Bill as Introduced

SB 86-FN – AS INTRODUCED

2003 SESSION

03-0958
05/01

SENATE BILL ***86-FN***

AN ACT relative to disclosure of certain information about child fatalities and near fatalities resulting from abuse and neglect, and relative to accreditation of the department of health and human services by the Council on Accreditation for Children and Family Services.

SPONSORS: Sen. Martel, Dist 18; Sen. O'Hearn, Dist 12; Sen. Cohen, Dist 24; Sen. Estabrook, Dist 21; Sen. Below, Dist 5; Rep. Hallyburton, Hills 45; Rep. Alger, Graf 14; Rep. Emerton, Hills 48; Rep. Wallner, Merr. 40

COMMITTEE: Public Institutions, Health and Human Services

ANALYSIS

This bill requires the department of health and human services to publicly disclose certain information regarding abuse and neglect cases if the disclosure would not be contrary to the best interests of the child and if there has been a fatality or near fatality resulting from abuse or neglect of a child.

The bill also requires the department of health and human services to submit a plan to obtain accreditation by the Council on Accreditation for Children and Family Services by July 1, 2007.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

03-0958
05/01

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Three

AN ACT relative to disclosure of certain information about child fatalities and near fatalities resulting from abuse and neglect, and relative to accreditation of the department of health and human services by the Council on Accreditation for Children and Family Services.

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

1 Statement of Purpose.

I. The purpose of this act is to ensure that the department of health and human services both receives the resources necessary and is held accountable for requesting and using those resources so that it may perform the child protection duties required of it in RSA 169-C, the Child Protection Act, and RSA 170-G, Services for Children, Youth and Families.

II. By this act, the general court resolves to provide the resources for the department of health and human services to meet higher standards for child protection. The general court finds that those standards set by the Council on Accreditation for Children and Family Services, Inc. are nationally recognized as the best practices for protecting abused and neglected children. The general court further finds that achieving and maintaining these standards require solid commitment from the legislative and executive branches of government.

III. The general court also finds that public access to limited information about child fatalities and near fatalities will create greater accountability, both for the department of health and human services and for other organizations and systems charged with protecting vulnerable children.

2 Commissioner of Health and Human Services; Mandatory Disclosure of Certain Abuse and Neglect Cases. Amend RSA 126-A:5, XII(a) to read as follows:

(a) Notwithstanding any other provision of law to the contrary, the commissioner [~~may~~] ***shall***, upon request, publicly disclose certain case specific information regarding the abuse or neglect of a child as set forth in this paragraph, and the investigation of such abuse or neglect and any services related thereto, if it is determined that such disclosure shall not be contrary to the best interests of the child, the child's siblings or other children in the household and there has been a fatality or near fatality resulting from abuse or neglect of a child. In determining whether disclosure will be contrary to the best interests of the child, the child's siblings, or other children in the household, the commissioner shall consider the privacy interests of the child and the child's family and the effects which disclosure may have on efforts to reunite and provide services for the family. [~~In evaluating the request for disclosure, the commissioner shall consider the source of the request, and whether the disclosure will promote public accountability of the department.~~] As used in this section, "near fatality" means an act or event that places a child in serious or critical condition as certified by a physician.

3 Commissioner of Health and Human Services; Mandatory Disclosure of Certain Abuse and Neglect Cases. Amend RSA 126-A:5, XII(c) to read as follows:

(c) For the purposes of this paragraph, the following information [~~may~~] ***shall*** be disclosed:

(1) The name of the abused or neglected child, provided that the name shall not be disclosed in a case of a near fatality unless the name has otherwise previously been disclosed.

(2) The name of the parent or other person legally responsible for the child.

(3) The date of any report to the department of suspected abuse or neglect, provided that the identity of the person making the report shall not be made public.

(4) The statutory basis and supporting allegations of such report, provided that the identity of the person making the report shall not be made public.

(5) Whether the report was referred to a district office for assessment and, if so, the priority assigned by central intake.

(6) The date the report was referred to the district office for assessment.

(7) The date and means by which the district office made contact with the family regarding the assessment.

(8) The date and means of any collateral contact made as part of the investigation provided that the identity of an individual so contacted shall not be made public.

(9) The date the assessment was completed.

[~~(3)~~] ***(10)*** The fact that the department's investigation resulted in a finding of either abuse or neglect and the basis for the finding.

[~~(4)~~] ***(11)*** Identification of services and actions taken, if any, by the department regarding the child named in the report and his or her family as a result of any such report or reports.

[~~(5)~~] ***(12)*** Any extraordinary or pertinent information concerning the circumstances of the abuse or maltreatment of the child and the investigation of such abuse or maltreatment, where the commissioner determines such disclosure is consistent with the public interest.

4 New Paragraph; Powers and Duties of the Department of Health and Human Services; Accreditation by the Council on Accreditation for Children and Family Services. Amend RSA 170-G:4 by inserting after paragraph XIX the following new paragraph:

XX. Submit a plan for the department to achieve accreditation by the Council on Accreditation for Children and Family Services, Inc. no later than July 1, 2007. The plan shall contain staffing requirements, a timetable for achieving those requirements, projected budgets for achieving those requirements and any other costs associated with achieving accreditation. The plan shall be submitted no later than 90 days after passage of this paragraph to the governor; the president of the senate; the chairs of the finance committee and of the public institutions, health and human services committee of the senate; the speaker of the house of representatives; the chairs of the children and family law committee and finance committee of the house of representatives; the

legislative budget assistant; the advisory board established in RSA 170-G:6; and the New Hampshire child fatality review committee. Annually thereafter, on or before August 1 of each year, the department shall submit an updated plan, which includes the current status of the original plan, and any changes necessary to achieve accreditation on or before July 1, 2007. Reports from the Council on Accreditation shall be public documents. Copies shall be submitted to the president of the senate; the chairs of the finance committee and of the public institutions, health and human services committee of the senate; the speaker of the house of representatives; the chairs of the children and family law committee and finance committee of the house of representatives; the legislative budget assistant; the advisory board established in RSA 170-G:6; and the New Hampshire Child Fatality Review Committee.

5 New Section; Legislative Budget Assistant; Audit of Plan for Accreditation of Department of Health and Human Services by Council on Accreditation for Children and Family Services. Amend RSA 14 by inserting after section 31-c the following new section:

14:31-d Audit of Plan for Accreditation of Department of Health and Human Services by Council on Accreditation for Children and Family Services. The legislative budget assistant shall review each plan submitted by the department of health and human services pursuant to RSA 170-G:4, XX. The legislative budget assistant shall determine whether the plan, if implemented, will achieve or is likely to achieve, accreditation on or before July 1, 2007. In making this determination, the legislative budget assistant shall assume the facts as laid out in the plan, and shall not make an independent determination as to whether the current or prior plans are being implemented. The legislative budget assistant shall further make a determination as to whether the budget proposed by the department of health and human services pursuant to RSA 9:4 is sufficient to implement the plan submitted pursuant to RSA 170-G:4, XX. The conclusions of the legislative budget assistant shall be submitted to each recipient of the plan submitted by the department of health and human services.

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

LBAO
03-0958
1/29/03

SB 86-FN - FISCAL NOTE

AN ACT relative to disclosure of certain information about child fatalities and near fatalities resulting from abuse and neglect, and relative to accreditation of the department of health and human services by the Council on Accreditation for Children and Family Services.

FISCAL IMPACT:

The Office of Legislative Budget Assistant indicated this bill will increase state expenditures by $55,496 in FY 2004, $14,061 in FY 2005, $14,695 in FY 2006 and $15,357 in FY 2007. There will be no fiscal impact on state, county and local revenue or county and local expenditures.

METHODOLOGY:

The Office assumed in FY 2004 an Audit Manager and a Staff Auditor would work for 6 months to collect the information and data necessary to evaluate the Department's accreditation plans. Salaries are at the minimum step in FY 2004 with annual step increases added in the following years. In subsequent years, the Audit Manager would have the background information and would be able to review the plans over a three-month period. The Office estimated the costs as follows:

	FY 2004 (6 months)	FY 2005 (3 months)	FY 2006 (3 months)	FY 2007 (3 months)
Audit Manager	$19,630	$10,263	$10,726	$11,211
Benefits @ 37%	7,264	3,798	3,969	4,146
Staff Auditor	17,228	0	0	0
Benefits @ 37%	6,374	0	0	0
Equipment	5,000	0	0	0
Total	$55,496	$14,061	$14,695	$15,357

The Department of Health and Human Services stated the required disclosure of case specific information would have no fiscal impact, and development of a plan to obtain accreditation by the Council on Accreditation for Children and Family Services can be accomplished using existing appropriations.

SB 86-FN – AS AMENDED BY THE HOUSE

15may03... 1495h

2003 SESSION

03-0958
05/01

SENATE BILL ***86-FN***

AN ACT relative to the disclosure of information about child fatalities resulting from abuse and neglect; relative to accreditation of the department of health and human services by the Council on Accreditation for Children and Family Services; and extending the reporting date for the pilot project relative to abuse and neglect hearings in Grafton county court.

SPONSORS: Sen. Martel, Dist 18; Sen. O'Hearn, Dist 12; Sen. Cohen, Dist 24; Sen. Estabrook, Dist 21; Sen. Below, Dist 5; Rep. Hallyburton, Hills 45; Rep. Alger, Graf 14; Rep. Emerton, Hills 48; Rep. Wallner, Merr. 40

COMMITTEE: Public Institutions, Health and Human Services

AMENDED ANALYSIS

This bill:

I. Requires the department of health and human services to publicly disclose certain information regarding abuse and neglect cases if the disclosure would not be contrary to the best interests of the child and if there has been a fatality or near fatality resulting from abuse or neglect.

II. Requires the department of health and human services to submit a plan to obtain accreditation by the Council on Accreditation for Children and Family Services by July 1, 2007.

III. Extends the reporting date for the pilot project relative to abuse and neglect hearings in Grafton county.

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 Three

AN ACT relative to the disclosure of information about child fatalities resulting from abuse and neglect; relative to accreditation of the department of health and human services by the Council on Accreditation for Children and Family Services; and extending the reporting date for the pilot project relative to abuse and neglect hearings in Grafton county court.

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

1 Statement of Purpose.

I. The purpose of this act is to ensure that the department of health and human services both receives the resources necessary and is held accountable for requesting and using those resources so that it may perform the child protection duties required of it in RSA 169-C, the Child Protection Act, and RSA 170-G, Services for Children, Youth and Families.

II. By this act, the general court resolves to provide the resources for the department of health and human services to meet higher standards for child protection. The general court finds that those standards set by the Council on Accreditation for Children and Family Services, Inc. are nationally recognized as the best practices for protecting abused and neglected children. The general court further finds that achieving and maintaining these standards require solid commitment from the legislative and executive branches of government.

III. The general court also finds that public access to limited information about child fatalities and near fatalities will create greater accountability, both for the department of health and human services and for other organizations and systems charged with protecting vulnerable children.

2 Commissioner of Health and Human Services; Mandatory Disclosure of Certain Abuse and Neglect Cases. Amend RSA 126-A:5, XII(a) to read as follows:

(a) Notwithstanding any other provision of law to the contrary, the commissioner [~~may~~] ***shall***, upon request, publicly disclose [~~certain case specific information~~] ***the information in subparagraphs (c)(3)–(c)(12)*** regarding the abuse or neglect of a child, as set forth in this paragraph, [~~and the investigation of such abuse or neglect and any services related thereto,~~] ***if there has been a fatality or near fatality resulting from abuse or neglect of a child. Information included in subparagraphs (c)(1) and (c)(2) shall also be disclosed*** if it is determined that such disclosure shall not be contrary to the best interests of the child, the child's siblings or other children in the household and there has been a fatality or near fatality resulting from abuse or neglect of a child. ***In addition, the same disclosure shall be made when there has been a fatality, to include suicide, or near fatality of a child under the legal supervision or legal***

custody of the department. In determining whether disclosure will be contrary to the best interests of the child, the child's siblings, or other children in the household, the commissioner shall consider the privacy interests of the child and the child's family and the effects which disclosure may have on efforts to reunite and provide services for the family. [~~In evaluating the request for disclosure, the commissioner shall consider the source of the request, and whether the disclosure will promote public accountability of the department.~~] ***If the commissioner determines not to release the information, the commissioner shall provide written findings in support of the decision to the requestor.*** As used in this section, "near fatality" means an act or event that places a child in serious or critical condition as certified by a physician.

