 Powers and Duties of the Commissioner. In addition to the powers, duties, and  
15 functions otherwise vested by law, the commissioner of the department of children's services and  
16 juvenile justice shall:

17 I. Establish clear, comprehensive, and unified departmental objectives, including the  
18 development and implementation of a departmental mission statement, promoting the efficient  
19 statewide delivery of programs and services to children and youths.

20 II. Represent the public interest and the best interest of the children and youths served in  
21 the administration of the programs and services within the department of children's services and  
22 juvenile justice, and be responsible to the governor, the general court, the public, and the children  
23 and youths being served through such administration.

24 III. Represent the interests of the department by serving on boards, commissions,  
25 committees, and professional associations, or specify a designee.

26 IV. Have the authority, subject to the approval of the governor and council, to accept gifts,  
27 contributions, and bequests of funds from individuals, foundations, corporations, institutions, and  
28 other organizations for the purpose of furthering the mission of the department of children's services  
29 and juvenile justice.

30 V. Have the authority to apply for, receive, and expend federal funding, grants, subsidies, or  
31 other moneys on a department-wide basis.

32 VI. Have general supervision of all neglected or dependent children and see that they  
33 receive suitable education, training, and support; assist in the enforcement of all laws for the  
34 protection of children and investigate charges that may be brought to the department's attention,  
35 and if a crime allegedly has been committed, report to the county attorney.

36 VII. Supervise all foster family homes and child placing agencies.

1 VIII. Develop a broad range of social and related services aimed at preventing dependency  
2 and family breakdown, promoting child development and child care, protecting vulnerable children  
3 and enabling them to live in their own homes or foster homes rather than in institutions, assisting  
4 individuals to attain and maintain self-support and strengthen family life, develop and operate  
5 social service programs within the department of children's services and juvenile justice, receive and  
6 distribute such federal funds which are allocated specifically to the state for day care for children  
7 and adults, and purchase or contract with other agencies or individuals to provide direct grants from  
8 sums appropriated for such purpose to other agencies upon submission of approvable plans within  
9 the objectives of this paragraph.

10 IX. Review annually the rates established for the purchase of child day care services on  
11 behalf of eligible persons. This annual review shall consider the effects of the established rates on  
12 current costs, quality, and availability of services.

13 X. Adopt rules, pursuant to RSA 541-A, implementing procedures for state registry and  
14 criminal background investigations of all new department staff who have regular contact with  
15 children, according to the provisions of RSA 170-G:8-c.

16 XI.(a) Upon request, publicly disclose the information in subparagraphs (c)(3)-(c)(12)  
17 regarding the abuse or neglect of a child, if there has been a fatality or near fatality resulting from  
18 abuse or neglect of a child. Information included in subparagraphs (c)(1) and (c)(2) shall also be  
19 disclosed if it is determined that such disclosure shall not be contrary to the best interests of the  
20 child, the child's siblings, or other children in the household and there has been a fatality or near  
21 fatality resulting from abuse or neglect of a child. In addition, the same disclosure shall be made  
22 when there has been a fatality, to include suicide, or near fatality of a child under the legal  
23 supervision or legal custody of the department. In determining whether disclosure will be contrary  
24 to the best interests of the child, the child's siblings, or other children in the household, the  
25 commissioner shall consider the privacy interests of the child and the child's family and the effects  
26 which disclosure may have on efforts to reunite and provide services for the family. If the  
27 commissioner determines not to release the information, the commissioner shall provide written  
28 findings in support of the decision to the requestor. As used in this section, "near fatality" means an  
29 act or event that places a child in serious or critical condition as certified by a physician.

30 (b) Information may be disclosed as follows:

31 (1) Information released prior to the completion of the investigation of a report shall  
32 be limited to a statement that a report is "under investigation."

33 (2) When there has been a prior disclosure pursuant to subparagraph (b)(1),  
34 information released in a case in which the report has been unfounded shall be limited to the  
35 statement that "the investigation has been completed, and the report has been determined  
36 unfounded."

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1 (3) If the report has been founded, then information may be released pursuant to  
2 subparagraph (c).

3 (c) For the purposes of this paragraph, the following information shall be disclosed:

4 (1) The name of the abused or neglected child, provided that the name shall not be  
5 disclosed in a case of a near fatality unless the name has otherwise previously been disclosed.

6 (2) The name of the parent or other person legally responsible for the child or the  
7 foster family home, group home, child care institution, or child placing agency where the child is  
8 placed.

9 (3) The date of any report to the department of suspected abuse or neglect, to include  
10 any prior reports on file, provided that the identity of the person making the report shall not be  
11 made public.

12 (4) The statutory basis and supporting allegations of any such report, provided that  
13 the identity of the person making the report shall not be made public.

14 (5) Whether any such report was referred to the department for assessment and, if  
15 so, the priority assigned by the department.

16 (6) The date any such report was referred to the department for assessment.

17 (7) For each report, the date and means by which the department made contact with  
18 the family regarding the assessment.

19 (8) For each report, the date and means of any collateral contact made as part of the  
20 investigation provided that the identity of an individual so contacted shall not be made public.

21 (9) For each report, the date the assessment was completed.

22 (10) For each report, the fact that the department's investigation resulted in a  
23 finding of either abuse or neglect and the basis for the finding.

24 (11) Identification of services and actions taken, if any, by the department regarding  
25 the child named in the report and his or her family or substitute caregiver as a result of any such  
26 report or reports.

27 (12) Any extraordinary or pertinent information concerning the circumstances of the  
28 abuse or maltreatment of the child and the investigation of such abuse or maltreatment, where the  
29 commissioner determines such disclosure is consistent with the public interest.

30 (d) Any disclosure of information pursuant to this paragraph shall be consistent with the  
31 provisions of subparagraph (c). Such disclosure shall not identify or provide an identifying  
32 description of the source of the report, and shall not identify the name of the abused or neglected  
33 child's siblings, or any other members of the child's household, other than the subject of the report.

34 XII. Establish a quality early learning opportunity initiative which shall be available on a  
35 first-come, first-served basis to families whose income is between 190 percent and 250 percent of the  
36 federal poverty guidelines, and whose children are enrolled in a child care program licensed under  
37 RSA 170-E, and who otherwise meet all other eligibility requirements for child care assistance. The

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1 amount of support provided to eligible families shall be calculated annually by the department and  
2 shall reflect the estimated average difference between the cost of licensed child care and unlicensed  
3 child care.

4 21-W:6 Rulemaking.

5 I. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the  
6 administration and enforcement of the following:

7 (a) The interstate compact for juveniles under RSA 169-A.

8 (b) Delinquent children under RSA 169-B.

