

Amendment to SB 239-FN

1 Amend the title of the bill by replacing it with the following:

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3 AN ACT establishing the position of associate commissioner in the department of health and
4 human services, the office of the child advocate, and the oversight commission for
5 children's services and juvenile justice.
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7 Amend the bill by replacing all after the enacting clause with the following:

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 RSA 126-A:9, I(a) is repealed and reenacted to read as follows:

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

17 2 Department of Health and Human Services; Salaries; Reference to Associate Commissioner
18 Added; Reference to Senior Division Director Removed. Amend RSA 126-A:10 to read as follows:

19 126-A:10 Salaries. The annual salaries of the commissioner of health and human services,
20 deputy commissioner of health and human services, [~~senior division director~~] **associate**
21 **commissioner**, division directors, and unclassified employees of the department shall be as
22 prescribed by RSA 94:1-a.

23 3 Salary of Associate Commissioner. Amend RSA 94:1-a, I(b) to read as follows:

24 Delete:

25 JJ Department of health and human services senior division director

26 Insert:

27 JJ Department of health and human services associate commissioner

28 4 New Subdivision; Office of the Child Advocate. Amend RSA 170-G by inserting after section
29 16 the following new subdivision:

30 Office of the Child Advocate

31 170-G:17 Office of the Child Advocate.

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

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1 II. The office shall be under the supervision of an unclassified director of the office of the
2 child advocate. The director shall serve a term of 4 years and until a successor is appointed and
3 qualified. Any vacancy in the office shall be filled in the same manner as the original appointment
4 for the remainder of the unexpired term. The director shall be appointed by the governor and
5 council, upon the recommendation of the oversight commission established in RSA 170-G:18. The
6 director shall possess a professional graduate degree in law, social work, public health, or a related
7 field and be qualified by reason of education, experience, and expertise to perform the duties of the
8 office.

9 III. The office of the child advocate shall:

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

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

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

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

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

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

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

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

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

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

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

35 170-G:18 Oversight Commission on Children's Services and Juvenile Justice Established.

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

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

2 (b) Two members of the house of representatives, appointed by the speaker of the house
3 of representatives.

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

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

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

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

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

14 III. The oversight commission shall:

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

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

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

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

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

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

35 5 Effective Date. This act shall take effect 60 days after its passage.

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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.