3 Commissioner of Health and Human Services; Mandatory Disclosure of Certain Abuse and Neglect Cases. Amend RSA 126-A:5, XII(c) to read as follows:

(c) For the purposes of this paragraph, the following information [~~may~~] ***shall*** be disclosed:

(1) The name of the abused or neglected child, provided that the name shall not be disclosed in a case of a near fatality unless the name has otherwise previously been disclosed.

(2)) The name of the parent or other person legally responsible for the child ***or the foster family home, group home, child care institution, or child placing agency where the child is placed.***

(3) The date of any report to the department of suspected abuse or neglect, provided that the identity of the person making the report shall not be made public.

(4) The statutory basis and supporting allegations of such report, provided that the identity of the person making the report shall not be made public.

(5) Whether the report was referred to a district office for assessment and, if so, the priority assigned by central intake.

(6) The date the report was referred to the district office for assessment.

(7) The date and means by which the district office made contact with the family regarding the assessment.

(8) The date and means of any collateral contact made as part of the investigation provided that the identity of an individual so contacted shall not be made public.

(9) The date the assessment was completed.

[~~(3)~~] ***(10)*** The fact that the department's investigation resulted in a finding of either abuse or neglect and the basis for the finding.

[~~(4)~~] ***(11)*** Identification of services and actions taken, if any, by the department regarding the child named in the report and his or her family ***or substitute caregiver*** as a result of any such report or reports.

[~~(5)~~] *(12)* Any extraordinary or pertinent information concerning the circumstances of the abuse or maltreatment of the child and the investigation of such abuse or maltreatment, where the commissioner determines such disclosure is consistent with the public interest.

4 New Paragraph; Powers and Duties of the Department of Health and Human Services; Accreditation by the Council on Accreditation for Children and Family Services. Amend RSA 170-G:4 by inserting after paragraph XIX the following new paragraph:

XX. Submit a plan for the department to achieve accreditation by the Council on Accreditation for Children and Family Services, Inc. no later than July 1, 2007. The plan shall contain staffing requirements, a timetable for achieving those requirements, projected budgets for achieving those requirements and any other costs associated with achieving accreditation. The plan shall be submitted no later than 90 days after passage of this paragraph to the governor; the president of the senate; the chairs of the finance committee and of the public institutions, health and human services committee of the senate; the speaker of the house of representatives; the chairs of the children and family law committee and finance committee of the house of representatives; the legislative budget assistant; the advisory board established in RSA 170-G:6; and the New Hampshire child fatality review committee. Annually thereafter, on or before September 1 of each year, the department shall submit an updated plan, which includes the current status of the original plan, and any changes necessary to achieve accreditation on or before July 1, 2007. Reports from the Council on Accreditation shall be public documents. Copies shall be submitted to the president of the senate; the chairs of the finance committee and of the public institutions, health and human services committee of the senate; the speaker of the house of representatives; the chairs of the children and family law committee and finance committee of the house of representatives; the legislative budget assistant; the advisory board established in RSA 170-G:6; and the New Hampshire Child Fatality Review Committee.

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shall be submitted to each recipient of the plan submitted by the department of health and human services.

6 Pilot Project Relative to Abuse and Neglect Hearings in the Grafton County Court; Report by Supervisory Judge of Family Court in Grafton County. Amend 2002, 243:2, III to read as follows:

III. The [~~administrative judge of the district courts~~] ***supervisory judge of the family court in Grafton county*** shall prepare a report on the findings and recommendations of the Grafton county court relative to opening hearings in child abuse and neglect cases under the terms established by the pilot project. The [~~administrative judge of the district courts~~] ***supervisory judge of the family court in Grafton county*** shall provide the report to the governor, the speaker of the house of representatives, the senate president, the legislative oversight committee, the senate clerk, the house clerk, and the commissioner of the department of health and human services on or before September 1, [~~2003~~] ***2004.***

7 Pilot Project Relative to Abuse and Neglect Hearings in the Grafton County Court; Legislative Oversight Committee Report Date Extended. Amend 2002, 243:3, IV to read as follows:

IV. Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, [~~2003~~] ***2004.***

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

LBAO
03-0958
1/29/03

SB 86-FN - FISCAL NOTE

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FISCAL IMPACT:

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METHODOLOGY:

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Amendments

Rep. Itse, Rock. 80
Rep. Hallyburton, Hills. 45
Rep. C. Gargasz, Hills. 46
April 28, 2003
2003-1416h
05/01

Not Considered

Amendment to SB 86-FN

Amend RSA 126-A:5, XII(a) as inserted by section 2 of the bill by replacing it with the following:

(a) Notwithstanding any other provision of law to the contrary, the commissioner [~~may~~] ***shall***, upon request, publicly disclose [~~certain case specific information~~] ***the information in subparagraphs (c)(3)–(c)(12)*** regarding the abuse or neglect of a child, as set forth in this paragraph, [~~and the investigation of such abuse or neglect and any services related thereto,~~] ***if there has been a fatality or near fatality resulting from abuse or neglect of a child. Information included in subparagraphs (c)(1) and (c)(2) shall also be disclosed*** if it is determined that such disclosure shall not be contrary to the best interests of the child, the child's siblings or other children in the household and there has been a fatality or near fatality resulting from abuse or neglect of a child. ***In addition, the same disclosure shall be made when there has been a fatality, to include suicide, or near fatality of a child under the legal supervision or legal custody of the department.*** In determining whether disclosure will be contrary to the best interests of the child, the child's siblings, or other children in the household, the commissioner shall consider the privacy interests of the child and the child's family and the effects which disclosure may have on efforts to reunite and provide services for the family. [~~In evaluating the request for disclosure, the commissioner shall consider the source of the request, and whether the disclosure will promote public accountability of the department.~~] ***If the commissioner determines not to release the information, the commissioner shall provide written findings in support of the decision to the requestor.*** As used in this section, "near fatality" means an act or event that places a child in serious or critical condition as certified by a physician.

Amend RSA 126-A:5, XII(c)(2) as inserted by section 3 of the bill by replacing it with the following:

(2) The name of the parent or other person legally responsible for the child ***or the foster family home, group home, child care institution, or child placing agency where the child is placed***.

Amend RSA 126-A:5, XII(c)(11) as inserted by section 3 of the bill by replacing it with the following:

[~~(4)~~] ***(11)*** Identification of services and actions taken, if any, by the department regarding the child named in the report and his or her family ***or substitute caregiver*** as a result of any such report or reports.

Amend RSA 170-G:4, XX as inserted by section 4 of the bill by replacing it with the following:

XX. Submit a plan for the department to achieve accreditation by the Council on Accreditation for Children and Family Services, Inc. no later than July 1, 2007. The plan shall contain staffing requirements, a timetable for achieving those requirements, projected budgets for achieving those requirements and any other costs associated with achieving accreditation. The plan shall be submitted no later than 90 days after passage of this paragraph to the governor; the president of the senate; the chairs of the finance committee and of the public institutions, health and human services committee of the senate; the speaker of the house of representatives; the chairs of the children and family law committee and finance committee of the house of representatives; the legislative budget assistant; the advisory board established in RSA 170-G:6; and the New Hampshire child fatality review committee. Annually thereafter, on or before September 1 of each year, the department shall submit an updated plan, which includes the current status of the original plan, and any changes necessary to achieve accreditation on or before July 1, 2007. Reports from the Council on Accreditation shall be public documents. Copies shall be submitted to the president of the senate; the chairs of the finance committee and of the public institutions, health and human services committee of the senate; the speaker of the house of representatives; the chairs of the children and family law committee and finance committee of the house of representatives; the legislative budget assistant; the advisory board established in RSA 170-G:6; and the New Hampshire Child Fatality Review Committee.

Amend the bill by inserting after section 5 the following and renumbering the original section 6 to read as 7:

6 Pilot Project to Abuse and Neglect Hearings in the Grafton County Court; Legislative Oversight Committee Report Date Extended. Amend 2002, 243:3, IV to read as follows:

IV. Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, [~~2003~~] ***2004***.

2003-1416h

AMENDED ANALYSIS

This bill:

I. Requires the department of health and human services to publicly disclose certain information regarding abuse and neglect cases if the disclosure would not be contrary to the best interests of the child and if there has been a fatality or near fatality resulting from abuse or neglect.

II. Requires the department of health and human services to submit a plan to obtain accreditation by the Council on Accreditation for Children and Family Services by July 1, 2007.

III. Extends the report date for the legislative oversight committee of the pilot project relative to abuse and neglect hearings in Grafton county.

Rep. Gargasz, Hills 46
May 5, 2003
2003-1495h
05/01

Amendment to SB 86-FN

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

AN ACT relative to the disclosure of information about child fatalities resulting from abuse and neglect; relative to accreditation of the department of health and human services by the Council on Accreditation for Children and Family Services; and extending the reporting date for the pilot project relative to abuse and neglect hearings in Grafton county court.

Amend RSA 126-A:5, XII(a) as inserted by section 2 of the bill by replacing it with the following:

(a) Notwithstanding any other provision of law to the contrary, the commissioner [~~may~~] ***shall***, upon request, publicly disclose [~~certain case specific information~~] ***the information in subparagraphs (c)(3)-(c)(12)*** regarding the abuse or neglect of a child, as set forth in this paragraph, [~~and the investigation of such abuse or neglect and any services related thereto,~~] ***if there has been a fatality or near fatality resulting from abuse or neglect of a child. Information included in subparagraphs (c)(1) and (c)(2) shall also be disclosed*** if it is determined that such disclosure shall not be contrary to the best interests of the child, the child's siblings or other children in the household and there has been a fatality or near fatality resulting from abuse or neglect of a child. ***In addition, the same disclosure shall be made when there has been a fatality, to include suicide, or near fatality of a child under the legal supervision or legal custody of the department.*** In determining whether disclosure will be contrary to the best interests of the child, the child's siblings, or other children in the household, the commissioner shall consider the privacy interests of the child and the child's family and the effects which disclosure may have on efforts to reunite and provide services for the family. [~~In evaluating the request for disclosure, the commissioner shall consider the source of the request, and whether the disclosure will promote public accountability of the department.~~] ***If the commissioner determines not to release the information, the commissioner shall provide written findings in support of the decision to the requestor.*** As used in this section, "near fatality" means an act or event that places a child in serious or critical condition as certified by a physician.

Amend RSA 126-A:5, XII(c)(2) as inserted by section 3 of the bill by replacing it with the following:

(2) The name of the parent or other person legally responsible for the child ***or the***

foster family home, group home, child care institution, or child placing agency where the child is placed.

Amend RSA 126-A:5, XII(c)(11) as inserted by section 3 of the bill by replacing it with the following:

[~~(4)~~] ***(11)*** Identification of services and actions taken, if any, by the department regarding the child named in the report and his or her family ***or substitute caregiver*** as a result of any such report or reports.

