

CHAPTER 196
SB 125-FN - FINAL VERSION

2019 SESSION

19-0928
05/01

SENATE BILL ***125-FN***

AN ACT relative to parental reimbursement for voluntary services provided under the child in need of services (CHINS) program.

SPONSORS: Sen. Bradley, Dist 3; Sen. Birdsell, Dist 19; Sen. Carson, Dist 14; Sen. D'Allesandro, Dist 20; Sen. Dietsch, Dist 9; Sen. Feltes, Dist 15; Sen. Fuller Clark, Dist 21; Sen. Gray, Dist 6; Sen. Hennessey, Dist 5; Sen. Kahn, Dist 10; Sen. Morgan, Dist 23; Sen. Rosenwald, Dist 13; Sen. Ward, Dist 8; Sen. Watters, Dist 4; Rep. Berrien, Rock. 18; Rep. Rice, Hills. 37

COMMITTEE: Judiciary

ANALYSIS

 This bill provides that parental reimbursement shall not be required for voluntary services provided under the CHINS program.

 The bill is a request of the department of health and human services.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

CHAPTER 196
SB 125-FN - FINAL VERSION

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Nineteen

AN ACT relative to parental reimbursement for voluntary services provided under the child in need of services (CHINS) program.

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

1 196:1 Children in Need of Services; Petition. Amend RSA 169-D:5, I-a to read as follows:

2 I-a. The petition shall be in writing and verified under oath. The following notice shall be
3 printed on the front of the petition in bold in no smaller than 14 point font size: "See back for
4 important information and financial obligations." The back of the petition shall include a notice of
5 liability for parents and other individuals chargeable by law for the child's support and necessities,
6 which shall state: "In accordance with RSA 169-D:29, parents and others chargeable by law for the
7 child's support and necessities are required to reimburse the state for the cost of ~~voluntary or~~ court
8 ordered services. The amount that you will be required to reimburse the state will be based on your
9 ability to pay. You have a right, upon written request, to receive a statement from the department of
10 the cost of services incurred in the case to date. Upon our receipt of notice of a proposed service or
11 placement, you must contact your insurance carrier within 48 hours to see if coverage is available to
12 pay for the proposed service or placement and notify the department of the results. If insurance
13 coverage is available, you must cooperate with your insurance carrier and comply with their
14 requirements for direct payment to the provider."

15 196:2 New Paragraph; Children in Need of Services; Pre-adjudicatory Procedure. Amend RSA
16 169-D:9 by inserting after paragraph X the following new paragraph:

17 XI. The cost for any services, placement, or programs provided pursuant to a voluntary
18 family service plan under this section shall not be subject to parental reimbursement under RSA
19 169-D:29.

20 196:3 Children in Need of Services; Liability for Expenses. Amend RSA 169-D:29, I(a) to read as
21 follows:

22 I.(a)(1) When an order creating liability for expenses is issued by the court under this
23 chapter ~~[or when a voluntary service plan is developed and provided for a minor and the minor's~~
24 ~~family by the department]~~, any expenses incurred for services, placements, and programs the
25 providers of which are certified pursuant to RSA 170-G:4, XVIII, shall be payable by the department
26 of health and human services.

27 (2) When an order creating liability for expenses is issued by the court under this
28 chapter ~~[or when a voluntary service plan is developed and provided for a minor]~~, any expenses
29 incurred for approved diversion services shall be paid by the parent or guardian.

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1 196:4 Children in Need of Services; Petition; Reference to Voluntary Family Services Plan
2 Clarified. Amend RSA 169-D:5, II-a to read as follows:

3 II-a. Any petition filed shall include language demonstrating whether appropriate voluntary
4 services have been attempted, the nature of voluntary services attempted, and the reason court
5 compulsion is necessary. The petition also shall include information regarding the department's
6 determination as to whether voluntary services are appropriate for the child or family under RSA
7 169-D:5-c. Refusal of the child to participate in the development of a voluntary *family* services plan
8 may constitute sufficient information that voluntary service and support options have been
9 unsuccessful.

10 196:5 Children in Need of Services; Pre-adjudicatory Procedure; Reference to Voluntary Family
11 Services Plan Clarified. Amend RSA 169-D:9, IV-VI to read as follows:

12 IV. A voluntary family services plan shall set forth in writing the terms and conditions
13 agreed to by the child, the child's caretaker, and all parties responsible for implementation of the
14 voluntary *family* services plan. A written copy of the plan shall be submitted to each party or
15 person responsible for implementation of the plan.

16 V. A voluntary *family* services plan may be amended by agreement of the parties at any
17 time. If a petition has been filed, the amended plan shall be submitted to the court.

18 VI. If a petition has been filed and the department determines voluntary services are
19 appropriate, a voluntary family services plan shall be submitted to the court. The voluntary *family*
20 services plan shall stay the proceedings for a period not to exceed 90 days from the date of
21 implementation, unless the parties agree, in writing, to an extension for additional periods not to
22 exceed 90 days.

23 196:6 Effective Date. This act shall take effect 60 days after its passage.

Approved: July 10, 2019
Effective Date: September 08, 2019