9 (c) Child protection under RSA 169-C.

10 (d) Children in need of services under RSA 169-D.

11 (e) Missing children under RSA 169-E.

12 (f) Court ordered placements under RSA 169-F.

13 (g) Review of dispositional orders in juvenile cases under RSA 169-G.

14 (h) The interstate compact on the placement of children under RSA 170-A.

15 (i) Adoption under RSA 170-B.

16 (j) Termination of parental rights under RSA 170-C.

17 (k) Child day care, residential care, and child-placing agencies under RSA 170-E.

18 (l) Services for children, youth, and families under RSA 170-G.

19 (m) Parole of delinquents under RSA 170-H.

20 (n) The compact for hard to place children under RSA 126-D.

21 (o) Family support services under RSA 126-G.

22 (p) Educationally disabled children at the youth development center, the state prisons,  
23 county correctional facilities, and the youth services center under RSA 186-C:19-a.

24 (q) Special education programs of the youth services center under RSA 186-C:20.

25 (r) The youth development center under RSA 621.

26 (s) The youth services center under RSA 621-A.

27 II. Upon the abolition of each agency, department, division, bureau, or other administrative  
28 unit whose functions, powers, and duties are transferred in accordance with this chapter, the  
29 existing rules of such agency, department, division, bureau, or other administrative unit shall  
30 continue in full effect, without interruption, as the rules of the department of children's services and  
31 juvenile justice. Rules so continued shall be effective for the remainder of the period established  
32 under RSA 541-A:17, II.

33 III. The commissioner shall send copies of all rules proposed under this section to the  
34 chairperson of the house children and family law committee and the chairperson of the senate health  
35 and human services committee, or their successor committees, for review.

36 3 Transfer of Authority from the Department of Health and Human Services, Division for  
37 Children, Youth and Families to the Department for Children's Services and Juvenile Justice.



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1 I. The department of health and human services, division for children, youth and families is  
2 hereby abolished and all of the functions, powers, and duties, and responsibilities of the division and  
3 the officials of that division, are hereby transferred to the department of children's services and  
4 juvenile justice established in section 2 of this act.

5 II. The transfer provided for in paragraph I of this section shall include all of the personnel,  
6 books, papers, records, equipment, unexpended appropriations or other funds, actions, and other  
7 property or obligations of any kind of the division for children, youth and families.

8 III. The state employees of the division for children, youth and families shall be transferred  
9 to the department of children's services and juvenile justice when the duties, functions, and  
10 responsibilities of the division for children, youth and families are transferred to the department.  
11 Any person employed in such a position at the time of such transfer or at any subsequent time  
12 thereto shall be deemed an employee of the department. All classified employees of the department  
13 shall be classified employees of the state of New Hampshire within the meaning of RSA 21-I:49 and  
14 shall be subject to all requirements, and be entitled to all benefits and emoluments, of the state  
15 personnel system. Nothing in this paragraph shall preclude the general court from increasing or  
16 decreasing the number of positions within the department.

17 4 Office of the Child Advocate; Reference Change. RSA 21-V:1, V is repealed and reenacted to  
18 read as follows:

19 V. "Department" means the department of children's services and juvenile justice.

20 5 Office of the Child Advocate; Reference Change. Amend RSA 21-V:2, III(a) to read as follows:

21 (a) Investigate the actions of any agency and make appropriate referrals; provided that  
22 department of ~~[health and human services specific complaints shall be handled by the ombudsman~~  
23 ~~pursuant to RSA 126-A:4, III]~~ **children's services and juvenile justice specific complaints**  
24 **shall be handled by that agency.**

25 6 Department of Health and Human Services; Educational Expenses; Liability Amended.  
26 Amend RSA 126-A:39, II to read as follows:

27 II. Rates for private providers of special education services shall be set as provided in RSA  
28 186-C:7, III, by the departments of ~~[health and human services]~~ **children's services and juvenile**  
29 **justice**, education, and administrative services.

30 7 Department of Health and Human Services; Child Welfare Services Amended. Amend RSA  
31 161:2, II to read as follows:

32 II. Child Welfare Services. Develop and administer state responsibilities for child welfare,  
33 and may administer directly such child welfare activities. Child welfare activities shall include:  
34 ~~[Protection and care of homeless, dependent and neglected children, and children in danger of~~  
35 ~~becoming delinquent; cooperation with any court and with state and other institutions for children,~~  
36 ~~including investigation and follow-up services; services and care of children in foster homes; and all~~  
37 ~~other child welfare activities authorized by law]~~ **administration and enforcement of child**

1 **support as defined in this section, administration of federal and state family support and**  
2 **assistance programs pursuant to RSA 167, and assistance to developmentally disabled**  
3 **children pursuant to RSA 171-A;** provided, however, that nothing in this chapter or RSA 167 shall  
4 be construed as authorizing any public official, agent, or representative, in carrying out any of the  
5 provisions of this chapter or RSA 167 to take charge of any child over the objection of either of the  
6 parents of such child, or of the person standing in loco parentis to such child, except pursuant to a  
7 proper court order.

8 8 Parole of Delinquents; Purpose of Juvenile Parole Amended. Amend RSA 170-H:1 to read as  
9 follows:

10 170-H:1 Purpose of Juvenile Parole. It is the intent of the general court that the juvenile parole  
11 system provide a means of rehabilitating delinquents who have been committed to the custody of the  
12 department of [~~health and human services~~] **children's services and juvenile justice**, without  
13 continued incarceration. It is also the intent of the general court that the juvenile parole board and  
14 the department of [~~health and human services~~] **children's services and juvenile justice**, when  
15 administering this system, demonstrate recognition of the need to protect the public from criminal  
16 acts by juvenile parolees.

17 9 State-County Finance Commission. Amend RSA 28-B:3, II to read as follows:

18 II. Review and provide recommendations **prior to any rate setting and adjustments**,  
19 regarding:

20 (a) Department of health and human services rate setting and adjustments including,  
21 but not limited to, those for long-term care services for elderly and adult clients by the division of  
22 elderly and adult services, [~~court-ordered and volunteer services by the division for children, youth,~~  
23 ~~and families, and the division of juvenile justice services, prior to any rate setting or adjustments~~].