Amend RSA 170-G:4, XX as inserted by section 4 of the bill by replacing it with the following:

XX. Submit a plan for the department to achieve accreditation by the Council on Accreditation for Children and Family Services, Inc. no later than July 1, 2007. The plan shall contain staffing requirements, a timetable for achieving those requirements, projected budgets for achieving those requirements and any other costs associated with achieving accreditation. The plan shall be submitted no later than 90 days after passage of this paragraph to the governor; the president of the senate; the chairs of the finance committee and of the public institutions, health and human services committee of the senate; the speaker of the house of representatives; the chairs of the children and family law committee and finance committee of the house of representatives; the legislative budget assistant; the advisory board established in RSA 170-G:6; and the New Hampshire child fatality review committee. Annually thereafter, on or before September 1 of each year, the department shall submit an updated plan, which includes the current status of the original plan, and any changes necessary to achieve accreditation on or before July 1, 2007. Reports from the Council on Accreditation shall be public documents. Copies shall be submitted to the president of the senate; the chairs of the finance committee and of the public institutions, health and human services committee of the senate; the speaker of the house of representatives; the chairs of the children and family law committee and finance committee of the house of representatives; the legislative budget assistant; the advisory board established in RSA 170-G:6; and the New Hampshire Child Fatality Review Committee.

Amend the bill by inserting after section 5 the following and renumbering the original section 6 to read as 8:

6 Pilot Project Relative to Abuse and Neglect Hearings in the Grafton County Court; Report by Supervisory Judge of Family Court in Grafton County. Amend 2002, 243:2, III to read as follows:

III. The [~~administrative judge of the district courts~~] ***supervisory judge of the family court in Grafton county*** shall prepare a report on the findings and recommendations of the Grafton

county court relative to opening hearings in child abuse and neglect cases under the terms established by the pilot project. The [~~administrative judge of the district courts~~] ***supervisory judge of the family court in Grafton county*** shall provide the report to the governor, the speaker of the house of representatives, the senate president, the legislative oversight committee, the senate clerk, the house clerk, and the commissioner of the department of health and human services on or before September 1, [~~2003~~] ***2004***.

7 Pilot Project Relative to Abuse and Neglect Hearings in the Grafton County Court; Legislative Oversight Committee Report Date Extended. Amend 2002, 243:3, IV to read as follows:

IV. Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, [~~2003~~] ***2004***.

2003-1495h

AMENDED ANALYSIS

This bill:

I. Requires the department of health and human services to publicly disclose certain information regarding abuse and neglect cases if the disclosure would not be contrary to the best interests of the child and if there has been a fatality or near fatality resulting from abuse or neglect.

II. Requires the department of health and human services to submit a plan to obtain accreditation by the Council on Accreditation for Children and Family Services by July 1, 2007.

III. Extends the reporting date for the pilot project relative to abuse and neglect hearings in Grafton county.

Rep. Gargasz, Hills 46
May 5, 2003
2003-1495h
05/01

Amendment to SB 86-FN

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

AN ACT relative to the disclosure of information about child fatalities resulting from abuse and neglect; relative to accreditation of the department of health and human services by the Council on Accreditation for Children and Family Services; and extending the reporting date for the pilot project relative to abuse and neglect hearings in Grafton county court.

Amend RSA 126-A:5, XII(a) as inserted by section 2 of the bill by replacing it with the following:

(a) Notwithstanding any other provision of law to the contrary, the commissioner [~~may~~] ***shall***, upon request, publicly disclose [~~certain case specific information~~] ***the information in subparagraphs (c)(3)-(c)(12)*** regarding the abuse or neglect of a child, as set forth in this paragraph, [~~and the investigation of such abuse or neglect and any services related thereto,~~] ***if there has been a fatality or near fatality resulting from abuse or neglect of a child. Information included in subparagraphs (c)(1) and (c)(2) shall also be disclosed*** if it is determined that such disclosure shall not be contrary to the best interests of the child, the child's siblings or other children in the household and there has been a fatality or near fatality resulting from abuse or neglect of a child. ***In addition, the same disclosure shall be made when there has been a fatality, to include suicide, or near fatality of a child under the legal supervision or legal custody of the department.*** In determining whether disclosure will be contrary to the best interests of the child, the child's siblings, or other children in the household, the commissioner shall consider the privacy interests of the child and the child's family and the effects which disclosure may have on efforts to reunite and provide services for the family. [~~In evaluating the request for disclosure, the commissioner shall consider the source of the request, and whether the disclosure will promote public accountability of the department.~~] ***If the commissioner determines not to release the information, the commissioner shall provide written findings in support of the decision to the requestor.*** As used in this section, "near fatality" means an act or event that places a child in serious or critical condition as certified by a physician.

Amend RSA 126-A:5, XII(c)(2) as inserted by section 3 of the bill by replacing it with the following:

(2) The name of the parent or other person legally responsible for the child ***or the***

foster family home, group home, child care institution, or child placing agency where the child is placed.

Amend RSA 126-A:5, XII(c)(11) as inserted by section 3 of the bill by replacing it with the following:

[~~(4)~~] ***(11)*** Identification of services and actions taken, if any, by the department regarding the child named in the report and his or her family ***or substitute caregiver*** as a result of any such report or reports.

Amend RSA 170-G:4, XX as inserted by section 4 of the bill by replacing it with the following:

XX. Submit a plan for the department to achieve accreditation by the Council on Accreditation for Children and Family Services, Inc. no later than July 1, 2007. The plan shall contain staffing requirements, a timetable for achieving those requirements, projected budgets for achieving those requirements and any other costs associated with achieving accreditation. The plan shall be submitted no later than 90 days after passage of this paragraph to the governor; the president of the senate; the chairs of the finance committee and of the public institutions, health and human services committee of the senate; the speaker of the house of representatives; the chairs of the children and family law committee and finance committee of the house of representatives; the legislative budget assistant; the advisory board established in RSA 170-G:6; and the New Hampshire child fatality review committee. Annually thereafter, on or before September 1 of each year, the department shall submit an updated plan, which includes the current status of the original plan, and any changes necessary to achieve accreditation on or before July 1, 2007. Reports from the Council on Accreditation shall be public documents. Copies shall be submitted to the president of the senate; the chairs of the finance committee and of the public institutions, health and human services committee of the senate; the speaker of the house of representatives; the chairs of the children and family law committee and finance committee of the house of representatives; the legislative budget assistant; the advisory board established in RSA 170-G:6; and the New Hampshire Child Fatality Review Committee.

Amend the bill by inserting after section 5 the following and renumbering the original section 6 to read as 8:

6 Pilot Project Relative to Abuse and Neglect Hearings in the Grafton County Court; Report by Supervisory Judge of Family Court in Grafton County. Amend 2002, 243:2, III to read as follows:

III. The [~~administrative judge of the district courts~~] ***supervisory judge of the family court in Grafton county*** shall prepare a report on the findings and recommendations of the Grafton

county court relative to opening hearings in child abuse and neglect cases under the terms established by the pilot project. The [~~administrative judge of the district courts~~] ***supervisory judge of the family court in Grafton county*** shall provide the report to the governor, the speaker of the house of representatives, the senate president, the legislative oversight committee, the senate clerk, the house clerk, and the commissioner of the department of health and human services on or before September 1, [~~2003~~] ***2004***.

7 Pilot Project Relative to Abuse and Neglect Hearings in the Grafton County Court; Legislative Oversight Committee Report Date Extended. Amend 2002, 243:3, IV to read as follows:

IV. Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, [~~2003~~] ***2004***.

2003-1495h

AMENDED ANALYSIS

This bill:

I. Requires the department of health and human services to publicly disclose certain information regarding abuse and neglect cases if the disclosure would not be contrary to the best interests of the child and if there has been a fatality or near fatality resulting from abuse or neglect.

II. Requires the department of health and human services to submit a plan to obtain accreditation by the Council on Accreditation for Children and Family Services by July 1, 2007.

III. Extends the reporting date for the pilot project relative to abuse and neglect hearings in Grafton county.

House Finance
May 21, 2003
2003-1758h
05/01

Amendment to SB 86-FN

Amend the bill by replacing section 4 with the following:

4 Department of Health and Human Services; Plan for Accreditation by the Council on Accreditation for Children and Family Services. The department of health and human services shall develop a plan for the department to achieve accreditation by the Council on Accreditation for Children and Family Services, Inc. The plan shall contain (1) inputs, including staffing requirements, a timetable for achieving those requirements, projected budgets for achieving those requirements, and any other costs associated with achieving accreditation, and (2) outcomes, including an assessment, based on statistical and other evidence, of the impact of accreditation on the number of abused and neglected children, the nature of their abuse and neglect and the relationships between such children and their families. The plan shall be submitted by February 1, 2004 to the governor, the president of the senate, the chairs of the finance and public institutions, health and human services committees of the senate, the speaker of the house of representatives, the chairs of the finance and children and family law committees of the house of representatives, the legislative budget assistant, the advisory board established in RSA 170-G:6, and the New Hampshire child fatality review committee.

Amend the bill by deleting section 5 and renumbering the original sections 6-8 to read as 5-7, respectively.

2003-1758h

AMENDED ANALYSIS

This bill:

I. Requires the department of health and human services to publicly disclose certain information regarding abuse and neglect cases if the disclosure would not be contrary to the best interests of the child and if there has been a fatality or near fatality resulting from abuse or neglect.

II. Requires the department of health and human services to submit a plan to obtain accreditation by the Council on Accreditation for Children and Family Services.

III. Extends the reporting date for the pilot project relative to abuse and neglect hearings in Grafton county.

Committee Minutes

HOUSE FINANCE COMMITTEE
Legislative Office Building, Rooms 210-211
Concord, New Hampshire
Tuesday, May 20, 2003

SENATE BILL 86-FN, AN ACT relative to the disclosure of information about child fatalities resulting from abuse and neglect; relative to accreditation of the department of health and human services by the Council on Accreditation for Children and Family Services; and extending the reporting date for pilot project relative to abuse and neglect hearings in Grafton county court.

Testimony of:
Rep. Lawrence Emerton.....1
Rep. Mary Jane Wallner.....1
Mr. Steve Varnum.....2
Mr. Jack Lightfoot.....9

CHAIRMAN KURK: Good afternoon, everyone. I'd like to open the hearing on Senate Bill 86-FN, relative to disclosure of certain information about child fatalities and near fatalities resulting from abuse and neglect; and relative to accreditation of the Department of Health and Human Services by the Council on Accreditation for Children and Family Service.

The Chair recognizes Reps. Emerton and Wallner to testify on the bill. Good afternoon, folks.

MARY JANE WALLNER, Representative, Merrimack County, District 40: Good afternoon.

LAWRENCE EMERTON, Representative, Hillsborough County, District 48: This may be the blind leading the blind, but -- Thank you, Mr. Chairman. Rep. Larry Emerton, Hillsborough, District 48.

This bill, if you read the amended analysis, I think, pretty much tells you what the bill is. The third part, which I just read over a minute ago, is a pilot project extension, which is sort of a normal procedure when people want to extend pilot projects in the state, extend it to November 1st of '04 in the Family Court in Grafton County.

I would suggest maybe Rep. Rodeschin may know more about this than I do, that's for sure.

REP. WALLNER: I think the reason that this in front of Finance, because most of this is policy, I think that the reason we have it is probably because of the plan that the department needs to submit concerning becoming accredited with the Council of Accreditation for Children and Families. That, I think, is the part that would have had this bill come to Finance. I don't believe the rest of it really is a financial issue. I think it is -- it's a plan.

And I do just want to say that you'll see when you read on page 3 of the bill, about this, that it is -- that the department needs to come up with a plan, which is to come back to the House and Senate at a later date for consideration. And that an audit of the plan is to be done by the Legislative Budget Assistant's Office. So, there are a number of steps that would take place before -- long before accreditation would happen.

People who have worked on this bill throughout the session and who are the real experts are here. Steve Varnum, and he has an outline of the bill and will go through it, technically, with you.

CHAIRMAN KURK: Thank you very much. Questions by the committee? There being none, thank you both. Chair recognizes Steve Varnum, representing the Children's Alliance of New Hampshire. Good afternoon, and welcome.

