Bill as Introduced

LBAO
99-0319
Revised 4/20/99

SB 229 FISCAL NOTE

AN ACT relative to the supervision of juvenile delinquents on probation and parole and the operation and organization of the youth development center.

FISCAL IMPACT:

The Department of Health and Human Services (DHHS) stated this bill will increase state expenditure by $2,999,470 in FY 2000, $3,089,712 in FY 2001, by $3,182,403 in FY 2002, and $3,277,875 in FY 2003. County expenditures may increase by an indeterminable amount. There will be no fiscal impact on state, county and local revenue or local expenditures.

METHODOLOGY:

The DHHS made the following assumptions:

- The mission of the Department of Juvenile Corrections would preclude it from obtaining federal financial participation from Titles IVA, IVE, XIX, and XX in both program and administrative costs;
- The Juvenile Services Officers located in the DHHS district offices would be relocated;
- The Department of Juvenile Corrections would need to appropriate funds to buy out the federal interest in furniture and equipment, including personal computers, to be transferred to that Department by the DHHS;
- Only the CHINS and juvenile delinquent populations served would become the responsibility of the Department of Juvenile Corrections;
- The Department of Juvenile Corrections would enter into an interagency agreement to financially support its access and use of the N.H. Bridges case management and claims payments system;
- The incremental costs are for staff and staff related expenses of people performing general administrative functions for all divisions of the Department. Staff performing centralized functions will not be transferred, since this transfer would significantly impact the central operations of the DHHS and the Division of Children, Youth and Families' (DCYF) ability to support the remaining child protective and child care programs.
- Many of the support services done centrally by DHHS would be duplicated by the Department of Juvenile Corrections, including items such as equipment, mail and delivery services, data entry for case management and claims processing, human resource functions, logistical support, computer related expense and computer staff. The cost of DHHS level support provided to the Department of Children, Youth and Families (DCYF) – Juvenile Services was determined from the actual FY 1998 cost allocation plan, adding a 3%

inflation factor from FY 2000 through FY 2003. The FY 1999 cost is $2,999,470. This includes an estimated $229,750 in startup costs to support access to the N.H. Bridges System and to buy out the federal share of furniture and equipment being transferred to the new Department. The amount billed to the counties and the school districts for children at the Youth Development Center and Youth Services Center could increase based on the additional support costs, but the impact cannot be determined at this time.

- Additional costs will be incurred for rent or renovations for relocating the Juvenile Services Officers. Also, the amount billed to the counties and the school districts for children at the YDC and YSC could increase based on the additional support costs and staff and the technology currently utilized by this staff. The DHHS is unable to determine the specific costs of these changes.

The Department of Youth Development Services stated that the Department's operating budget (maintaining the same county/general/federal fund proportions), the capital budget, equipment, facilities, and personnel would be transferred to the Department of Juvenile Corrections.

Committee Minutes

Date: MAY 4, 1999
Time: 1:30 PM
Room: LOB 102

The Senate Committee on Public Institutions/Health Human Services held a hearing on the following:

SB 229-FN-L relative to the supervision of juvenile delinquents on probation and parole and the operation and organization of the youth development center.

Members of Committee present:
Senator Squires
Senator Wheeler
Senator Fernald
Senator Gordon
Senator Krueger
Senator McCarley
Senator Pignatelli

The Chair, Senator James Squires, opened the hearing.

Senator John A. King, D. 18: Thank you Mr. Chairman, members of the Committee. For the record my name is John King, Senate District 18, Manchester and Auburn. I'm here to speak on SB 229. Written testimony handed in. **See Attachment A.**

Senator James W. Squires, D. 12: Senator King. Is this similar to a House Bill that's...?

Senator John A. King, D. 18: Very similar to a House Bill. Very similar to a House Bill.

Senator James W. Squires, D. 12: Any questions? Thank you.

Senator Frederick W. King, D. 1: For the record I'm Senator Fred King. I represent Senate District 1, a sponsor of this legislation. During the most recent campaign I said one of my prime concerns for this two-year period would be to deal with the issue of how we deal with our juvenile justice system in New Hampshire. I thought that we've made major inroads into the

adult system and now it is time to deal with what I thought was a more important issue and one that was more in trouble.

