

# Senate Health and Human Services Committee

*Kyle Baker 271-2609*

**SB 239-FN**, removing the division for children, youth and families from the department of health and human services and making it an independent department.

**Hearing Date:** February 14, 2017

**Time Opened:** 1:30 pm

**Time Closed:** 1:45 pm

**Members of the Committee Present:** Senators Bradley, Avar, Gray, Fuller Clark and Hennessey

**Members of the Committee Absent :** None

**Bill Analysis:** This bill establishes the department of children's services and juvenile justice as a separate executive agency of state government responsible for the general supervision and enforcement of all programs and services for children and youths. The bill also transfers all former powers, duties and responsibilities of the department of health and human services, division for children, youth and families and the division of juvenile justice services to the newly established department.

**Sponsors:**

Sen. Carson  
Rep. Guthrie

Sen. Avar  
Rep. K. Rice

Sen. Bradley  
Rep. LeBrun

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**Who supports the bill:** Sen. Kevin Avar, SD# 12; Amanda Grady Sexton, NHCADSV; Sen. Sharon Carson, SD# 14; John DeJoie, Child and Family Services; Michael Skibbie, Disability Rights Center; Keith Kuenning, Child and Family Services

**Who opposes the bill:** Lorraine Bartlett, DCYF; Commissioner Jeff Meyers, DHHS

**Who is neutral on the bill:** None

**Summary of testimony presented in support:**

**Senator Carson – Senate District 14**

- This bill would separate DCYF from DHHS and creates a separate new agency for the state. This bill would also create an office of the child advocate.
- The commission on child abuse fatalities has been looking at different ways to best protect children.
- A recent report released looking into the department listed many systemic

problems in the department. Many of the problems were unknown to anyone outside of the department.

- The office for child ombudsman would get the answers we need to make sure we as a state can act.
- DCYF has lacked solid leadership and oversight for a long time and giving the department a fresh start is needed.
- Understand that Commissioner Meyer would like the bill deferred but the problems in the department have been deferred for too long. There was a cut to the funding in 2011 but since 2013, no one has come forward telling us what the problems are or that more funding is needed.

**Sen. Avard** – Will this bring more accountability to the agency?

**Sen. Carson** – There would be increased accountability and an increase in transparency. This is important to families involved in DCYF and employees that work there.

**Sen. Avard** – Sometimes parents feel they have been targeted by DCYF and lost some of their rights. Would this address that?

**Sen. Carson** – Yes. There has been a disconnect between the court and DCYF and that is being remedied.

**Sen. Avard** – There is a funding and staffing issue in the department. Would this help that?

**Sen. Carson** – Yes. It is hard to get good staff because the pay is low and there is lack of staff. A separate agency would make the department accountable to the legislature and the people they serve.

**Sen. Bradley** – This bill does not call for new staff?

**Sen. Carson** – No, this bill just moves the department the staffing issue will be dealt with in the budget.

**Sen. Bradley** – The legislature has worked for a long time to keep a family unit together. Has this done a disservice to some families?

**Sen. Carson** – Yes. The need to allow the parents to fail is not the way we should be working.

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

### **Commissioner Jeff Meyers – DHHS**

- The department is opposed for the removal of DCYF being removed from DHHS.
- Support the creation of a Child Ombudsman's office working outside of the

DHHS.

- A new joint taskforce for DCYF has been created and its job is to address the problems highlighted by the independent report.
- This legislation should be deferred until the taskforce can do its work.
- In 2011 there was a \$20 million cut by the legislature to child services and those funds have not been restored.
- The independent study was clear that it is not just a staffing issue. There are policies and procedures that need to be reviewed.
- There are also many community services that are not available but are needed such as child mental health services.
- Need to take a holistic review of what is working and what is not working.
- Need to let the task force do their work before this bill goes forward.

**Sen. Avard** – Do you feel the department could provide the transparency and accountability that this bill would provide?

**Meyers**- As Commissioner I believe strongly in transparency and accountability and I think there are ways to increase both without breaking DCYF out of DHHS. If you pull the departments apart you risk increasing barriers for families. When a person comes into the department for one reason, we are evaluating all of their needs. We need to consider what all of the impacts of this legislation would be.

**Sen. Fuller Clark** – How long would this task force be engaged before a report is filed?

**Meyers** – The task force was set up to work through September. The Legislature and the Governor have decided that this task force is needed so it should be allowed to do its work.

**Sen. Fuller Clark** – Is it possible that the creation of a new department would divert funds that could possibly be used for staffing issues and other issues that needs to be addressed?

**Meyers** – DHHS shares that concern. When you make a new department you are growing government even if you are just moving the department outside of another. There are going to be increased administrative costs.

**Sen. Fuller Clark** – Is there also concern about the timeline and possible delays?

**Meyers** – Yes that is always a concern. This is a subject that needs to be discussed in the task force.

**Sen. Bradley** – In the budget request, what did you request for DCYF case workers?

**Meyers** – The Governor's budget calls for an additional \$2.1 million per year which would allow the additional hiring of assessment workers and increase the training budget. The FMLA rate in DCYF is higher than any other department. The report recommended an increase in staffing mainly based on

the high vacancy rate.

**Sen. Bradley** – In 2011 were the funding cuts per year or over the course of the budget?

**Meyers** - Over the course of the budget. Will provide the exact numbers.

**Sen. Bradley** - Loss in staffing?

**Meyers** – Will get the data for the committee.

**Sen. Bradley** – You support a child advocate outside the department?

**Meyers** – Yes. That is not included in the budget request.

**Sen. Bradley** – It would be helpful in your presentation to the task force to discuss what other states are doing and what the cost would be.

**Sen. Hennessey** – Are you aware of any other states doing things differently.

**Meyers** – Every state is doing it a little bit differently. It all depends on what works best for each state.

**Neutral Information Presented:** None

**Future Action:** Pending

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Date Hearing Report completed: February 17, 2017