STEVE VARNUM, Public Policy Director, Children's Alliance of New Hampshire: Thank you, Mr. Chairman, committee members. My name's Steve Varnum. I'm the public

policy director of the Children's Alliance of New Hampshire. And I would like to take just a few minute to give you an overview of the bill and the thinking behind the bill, so that the spending that we're asking for is put in context.

Speaking for the legislators and the advocates who have worked on this bill for a couple of years now, the Cassidy Bortner Child Protection Accountability Act is long overdue.

We see it as an opportunity to acknowledge, confront and move beyond the frustration that has swirled around New Hampshire's Division of Youth and Families for more than a decade now. When it comes to our child protection system, I hope there are three points on which everyone in this room can agree.

Number one is that all New Hampshire citizens share a commitment to keep every child safe. And that commitment is embodied in an excellent child protection act that has been written by the legislature.

Second is that the children and families of this state need and deserve an agency with the skill, the training, the policies and the leadership necessary to protect children and help troubled families.

The third point I would make is that all New Hampshire citizens, and you who represent us in the State House, need and deserve to know that you are getting quality for your child protection dollar. The question that we've been asking every committee that we appeared in front of, and that we ask you here today, is how do you know you're getting the best value for your child protection dollar? And based on years of observing hearings and budget hearings here, my guess would be that your answer is you don't.

There have been many, many times when those of us who sit in the back of the room have watched those of you who try to craft and then hold the line on a state budget wrestle mostly with what you don't know about DCYF. You read or hear on

television -- you read or you see on TV the stories about kids who have been abused or neglected, sometimes fatally. You get phone calls and letters from constituents, often parents who feel their families have been violated by DCYF. And there's a pervasive sense, I know, that this -- this is, if not a broken system, at least a crippled system. And you also know that the confidentiality laws that protect children also prevent you from knowing exactly what is needed to fix it.

The Cassidy Bortner Act is an attempt to make DCYF more accountable to you and more accountable to the citizens of this state. It would create that accountability in several ways.

First, it would give you a yardstick against which to measure DCYF's budget requests and performance. The Cassidy Bortner Act would require the Department of Health and Human Services to annually submit to the governor and legislature a plan to achieve accreditation by the COA; that is short for Council on Accreditation for Children and Family Services, by July 1, 2007. The plan will contain a timetable and projected budgets for achieving that accreditation, including staffing requirements.

By way of background. COA is an internationally recognized agency, whose guidelines are based on well-researched standards for mental health and social service agencies. It sets standards for all areas of management and practice. That includes rights and responsibilities, financial management, training, supervision, staffing requirements and quality assurance. And it regularly monitors those agencies that have achieved accreditation.

Accreditation does not make an agency perfect or problem-free. But it is the only independent measure that those of us who have been looking for one have found of a child protection agency's performance.

The second point, and the reason we're here before you today. The Cassidy Bortner Act requires that DCYF's annual accreditation plan, and Health and Human Services proposed

budget, both be reviewed by the Office of Legislative Budget Assistant to determine if both were implemented, whether they would be likely to achieve accreditation by the target date of July 2007. The LBA has estimated that expense to be about 55,500 in 2004 and between 14 and 15,000 for each of the next three years. We hope you'll consider that a very reasonable price tag for the level of accountability you would receive from it.

Third, and this is related to the suggested amendment that I have passed around to you. I hope you each have a copy in front of you by now. All accreditation related reports submitted to COA --

CHAIRMAN KURK: Excuse me, Mr. Varnum, we -- I don't believe we -- some people do. Thank you.

MR. VARNUM: I'm sorry, I have extras for you.

All accreditation related reports submitted to COA or issued by COA will be public documents. And if you can look for just a moment at that sheet, you can see that the bill as passed to date refer to reports from the Council on Accreditation. The intent all along has been all accreditation reports submitted to or issued by the Council on Accreditation. We want to see and we want you to see what's happening in both directions.

This is an important accountability piece also, because once an agency is accredited it makes annual reports, as well as incident reports when, for example, there is a death of a child in the agency's care. Making these reports available to the legislature and the public will provide a tangible report card on the agency's policy and performance. Again, these will help you and New Hampshire citizens know if you're getting your money's worth.

Fourth, the Cassidy Bortner Act makes case specific but non-identifying information available when a child is killed or nearly killed by abuse or neglect. Whether this takes place in the home of a parent or guardian or in legal custody of the

department, such as foster and group homes, or, when a child in state care commits suicide.

The standard -- In each of these cases, the standard for disclosing identifying information will not change. As it currently stands in state law, the name of the child, parent, guardian, foster parent or group home will only be made public if the HHS commissioner determines that the disclosure is not contrary to the best interest of the child, his or her siblings and other children in the household.

In closing, I would just like you to know that this bill has received tremendous bipartisan support. Both the House and Senate policy committees recommended it ought to pass, unanimously. It passed the House on an -- I'm sorry, it passed the Senate on a unanimous voice vote, and it passed the House on the Consent Calendar.

As I understand it, the primary question before this committee is the LBA expenditure, and we hope you'll consider that a reasonable price for the type of accountability; that legislators in both chambers and on both sides of the aisle have asked for, for a long time.

I'd be happy to answer any questions I can. I would ask that if you have any that are specifically related to accreditation or the accreditation process, you hold them for Jack Lightfoot, who will follow me, and whose agency, Child and Family Services, is a COA accredited agency. Thank you for taking the time for this bill today.

CHAIRMAN KURK: Thank you, sir. Questions from the committee? Rep. Elliott.

REP. ELLIOTT: I'm trying to figure out who the accrediting folks are. Is it a private organization? Is it a federal agency? Exactly who are these people that are going --

MR. VARNUM: It is a private organization, Council on Accreditation for Children and Family Services. They have been

around 10 or 15 years. They started by accrediting private child protection agencies. And there was such a demand from state and in larger states county agencies to get those kind of standards and to get that kind of accreditation that they developed another tier of accreditation for state and county agencies that work for the state.

CHAIRMAN KURK: Follow up?

REP. ELLIOTT: My concern is this, is that we're asking a private agency to tell the state whether or not the budget is adequate to meet the needs of children in the state. That's what this boils down to. You want the budget for the department sent to them and a plan, and you want them to decide whether or not we're meeting the goals. Shouldn't that be our job here in this room?

MR. VARNUM: No. That's not -- not quite what we're proposing. What we're proposing is that the annual plan and the budget go to the Legislative Budget Assistant Office here, and they would make a determination whether that plan and that budget would allow DCYF to become accredited or to achieve accreditation by 2007. There is nothing in here that holds the House or the Senate or anyone to actually pursue accreditation, but it gives you a yardstick against which to measure DCYF's performance; that's what we're interested in.

CHAIRMAN KURK: Excuse me. Have you presented any evidence or do you have any evidence that COA approved states provide better child protection than does the State of New Hampshire? There's no point in getting accredited unless there's some evidence that being accredited results in an improvement.

So, what evidence have you that getting accredited would improve things for children in this state?

MR. VARNUM: I guess the evidence, Chairman Kurk, would be from those states that have become accredited, who feel that it has been a great boon, and that their child protection services have been improved.

CHAIRMAN KURK: Feelings are fine. Can we look at the statistics and find out -- can you present us statistics that show that states that have undergone this process and are accredited have better child protection than does the State of New Hampshire currently? If you can't do that, then I have to ask why you want us to pass the bill?

MR. VARNUM: I don't believe I can do that, because I don't believe that there is anyone who gathers those statistics and makes that comparison.

CHAIRMAN KURK: What is the staffing ratio that the COA requires, and how does that compare with the current staffing ratio in New Hampshire?

MR. VARNUM: I'd like to defer that to Jack Lightfoot, who knows more about the accreditation process than I would. We would very much like to get you that information.

CHAIRMAN KURK: Thank you. Further questions? Rep. Elliott.

REP. ELLIOTT: There's a new federal law called HIPAA, and I am concerned about the ability of the agency to release information on specific children, with or without identifiers, to the agency to write this report. Can a doctor's office release the information about circumstances of a near-death of a child to Health and Human Services under HIPAA?

MR. VARNUM: I don't know.

REP. ELLIOTT: And then, would not that -- If we can't get that information, then what value would the report have to us?

MR. VARNUM: The information that we're looking for in asking for expanded case-specific information is information that would allow us to examine and understand how DCYF -- how and how well DCYF reacts to cases of abuse and neglect. What

did it know? When did it know it? How quickly did it respond? How did it respond? Was there a founded case, and those of kinds of mileposts?

CHAIRMAN KURK: Follow up?

REP. ELLIOTT: But if the -- But if you can simply say the federal law doesn't allow them to release that information. I went to the doctor's office and signed one type of form. I went to the dentist's office this week and signed a different one. And then I went and picked up some medication and I signed a third form. If I can't get past these forms to get the information, how would we know if the department knew or didn't know? How will we know any of that kind of information?

MR. VARNUM: Because they -- Because the department would have to say, was there a report or not. If there was a report, was it screened in or not? If it was screened in, did it result in a finding or not? Were or were not services provided for the family? Did you or did you not return a call to that doctor who made the report to get more information or to inform them on the progress of the case? I'm not -- I'm not sure that we're talking about the same information here.

These are reports of abuse and neglect. Everyone, including physicians are mandated reporters of even the suspicion of abuse and neglect in New Hampshire. So, I'm not sure there really is a collision between the kind of info -- I understand the kind of information that you're talking about, because I go to the doctor, too. But I'm not sure that there's a collision between the information you're referring to and the specific child protection information that we're requesting.

CHAIRMAN KURK: Further questions? There being none, thank you, sir. Is Rep. Burling here or did he leave? Jack Lightfoot, representing Children and Family Services. Good afternoon, sir. It's good to see you.

JACK LIGHTFOOT, Children and Family Services: Good afternoon, Mr. Chairman, members of the committee. My name

is Jack Lightfoot, I'm from Child and Family Services, a private, non-profit agency, operating with offices throughout the state. And as Steve Varnum indicated, we are accredited by Council on Accreditation.

I would like to respond to a couple of the issues that have come up during previous testimony. I think the key one is the one you raised, Mr. Chairman, which is if we don't know if accreditation doesn't give us some value in itself, why are we bothering to do this?

I think the answer is that there is no good sci -- excuse me, there's a lot of good science now about what works with protecting children and what doesn't with individual cases. There is -- There has not been research, to date, that answers this precise question that you're asking. There are 1400 accredited agency around the country. Two states are, in fact, accredited, Illinois and Kentucky both have their public -- their equivalent DCYF agencies are accredited.

A lot -- a number of other states around the country are looking at, are at various stages of achieving accreditation. So, there is no research that shows that Illinois and Kentucky have a better overall child protection system than New Hampshire; that is absolutely true. However, the way the standards are written -- and I get to some of the questions Rep. Elliott is asking -- is that they -- the Council on Accreditation brought together experts from public agencies, private agencies and academia and the research community to try to figure out what are achievable baseline standards for child protection systems? There are -- they do other than child protection services, but the one we're focusing on here is child protection.

They were looking for standards that were achievable, and I want to emphasize that. These are not some sort of pie-in-the-sky standards that we'll have the best of all possible worlds. This is, what could a public agency looking for some measure of peer-supported standards look to? And that is how these standards came about. And they have gone through some iteration over the years that the agency has been in existence.

They are also flexible, so that they can meet the needs of individual states.

Just to take one specific example. There are requirements in the standards about the education level of supervisors; that, you know, you have to have a certain number of master's level supervisors in the program. There are some counties and communities in the country, and that could easily be the case in New Hampshire, when there just are not sufficient master's level people. And you're saying -- and they say, okay, we can make accommodation to that, so that we can deal with the real world that you work in, and we are really more concerned about the results that you're getting.