A recent audit done by the LBA found some major deficiencies, some in excessive (pounding) in the system. I've look at other states where they have a unified system and I thought at that time that that was the way to go. There're obviously, based on the audit that was done, there was a lack of communication between the two departments that were responsible with dealing with our youth, however, with the recent appointment of a new DHHS Commissioner and the fact that me and Commissioner Favreau and Commissioner Shumway have been working very closely together, I feel that a lot of the concerns that I had are being addressed and I would hope that this bill and the bill in the House will be put together and some serious thought given to the issue and perhaps the right choice would be to send both bills to interim study this summer, because I believe a lot of the issues that were raised in the audit have already been taken care of and probably with an inner-agency memorandum agreement which they're working on that more clearly defines each others responsibility and the fact they now talk to each other. I think that's pretty important. When the two agencies are responsible for the same job they should talk together. I believe they're doing that. The need for this legislation in it's present form, in my opinion, has changed. Thank you.

Senator James W. Squires, D. 12: Thank you.. Are there any other sponsors in the room that would like to speak on this bill. Seeing none, I will recognize Commissioner Shumway.

Donald Shumway, Commissioner, Department of Health and Human Services: Mr. Chairman and members of the Committee. I appreciate the opportunity to testify before you and the first thing I'd like to ask is if in the future you could consider in the sign-up another category. There's favor, there's opposed but there's this working together to solve this problem in a different way category that I think we're looking for in this bill. I'd like to talk to you a little bit about that.

I appreciate, first of all, the fact that both sponsors bring this bill to you with a commitment to rectify a very trouble situation of long standing and that is we have not as a state committed ourselves to the juvenile services who are need of supervision and other arenas of child protection and child welfare as we must. In not having made that commitment we find ourselves, I think, repeatedly bouncing from re-organization to re-organization and often blaming the very people who are responsible for doing the work for not doing the work adequately when we have them wavering under caseloads that are absolutely unacceptable from the point of view from doing the job. Second

working in conditions, for example and I don't mean speak for Commissioner Favreau, where we have not made commitments to a physical plant, the staffing levels in different institution environments that were responsible for in the like. And so what I would ask is your consideration as a committee to a course of action that I think both Senators envisioned in sponsoring the bill and that is where we would get together and work at what I would call a very tangible, very practical work plan of improvement in the juvenile services and I'd hope also consider the child protective services arena. Let me be more specific if I may.

We would like to propose to you for your consideration that we would pursue a number of tangible goals over a number of years in improving the service delivery system. Working in areas such as being accreditation for the Division of Children, Youth and Families which would entail both a number of procedural improvements, a number of data improvements in outcome measures that would have to be tracked based on the standards of the national accrediting bodies. They require, for example, that you not only track who's going into foster care but what happens to those kids and what happens them a few years after they've been in the system or perhaps they've gone back to the home in the like. In addition, we require that one work with caseloads that would become reasonable. What that would mean certainly over time is additional staff in those arenas for JSO type functions or case technician functions and even clerical functions which are areas, as far as I'm concerned, the number one priority for the Department in terms of any staffing changes that we've had is improving those caseloads.

It's bringing back that kind of a work plan to you that I would hope we would find an arena of vehicle that we could be able to work together on that. We would hope that both with the House Bill 200 and with this bill that we'd be able to bring together that kind of thinking and over time, I think not so much keep bouncing the ball down the road but instead grab it, make it into that which we would feel very proud of and make sure that we're doing the job on behalf of the children. Of all the areas of the Department I think this is probably the highest risk point, the point of greatest urgency for everything that we do.

By the way, with me are several of the staff from the Department that under other conditions I would have testified; Nancy Rollins the Director of the Division, John McDermott who heads up our Juvenile Services area, Margaret LaFleur and Kathy Minerk who are from the respective district offices in Salem and Manchester, and also Tricia Lucas who you all know. If you have any questions at all about any of the ways in which we're functioning at this time or any of these proposals or directions that we're proposing we'd be very happy to answer them individually or we could bring

folks up but we don't necessarily have a need to individually testify. Which ever are your wishes.

Senator James W. Squires, D. 12: Any questions of Commissioner Shumway? Senator Pignatelli.

Senator Debora B. Pignatelli, D. 13: I guess I would have a question about the foster care system and what you're looking at in terms of changes?

Commissioner Shumway: Well, first of all I was hoping to survive this month. We have a piece of legislation, I believe it's HB 67, that is before you which allows us to go into conformance with changes in federal legislation and we must get that through and signed by May 30 or we loose a substantial amount of federal resources. So, but forgive me. There are some matters that involve survival. Second, what we are hoping for is that in a number of different arenas we will be able to bring foster care, there's a very specific set of standards around how foster care is managed, used, how those children are assured of their well being, how the information supports those children, health services, information exchanged with foster parents. Things like that. How all of those would be upgraded into tangible terms over time and ultimately how those staff, Child Safety workers and others who support those foster families would all be upgraded over time. What we would like to do is to bring back to you in a sense of that body of standards a work plan that would go with it and give you a very concrete sense of how those changes would occur and the timing for them in the like. We recognize that we have a long way to go.

