

SB 239-FN - AS AMENDED BY THE SENATE

03/16/2017 0803s

2017 SESSION

17-0882

05/03

SENATE BILL **239-FN**

AN ACT establishing the position of associate commissioner in the department of health and human services, the office of the child advocate, and the oversight commission for children's services and juvenile justice.

SPONSORS: Sen. Carson, Dist 14; Sen. Avard, Dist 12; Sen. Bradley, Dist 3; Rep. Guthrie, Rock. 13; Rep. K. Rice, Hills. 37; Rep. LeBrun, Hills. 32

COMMITTEE: Health and Human Services

AMENDED ANALYSIS

This bill replaces the position of senior division director with the position of associate commissioner, whose responsibilities shall include oversight of the division for children, youth, and families. The bill also establishes an independent office of the child advocate and an oversight commission on children's services and juvenile justice.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 Seventeen

AN ACT establishing the position of associate commissioner in the department of health and human services, the office of the child advocate, and the oversight commission for children's services and juvenile justice.

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

1 Department of Health and Human Services; Associate Commissioner of Health and Human Services; Position Established. RSA 126-A:9, I(a) is repealed and reenacted to read as follows:

(a) Subject to the approval of the governor and council, the commissioner of health and human services shall appoint an associate commissioner, who shall serve for a term of 4 years. The associate commissioner shall perform such duties as may be assigned by the commissioner, which shall include oversight of the division for children, youth and families and assigned responsibilities of the department under RSA 170-G. The annual salary of the associate commissioner shall be as prescribed in RSA 94:1-a.

2 Department of Health and Human Services; Salaries; Reference to Associate Commissioner Added; Reference to Senior Division Director Removed. Amend RSA 126-A:10 to read as follows:

126-A:10 Salaries. The annual salaries of the commissioner of health and human services, deputy commissioner of health and human services, ~~[senior division director]~~ **associate commissioner**, division directors, and unclassified employees of the department shall be as prescribed by RSA 94:1-a.

3 Salary of Associate Commissioner. Amend RSA 94:1-a, I(b) to read as follows:

Delete:

JJ Department of health and human services senior division director

Insert:

JJ Department of health and human services associate commissioner

4 New Subdivision; Office of the Child Advocate. Amend RSA 170-G by inserting after section 16 the following new subdivision:

Office of the Child Advocate

170-G:17 Office of the Child Advocate.

I. The office of the child advocate shall be an independent agency, administratively attached to the department of administrative services pursuant to RSA 21-G:10.

II. The office shall be under the supervision of an unclassified director of the office of the child advocate. The director shall serve a term of 4 years and until a successor is appointed and qualified. Any vacancy in the office shall be filled in the same manner as the original appointment for the remainder of the unexpired term. The director shall be appointed by the governor and council, upon the recommendation of the oversight commission established in RSA 170-G:18. The

1 director shall possess a professional graduate degree in law, social work, public health, or a related
2 field and be qualified by reason of education, experience, and expertise to perform the duties of the
3 office.

4 III. The office of the child advocate shall:

5 (a) Provide independent oversight of the state's child protection system to assure that
6 the best interests of children are being protected.

7 (b) Regularly consult with the department of health and human services and the
8 oversight commission established in RSA 170-G:18.

9 (c) Maintain client confidentiality and the confidentiality of all case records as specified
10 in law.

11 (d) Have access to records within the scope of its mission, except for those records
12 maintained by the department of justice which are part of a pending legal proceeding.

13 (e) Have the ability to subpoena witnesses and/or records.

14 (f) Have the authority to review and investigate any aspect of the department's child
15 protection policies or practices.

16 (g) Provide information and referral services to the public regarding the department's
17 child protection services; provided that case specific complaints shall be handled by the department.

18 (h) Receive a copy of all critical incident reports from the department. The department
19 shall provide the office with a copy of the report not later than 48 hours after the occurrence;
20 provided that any child fatality shall be immediately communicated to the office by phone.

21 (i) Perform educational outreach and advocacy activities in furtherance of the mission
22 and responsibilities of the office.

23 (j) Investigate and report on issues related to child protection upon the request of the
24 governor, commissioner of health and human services, speaker of the house of representatives,
25 senate president, or oversight commission.

