

REGULAR CALENDAR

March 1, 2022

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on Children and Family Law to which
was referred HB 1518-FN-LOCAL,**

**AN ACT relative to the requirements for appointed
guardians. Having considered the same, report the
same with the following amendment, and the
recommendation that the bill OUGHT TO PASS WITH
AMENDMENT.**

Rep. Cody Belanger

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Children and Family Law
Bill Number:	HB 1518-FN-LOCAL
Title:	relative to the requirements for appointed guardians.
Date:	March 1, 2022
Consent Calendar:	REGULAR
Recommendation:	OUGHT TO PASS WITH AMENDMENT 2022-0892h

STATEMENT OF INTENT

The majority of the committee heard that when guardianship is granted by the court, there is no home visit or safety check to ensure the minor child is going to a safe home. This bill seeks to correct that, and ensure that a minor is going to a safe home.

Vote 8-7.

Rep. Cody Belanger
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Children and Family Law

HB 1518-FN-LOCAL, relative to the requirements for appointed guardians. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Cody Belanger for Children and Family Law. The majority of the committee heard that when guardianship is granted by the court, there is no home visit or safety check to ensure the minor child is going to a safe home. This bill seeks to correct that, and ensure that a minor is going to a safe home. **Vote 8-7.**

Original: House Clerk
Cc: Committee Bill File

Amendment to HB 1518-FN-LOCAL

1 Amend the bill by replacing section 1 with the following:

2

3 1 Guardianship of Minors and Estates of Minors; Periodic Court Review; Home Visit Required.

4 Amend RSA 463:17 to read as follows:

5 463:17 Periodic Court Review.

6 ***I.*** The status of all minors for whom guardianship or co-guardianship has been granted shall
7 be reviewed by the court at 6, 12, and 24 months and annually thereafter, except that the court may
8 waive (1) any or all reviews in cases in which a parent or the parents are co-guardians and (2) any or
9 all reviews in all other cases after the 24-month review upon good cause shown. The guardian shall
10 file a report with the court on or before each review date. The parent may file a statement or report
11 with the court on or before each review date. The court may also, as part of the review, conduct a
12 hearing on its own motion, or upon the request of a parent or guardian who seeks to substantially
13 change the existing orders upon a showing by the parent that he or she has a reasonable likelihood
14 of prevailing, if allowed a hearing. If termination of the guardianship is sought as part of the review
15 proceeding, the burdens and standards of proof set forth in RSA 463:15 shall apply. Failure of any
16 party to appear at any hearing held under this section without good cause, shall not cause the
17 hearing to be continued.

18 ***II.(a)*** *Every guardian appointed by the court under RSA 169-C or RSA 463 shall,*
19 *within 60 days of the guardianship appointment, receive a home safety visit by a childcare*
20 *agency (“agency”) approved and licensed by the department of health and human services.*
21 *The home safety visit may be waived if the parent or parents give consent of the*
22 *guardianship.*

23 ***(b)*** *The cost of the agency visit shall be paid for by the guardian. The agency*
24 *shall within 30 days, issue a report to the court and guardian, indicating the home is a*
25 *safe environment for the minor child or if unsafe, list the unsafe issue or issues to be*
26 *corrected. Proof of the corrected issue or issues shall be submitted by the guardian to the*
27 *court and agency within 30 days of the date of the agency report.*

28 ***(c)*** *In the event the guardian fails to remedy safety issues as referenced in*
29 *subparagraph b), the agency shall promptly notify the court and the guardian for*
30 *appropriate judicial action. Failure of any party to comply with this section without good*
31 *cause shall be grounds for judicial review.*

Amendment to HB 1518-FN-LOCAL
- Page 2 -

2022-0892h

AMENDED ANALYSIS

This bill establishes the requirement for guardians appointed by the court to receive a home visit within 60 days of their appointment to verify the safety and adequacy of the home for the minor and the consequences for failing to do so.