Senator Katherine W. Wheeler, D. 21: Are there any questions for the Commissioner?

Commissioner Shumway: Thank you very much.

Senator Katherine W. Wheeler, D. 21: Seeing none. Thank you very much. Commissioner Favreau.

Peter Favreau, Commissioner, DYDS: Thank you Madam Chairman. Ladies and gentlemen. I will be very brief. Much of what Commissioner Shumway had to say will be echoed by myself. Just a couple of things I think that as a result of the audit that was done on our agency and on Commissioner Shumway's agency I just wanted to reiterate and I've said this many times before, that on eof the things that was in the audit report and I'll read from it is that we believe that many if not all of the findings noted could be rectified by adequate communications between those responsible for the supervision, security and aftercare of our state's most troubled youths. What they are in

effect saying is if the communications problem is solved then basically the audit is solved. I can tell you that the first day that I met Commissioner Shumway his expressed words to me was "how can we help you?". To me that's communicating. We have since met several times. We communicate on a regular basis. We are in fact communicating the needs of DYDS and DHHS relative to particularly the JSO's as they supervised the youth that leave DYDS and go on parole have been met by this memorandum of agreement which by the way has been completed and signed by myself, Commissioner Shumway and the Chairman of the Juvenile Parole Board. That memorandum is going to be a living document if you will, to be fed (inaudible) on a monthly basis discussing whatever problems that may come up by either of our two departments and worked out. Therein lies the crux of the matter, as far as I'm concerned, the communications problem which is in effect, as far as I'm concerned, solved. I'd be glad to answer any questions.

Senator Katherine W. Wheeler, D. 21: Are there any questions for the Commissioner? Seeing none, thank you very much for your testimony. That completes the list of people who have signed up to speak for or against the bill. Is there anyone else in the room wishing to speak on SB 229? Seeing none I will close the hearing on SB 229.

Hearing closed at 1:50 pm.

Respectfully submitted,

MA Chandler

Merideth Chandler,
Committee Secretary

Attachment A

SENATE BILL 229

SENATE BILL 229 IS SUGGESTED LEGISLATION THAT WOULD CREATE A NEW DEPARTMENT OF JUVENILE CORRECTIONS. CURRENTLY THE TASKS ARE SHARED BY HEALTH AND HUMAN SERVICES AND THE YOUTH DEVELOPMENT CENTER. THREE OR FOUR YEARS AGO YDC WAS SEPARATED FROM HHS AND THEN SET UP AS A SEPARATE DEPARTMENT.

THE ROAD TRAVELED BY HHS IN SERVING DELINQUENTS AND CHINS WAS QUESTIONED BY MANY AS TO WHETHER THE HHS WAS THE RIGHT PLACE FOR JUVENILE P/P TO BE. MANY FELT CHINS AND DELINQUENTS COULD BE BETTER SERVED BY A CHANGE. THE CHANGE SHOULD BE TO A DEPARTMENT THAT WOULD PLACE MORE EMPHASIS ON DELINQUENTS AND CHINS -- A CONCENTRATION ON DELINQUENTS OR CHINS.

SOME FELT A DESIRE FOR A DEPARTMENT THAT WOULD CONCENTRATE ON JUVENILE DELINQUENTS AND CHINS AND NOT HAVE TOO MANY DECISION-MAKERS THAT SEEM TO CONFUSE MORE THAN DIFFUSE.

SENATE BILL 229 WOULD TRANSFER ALL FUNCTIONS, POWERS, DUTIES, PERSONNEL, ETC. PERTAINING TO JUVENILE DELINQUENTS AND CHINS FROM HEALTH AND HUMAN SERVICES TO A NEW DEPARTMENT KNOWN AS THE DEPARTMENT OF JUVENILE CORRECTIONS.

IN ADDITION TO ALL TRANSFERRED FROM HHS, THE DEPARTMENT OF YOUTH SERVICES (YDS) SHALL BECOME A PART OF THE NEW DEPARTMENT OF JUVENILE CORRECTIONS OPERATIONS.