24 (b) **Department of children's services and juvenile justice rate setting and**  
25 **adjustments, including those for court-ordered and volunteer services.**

26 10 Department of Health and Human Services; Memorandum. Amend RSA 126-A:5, XXI(a) to  
27 read as follows:

28 XXI.(a) The commissioners of the departments of health and human services, **children's**  
29 **services and juvenile justice**, and corrections, and the attorney general shall enter into a  
30 memorandum of understanding establishing an inter-departmental team, to address responsibilities  
31 associated with the most challenging cases of individuals 18 years of age or older with developmental  
32 disabilities or acquired brain disorders who present a substantial risk to community safety as  
33 determined by a comprehensive risk assessment appropriate to the individual. The memorandum of  
34 understanding shall include a requirement for participation by: the department of health and human  
35 services, including the bureau of developmental services, the bureau of behavioral health, [~~the~~  
36 ~~division for children, youth and families,~~] the bureau of drug and alcohol services, the New  
37 Hampshire hospital, the department of justice, **the department of children's services and**

1 *juvenile justice*, and the department of corrections. The purpose of the memorandum of  
2 understanding is to promote collaboration and cooperation across all services systems to determine  
3 and recommend system responsibility for providing and/or funding specific services and supports to  
4 effectively meet the needs of the individual and the public safety of the community in accordance  
5 with the rules of the respective departments.

6 11 Surrogate Parents. Amend RSA 186-C:14, III(a) to read as follows:

7 (a) When a child with a disability, as defined in RSA 186-C:2, needs special education  
8 and the parent or guardian of the child is unknown or after reasonable efforts cannot be located, or  
9 the child is in the legal custody of [~~the division of children, youth, and families~~] *the department of*  
10 *children's services and juvenile justice*, the commissioner, or designee, may appoint a surrogate  
11 parent who shall represent the child in the educational decision-making process, provided that for a  
12 child in the legal custody of the [~~division of children, youth, and families~~] *department of children's*  
13 *services and juvenile justice*, a judge overseeing the child's case pursuant to the Individuals With  
14 Disabilities Education Act, 20 U.S.C. section 1415(b)(2)(A)(i), may appoint a surrogate parent.

15 12 Tuition Waiver for Children in State Foster Care or Guardianship. Amend RSA 187-A:20-b,  
16 III(b) to read as follows:

17 (b) Beginning November 1, 2008, and no later than November 1 each year thereafter, the  
18 [~~division of children, youth, and families~~] *department of children's services and juvenile justice*  
19 shall submit a report to the health and human services oversight committee, established in RSA 126-  
20 A:13, and the house children and family law committee, or their successor committees, detailing the  
21 status of the tuition waiver program.

22 13 Guardian Ad Litem Board; Membership; Reference Change. Amend RSA 490-C:2, I(f) to read  
23 as follows:

24 (f) One member representing the [~~division of children, youth, and families~~] *department*  
25 *of children's services or juvenile justice*, or Casey family services, or another child protection  
26 agency in the state, appointed by the governor.

27 14 Release of a Defendant Pending Trial; Reference Change. Amend RSA 597:2, II to read as  
28 follows:

29 II. The court or justice shall order the prearrestment or pretrial release of the person on  
30 his or her personal recognizance, or upon execution of an unsecured appearance bond in an amount  
31 specified by the court, subject to the condition that the person not commit a crime during the period  
32 of his or her release, and subject to such further condition or combination of conditions that the court  
33 may require, unless the court determines that such release will not reasonably assure the  
34 appearance of the person as required or will endanger the safety of the person or of any other person  
35 or the community. The court may also consider as a factor in its determination under this  
36 paragraph or paragraph III that a person who is detained as a result of his or her inability to meet  
37 the required conditions or post the required bond is the parent and sole caretaker of a child and

1 whether, as a result, such child would become the responsibility of the ~~[division of children, youth,~~  
2 ~~and families]~~ **department of children's services and juvenile justice.**

3 15 Trust and Agency Funds; Reference Change. Amend RSA 6:12-c, II(c) to read as follows:

4 (c) The Matthew Elliot memorial trust fund of the ~~[division of juvenile justice services,]~~  
5 department of health and human services.

6 16 Duties of the Juvenile Justice Advisory Board. Amend RSA 621-A:11, I-I-b to read as follows:

7 I. The advisory board shall act in an advisory capacity to assist the commissioner of the  
8 department of ~~[health and human services]~~ **children's services and juvenile justice** relative to  
9 juvenile justice programs and services provided to children at the youth development center and  
10 other juvenile justice facilities. The board may also provide advice and input on fiscal and budgetary  
11 matters related to such facilities, the availability of state and federal grants, business partnerships,  
12 and other funding sources available to the department for such facilities.

13 I-a. The board shall seek information from ~~[the director of the division of juvenile justice~~  
14 ~~services in]~~ the department of ~~[health and human services]~~ **children's services and juvenile**  
15 **justice** concerning the successes and challenges relative to the state's juvenile justice programs and  
16 services.

17 I-b. The board shall be available to address emergent issues identified by the commissioner  
18 of ~~[health and human services]~~ **children's services and juvenile justice**, ~~[the director of the~~  
19 ~~division of juvenile justice services,]~~ the ~~[chair]~~ **chairperson** of the advisory board, or any board  
20 member. In furtherance of this paragraph, the board may solicit comments from the public or any  
21 other entities as it deems appropriate.

22 17 Interbranch Criminal and Juvenile Justice Council. Amend RSA 651-E:2, I(i) to read as  
23 follows:

24 (i) The ~~[director of the division of juvenile justice services,]~~ **commissioner of the**  
25 department of ~~[health and human services]~~ **children's services and juvenile justice**, or designee.

26 18 Powers of City Councils; Group Homes; Reference Change. Amend RSA 47:11-b to read as  
27 follows:

28 47:11-b Group Homes. The city councils may appropriate money to support or aid group homes.  
29 For the purposes of this section, a group home is an institution or home which is supervised and  
30 licensed pursuant to the provisions of RSA ~~[161:2, IV]~~ **21-W**, and provides residential and counseling  
31 services to persons under the age of 21.

32 19 Services for Children, Youth and Families; Powers and Duties of the Department. Amend  
33 RSA 170-G:4, XIII to read as follows:

34 XIII. Assume and administer all the responsibilities and duties of the department of ~~[health~~  
35 ~~and human services]~~ **children's services and juvenile justice** relative to child welfare services  
36 provided under ~~[RSA 161:2, II and XII relative to child welfare services funded through the social~~

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1 ~~services block grant; 167:43; 167:51-167:53] RSA 21-W; 169-C; 170-A; 170-B; and 170-C[; 170-F; and~~  
2 ~~463 and provided under Title IV-B and Title IV-E of the Social Security Act].~~

3       20 Reference Changes. Amend the following RSA provisions by replacing "commissioner of  
4 health and human services" or "commissioner of the department of health and human services" with  
5 "commissioner of the department of children's services and juvenile justice": RSA 169-B:20; 169-  
6 D:18-a, I; 170-G:1, V; 170-G:3, IV; 170-G:4, VI, X, and XVIII; 170-G:4-a, I; 170-G:5; 170-H:2, IV-a;  
7 186-C:3-b; 186-C:7-a, I; 621:3, II-a; and 621-A:1.