I hope that that answers that question. And I think that the other piece that I'd want do is just reemphasize what Mr. Varnum said, which is, all of us, I think, from the child advocacy community, from the legislative community, from people who are concerned about the over invasiveness -- the perceived over invasiveness of DCYF. I think we should all get behind this, because this helps create a transparent system; where we can all have the same information and all have information that we can rely on that is not politically loaded, that is peer-based from experts in the field. Again, not academic experts, ivory tower experts, but real people who are working with real state agencies and county agencies, as well as private agencies.

So, I'll stop there and I'll be happy to answer any questions.

CHAIRMAN KURK: Thank you, sir. Rep. Weyler.

REP. WEYLER: Thank you, Mr. Chairman. Mr. Lightfoot, how would you characterize the standards that they're talking about in accreditation, input-based or output-based?

MR. LIGHTFOOT: They are input-based, Mr. Weyler.

REP. WEYLER: So, they have very little to do with really how protected the child is, it's just how much money did you spend, how many people did you hire, how many of them had a

master's degree, et cetera, et cetera? And we're not really looking whether the children were more protected, we're just looking at how much you spent.

MR. LIGHTFOOT: I would disagree with that characterization to this extent; that there is a component, a significant component of accreditation standards that call for continuous quality improvement in the organization. So that, they are -- so that the organization can develop its own standards. You know, things like length of time in care. Number of children injured after a report is received. Whatever kinds of outputs, if you will, that they want to measure, and then they can measure those.

I think one reason we don't have more output measures in the standards themselves is that the science just is not there yet about how to do that. We have a lot more -- as I said this is not -- these standards by and large, in all honesty, are not research-based. No one's had a control state versus a non-control state; we have to be honest about that. But, what it is, is the best that the -- that the practitioners and the researchers can do, independent of some sort of -- without that kind of expert -- of expensive research.

One other point I did not respond to, Mr. Chairman, I apologize, is the staffing question that you asked for. There are different staffing ratios for different kinds of caseloads. There are different staffing ratios for in-take, different staffing ratios for numbers of investigations and staffing requirements for ongoing cases. And they -- If you're going to average them out, it's probably at 1 to 15, 1 worker per 15 cases. But that's a gross average, I would say. And New Hampshire, I understand from testimony to this committee and to Fiscal Committee, I think is like one -- averages out to the 1 to 20 range; something like that.

Now, one thing to say about that is we are not -- we are specifically not coming in with legislation saying, well, why don't we just appropriate umpteen million dollars for X new workers? And the reason is that we don't know what the right number of workers is. We, you know -- All we know is a gross

caseload and a gross number of staff right now. If we have a better system, a better managed system, the caseloads may go down. You know, it could be -- everyone knows, I'm sure, I've heard complaints about parents who say, my child has stayed in foster care way too long, or the DCYF has been involved in my life way too long. So, yeah, to the extent that that's true, well, you know, we can close cases down and shrink caseloads, without increasing staff.

On the other hand, there are also people -- And I would say Child and Family Services is one of those agencies, who feel that there are a number of cases that we report to the Division for Children, Youth and Families that are not adequately responded to, because they don't have adequate staff. So, I don't think we -- We don't know yet what the right number would be, and that's why I think this approach is a way to give us a better handle on it. And as Mr. Varnum said, once we get that information, then we can decide what to do with it.

CHAIRMAN KURK: Thank you, sir. Rep. Dodge.

REP. DODGE: Thank you, Mr. Chairman. So far, as I read this bill, it sounds an awful lot like you're trying to micromanage the Health and Human Services. The second question I have is where do you get your funding at the present time?

MR. LIGHTFOOT: I will start with the first question. I don't think -- We are not trying to micromanage Department of Health and Human Services. We are adopting a goal that they have established for themselves. I have not talked with Comr. Vailas about it. Certainly Comr. Shumway and Dir. Rollins have, in fact, said to us -- and were -- and are familiar with this legislation, that they think COA accreditation is the standard they would like to achieve for their own department.

Child and Family Services is, as I said, a statewide agency. We have about a -- about an 8 or $9 million annual budget. About half of our funding comes from public sources, state, federal, county, local funds; maybe 60 percent. The rest of it comes from private donations, United Ways, direct contributions

to Child and Family Services, corporate and other -- and foundation grants.

CHAIRMAN KURK: Thank you. Rep. Elliott.

REP. ELLIOTT: I just want to try to sum this up in my mind, and you can tell me where I'm wrong. So, what we're being asked to do here is in fiscal year '04 is to come up with $55,000 so that a report can be written to tell us how much more money we need to appropriate in order to meet accreditation standards if we choose to meet that. And provide our lobbying groups out there with a report they can run around the state with and say, you're under-funding Children and Family Services by $10 million. Is that what really what we're talking about, isn't that what's going to happen?

MR. LIGHTFOOT: Rep. Elliott, I'm not much of a fortuneteller. So, I will not say what will happen once reports become available. About the footnote on this, as I understand fiscal notes, what the fiscal note is telling you is this is basically how much time the LBA -- and you're much closer -- obviously, you're much closer to the LBA than I am. Just my understanding of it is this is how much time they think they will need to do the work that would be assigned to them under this bill. You can either appropriate additional money to hire staff to do that, or you can just say, okay, that's how much time it's going to take and you'll do it within your existing staffing.

As to the future, I think the important thing is not what we do on the outside with it, it's what you do on the inside with it. You are responsible for a Department and a Division for Children, Youth and Families that is serving at any given time, 15 or 1800 kids in foster care, receiving, you know, reports of thousands of abuse and neglect case -- suspected cases every year. And I don't think that we know enough about how they respond to those cases. And I think we're trying to find a way, working with the legislature, so that we all know, we all have a higher comfort level with the information we're acting on. And what you do with that information once you have it, is -- will be your decision.

CHAIRMAN KURK: Rep. Wendelboe.

REP. WENDELBOE: Thank you, Mr. Chairman. Good afternoon.

MR. LIGHTFOOT: Good afternoon.

REP. WENDELBOE: Forgive me if this was covered when I was not in the room. The extension on the pilot project.

MR. LIGHTFOOT: Yes.

REP. WENDELBOE: Extending it by a year, what was the reason?

MR. LIGHTFOOT: There was a quirk in the way the original legislation creating the pilot project in Grafton County was acted. And for those of you who are not familiar with it, the Grafton County pilot project opens child protection hearings to the public. In other counties and in the family courts, child protection hearings are closed. And in Grafton County, except for very specific parts of them, the public can go in, the media can go in and so forth and view the hearings.

That is a pilot project, and I forget when it expires. I really do forget the specific deadlines. But, the report from the study committee overseeing -- the oversight committee for that report ended up being due before the pilot project was over. And the oversight committee said, oh, we'd rather have the pilot -- it makes more sense to us, as the oversight committee, to have the pilot project completed and then we can issue a report about what information -- you know, what our conclusions are about that.

REP. WENDELBOE: Follow up?

CHAIRMAN KURK: Follow up.

REP. WENDELBOE: Thank you, Mr. Chairman. Perhaps the reason that they wanted a report before the end was so that it could be established if this was working well and expand it to other counties. And by pushing off that report deadline for a year, you now also push off another year for those court processes to be open to the public in other counties, and I think that might have been the thought process of having a report earlier. So, I'm concerned that this perhaps is counterproductive to what the original intent was for that report. Is there any --

MR. LIGHTFOOT: This was Sen. Gordon's bill when it came in originally, and I was only marginally involved with it. I don't remember the exact discussion around that, Rep. Wendelboe. I think it was Rep. Gargasz, I think is who's the chairperson of the oversight committee that asked for the extension.

It might be you want to add -- they'll have an interim report at the original due date, and then the final report after -- at the final due date, and that would be something to consider perhaps.

CHAIRMAN KURK: There being no further questions, thank you, sir.

MR. LIGHTFOOT: Thank you very much.

CHAIRMAN KURK: Is there anyone else who wishes to testify on Senate Bill 86? If you don't wish to testify, but wish to express support or opposition, there is a blue signup sheet on the table by the door. There being no one else who wishes to testify, the hearing on Senate Bill 86 is closed.

[Hearing closed]

Word count: 5,112

MINUTES
HOUSE COMMITTEE ON FINANCE
DIVISION III- WORK & EXECUTIVE SESSION
May 21, 2003 – Room 210/211, Legislative Office Building

Division Members Present: Chairman Emerton, Reps. Wendelboe, Elliott, Johnson, Rodeschin, Wallner and Kurk

Chairman Emerton opened the meeting at 1:15 and explained that we would be working on **SB 86-FN, relative to disclosure of certain information about child fatalities and near fatalities resulting from abuse and neglect, and relative to accreditation of the department of health and human services by the Council on Accreditation for Children and Family Services, as amended by the House policy committee.**

He called on **Attorney Kennedy from DHHS, Child and Family Services**, to clarify whether the Department was recommending this legislation. The Dept. was neither supportive nor non-supportive; they explained that they had been in an internal review process for accreditation for the Dept., and that the project had been interrupted before it could reach its conclusion as to whether or not national accreditation was desirable for the State of New Hampshire.

He did state that COA is recognized as the best practices in the industry of child protection. Questions were asked by **Reps. Wendelboe, Rodeschin, Elliott, Wallner and Johnson.**

The question-and-answer period revealed that only two other states have COA accreditation.

Rep. Kurk asked general questions about Sections 4 and 5 of the legislation, which he indicated he believed that the State would have to become certified under those sections.

Rep. Hallyburton of Hillsborough District 45 testified. She talked about pending litigation and she believes that by adopting these best practices, it would lead to an out-of-court settlement. Questions were asked by **Rep. Kurk, Wallner, Elliott and Wendelboe. Rep. Hallyburton's** responses were to make it clear that the bill only requires that we create a plan to get certified; it does not require us to get certified.

Steve Varnum of Children's Alliance submitted written testimony. Questions were asked by **Reps. Johnson, Emerton and Wendelboe.**

Attorney Kennedy was recalled for further clarification on the legislation. **Rep. Kurk** offered an informal written amendment to the bill, which the Committee voted 6-0 to accept.

(NOTE: The following day, May 22 at 10:00 a.m., a formal amendment, House Finance Committee Amendment 2003-1758h was offered and accepted on an 8-0 vote. Present were Chairman Emerton, Reps. Wendelboe, Elliott, Rodeschin, Johnson, Kurk, Wallner and Densmore.)

Chairman Emerton moved us to the second item on the agenda,
SB 163-FN, relative to the procedures of the health services planning and review board, as amended by the House policy committee.

Rep. Wendelboe explained that this legislation actually contains three separate pieces of legislation that have been combined into one. It requires the elimination of the CON Board, requires the DHHS to gather data, and includes her original bill (which also required the elimination of the CON). She urged and

repeatedly reminded us that our only purpose was to look at the financial aspects, and not get tied into the policy of the bill.

Rep. Kurk asked questions about the $700,000 mentioned in the bill and the funding source for that. It became apparent that the insurance industry would not be participating in paying for the data collection in the same manner that the hospitals do, and that this bill might need to be amended to include them as part of the funding source.

Questions were asked by **Reps. Wallner, Rodeschin, Emerton, and Elliott**.

Rep. Wendelboe explained that there is a county that is currently experiencing difficulty with a nursing home and that if we pass this bill, they would not need to go through CON to repair the renovations for which the contractor provided faulty services. She explained that the contractor, while adding wiring to the renovation project, cut through the firewalls of the facility and the roof, causing leaks, and that the repair will be in the neighborhood of $2 million.

Members of the Health and Human Services Committee were present to discuss the legislation and talked about their subcommittee work and the length of time they spent developing the policy.

Rep. Wendelboe and Rep. Rodeschin made a motion of "Ought to Pass with Amendment". Amendments were in a verbal form, and would be offered at a brief work session the following day in its written form.