I KNOW WE ALL AGREE THIS IS AN IMPORTANT CHANGE AND ONE THAT REQUIRES ALL THE THOUGHT, ENERGY AND INPUT WE CAN MUSTER

SO THE FINAL DECISION WILL BE THE RIGHT ONE – AND A LASTING ONE – THAT WOULD SERVE OUR YOUTH AND THE COMMUNITIES AS WELL.

WE ALSO KNOW THAT THE CLAREMONT ISSUE HAS HAD AN ADVERSE EFFECT ON MOST OF OUR OTHER LEGISLATION – ESPECIALLY THE STATE BUDGET. IN PAST YEARS, THE BUDGET WAS COMPLETED AT THIS TIME – NOT THIS YEAR THOUGH.

ANOTHER CHANGE THAT HAS HAPPENED SINCE FILING THIS LEGISLATION WAS THE APPOINTMENT OF A NEW HEALTH AND HUMAN SERVICES COMMISSIONER, DON SHUMWAY. HE WANTS TO HAVE INPUT INTO THE PROCESS.

THE YDC COMMISSIONER HAS BEEN WORKING CLOSELY WITH THE NEW HHS COMMISSIONER AND STATES THEY HAVE MADE SOME SIGNIFICANT CHANGES ON AUTHORITY AND PROCESS.

I KNOW WE ALL WANT TO MAKE SURE WE DO THE BEST FOR OUR AGENCIES DEALING WITH JUVENILE DELINQUENTS AND CHINS. THE TASKS NECESSARY TO MAKE THE BEST DECISIONS ARE IMPORTANT AND TAKE SOME TIME, THEREFORE, I WOULD APPRECIATE A DELAY IN EXEC. THE BILL UNTIL I TALK WITH OTHER SPONSORS AND PARTICIPANTS, AND HOPEFULLY ALL INVOLVED WOULD FEEL COMFORTABLE IF THEY HAD AMPLE TIME TO PROVIDE ADEQUATE INPUT.

Speakers

SENATE PI-HHS COMMITTEE

Date 5/4/99 Time 1:00 PM Public Hearing on SB229-FN-L

Appearing in FAVOR: (Please print) **Please check box at left to speak.**

Speaking?	Name	Address	Representing
☐	Senator Disnard		Dist. 8
☒	SENATOR FRED KING		DISTRICT 1
☐	Rep. Paul J. Dwyer		Dist 43
☐			
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Appearing in OPPOSITION: (Please Print) **Please check box at left to speak.**

☐	Teresa Rosenberger	McLane law firm	NH Psychological Association
☐	Commissioner Carol Holden		Hillsborough County BOC
☑	Donald L. Shumway	Commissioner	DHHS
☑	Peter R. Favreau	Commissioner	OYDS
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Committee Report

Date: May 4, 1999 Time: 1:30 pm

The Senate Committee on Public Institutions/Health Human Services held its hearing in Room LOB 102, Concord, New Hampshire.

BILL NO.: SB 229-FN-L TITLE: relative to the supervision of juvenile delinquents on probation and parole and the operation and organization of the youth development center.

Members of the Committee present:

Senator Squires
Senator Wheeler
Senator Fernald
Senator Gordon
Senator Krueger
Senator McCarley
Senator Pignatelli

Those appearing in favor:

Name and Address	Representing
See Attached.	

Those appearing in opposition:

Name and Address	Representing
See Attached.	

REPORT OF THE COMMITTEE:

- ☐ Ought to Pass
- ☐ Ought to Pass w/ Amendment
- ☒ Inexpedient to Legislate
- ☐ Rereferred
- ☐ Interim Study
- ☐ Continued Hearing
- ☐ Postponed Hearing

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE

Date: {Type FLOOR DATE}

THE COMMITTEE ON Public Institutions/Health Human Services

to which was referred Senate Bill 229-FN-L

AN ACT relative to the supervision of juvenile delinquents on probation and parole and the operation and organization of the youth development center.

VOTE: 6 - 0

Having considered the same, report the same with the following recommendation that the bill be: **REREFERRED TO COMMITTEE.**

Senator James Squires
For the Committee

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE

Date: January 18, 2000

THE COMMITTEE ON Public Institutions/Health Human Services

to which was referred Senate Bill 229-FN-L

AN ACT relative to the supervision of juvenile delinquents on probation and parole and the operation and organization of the youth development center.

VOTE: 5-0

Having considered the same, report the same with the following resolution:
Resolved, that it is: **INEXPEDIENT TO LEGISLATE.**

Senator James Squires
For the Committee