8       21 Reference Changes. Amend the following RSA provisions by replacing "department of health  
9 and human services" with "department of children's services and juvenile justice": RSA 21-V:7, I; 21-  
10 V:10, III(e); 169-B:2, II and III-a; 169-B:2-a, I(b); 169-B:5-a; 169-B:6-a; 169-B:11, III; 169-B:14, I(c)  
11 and I(e); 169-B:15-a; 169-B:16, III; 169-B:19, I, III-a(a), III-a(c), and VI; 169-B:20; 169-B:31; 169-  
12 B:32; 169-B:40, I(a) and I(f); 169-C:3, XII; the introductory paragraph of 169-C:3-a; 169-C:8-a; 169-  
13 C:12-b; 169-C:16, III; the introductory paragraph of 169-C:19; 169-c:20-a, I; 169-C:27, I(a); the  
14 section heading of 169-C:34; 169-C:34-a, I; 169-C:38-a; 169-C:39-k, I(e); 169-D:2, V; 169-D:4-a; 169-  
15 D:5-a; 169-D:10, II(c); 169-D:13, I(c); 169-D:14, III; 169-D:17, I; 169-D:18-a, I; 169-D:29, I(a) 169-F:2;  
16 169-F:3; 169-F:4; 169-G:2; 169-G:6; 170-A:3; 170-A:4; 170-A:6, I; 170-B:2, VI and VIII; 170-B:32, III;  
17 170-C:2, VII; 170-C:9, I; 170-C:11, II, IV, and VI; 170-C:13; 170-C:14, III; 170-E:2, IV(h), V, and VII;  
18 the introductory paragraph of 170-E:5-a; 170-E:5-b, II(c)(4), III(a), and III(c); 170-E:6-a, I and II; 170-  
19 E:21-a; 170-E:25, V, VII, and X; 170-E:44; 170-E:50; 170-G:1, I, and IV, 170-G:2; 170-G:5-a; 170-G:6-  
20 a, 170-G:8-a, I; 170-G:8-c, VI; 170-G:14; the introductory paragraph of 170-G:16 and 170-G:16, V;  
21 170-H:2, V-a; 170-H:7; 170-H:13, I, II(a), and III; 186-C:3-b; 186-C:19-a, 186-C:19-b, I(a); 186-C:20;  
22 621:1; 621:3; 621:8; 621:10; 621:19; 621:22; 621-A:1; 621-A:9; and 621-A:11.

23       22 Reference Changes. Amend the following RSA provisions by replacing "division" with  
24 "department": RSA 21-V:1, III and IV; 21-V:2, III; 21-V:4, II; 21-V:7; and 21-V:10, I(h).

25       23 Repeal. The following are repealed:

26           I. RSA 126-A:5, XI and XII, relative to duties of the department of health and human  
27 services transferred to the department of children's services and juvenile justice.

28           II. RSA 161:2, III, relative to general supervision of all neglected or dependent children by  
29 the department of health and human services.

30           III. RSA 161:2, IV, relative to supervision and licensing of foster family homes and child  
31 placing agencies by the department of health and human services.

32           IV. RSA 161:2, XII, relative to social service programs for children and families.

33           V. RSA 161:2, XVII, relative to review of rates for child day care services by the department  
34 of health and human services.

35           VI. RSA 161:4-a, III, relative to rulemaking authority of the department of health and  
36 human services under RSA 161:2, XII.

37       24 Effective Date. This act shall take effect January 1, 2022.

LBA  
21-0971  
2/8/21

**SB 159-FN- FISCAL NOTE  
AS INTRODUCED**

**AN ACT**            establishing the department of children's services and juvenile justice.

**FISCAL IMPACT:**

The Office of Legislative Budget Assistant is unable to complete a fiscal note for this bill, as introduced, as it is awaiting information from the Department of Administrative Services. When completed, the fiscal note will be forwarded to the Senate Clerk's Office.

**AGENCIES CONTACTED:**

Department of Health and Human Services and Department of Administrative Services

# Committee Minutes

**SENATE CALENDAR NOTICE**  
**Health and Human Services**

Sen Jeb Bradley, Chair  
Sen James Gray, Vice Chair  
Sen Kevin Avar, Member  
Sen Tom Sherman, Member  
Sen Rebecca Whitley, Member

Date: February 17, 2021

**HEARINGS**

Wednesday	03/03/2021	
(Day)	(Date)	
Health and Human Services	REMOTE 000	8:30 a.m.
(Name of Committee)	(Place)	(Time)
8:30 a.m.	<b>SB 156</b>	relative to management of the secure psychiatric unit facility at New Hampshire hospital.
8:45 a.m.	<b>SB 159-FN</b>	establishing the department of children's services and juvenile justice.

Committee members will receive secure Zoom invitations via email.

Members of the public may attend using the following links:

1. Link to Zoom Webinar: <https://www.zoom.us/j/91895285038>
2. To listen via telephone: Dial (for higher quality, dial a number based on your current location): 1-301-715-8592, or 1-312-626-6799 or 1-929-205-6099, or 1-253-215-8782, or 1-346-248-7799, or 1-669-900-6833
3. Or iPhone one-tap: 16465588656,,91895285038# or 13017158592,,91895285038#
4. Webinar ID: **918 9528 5038**
5. To view/listen to this hearing on YouTube, use this link:  
<https://www.youtube.com/channel/UCjBZdtrjRnQdmg-2MPMiWrA>
6. To sign in to speak, register your position on a bill and/or submit testimony, use this link:  
<http://gencourt.state.nh.us/remotecommittee/senate.aspx>



The following email will be monitored throughout the meeting by someone who can assist with and alert the committee to any technical issues: [remotesenate@leg.state.nh.us](mailto:remotesenate@leg.state.nh.us) or call (603-271-6931).

**EXECUTIVE SESSION MAY FOLLOW**

**Sponsors:**

**SB 156**

Sen. French

Sen. D'Allesandro

**SB 159-FN**

Sen. Carson

Sen. Giuda

Sen. Birdsell

Sen. Gray

Sen. Sherman

Sen. Carson

Kirsten Koch 271-3266

Jeb Bradley  
Chairman

# Senate Health and Human Services Committee

*Kirsten Koch 271-3266*

**SB 159-FN**, establishing the department of children's services and juvenile justice.

**Hearing Date:** March 3, 2021

**Time Opened:** 9:26 a.m.

**Time Closed:** 10:30 a.m.

**Members of the Committee Present:** Senators Bradley, Gray, Avard, Sherman and Whitley

**Members of the Committee Absent :** None

**Bill Analysis:** This bill establishes the department of children's services and juvenile justice and transfers the powers and duties of the department of health and human services, division for children youth and families to the new department.