26 IV. Beginning November 1, 2017 and each November 1 thereafter, the director of the office
27 of the child advocate shall submit an annual report of its activity, findings, and recommendations to
28 the commissioner of the department of health and human services, the governor, the speaker of the
29 house of representatives, the senate president, and the state library.

30 170-G:18 Oversight Commission on Children's Services and Juvenile Justice Established.

31 I. There shall be an oversight commission on children's services and juvenile justice, which
32 shall consist of the following members:

33 (a) Two members of the senate, appointed by the senate president.

34 (b) Two members of the house of representatives, appointed by the speaker of the house
35 of representatives.

36 (c) Four members representing the executive branch, appointed by the governor.

37 (d) Two members representing the judicial branch, appointed by the chief justice of the
38 supreme court.

1 (e) Two representatives of the New Hampshire Association of Chiefs of Police, one of
2 whom serves as chief of police for a city and one of whom serves as chief of police for a town.

3 (f) Four members of child advocacy organizations, appointed by the governor.

4 II. Legislative members of the commission shall serve a term coterminous with their term
5 in office. Members appointed under subparagraphs (c)-(f) shall serve 3-year terms. Legislative
6 members of the commission shall receive mileage at the legislative rate when attending to the
7 duties of the commission.

8 III. The oversight commission shall:

9 (a) Recommend at least 3 qualified candidates to the governor for appointment as
10 director of the office of the child advocate; except that in the case of reappointment, a single
11 recommendation shall be sufficient.

12 (b) Provide oversight to the department of health and human services and the office of
13 the child advocate to support an effective, comprehensive, and coordinated system of services and
14 programs for children, youth, and families.

15 (c) Analyze the efficacy of selected programs and services of the department, including
16 the characteristics of target populations, trends affecting program costs and participation, and
17 alternative approaches to programmatic and administrative concerns.

18 (d) Collaborate with the department of health and human services and the office of the
19 child advocate to identify and implement best practices on behalf of children and families.

20 IV. The oversight commission shall elect a chairperson from among the members. The first
21 meeting of the commission shall be called by the first-named senate member. The first meeting of
22 the commission shall be held within 45 days of the effective date of this section. Four members of
23 the commission shall constitute a quorum.

24 V. Beginning November 1, 2017, and each November 1 thereafter, the commission shall
25 submit a report of its activity, findings, and any recommendations for proposed legislation to the
26 commissioner of the department of health and human services, the director of the office of the child
27 advocate, the president of the senate, the speaker of the house of representatives, the senate clerk,
28 the house clerk, the governor, and the state library.

29 5 Effective Date. This act shall take effect 60 days after its passage.

SB 239-FN- FISCAL NOTE
AS AMENDED BY THE SENATE (AMENDMENT #2017-0803s)

AN ACT (New Title) establishing the position of associate commissioner in the department of health and human services, the office of the child advocate, and the oversight commission for children's services and juvenile justice.

FISCAL IMPACT: ☒ State ☐ County ☐ Local ☐ None

STATE:	Estimated Increase / (Decrease)			
	FY 2018	FY 2019	FY 2020	FY 2021
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	Indeterminable Increase	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: an associate commissioner position (unclassified JJ), which replaces the senior division director position (unclassified JJ), within the Department of Health and Human Services to include the responsibility or overseeing the Division for Children, Youth and Families; the Office of the Child Advocate as an independent agency administratively attached to the Department of Administrative Services to provide oversight of and reporting on the state's child protection system; and the Oversight Commission on Children's Services and Juvenile Justice to provide oversight to the Department of Health and Human Services and Office of the Child Advocate to support a comprehensive and coordinated system of services and programs for children, youth, and families as well as report findings and make recommendations for proposed legislation.

There is no additional expenditures associated with position title changes. However, this bill does not specify how the Office of the Child Advocate would be staffed. The Departments of Health and Human Services and Administrative Services assume additional personnel and resources would be required to fulfill duties within the office resulting in an indeterminable increase to state expenditures. The Department of Health and Human Services assumes there would be federal matching funds but is unable to determine the amount due to uncertainty on what additional personnel and resources are required.

AGENCIES CONTACTED:

Department of Health and Human Services and Department of Administrative Services