2022 SESSION

Children and Family Law

Bill #: HB 1518 Motion: OTP-A AM #: 2022-0822h Exec Session Date: 3/1/22

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Rice, Kimberly A. Chairman <i>Renzullo</i>	✓		
DeSimone, Debra L. Vice Chairman	✓		
Yokela, Josh S.	✓		
Nelson, Jodi	✓		
Belanger, Cody M.	✓		
Cross, Kenna E. <i>Healey</i>	✓		
Litchfield, Melissa A. <i>Greene</i>	✓		
Smith, Denise M.	✓		
Long, Patrick T.		✓	
Alicea, Caroletta C. <u>Clerk</u>		✓	
Grossman, Gaby M. <i>M. Smith</i>		✓	
Levesque, Cassandra N.		✓	
Wazir, Safiya <i>Chase</i>		✓	
Petrigno, Peter <i>clerk</i>		✓	
Altschiller, Debra		✓	
TOTAL VOTE:	8	7	

OFFICE OF THE HOUSE CLERK



1/10/2022 8:54:52 AM
Roll Call Committee Registers
Report

2022 SESSION

*Vote on the
Amendment*

Children and Family Law

Bill #: HB 1518 Motion: OTP

AM #: 0892h

Exec Session Date: 3/1/22

Members

YEAS

Nays

NV

~~Rice, Kimberly A. Chairman~~ *Renzullo*

✓

~~DeSimone, Debra L. Vice Chairman~~

✓

~~Yokela, Josh S.~~

✓

~~Nelson, Jodi~~

✓

~~Belanger, Cody M.~~

✓

~~Gross, Kenna E.~~ *Henley*

✓

~~Litchfield, Melissa A.~~ *Greene*

✓

~~Smith, Denise M.~~

✓

~~Long, Patrick T.~~

✓

~~Alicea, Caroletta C. Clerk~~

✓

~~Grossman, Gaby M.~~ *m. Smith*

✓

~~Levesque, Cassandra N.~~

✓

~~Wazir, Safiya~~ *m. Chase*

✓

~~Petrigno, Peter~~ *clerk*

✓

~~Altschiller, Debra~~

✓

TOTAL VOTE:

15

0

0

HOUSE COMMITTEE ON CHILDREN AND FAMILY LAW

PUBLIC HEARING ON HB 1518-FN-LOCAL

BILL TITLE: relative to the requirements for appointed guardians.

DATE: January 25, 2022

LOB ROOM: 206-208 **Time Public Hearing Called to Order:** 10:00 a.m.

Time Adjourned: 10:18 a.m.

Committee Members: Reps. Rice, DeSimone, Petrigno, Yokela, J. Nelson, Belanger, D. Smith, Long, Grossman, Levesque and Wazir

Bill Sponsors:
Rep. Belanger

TESTIMONY

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

Rep. Cody **Belanger** introduced his bill relative to the requirements for appointed guardians; will be offering an amendment for clarification regarding home visits.

Respectfully submitted,

Rep. Peter Petrigno, Clerk

House Remote Testify

Children and Family Law Committee Testify List for Bill HB1518 on 2022-01-25

Support: 1 Oppose: 0 Neutral: 0 Total to Testify: 0

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>
Petrusewicz, Carol	Rochester, NH clmcc2befree@yahoo.com	A Member of the Public	Myself	Support	No	No	1/23/2022 10:38 PM

HB 1518-FN-LOCAL - AS INTRODUCED

2022 SESSION

22-2466

07/04

HOUSE BILL ***1518-FN-LOCAL***

AN ACT relative to the requirements for appointed guardians.

SPONSORS: Rep. Belanger, Rock. 9

COMMITTEE: Children and Family Law

ANALYSIS

This bill establishes the requirement for guardians appointed by the court to receive a home visit within 30 days of their appointment to verify the safety and adequacy of the home for the minor and the consequences for failing to do so.

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 Two

AN ACT relative to the requirements for appointed guardians.