Rep. Kurk then offered further amendments. The discussions on this legislation were recessed until May 22, without any vote being taken on the pending motion.

Respectfully submitted,

Rep. Larry Elliott
Clerk for Division III

DIVISION III ATTENDANCE

Date of Session: 05/21/03

	Here	Not Here
Emerton, Larry, Chairman	x	
Wendleboe, Fran, V. Chair	x	
Elliott, Larry, Clerk	x	
Densmore, Edward		x
Johnson, Rogers	x	
Rodeschin, Beverly	x	
Wallner, Mary Jane	x	
Kurk, Neal	x	

MINUTES
HOUSE COMMITTEE ON FINANCE
DIVISION III- WORK & EXECUTIVE SESSION
May 22, 2003 – Room 210/211, Legislative Office Building

Division Members Present: Chairman Emerton, Reps. Wendelboe, Elliott, Johnson, Rodeschin, Wallner and Kurk

SB 163-FN, relative to the procedures of the health services planning and review board.

Rep. Wendelboe withdrew her motion from the previous day (OTPA) and **Rep. Rodeschin** withdrew her second to that motion.

Rep. Kurk offers House Finance Amendment #2003-1768h. The committee had a brief discussion about the contents of that amendment, which appear to be everything that was discussed as proposals the previous day, and a vote is taken for OTPA, 5-3.

The meeting adjourned at 10:30 a.m.

Respectfully submitted,

Rep. Larry Elliott
Clerk for Division III

DIVISION III ATTENDANCE

Date of Session: 05/22/03

	Here	Not Here
Emerton, Larry, Chairman	x	
Wendleboe, Fran, V. Chair	x	
Elliott, Larry, Clerk	x	
Densmore, Edward	x	
Johnson, Rogers	x	
Rodeschin, Beverly	x	
Wallner, Mary Jane	x	
Kurk, Neal	x	

MINUTES
HOUSE COMMITTEE ON FINANCE
Executive Session – May 22, 2003
Legislative Office Building, Room 210-211

Committee Members Present: Reps. Kurk, Weyler, Holbrook, Robert Johnson, Stone, Anderson, Hager, Emerton, Wheeler, Rodeschin, Elliott, Dodge, Hunter, King, Smith, Blanchard, Densmore, Wallner

Chairman Kurk opened the hearing at 9:00 a.m.

HB 643-FN, relative to establishing the family division of the courts statewide.

Rep. Stohl recognized. **Rep. Wheeler** moved interim study and this motion was seconded by **Rep. Stone**. Bill is referred back to Division for future work.

HB 649, (New Title) establishing a building permit surcharge to fund regional planning initiatives.

Rep. Anderson moved to ITL and **Rep. Wheeler** seconded this motion. Passed 20-0, ITL, roll call vote.

SB 46-FN, (New Title) repealing the meat inspection account and the poultry inspection account.

Rep. King moved to OTP and **Rep. Anderson** seconded this motion. Passed 22-0, OPT, roll call vote.

SB 197 FN, (New Title) relative to extended unemployment benefits and making an appropriation therefor.

Rep. Wheeler moved and **Rep. Anderson** seconded the motion of OTP. Bill is returned to Division I as sponsor has another amendment.

SB 29, refunding certain meals and rooms taxes paid by the city of Manchester.

Recommitted to Division II in response to **Rep. Weyler's** request.

SB 69 FN-A, (New Title) combining the career incentive program and the nursing leveraged scholarship loan program within the department of postsecondary education, and establishing a workforce incentive program

within the department of postsecondary education, and making an appropriation therefor.

Rep. Hager moved to OTP and **Rep. Weyler** seconded this motion. Passed 21-0, OTP, roll call vote.

SB 80, relative to vocational education and the automotive technology curriculum.

Rep. Smith moved to OTP and **Rep. Weyler** seconded this motion. Passed 21-0, OTP, roll call vote.

SB 85 FN, making certain revisions to the special education laws.

Rep. Hager moved to OTPA and **Rep. Smith** seconded this motion. Regarding technical changes to the special education laws. Discussed definition of years and the additional language suggested by the Feds. Amendment 1652h submitted to clarify. Passed 21-0, OTPA, roll call vote.

SB 90 FN, increasing the cap for relocation assistance for businesses in eminent domain proceedings.

Rep. Dodge moved to OTP and **Rep. Eaton** seconded this motion. Increased cap for relocation from $10,000 to $100,000 for reasonable expenses for business in eminent domain proceedings. Passed, 21-0, OTP, roll call vote.

SB 86 FN, relative to disclosure of certain information about child fatalities and near fatalities resulting from abuse and neglect, and relative to accreditation of the department of health and human services by the Council on Accreditation for Children and Family Services.

Rep. Wendelboe moved to accept amendment and this motion was seconded by **Rep. R.J. Johnson**. Amendment 1758h described the development of a plan for accreditation. Amendment passed on a voice vote. **Rep. Wendelboe** moved OTPA and **Rep. Johnson** seconded that motion. Passed, 21-0, OTPA, roll call vote.

SB 163 FN, relative to the procedures of the health services planning and review board.

SB 78, HB 788 and SB 163 are all combined in this bill. **Rep. Wendelboe** moved OTPA and **Rep. Rodeschin** seconded this. Amendment passed, OTPA, 10-11 opposed. **Rep. Elliott** moved to recommit to Division III and **Rep. Rodeschin** seconded this motion. Motion to reconsider failed on a 10-11 vote. Motion to retain was offered by **Rep. Smith** and seconded by **Rep. Wheeler**. Subject debated. Motion failed on a 10-10 roll call vote.

Adjourned at 12:50 p.m.

Respectfully Submitted:



Rep. Robert L. Wheeler
Clerk for the Committee

OFFICE OF THE HOUSE CLERK

2003 SESSION

FINANCE

Bill #: SB 86 FN **Title:** _____

PH Date: ___/___/___ **Exec Session Date:** 5/22/03

Motion: Wendelboe moved OTP-A Johnson 2nd6 **Amendment #:** 1258h

MEMBER	YEAS	NAYS
Kurk. Neal M. Chairman	21	
Wevler. Kenneth L. V Chairman	1	
Holbrook. Robert G	2	
Johnson. Robert A	3	
Stone. Joseph E	4	
Anderson. Eric	5	
Wendelboe. Fran	6	
Hager. Elizabeth S	7	
Mercer. Robert S	8	
Emerton. Larry A	9	
Wheeler. Robert L	10	
Rodeschin. Beverly T	11	
Johnson. Rogers J	12	
Elliott. Larry G	13	
Dodge. Robert K	14	
Hunter. Bruce F	15	
King. Frederick W	16	
Wallner. Mary Jane	17	
Smith. Marjorie K	18	
Blanchard. MaryAnn N	19	
Coes. Betsy A		
Mitchell. McKim W		
Densmore. Edward D	20	
Eaton. Daniel A		
	21-0	
TOTAL VOTE:		

Printed: 1/6/2003

DIVISION III
2003 SESSION

Date: 05/22/03 Bill #: SB 86-FN

Bill Title: Relative to disclosure of certain information about child fatalities & near falalities resulting from abuse & neglect, & rel to accreditation of the dept of hlth & human svs by the Council on Accreditation for Children & Family Services.

Amendments

Sponsor: House Finance OLS Document #: 2003-1758h

Sponsor: OLS Document #:

Sponsor: OLS Document #:

Motions: OTP, (OTPA), ITL, TABLE, RETAIN

Motion made by: Rep. Fran Wendelboe Seconded by: Rep. Rogers Johnson

	YEAS	NAYS	ABSENT
EMERTON, LAWRENCE A. CHM	X		
WENDELBOE, FRAN, V. CHM	X		
ELLIOTT LARRY G., CLERK	X		
RODESCHIN, BEVERLY T.	X		
JOHNSON, ROGERS J.	X		
KURK, NEAL M.	X		
WALLNER, MARY JANE	X		
DENSMORE, EDWARD D.	X		
	8	0	

Rep. Larry G. Elliott
Division III Clerk

Speakers

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # SB 86-FN Date April 15, 2003

Committee Children & Family Law

** Please Print All Information **

Name	Address	Phone	Representing	(check one) Pro	Con
JOHN ALGER			GRAFTON #14	X	
Sen. O'Hearn	Dist. 12			X	
Mike Ostrowski	Bedford	472-7260	Child & Family Serv.	X	
Sen Clifton	Below		Dist 5	X	

Fill in *ONLY* if *SPEAKING* on Bill

Bill # SB: 86 Date 5/20/03

Committee Finance

I support the bill ✓

I oppose the bill ____

I have written testimony ____

(Number of copies) ____

Time needed to speak: .30 Sec.

Name Rep. Larry Emerton

Address Dist. 48

Phone ____

Representing Co Sponsor.

Fill in *ONLY* if *SPEAKING* on Bill

Bill # SB86 Date 5/20/03

Committee House Finance

I support the bill X

I oppose the bill ____

I have written testimony ____

(Number of copies) ____

Would like to give overview

Time needed to speak: 10 MIN.

Name STEVE VARNUM

Address 288 KEARSARGE MTN RD
WARNER

Phone 456-3153

Representing CHILDREN'S ALLIANCE OF NH

Fill in *ONLY* if *SPEAKING* on Bill

Bill # SB86 Date 5/20/03

Committee Finance

I support the bill 2

I oppose the bill ____

I have written testimony 2

(Number of copies) 1

Time needed to speak: 2 minutes

Name Jack Lightfoot

Address 99 Hanover St.
Manchester 03103

Phone 668-1920 x 143

Representing Child + Family Services

Hearing Minutes

HOUSE COMMITTEE ON CHILDREN AND FAMILY LAW

PUBLIC HEARING ON SB 86-FN

BILL TITLE: relative to disclosure of certain information about child fatalities and near fatalities resulting from abuse and neglect, and relative to accreditation of the department of health and human services by the Council on Accreditation for Children and Family Services.

DATE: Apr. 15, 2003

LOB ROOM: 206 **Time Public Hearing Called to Order:** 10:10 a.m.

Time Adjourned: 12:00 p.m.

(please circle if present)

Committee Members: Reps. Moran, McRae, J. Brown, Arnold, Bickford, Greenberg, D. Bouchard, Itse, Furman, Gargasz, Dokmo, Ouellette, Hallyburton, J. Allen, E. Blanchard, Grassie, B. Richardson, Allison, I. Pratt, L. Johnson and Gile.

Bill Sponsors: Sen. Martel, Sen. O'Hearn, Sen. Cohen, Sen. Estabrook, Sen. Below, Rep. Hallyburton, Rep. Alger, Rep. Emerton, Rep. Wallner

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Sen. Iris Estabrook, Durham, Co-sponsor- Supports. She introduced this bill. This gives the legislature the tools needed to improve the state's response to reports of child abuse and neglect. This bill will strengthen DCYF staffing. These are steps to help the children in New Hampshire.

Attorney Jack Lightfoot, Child and Family Services of NH, Manchester- Supports.
**Written testimony in file*
Attorney Lightfoot assumes it will take five years for DCYF to meet the accreditation standards.

Q: Rep. Pratt asked why it would take five years
A: Atty. Lightfoot responded by saying the budget biennium procedure would slow the process. It will be up to the legislature to implement the procedure. The Council on Accreditation (COA) would do re-accrediting every 3 years. There is a strong training and supervisory component to the accreditation standards. There would be more consistency in the DCYF approach to investigations. Quality assurance is an important component. Concerns about the finances were raised. This bill takes the approach that DCYF would determine what can reasonably be done to meet the accreditation standards. At that point a plan would be presented to the legislature by DCYF. Concerns were raised about the amount of time that would be needed to meet the requirements of the accreditation. The Kentucky legislature and the Kentucky children's services agency felt it was worth the many hours required for the process.