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## **Sponsors:**

Sen. Carson

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**Who supports the bill:** Senator Carson, District 14; Rep. D. Stevens, Hills 34; Rep. M. Penderson, Hills 23; Moira O'Neill, NH Office of the Child Advocate; John DeJoie, Waypoint; Randy Hayes; Janet Lucas.

**Who opposes the bill:** David McConville; Richard DeMark.

**Who is neutral on the bill:** Joseph Ribsam, DHHS/DCYF; Rebecca Ross, DHHS/DCYF.

## **Summary of testimony presented in support:**

### **Senator Carson, District 14**

- This bill seeks to establish the department of children's services and juvenile justice and transfers the powers and duties of the department of health and human services, division for children youth and families to the new department.
- This bill was originally filed a few years ago.
- Senator Carson said, because problems in DCYF and children's services keep coming up there is a need for reintroduced legislation. In the previous legislation only parts were adopted, such as establishing the NH Office of the Child Advocate.
- Senator Carson said, we need a serious discussion about creating a new agency with its own commissioner. The DHHS is huge. They are great, but it seems children's services lack strong advocates and their work often gets put on the back burner. This is a very complex change.
- A Department just for handling children's issues is critical and will ensure that children will not be forgotten. Children have been facing an increased number of challenges due to the Opioid crisis, and now due the COVID-19 pandemic too.

- This bills probably needs amendment as it does not include children’s behavioral services.
- The department needs to be held accountable for what does and does not happen. There have been lawsuits.

### **John DeJoie, Waypoint**

- Mr. DeJoie testified in support of SB 159.
- This bill is not an indictment on any commissioner.
- Senator Sherman said, I agree with bringing children’s mental health services in this department, but I also get concerned when we start separating out anyone’s mental health from their physical health. How would we continue to provide mental health for children without pulling it out separating? Do we work with Medicaid or DHHS? We want it incorporated in comprehensive health care.
  - Mr. DeJoie said, this is supposed to be an enhancement of services, not a silo. Medicaid is separate, but it has been pulled out of DCYF.
- Senator Whitley asked, have other states pulled children’s services out of DHHS?
  - Mr. DeJoie said, my understanding is 15 states have done this.
- Senator Whitley said, we set up State Government in NH through silos. I am wondering if you had any thoughts about if separating this from Medicaid has any implications on paying.
  - Mr. DeJoie said he did not know the answer to that question. He said, there is an argument that says there is no impact because it is moving the same dollars around, but that he is unsure.

### **Moira O’Neill, NH Office of the Child Advocate**

- Ms. O’Neill testified in support of SB 149.
- Ms. O’Neill says the bill needs to drop juvenile justice because there needs to be a focus of services. It should be the “Department of Children’s Services.” This will create an all-inclusive department of services that makes children a priority.
- Ms. O’Neill says one of the current problems is that resources appropriated need to be received. Funds have been braided with adult services, and then we never see the funds
- Ms. O’Neill said, a Department of Children’s Services could include an Office of ACES Prevention which would be grounded in geo-technical analytics for mobilizing targeted prevention resources for children with adverse effects. This could also be the place for the juvenile probation transformation system to divert children from punitive systems.
- Ms. O’Neill said, Texas separated out their agency and found thousands of unresolved cases regarding children. Arizona remodeled its system and is a model of success; the split was referred to as “the great divorce proceedings,” and with it brought administrative challenges to dividing only initially.
- Ms. O’Neill said, there is a list of small amendment that need to be made which can be found in the written testimony that she provided.
- Senator Whitley said, the funding issue is worthy of additional exploration. What are your thoughts on whether we should separate, or whether resource family supports, will get better outcomes for children?
  - Ms. O’Neill, our vision would be to include all of that.

- Senator Sherman said, I am concerned about how we will move the health care component to a new department. It is so intricately woven with federal Medicaid funding and the woven with both behavioral health and physician health together. How would we continue that close connection with the funding when all this no longer lives under one roof?
  - Ms. O'Neill said, we have those same worries as that you do, except we have those worries now with how the structure is. By way of history, behavioral health for children has been in DCYF because it is identified as the child protection agency; it is also identified as the agency of failure, and the one that people do not trust. That is not necessarily appropriate. Treatment is not placement under children's behavioral health, not under DCYF. DCYF Field staff do not know about behavioral health programs. Everything goes to adults before children for funding.

*Senator Whitley later requested Ms. O'Neill to testify again to answer more questions.*

- Senator Whitley asked about the capacity in the NH Office of the Child Advocate, would you have funds and staff to do this further review?
  - Ms. O'Neill said, we are stretched, but we have asked for more positions in the budget. I do not know if we will get it. This would require funds. We would likely need consultants to come in to coordinate the change requested in this bill.

**Hon. Marielle McKay**

- Ms. McKay testified in support of SB 159.
- Ms. McKay shared anecdote about her working as a former state representative and studying the NJ system of care committee with other NH individuals involved.
- Ms. McKay said, NJ has one of the best systems and they separated out children's services.
- Ms. McKay said, right now, children's voices are lost. Priorities for developmental disabilities more forward and adult services move forward, while children are forgotten. Children are the future.
- Ms. McKay said the lawsuits that have been coming in cost more money than it would take to restructure and figure out the systems that we currently have.
- Ms. McKay said we need to do preventative maintenance on our children. She said she looks forward to the Families First federal legislation, and the Model Foster Care Act that needs to be followed.

**Summary of testimony presented in opposition: None.**

**Neutral Information Presented:**

**Joseph Ribsam & Rebecca Ross, DHHS/DCYF**

- Mr. Ribsam and Ms. Ross testified together as neutral on the bill.
- Mr. Ribsam said there are benefits and detriments to both structures of the systems. The benefit is this bill elevates children's services is perpetuity moving forward. However, it is easier to work within different divisions under the same department than between different departments.