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

1 1 Guardianship of Minors and Estates of Minors; Periodic Court Review; Home Visit Required.
2 Amend RSA 463:17 to read as follows:

3 463:17 Periodic Court Review.

4 ***I.*** The status of all minors for whom guardianship or co-guardianship has been granted shall
5 be reviewed by the court at 6, 12, and 24 months and annually thereafter, except that the court may
6 waive (1) any or all reviews in cases in which a parent or the parents are co-guardians and (2) any or
7 all reviews in all other cases after the 24-month review upon good cause shown. The guardian shall
8 file a report with the court on or before each review date. The parent may file a statement or report
9 with the court on or before each review date. The court may also, as part of the review, conduct a
10 hearing on its own motion, or upon the request of a parent or guardian who seeks to substantially
11 change the existing orders upon a showing by the parent that he or she has a reasonable likelihood
12 of prevailing, if allowed a hearing. If termination of the guardianship is sought as part of the review
13 proceeding, the burdens and standards of proof set forth in RSA 463:15 shall apply. Failure of any
14 party to appear at any hearing held under this section without good cause, shall not cause the
15 hearing to be continued.

16 ***II.(a)*** *Each person appointed guardian by the court shall receive a home visit*
17 *within 30 days of the appointment. The visit shall be from a child protective service worker*
18 *from the department of health and human services or a child care agency approved and*
19 *licensed by the department of health and human services assigned to the guardianship*
20 *case by the court. The visit shall verify, in documentation provided to the court after the*
21 *visit, the safety and adequacy of the guardian's home for the minor child.*

22 ***(b)*** *The cost of the visit shall be no more than \$125, paid for by the guardian.*
23 *The court may issue a waiver for this expense.*

24 ***(c)*** *In the event that the home is neither safe nor adequate, the court shall be*
25 *promptly notified and shall take appropriate actions for the best interests of the child.*
26 *Failure of any party to comply with this section without good cause shall be grounds for*
27 *judicial revision of the guardianship appointment.*

28 2 Effective Date. This act shall take effect January 1, 2023.

**HB 1518-FN-LOCAL- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to the requirements for appointed guardians.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2022	FY 2023	FY 2024	FY 2025
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Funding Source:	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

METHODOLOGY:

This bill establishes the requirement for guardians appointed by the court to receive a home visit within 30-days of their appointment to verify the safety and adequacy of the home for the minor and the consequences for failing to do so.

The Department of Health and Human Services indicates this bill requires a home visit within 30-days of the appointment of a guardian and the home visit shall be done by a child protection service worker from the Division for Children, Youth and Families (DCYF) or a child care agency approved and licensed by the Department. The Department assumes this would be an entirely new service that would need to be defined and established in rules. The Department makes the following assumptions concerning the fiscal impact of the bill:

- This will not be the same home visit that the DCYF performs in the course of an investigation pursuant to RSA 169-C.
- It will be left to the court’s discretion to determine the necessary report and what the court will require to demonstrate the “safety and adequacy of the guardian’s home.” If safety and adequacy cannot be demonstrated, the individual who performed the home visit and wrote the report would also be required to appear at court in the matter. The bill does not provide for the expense of travel and court time.
- The cost of the report, which is limited to \$125, would be paid to the Judicial Branch as the Branch is authorized to waive the expense. However, there is no mechanism for payment to the Department or the private child placing agency.

- The Department does not have sufficient information to determine how many hours each visit and report would require or how many potential guardianship cases this may apply to.
- This bill would require new staff resources as DCYF does not have any excess child protective service workers. Child protective service workers are paid between labor grade 19 and 24 and currently have a 15% salary enhancement, an annual cost of \$75,000 to \$89,700 in the first year per position. This cost would not be subject to federal reimbursement or cost-sharing because it is a service being provided to the Judicial Branch in private guardianship matters.

This bill does not contain an appropriation or authorization for the additional staff resources for DCYF or an appropriation for the child care agencies to conduct the visits and complete the reports.

AGENCIES CONTACTED:

Department of Health and Human Services