Jacqueline Conley, Bryant, Maine- Supports. She is the grandmother of Kassidy Bortner, the child who had been killed. She said if any child can be saved through accreditation, it is well

worthwhile. She said to be concerned about money and not to be concerned about children is a sad commentary. The death of Kassidy happened within the two months prior to her mother moving in with Chadd Evans, the man who killed the child. Ms. Corley did not see Kassidy during this time so had no information until learning that the child was dead.

Steve Varnum, Children's Alliance of NH, Warner- Supports. He said this bill is to help DCYF become accountable. The Child Fatality Review team will not review Kassidy's death until 2005 because of the pending court processes. Currently there is no measurement for DCYF staffing, reporting, procedures, etc. without the disclosure section of the bill. This would require that information about a fatality or near fatality be made public unless the Commissioner believes this disclosure would not be contrary to the best interests of the child, the child's siblings or other children in the household.

Donna Hammell, Families for Justice, Concord- Supports. She would like an amendment to include foster homes and group homes' care of children. Her son, she said, was placed in a special foster home where he began exhibiting behavior that was disturbing- he told his mother that he was a "horrible little boy" and did not deserve Easter baskets. He threatened suicide. He was removed from this home three days after his mother demonstrated in front of the State House and got support. She said this foster home is still in business. Ms. Hammell says her son had been removed from her because she was living with an abusive man. Her son is now in an institution in Massachusetts and she believes he may be able to come home in June. He still talks about that foster family and the damage he endured from them.

Sara Dustin, Families for Justice, Concord- Supports with amendment. She said there is now more respect shown by DCYF workers toward clients than previously. She sees improvement and is optimistic about DCYF but the high turnover and inexperienced workers are a liability. The system holding the children must be strengthened. Wages paid in group homes are so low they cannot attract competent staff members. She cited cases of pain and injury inflicted on the children in and out of home care. Suicide attempts by children should also be considered for disclosure and thorough investigation. She said she remembered being so angry because of the treatment given through DCYF to clients' children and families.

Rep. Margaret D. Hallyburton, Lyndeborough, Co-sponsor- Support. She is a child advocate and guardian ad litem. She has been involved with the Eric L. lawsuit. She says the understanding of best practices has improved since Eric L. COA has a broader view of child protection and is concerned that if we do not proceed with accreditation we will be in serious trouble. She was asked by the department (HHS) to change the date of July 1, 2007 to September 1, 2007 (line 4, page 3 of the bill).

Subcommittee formed:
Chairman: Rep. Allen
Rep. Itse
Rep. Johnson

Respectfully Submitted,

Barbara Hull Richardson

Rep. Barbara Hull Richardson, Clerk

5/20/03

MINUTES
HOUSE COMMITTEE ON FINANCE
PUBLIC HEARINGS – May 20, 2003
Legislative Office Building, Room 210-211

Committee Members Present: Reps. Kurk, Weyler, Wheeler, Robert Johnson, Stone, Wendleboe, Rogers Johnson, Anderson, Hager, Emerton, Wheeler, Rodeschin, Elliott, Hunter, Smith, Blanchard, Coes, Densmore, Eaton

Rep. Kurk, chairman, opened the hearing at 10:00 a.m.

SB 16 FN, (New Title) establishing the governor's incentive and reward program.

Sen. Boyce as primary sponsor of this bill is happy with the bill drafted by the Governor and passed by the Senate. **Keith Herman** from the **Governors Office** detailed the 99E changes: 1) Changes funding mechanism, 2) creates a greater incentive through a monetary reward enhanced, and 3) capture the savings when implemented. In response to question **Mr. Herman** detailed the Department of Administrative services and had no problem eliminating management people.

10:30 a.m.
SB 58 FN-A, relative to the net operating loss under the business profits tax.

Sen. Clegg, a sponsor of this bill said that this bill is intended to give business a tax brake but was intended to be about $2,000,000. **Rep. Dave Hess** from **Ways and Means** repeated his astonishment regarding the fiscal note and indicated that this bill was amended by Ways and Means and the fiscal note only indicated the senate amendment. **Rep. Weyler** testified regarding competition to attract business to NH. This bill is intended to make it more attractive to businesses to locate in NH. Provides for a Net Operating Loss carry forward for up to 10 years. **Rep. Hess** returned to clear up unanswered question. House amendment 1520h was adopted and it eliminates a carry back. **David Juvet**, original bill did two things. It got rid of double apportionment and allowed companies to carry forward and back; the rule and the law should be the same. **Rep. Major**, Ways and Means, said perhaps Ways and Means should take the bill back.

11:30 a.m.
SB 63, (New Title) relative to establishing community reinvestment and opportunity zones and granting business tax credits for investments in projects in such zones.

Senator Jan O'Hearn, prime sponsor of this bill said this is an economic develop bill which creates community reinvestment and opportunity zones. Since NH is going to rely on Business and Property taxes we must broaden the base. **Rep. Norm Major**, Ways and Means, stated a significant amendment to the bill. They broadened eligibility by expanding the terms of qualification. Locals had to apply and DRED must agree to it. Credits are limited to less than $900,000 per year. **Rep. Gilbert**, co-sponsor, designed as a tool to revitalize business development and develop a broadened tax base both locally and for the state. The bill continues to demand a great deal of investment for a very limited credit. **Chris Hogdon** from **Greater Nashua Chamber** has written testimony supports for the bill (exhibit B). **Sen. Odell** supports the bill and testified for the need to fill zones that are needy but surrounded by successful areas. This bill is breaking new ground and needed in Claremont and Berlin. And he further responded to questions. **Rep. Almay** clarified Ways and Means action. **Rep. Rodeschin** requested that we please support the Claremont area. **Allen Silber**, (exhibit A) – **Greater Nashua Chamber**, is in support of the bill. Called our attention to the opportunity available at the old tannery. States throughout the country are competing to locate businesses and NH must do its part also. Submitted written testimony also. **Charles Niebling** is in support of this bill.

SB 69 FN-A, (New Title) combining the career incentive program and the nursing leveraged scholarship loan program within the department of postsecondary education, and establishing a workforce incentive program within the department of postsecondary education, and making an appropriation therefor.

Katherine Dodge has a 4.4 in budget and VEVEREGE's this to over $13 million. This bill 1) incentive to study, 2) incentive to work in needed areas, 3) increases flexibility, 4) leverages state dollars, 5) increases commission efficiency. **Sen. D'Allesandro** – purpose to address critical shortage of nurses and teachers. Governor's nurses-STATs program is critical. 40% of teachers will retire in the next few years. He responded to questions.

1:15 p.m.
SB 86-FN, relative to disclosure of certain information about child fatalities and near fatalities resulting from abuse and neglect, and relative to accreditation of the department of health and human services by the Council on Accreditation for Children and Family Services.

Reps. Emerton and Wallner favor the bill and indicated the fiscal aspect dealt with the cost of audit. **Steve Varnum** from the **Children's Alliance of NH** spoke to a general problem of not knowing what's wrong at DCYF and therefore not in a position to fix. DCYF accreditation plan is required to be audited by LBA and the report will help everybody understand what needs attention in DCYF and will

support accountability. **Jack Lightfoot** from **Child and Family Services** who is an accredited agency. Illinois and Kentucky are accredited. Has written testimony, Exhibit C.

1:20 p.m.
SB 132 FN-A, extending the Parents as Teachers program in Sullivan county and making an appropriation therefor.

Rep. Rodeschin spoke about the parents as teachers program in Sullivan County that should be continued as a pilot program. **Rep. Burling** said that this project opens the door to improve our knowledge and the benefits derived from parents as teachers.

2:30 p.m.
SB 163-FN, relative to the procedures of the health services planning and review board.

This bill is comparable to HB 788 in regard to fiscal note. **Rep. Peter Batula** said several times medical costs are too high and we all want somebody to do something about it. CON has not worked and needs to be replaced. **Rep. Charles McMahon** presented the competition prospective and provided a schedule. **Rep. Pam Price** is in support of the bill and called attention to more competitive offerings.

3:30 p.m.
SB 107-FN-A-L, establishing a statewide education accountability system.

Sen. O'Hearn, District 12, spoke to establishing a statewide education accounting system. She reviewed the bill by section. 193C-9 addresses a non-lapsing fund and gains-based testing will be investigated by the Commissioner of Education. **Sarah Browning and Lorain Potusky, Department of Education,** support the bill. Suggested that 193C needs amendment to create the monies. **Graham Chynoweth, Shaker Regional School Board**, serving Belmont-Canterbury, had general comments and is concerned about state decisions causing higher local level expenditures and he doesn't know how he will raise the funds or suffer state-imposed consequences. His district complained about the 28A type consequences.

Public Hearing adjourned at 4:30 p.m.

Respectfully Submitted:

Rep. Robert L. Wheeler
Clerk for the Committee

Sub-Committee Actions

HOUSE COMMITTEE ON CHILDREN AND FAMILY LAW

SUBCOMMITTEE WORK SESSION ON SB86-FN

BILL TITLE: relative to disclosure of certain information about child fatalities and near fatalities resulting from abuse and neglect, and relative to accreditation of the department of health and human services by the Council on Accreditation for Children and Family Services.

DATE: Apr. 29, 2003

Subcommittee Members: Reps. Allen, Itse, Johnson

Comments and Recommendations:
This bill will immediately cause DCYF accountability to the legislature and general public and initiates accreditation of DCYF.

Amendments:

Sponsor: Rep. Itse	OLS Document #:	1416h	Adopted
Sponsor: Rep.	OLS Document #:		
Sponsor: Rep.	OLS Document #:		

Motions: (OTP), OTP/A, ITL, Interim Study (Please circle one.) **AMENDMENT**

Moved by Rep. Janet F. Allen

Seconded by Rep. Lionel W. Johnson

Vote: 3-0

Motions: OTP, (OTP/A), ITL, Interim Study (Please circle one.)

Moved by Rep. Lionel W. Johnaon

Seconded by Rep. Janet F. Allen

Vote: 3-0

Respectfully submitted,

Rep. Daniel C. Itse
Subcommittee Chairman

Testimony

Children's Alliance
of New Hampshire
RAISING OUR VOICES FOR CHILDREN

FILE

To: House Finance Committee members
From: Steve Varnum, Public Policy Director, Children's Alliance of NH

Topic: Senate Bill 86 (Kassidy Bortner Child Protection Accountability Act)

In response to questions raised during the May 20 hearing on the Kassidy Bortner Act, I would like to submit the following documents, attached in this order:

1. The most recent available Child Abuse/Neglect Data available from the Illinois Dept. of Children and Family Services. These data show that since the process of accrediting Illinois' child protective services was begun in 1995, and continuing through those services becoming accredited in June 2000, indicators related to the quality of those services have improved drastically and across the board (a glossary is stapled to each data sheet).

The data show that since Illinois began working toward accreditation through FY 200:;

- the number of **abuse and neglect victims** has been **reduced by 39 percent**
- the number of **families in which abuse has taken place** has been **reduced by 35 percent**
- the number in **infant deaths** has been **reduced by 13 percent**
- the number of **children taken into protective custody** has been **reduced by 31 percent**
- the number of **families involved in multiple reports of abuse** has been **reduced by 46 percent**
- the number of **substance-exposed infants** has been reduced by **54 percent**

The Illinois experience shows that, based on some very important outcomes, the accreditation process has improved the system.

2. A statement on accreditation sent to me by Illinois DCFS Quality Assurance Director Mike Sumski: "Accreditation standards require an agency to be responsive and accountable to its clients and stakeholders ..."

3. A fact sheet prepared by the Children's Alliance of NH comparing some important child protection factors as required by COA and as currently exist in New Hampshire's Division for Children, Youth and Families (sources of facts included).

As always, I'll assist your committee in any way I can as you consider this important piece of legislation.