- Mr. Ribsam said, DCYF 3-5 years ago did not receive the attention and benefit that it is receiving now from the legislature and the governor.
- Mr. Ribsam referenced his previous work in NJ in the DHHS there. He said it took a year to separate out their children's system. We need the right supports in place to do this. We need to plate thoughtfully and thoroughly.
- DCYF is deeply integrated into DHHS. We cannot stand up DCYF on its own.
- This bill raises a complex question and it is not a simple task.
- Senator Bradley asked Ms. Ross if she would like to add anything.
  - Ms. Ross said, although there is not a fiscal note, we did provide a fiscal note worksheet that divides the complexity of separating. A fiscal note will likely have to be attached to at some point. We will provide additional information if appropriate.
- Senator Whitley asked, have you heard in other states if this has been achieved within a DHHS, that consolidated children's services, but stays under the department?
  - Mr. Ribsam said, I cannot think of a state that has done it that way, but I can think of a county that did some remarkable work in Pittsburgh, PA with more people than in NH. I am not sure on a statewide perspective.
- Senator Avard asked, how will this jeopardize federal grants? How dependent are we on federal grants?
  - Mr. Ribsam said, we are dependent on federal grants. Other states have done this. It is possible to break these apart. It will take a lot of work, it is not impossible, but I do not know if I would put this as a priority above other transformational changes in course for DCYF now.
- Senator Avard asked, should we move forward? Are you suggesting we cannot do the hard work? We should not be afraid of hard work.
  - Mr. Ribsam said, we can do it. Maybe we need to form a team to wrestle with all the issues to tackle this. MA has a secretary of human services, which all these separated services report to.
- Senator Sherman asked, how did this separation work in NJ?
  - Mr. Ribsam said, the DHHS in NJ was structured very different than it is in NH. The department was much narrower there. A MOU was in place to work between departments. There is always a risk that the relationships between departments can deteriorate over time with changes in commissioners.
- Senator Sherman said, the other concern I have about this is we are creating an entirely new department, with a new commissioner, new administrative infrastructure, and what are the costs?
  - Mr. Ribsam said, we did submit a fiscal note but it is not in the bill. The cost is substantial.
  - Ms. Ross said, we would need to defer to fiscal folks to determine the cost. It does not include the administrative infrastructure building that would need to be done.
- Senator Sherman said, it seems to be that the goal is to elevate children and not diminish the support. Can you think of any other way, or have any models, on how to achieve that goal within the current structure?
  - Mr. Ribsam did not have an answer for the question.
- Senator Bradley said, establishing a new department is not in HB 2?
  - Mr. Ribsam said, that is correct.

- Senator Bradley said, if the goal is a worthy goal, to create a new department, which we all agree with then I see we have a couple of avenues. We could add a provision into HB 2, that created a departmental working group to make a report on how to do this, how much it would cost, and to see if it is worth it considering the benefits.
  - Mr. Ribsam said, I think it is a worthwhile conservation to have.
- Senator Bradley said, I know how much the department has on its plate right now. All of us believe standing up SB 14 is a top priority. If we put something into the budget for HB 2 to create a working group, will it interfere in any way with the standing up of SB 14 in terms of workload issues?
  - Mr. Ribsam said, I cannot speak for all the people that would be involved. But standing up SB 14 is a massive undertaking too and other efforts at DCYF are ongoing as well.
- Senator Whitley said, the other idea is, because there is so much work to be done, if we had the Office of the Child Advocate convene a work group, or an impact study to look at other models, national resources.
- Senator Avar, what is a “MOU?”
  - Mr. Ribsam said, a memorandum of understanding. It is typically used between government agencies.
- Senator Sherman said, I am worried we might be jumping in a direction that would divert more cost, more overhead, and separate children from services. What would be your thoughts on within the department to elevate children’s services in some way for the short-term, and then for the long-term forming a study committee?
  - Mr. Ribsam did not have an answer for the question.
- Senator Whitley asked, would the associate commissioner? Was her focus as Senator Sherman described?
  - Mr. Ribsam said, she oversaw DCYF, long-term care, behavioral health, and economic/housing stability.

# Speakers

<b>Name</b>	<b>Title</b>	<b>Representing</b>	<b>Position</b>	<b>Testifying</b>
Carson Sharon	An Elected Official	SB 14; PRIME SPONSOR	Support	Yes
Ribsam Joseph	State Agency Staff	DHHS/DCYF	Neutral	Yes
O'Neill Moira	State Agency Staff	Office of the Child Advocate	Support	Yes
DeJoie John	A Lobbyist	Waypoint	Support	Yes
Ross Rebecca	State Agency Staff	DHHS - DCYF	Neutral	Yes
Hayes Randy	A Member of the Public	Myself	Support	No
McConville David	A Member of the Public	Myself	Oppose	No
MacKay Mariellen	A Member of the Public	Myself	Support	No
DeMark Richard	A Member of the Public	Myself	Oppose	No
Stevens Representative Deb	An Elected Official	My 10K constituents	Support	No
Pedersen Michael	An Elected Official	Hillsborough 32	Support	No
Lucas Janet	A Member of the Public	Myself	Support	No



# Testimony

March 3, 2021

## Senate Committee on Health and Human Services

### Testimony of John DeJoie on SB159

Good morning Mr. Chairman and members of the committee. For the record, my name is John DeJoie from Waypoint. Waypoint, formerly known as Child and Family Services, has been serving children and families in New Hampshire since 1850. Waypoint provides services “across the lifespan” from Early Supports and Services, foster and adoption services, teen homeless services, voluntary services for families, Family Resource Centers and Choices For Independence for seniors.

I am pleased to rise today in *support of SB159, establishing the department of children's services and juvenile justice*. Waypoint supports the of creation a child focused agency but suggests that Children's Behavioral Health be added to the proposed agency. We are prepared to continue working on this proposal to create an agency which supports the best interest of children and families.

The Department of Health and Human Services (DHHS) is a mammoth agency with more than 3500 employees and \$3+ billion-dollar budget. DHHS' responsibilities are as disparate as Medicaid, public health, family assistance, long term support and services and children's services. It is difficult for any single division to gain the appropriate attention and long-range planning, until and unless a crisis occurs. This has been borne out over the past decade

New Hampshire's (NH) senior services, HCBC or CFI, assisted living and nursing homes, have been in crisis for much of the past decade. Rates which are too low in the market to attract staff have resulted in agencies which are unable to hire staff to provide the needed level of service. The result is that less than 75% of authorized CFI services are being delivered, leaving seniors underserved and at risk in their homes. The issue is well known but has remained unaddressed, until the recent lawsuit was filed. The same can be said about mental health services and the current court supervision of NH Behavioral Health. During the current pandemic, DHHS' focus has shifted to the pandemic. This focus on the pandemic is the appropriate response but has resulted in many other divisions receiving a lower priority. This is part of the reason why important components of the \$20M Children's System of Care (SOC), which the Legislature funded in 2019, remain unfulfilled.

