

SB 223-FN-A - AS INTRODUCED

2017 SESSION

17-0924

05/04

SENATE BILL

***223-FN-A***

AN ACT                   relative to staffing recommendations from the quality assurance review of the division of children, youth and families.

SPONSORS:           Sen. McGilvray, Dist 16; Sen. D'Allesandro, Dist 20; Sen. Feltes, Dist 15; Sen. Fuller Clark, Dist 21; Sen. Hennessey, Dist 5; Sen. Kahn, Dist 10; Sen. Lasky, Dist 13; Sen. Soucy, Dist 18; Sen. Watters, Dist 4; Sen. Woodburn, Dist 1; Rep. Rosenwald, Hills. 30; Rep. Wallner, Merr. 10; Rep. Berrien, Rock. 18

COMMITTEE:       Health and Human Services

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ANALYSIS

This bill makes an appropriation to the department of health and human services, division of children, youth and families to hire additional child abuse assessment social workers and supervisors.

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                      Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT                    relative to staffing recommendations from the quality assurance review of the  
division of children, youth and families.

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

1            1 Findings. The legislature finds that:

2            I. It is the fundamental responsibility of our society and our state to protect the health,  
3 safety and well-being of our children and ensure that every child has the opportunity to live and  
4 grow in a safe environment.

5            II. The independent quality assurance review of the division of children, youth and families  
6 (DCYF) conducted by the Center for the Support of Families submitted to the governor and  
7 commissioner of health and human services on December 19, 2016 clearly outlined a number of  
8 steps that New Hampshire must take in order to better protect our children, including increasing  
9 staff, improving training, and improving our laws and policies.

10           III. While the independent review makes 20 recommendations to make improvements in  
11 addressing the safety and risk of harm to children, the review notes “that we do not recommend  
12 trying to put into place major practice improvements, enhancements, or new initiatives until there  
13 is a solid foundation of adequate staffing and supervision in the assessment area. Otherwise,  
14 overloaded staff will not be able to implement and adopt the new practices effectively.”

15           IV. As the independent review further states “that if the State wishes to hold DCYF  
16 accountable for protecting the health, safety and well-being of its most vulnerable children, the  
17 agency must have the resources it needs to carry out that mission.”

18           V. Understanding that there will be a thorough and time-consuming debate on the  
19 implementation of the policy and practice recommendations of the independent review, it is more  
20 than reasonable that the state provides appropriations to DCYF in order to provide a solid  
21 foundation of adequate staffing and supervision in the assessment area as quickly as possible in  
22 order to prevent tragedies in the future and to ensure the safety and well-being of our children.

23           2 Appropriation; Division of Children, Youth and Families; Assessment Social Workers.  
24 Pursuant to the final report of the Center for the Support of Families on assessment staffing  
25 recommendations for the division for children, youth and families, dated December 19, 2016, the  
26 department of health and human services, division of children, youth and families is hereby  
27 authorized to hire a sufficient number of assessment social workers to bring the total number of  
28 filled positions to 120, with the intent of reducing the current vacancy rate to at least 25 percent, for  
29 the biennium ending June 30, 2017 and the biennium ending June 30, 2019. For the purpose of  
30 funding said positions, the governor is authorized to draw a warrant out of any money in the

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1 treasury not otherwise appropriated. Notwithstanding RSA 14:30-a, VI, the department is hereby  
2 authorized to accept and expend federal funds necessary to supplement the general fund cost of said  
3 positions, without prior approval of the fiscal committee.

4 3 Appropriation; Division of Children, Youth and Families; Assessment Supervisors. Pursuant  
5 to the final report of the Center for the Support of Families on assessment staffing  
6 recommendations for the division for children, youth and families, dated December 19, 2016, the  
7 department of health and human services, division of children, youth and families is hereby  
8 authorized to hire a sufficient number of assessment supervisors to bring the total number of filled  
9 positions to 24, with the intent reducing the current vacancy rate and achieving a supervisor-to-  
10 worker ratio of 1:5, for the biennium ending June 30, 2017 and the biennium ending June 30, 2019.  
11 For the purpose of funding said positions, the governor is authorized to draw a warrant out of any  
12 money in the treasury not otherwise appropriated. Notwithstanding RSA 14:30-a, VI, the  
13 department is hereby authorized to accept and expend federal funds necessary to supplement the  
14 general fund cost of said positions, without prior approval of the fiscal committee.

15 4 Effective Date. This act shall take effect upon its passage.

**SB 223-FN-A- FISCAL NOTE**

as introduced

AN ACT relative to staffing recommendations from the quality assurance review of the division of children, youth and families.

**FISCAL IMPACT:**    ☒ State                    ☐ County                    ☐ Local                    ☐ None

STATE:	Estimated Increase / (Decrease)			
	FY 2018	FY 2019	FY 2020	FY 2021
<b>Appropriation</b>	Indeterminable	Indeterminable	\$0	\$0
<b>Revenue</b>	\$0	\$0	\$0	\$0
<b>Expenditures</b>	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
<b>Funding Source:</b>	<input checked="" type="checkbox"/> General Funds	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input checked="" type="checkbox"/> Federal

**METHODOLOGY:**

This bill authorizes the Department of Health and Human Services, Division of Children Youth and Families to hire a sufficient number of assessment social workers to bring the total number of filled positions to 120, and a sufficient number of assessment supervisors to bring the total number of filled positions to 24. The bill is effective for the remainder of FY 2017, as well as for the FY 2018/2019 biennium. The Department states that while the governor's recommended budget has not been released at the time of this writing, the efficiency budget component of the agency's budget request contains funding for 101 assessment social service workers. The Department anticipates that an additional 19 positions would cost a total of \$1,578,360 in FY 2018 and \$1,622,888 in FY 2019, of which \$1,028,301 and \$1,057,312 would be state general funds. The remainder would be paid for with matching federal funds. The Department assumes it will not need to hire additional assessment supervisors, as there are currently enough supervisors to meet the supervisor-to-staff ratio contained in the bill. The bill provides for a general fund appropriation in an amount sufficient to fund positions once identified from funds in the Treasury not otherwise appropriated for the purpose of funding the bill's provisions. The bill also authorizes the Department to accept and expend matching federal funds without prior approval of the Fiscal Committee.

The Judicial Council indicates the bill would increase general fund expenditures by an indeterminable amount. The Council is responsible for paying for indigent legal representation and guardian ad litem services in child protection cases. The Council expects the increase in case workers would increase the number of child protection cases. If the court finds an

individual is indigent, an attorney can be appointed to represent an accused parent, a non-accused parent living in the household, and an accused step parent in child protection cases. The attorneys are reimbursed at \$60 per hour with a cap of \$1,700 up to the dispositional hearing and \$300 for each review hearing. Due to conflicts of interest, an attorney can only represent one parent in each case, requiring payment for two attorneys in many cases. In addition, the Council pays for a Guardian ad Litem (GAL) to represent the best interest of the child. Under the statutory order of appointment, these appointments first go to Court Appointed Special Advocates (CASA). CASA is a non-profit organization with volunteers serving as GALs throughout the State. The Council has a contract with CASA to provide this service. CASA was paid \$589,000 in FY 2015 and \$639,000 in FY 2016. If CASA is not able to take a case, the Council pays for a private GAL at a rate of \$60 per hour with a cap of \$1,400 up to the dispositional hearing and \$300 for each review hearing. Finally, the Council expects the increase in staff would lead to an increase in Termination of Parental Rights cases for which the Council also pays for legal and GAL costs for indigent individuals.

**AGENCIES CONTACTED:**

Department of Health and Human Services and the Judicial Council