We saw a similar phenomenon in 2015 within DCYF. There were issues within DCYF since before the 2011 budget. The cuts which DCYF received in the 2011 budget magnified the crisis within the division. As a result, children and families remained underserved. The extent of the crisis was not publicly apparent until several high-profile child deaths occurred in 2015. These deaths immediately prompted the creation of the Boutin Commission. The commission resulted in numerous short- and long-term recommendations, including many actions taken by this committee. Some of these actions include the creation of dozens of new child protection workers, the establishment and funding of voluntary services, the creation of the Office of the Child Advocate and the funding of the SOC. These actions became necessary due to the lack of focus paid to DCYF over the previous decade or more.

The manner in which DHHS has alternately been hyper-focused on a division in crisis, speaks to the excessive span of control of the agency. This is not a reflection on any Commissioner or any administration, it is a basic factor of organizational control. Organizational theory suggests that the optimal span of control for any supervisor is five subordinates, which is expandable to ten to fifteen direct reports. There are 10 divisions, bureaus or officers in DHHS which report to the Commissioner. Within the Office of the Commissioner, there are

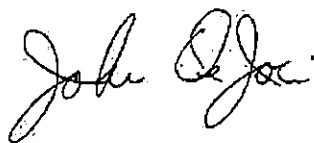
10 separate programs which directly report to the Commissioner, including NH Hospital and Glencliff Home. Functionally, the commissioner's span of control is far greater and is compounded with greater functional responsibility during the various crises. This is illustrated by the amount of the Commissioner's time occupied in response to the current pandemic.

When a similar bill to SB159 was introduced in 2017, it was included with the creation of the OCA. The OCA legislation was passed while the separation of DCYF was removed from the bill. At that point, the benefit of a separate agency was not clear. However, as the years passed, DCYF now finds itself in the midst of organizational transformation as well as growing crises. This bill comes forward at a time when we must give serious consideration to separating DCYF, Juvenile Justice and Children's Behavioral Health into a separate agency.

In order to protect the gains DCYF has made, DCYF should be a separate agency which has the sole focus of child and family welfare. The leader of this organization ought to have final decision-making authority over the needs of children. Children's needs should not be forced to compete against important needs from the numerous other DHHS divisions. The result is a lack of focus and inability to prioritize optimal service delivery. DHHS is left careening from one crisis to the next. Not passing this bill may lead to another crisis within children's services, effectively undoing the work undertaken by this Legislature during the past three terms. Passing this bill is the next logical step following on from the OCA, SOC and other important legislative efforts. Waypoint encourages the committee to support SB159 to protect the recent improvements and continue the transformation of children's services in NH.

Thank you for your attention to this matter and for your support of this bill.

Sincerely,

A handwritten signature in black ink that reads "John DeJoie". The signature is written in a cursive, flowing style.

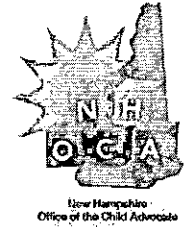
John DeJoie  
Waypoint  
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Moira O'Neill  
Child Advocate

# State of New Hampshire

Office of the Child Advocate



**Testimony of  
Moira O'Neill, PhD  
Child Advocate  
before**

**The New Hampshire Senate Health and Human Services Committee  
March 3, 2021**

Good morning Chair Bradley, Vice Chair Gray and esteemed members of the Health and Human Services Committee. My name is Moira O'Neill and I am the State's Child Advocate. The Office of the Child Advocate is an independent state oversight agency. Recently the Office's jurisdiction expanded by RSA 21-V, to all children's services provided or arranged for by the State. However, a focus of our work will always be children involved with or at risk of needing child protection and juvenile justice services. Thank you for the opportunity to speak to you today in support of **Senate Bill 159-FN, establishing the department of children's services and juvenile justice.**

The stated intent of SB 159-FN is to establish a department of children's services and juvenile justice and to transfer the powers and duties of the Division for Children, Youth and Families (DCYF) to the new department. The Office of the Child Advocate supports the transfer of DCYF to its own department, however, we advocate that the department instead be called the department of children's services and that it be home to *all* children's services, not just child protection and juvenile justice. This new department should endeavor to support children on the entire continuum of development, from early supports, developmental disability services, behavioral health, child protection and juvenile justice. It is our position that an early intervention, prevention-oriented agency will see considerably reduced need for abused, neglected and delinquent children.

Children are one of the most vulnerable segments of our population. This is even more so for children with disabilities or those who suffer from mental health issues. We know that providing early supports and services yields healthier children who have a greater likelihood of growing up to a successful adult. Yet despite these vulnerabilities and what we know to work, children's needs are often considered secondary to the needs of adults. When services for children are housed under the same department as those of adults, children's resources can easily be absorbed by adults. It is a deep irony of child welfare that targeted resources for children would be used to hold up adults instead.

As you know, implementation of 2019 Senate Bill 14 has been significantly delayed. There has been concern that funding for some of those children's services, particularly mobile crisis response and stabilization, was "braided" with funds for adult behavioral health services. While it may be efficient to consolidate the cost of infrastructure in service lines, there is little transparency of spending for the two populations. Having children's services in its own department provides assurance that child-targeted allocations actually go to children and that legislation directing children's services will be implemented as a priority for children.

Establishing a separate department for children is an opportunity to conceptually align *all* children's services. For example, the Governor's executive order 2020-03 establishing the Council for Thriving Children, item 9 orders the Departments of Health and Human Services and Education to establish a

joint Office of Early Childhood Care and Education.<sup>1</sup> We understand that the Council and the departments have not taken this part of the order under consideration as yet. An office like this would be well placed in an agency for children's services. It would serve to drive a continuum of prevention and care.

I also bring your attention to a recent proposal by Predict-Align-Prevent, a dynamic geographical analytics organization currently conducting community assessment work in New Hampshire with support from Casey Family Programs. They recommend a department or office of ACEs prevention (adverse childhood experiences). Their analytics has capacity to identify areas of high risk for child abuse or neglect. The proposal connects child protection with data driven processes to embed prevention in children's services and align allocation of resources with identified need. This kind of approach would establish the new children's agency as data driven, results based, and accountable. It also aligns with the current juvenile probation transformation that is under way. That interdisciplinary project, supported by the Annie E. Casey Foundation, is intended to capitalize on the growing community-based infrastructure to divert children from formal punishing systems to more developmentally appropriate supports and paths to academic and personal success. This is the vision we would have for a Department of Children's Services.

The Office of the Child Advocate further urges you to ensure a comprehensive transfer of power and duties comprise *all* powers and duties, including human resources and contract procurement. We are currently conducting research with other states where this kind of agency division has occurred. In Arizona, where the consensus appears to be supportive of the change they underwent, one concern about a split that did not bring operational infrastructure was described as "divorce proceedings." We were warned that it has taken years for Arizona to extract from the larger agency all of the operational resources needed to function efficiently. If we can start out with everything needed for the new agency to function, it will be far more effective serving children. I would add that Arizona is often referred to as one of the most remarkably improved child welfare systems in the country.

The Office of the Child Advocate has a number of other suggested amendments to the proposed bill. In general, there are several sections where we would indicate the different agency name and insert the additional children's services that should be brought over from DHHS.

On page 2, line 20, we recommend removing "the public interest" in order to emphasize the duties of the commissioner include representing "the best interest of the children and youths served in the administration of the programs . . ." That change ensures the department's focus is solely on children.

On page 2, line 35, we recommend removing "county attorney" and instead state "if a crime allegedly has been committed, report to the proper law enforcement or prosecuting authority. That would be limited to reporting to the county attorney in cases where it might be more appropriate to report to law enforcement or the Attorney General's Office.

Page 3, line 6, may need a clarification as it states federal child care funds may be allocated to "day care for children and adults." We are not clear how the new department would be allocating funds for adult services.

Page 6, line 21-23 amends RSA 21-V:2, III(a) in that the Office of the Child Advocate defers case specific complaints to the Department. That is interpreted to mean complaints about any program under DHHS are referred to the DHHS Ombudsman. If all children's services are not moved to the new agency, then the section should remain as the Office of the Child Advocate would retain jurisdiction over other DHHS

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<sup>1</sup> <https://www.governor.nh.gov/sites/g/files/ehbemt336/files/documents/2020-03.pdf>

services for which the Ombudsman has statutory obligation to take complaints. If the intent of the section is to defer case-specific complaints to the new children's agency, then we would suggest establishing an internal ombudsman within the department for that purpose.

Those are the most apparent changes we recommend. There are a number of other small language changes we note as well and would welcome the opportunity to provide a marked up version of the bill if that is helpful.

In closing, I reiterate we support SB 159-FN very strongly. We would welcome an agency that exists purely for the benefit of healthy, safe children. Over 100 years ago, in 1905, Florence Kelly lobbied tirelessly to establish a federal agency just for children. Then referred to as a commission, it would become the Children's Bureau. In her arguments she reasoned, "A commission for Children should do for the states, cities and smaller communities what the Department of Agriculture does for farmers, - make accessible to them the latest word of science and the latest methods of applying it." Were Kelly here today, I feel certain she would support Senator Carson's efforts to establish a children's agency.

The Office of the Child Advocate urges the Committee to pass, **with amendments, SB 159-FN, establishing the department of children's services and juvenile justice.**

Thank you for hearing my testimony. I welcome questions if you have them.

# Voting Sheets

# Senate Health and Human Services Committee

## EXECUTIVE SESSION RECORD

2021-2022 Session

Bill # SB 159-FN

Hearing Date: 3/3/21

Executive Session Date: 3/10/21

Motion: OTP Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Bradley, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Gray, Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Avard	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Whitley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion: \_\_\_\_\_ Vote: \_\_\_\_\_

Committee Member	Present	Made by	Second	Yes	No
Sen. Bradley, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Gray, Vice Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Avard	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Sherman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Whitley	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion: \_\_\_\_\_ Vote: \_\_\_\_\_

Committee Member	Present	Made by	Second	Yes	No
Sen. Bradley, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Gray, Vice Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Avard	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Sherman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Whitley	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion: \_\_\_\_\_ Vote: \_\_\_\_\_

Committee Member	Present	Made by	Second	Yes	No
Sen. Bradley, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Gray, Vice Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Avard	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Sherman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Whitley	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Reported out by: Sen. Whitley

Notes: floor amendment coming on this bill (agreed as a committee)



# Committee Report

STATE OF NEW HAMPSHIRE  
SENATE  
REPORT OF THE COMMITTEE

Wednesday, March 10, 2021

THE COMMITTEE ON Health and Human Services

to which was referred **SB 159-FN**

AN ACT                      establishing the department of children's services  
and juvenile justice.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS

BY A VOTE OF:    5-0

Senator Rebecca Whitley  
For the Committee

Kirsten Koch 271-3266

**HEALTH AND HUMAN SERVICES**

**SB 159-FN**, establishing the department of children's services and juvenile justice.

Ought to Pass, Vote 5-0.

Senator Rebecca Whitley for the committee.

## General Court of New Hampshire - Bill Status System

**Docket of SB159**

Docket Abbreviations

**Bill Title:** establishing the department of children's services and juvenile justice.*Official Docket of SB159.:*

<b>Date</b>	<b>Body</b>	<b>Description</b>
2/9/2021	S	<b>Introduced</b> 02/04/2021 and Referred to Health and Human Services; <b>SJ 4</b>
2/17/2021	S	Remote <b>Hearing:</b> 03/03/2021, 08:45 am; Links to join the hearing can be found in the Senate Calendar; <b>SC 12</b>
3/10/2021	S	Committee Report: Ought to Pass, 03/18/2021; <b>SC 15</b>
3/18/2021	S	Sen. Bradley Moved Laid on Table, <b>RC 24Y-0N, MA</b> ; 03/18/2021; <b>SJ 8</b>
3/18/2021	S	Pending Motion Ought to Pass; 03/18/2021; <b>SJ 8</b>

NH House

NH Senate

# Other Referrals

**Senate Inventory Checklist for Archives**

Bill Number: SB 189-FN

Senate Committee: HHS

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

**Bill Hearing Documents: (Legislative Aides)**

- Bill version as it came to the committee
- All Calendar Notices
- Hearing Sign-up sheet(s)
- Prepared testimony, presentations, & other submissions handed in at the public hearing
- Hearing Report
- Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

**Committee Action Documents: (Legislative Aides)**

All amendments considered in committee (including those not adopted): none

\_\_\_ - amendment # \_\_\_\_\_      \_\_\_ - amendment # \_\_\_\_\_  
 \_\_\_ - amendment # \_\_\_\_\_      \_\_\_ - amendment # \_\_\_\_\_

- Executive Session Sheet
- Committee Report

**Floor Action Documents: (Clerk's Office)**

All floor amendments considered by the body during session (only if they are offered to the senate):

\_\_\_ - amendment # \_\_\_\_\_      \_\_\_ - amendment # \_\_\_\_\_  
 \_\_\_ - amendment # \_\_\_\_\_      \_\_\_ - amendment # \_\_\_\_\_

**Post Floor Action: (if applicable) (Clerk's Office)**

- Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):
- Enrolled Bill Amendment(s)
- Governor's Veto Message

**All available versions of the bill: (Clerk's Office)**

\_\_\_ as amended by the senate      \_\_\_ as amended by the house  
 \_\_\_ final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Kirsten Koch  
Committee Aide

7/26/21  
Date

Senate Clerk's Office AK