Sincerely,

Steve Varnum
Public Policy Director

Board Members
Joffree Barrnett
Kelly Clark
Elisa Cleary
Nan Clough
Clark Dumont
Michele Grennon
Douglas Hatfield
Richard Herman
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A MEMBER OF THE NATIONAL ASSOCIATION OF CHILD ADVOCATES

ILLINOIS

Department of Children and Family Services
Division of Quality Assurance
Child Abuse/Neglect Data
STATE
As of: 04/30/03

June 2000

Accreditation achieved ← | → Accreditation process begun 1995

	FY2003	FY2002	FY2001	FY2000	FY1999	FY1998	FY1997	FY1996
Alleged Victims	80,858	98,304	100,447	103,577	106,903	114,011	119,447	125,221
Indicated Victims	19,535	27,313	28,873	32,712	33,797	36,856	41,833	44,465
Family Reports	49,128	59,242	60,164	61,794	62,710	65,876	68,121	70,740
Indicated Families	11,971	15,880	16,676	18,786	19,122	20,767	23,161	24,552
Sex Abuse Victims	6,896	8,150	8,239	8,554	8,409	8,585	9,672	10,402
Indicated Sex Abuse Victims	1,878	2,793	2,917	3,362	3,326	3,678	4,102	4,348
Deaths Reports	114	155	197	172	144	169	174	172
Indicated Deaths	39	74	90	78	76	70	89	85
Protective Custodies Taken	4,108	4,951	5,163	5,060	6,383	6,713	6,485	7,151
Initial Oral Reports	36,700	42,396	42,025	42,487	42,424	43,867	45,122	46,049
Indicated Initial Oral Reports	7,926	10,065	10,096	11,211	11,062	11,781	13,227	13,771
Subsequent Oral Reports	12,428	16,846	18,139	19,307	20,286	22,009	22,999	24,691
Indicated Subsequent Oral Reports	4,045	5,815	6,580	7,575	8,060	8,986	9,934	10,781
Substance Exposed Infant Rpts.	935	1,269	1,337	1,541	1,759	2,061	2,486	2,649
Indicated Subst Exposed Infants	816	1,162	1,220	1,444	1,645	1,939	2,356	2,518

Following Are Unduplicated Counts For FY02:

Family Reports:	52,496	Indicated Families:	14,584
Alleged Child Victims:	84,232	Indicated Children:	24,999

Following Are Unduplicated Counts For FY03:

Family Reports:	44,756	Indicated Families:	11,124
Alleged Child Victims:	71,416	Indicated Children:	18,249

Illinois Department of Children and Family Services

Child Protection Definitions

1. **PENDING.** An investigation of suspected child abuse/neglect has not been completely investigated or the investigation finding has not yet been data entered into the Child Abuse and Neglect Tracking System (CANTS).

2. **UNFOUNDED.** An investigation of suspected child abuse/neglect has revealed no credible evidence that the abuse/neglect occurred.

3. **INDICATED.** An investigation of suspected child abuse/neglect has revealed credible evidence that the abuse/neglect occurred.

4. **FAMILY REPORTS.** A single investigation of suspected abuse/neglect. A family report can contain multiple adult subjects and children but for statistical purposes the report is counted only once.

5. **CHILD REPORTS.** The number of alleged victims in family reports of suspected abuse/neglect. A family report can contain multiple alleged child victims and for statistical purposes all alleged victims are counted.

6. **SEXUAL ABUSE VICTIMS.** The number of alleged child victims in abuse/neglect reports where the alleged victim is reported for at least one allegation of sexual abuse.

7. **CHILD DEATH REPORTS.** The number of alleged child victims in abuse/neglect reports where the child has allegedly died from the abuse/neglect.

8. **CHILD PROTECTIVE CUSTODIES.** The number of alleged child victims in abuse/neglect reports where the child was taken into temporary protective custody.

9. **PRIORITY 1 REPORTS.** The number of family reports of alleged abuse/neglect where at least one of the alleged child victims was reported for a priority 1 allegation or was taken into temporary protective custody.

10. **INITIAL INVESTIGATION.** An investigation of suspected abuse/neglect that determined there was no good faith indication of potential abuse/neglect and a formal investigation is not warranted. Initial investigations result in an "unfounded" finding.

11. **S.E.I. REPORTS.** The number of alleged child victims under age one who have been reported for allegations) **15** and/or **65** (Substance Misuse). S.E.I. denotes a Substance Exposed Infant.

12. **SOR REPORT.** SOR denotes a Subsequent Oral Family Report of suspected abuse/neglect, i.e. the family has previously been "indicated" for abuse/neglect or there is a previous "pending" report of suspected abuse/neglect on file in the CANTS computer system.

With the exception of child deaths, the above referenced data items are duplicative counts, because a family or child may be reported to the Department more than once during any reporting period.

George H. Ryan
Governor

Jess McDonald
Director

DCFS

Illinois Department of Children & Family Services

The pursuit of accreditation by a public agency, while a challenging and an initially perceived daunting task, ultimately can become a major contributor to the improvement of an organization's overall operation. While not a "silver bullet" accreditation helps build, over time, a quality service system providing a foundation and framework upon which to assess an agency's current practice and subsequently improve practice. Accreditation standards require an agency to be responsive and accountable to its clients and stakeholders, e.g. ensuring that clients are involved in all aspects of their planning and service delivery. Accreditation supports a fully operational system of quality assurance and improvement that continually seeks to ensure accountability to its consumers, stakeholders and the public. Thus, an added benefit becomes a service system in which the level of confidence regarding the system is enhanced for both the consumer and those stakeholders who work directly with the agency.

At the same time accreditation impacts staff. It provides guidelines upon which to develop caseload and workload standards in a multitude of service areas. It positively impacts staff's perception of their own choice of a profession in a public entity and recognizes the quality of work that they perform. This contributes to improved morale, creating a more positive work environment. As an organization tackles the continual challenge of retaining and recruiting staff, an employee's perception of the work environment becomes one of the key factors contributing to retention. While improving staff's self-perception national accreditation also improves the publics and stakeholders' perception of the staff, thus positively impacting the integrity of the organization within the community.

While some believe that accreditation examines only those service areas that directly impact clients, it also focuses on all aspects of an agency's organization. Accreditation standards, which are developed with input from all currently accredited organizations as well as other national experts, establish benchmarks for both organizational management as well as direct service. Current Council On Accreditation standards specifically account for those governing body, management, and financial structures that make a public agency's operation unique from that of a private agency. In addition to the service standards, others address organizational management, community responsiveness, finance, personnel, training, supervision, quality assurance and risk management. It supports an analysis of the organization from a holistic perspective. Integrating the activities of each key management support service function into an interconnected array where each connects to its ultimate impact on the consumer and stakeholder. It provides a framework by which to manage risk and ensure organization integrity. It allows for the agency to expect the same level of performance and management, if they so choose to require accreditation of their providers, from private entities with whom they may contract.

The accreditation process prepares an agency to be more responsive and better organized when having to prepare for an internal or external audit, either from a state or local auditing entity or reviews conducted by The Administration for Children and Families. Accreditation standards provide a strong basis upon which to ensure substantial conformity with the seven systemic factors that are a key component to the CFSR review.

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ACCREDITED • COUNCIL ON ACCREDITATION FOR CHILDREN AND FAMILY SERVICES

In a time of constrained and sometimes decreasing budgets it might be argued that the cost of accreditation may be better allocated to the service array. Instead one must look at the quality of the practice that is supported by the accreditation standards, and associate the cost of accreditation to an investment in families. This investment ensures that the best services are continually available and being delivered to the consumers. Maintaining a level of practice that should not be subordinated. Occasionally, some agencies come under scrutiny from certain stakeholder groups, which prefer to improve practice through additional legislation or court intervention. In these cases, accreditation provides a set of nationally recognized standards to call upon when those not fully familiar with a system desire to alter it by requiring changes in practice. These standards act as a tool upon which to base more fruitful discussions while ensuring a basic standard of best practice.

At the present time Illinois is one of two states that is fully accredited and a third is near completion of the process. Twelve individual states are currently in the process of accreditation indicating that they have applied to the Council On Accreditation and are currently completing their agency self-study. Additionally, approximately eighteen states are seriously considering application for accreditation. While thirty-two states are accredited, in process, or considering accreditation sixty-two county agencies are accredited with fifteen in process and twenty considering. Ohio, a county-based system, is now requiring all of its eighty-eight counties to be accredited. This level of continual interest and investment by state and county-based agencies cannot be over looked. It implies a strong interest in maintaining and improving organization performance and the intrinsic values that these individual agencies have or hope to achieve through an investment in accreditation. Support of this investment cannot be overlooked by those organizations whose mission is to represent the needs of the public sector and those they serve. Support of accreditation reflects a commitment to organizational integrity and a system of best practice whose goal is to achieve the most positive and viable outcomes possible.

(Forwarded by Illinois DCFS Quality Assurance Director Mike Sumski.)

New Hampshire Child Protective Services

COA-Accredited DCYF	Current DCYF
All cases are reviewed quarterly and include evaluation of progress.	No data that shows that quarterly reports occur. *(Eric L. Panel reports)*
24-hour intake to receive suspected reports of abuse and neglect.	No intake available nights, weekends or holidays.
Arranges for provision of licensed shelter care or licensed foster parent care.	Children in homes that lack licenses or received licenses without meeting all requirements *(LBA Foster Family Care Performance Audit Report, Sept. 2001)*
Child protection supervisor ratios of 1:7 with experienced/professionally trained workers and 1:5 for workers with less experience/education	Case tech supervisors have 1:14 ratios, other supervisors have 1:7 ratios, often with very inexperienced staff. *("Staff Requirements," DCYF document dated Jan. 30, 2002)*
Child protection worker caseloads are not to exceed 1:15 in cases requiring intensive intervention/investigation.	Assessment workers have 1:19 caseload ratio, family services workers have 1:23 caseload ratio. *("DCYF Fact Sheet - 8/28/02" presented to Joint legislative Fiscal Committee)*
Foster care/kinship care worker has private, face-to-face meeting with foster parent within first 2 weeks of placement and at least once a month thereafter and works with foster parents to implement in-home interventions.	Monthly in-home visits occur between 9 and 37 percent of the time. *(LBA Audit)*
Criminal background check conducted on foster parents and kinship caregivers	All required criminal background checks were not performed in 64 percent of the cases in one district office and 67 percent of the cases in another. *(LBA Audit)*
Foster care personnel are able to recruit foster parents and kinship caregivers and evaluate their suitability as caregivers	Insufficient numbers and types of foster parents to meet the diverse needs of the system's foster children. *(LBA Audit)*

COA Accredited DCYF	Current DCYF
Foster/kinship homes have no more than five children, including the parents' own children, total, at one time	Foster homes with two licensed providers allowed to have up to six children, total. Home with one licensed provider can have four. *(LBA Audit)*
Foster worker caseloads do not exceed 1:18 and workers are able to perform their functions within these guidelines. Treatment foster worker caseloads do not exceed 1:8	Family services caseloads are 1:26. *(Staff Requirements," DCYF document, Jan. 30, 2002)* "Excessive workloads reportedly impede staff and supervisors from providing quality services to children and families and lessen assurances of safety and security for children in placement." *(LBA Audit)*
Provide service plans that include services to strengthen family involvement and ways to improve methods to prevent and shorten unneeded placement.	71 of 1,346 case plans "missing" and 7 of 63 required work plans not "received" *(Family Supervision Report, DCYF document, April 2002)*
Organization works quickly and collaboratively to establish permanency for children for whom a placement has not been made.	30 percent of termination of parental rights petitions are not processed and filed on time. *(Eric L. Panel report, Sept. 16, 2002)*

Amendment to Senate Bill 86 requested by Child Protection Task Force:

Requested change in bold italic.

XX. Submit a plan for the department to achieve accreditation by the Council on Accreditation for Children and Family Services, Inc. no later than July 1, 2007. The plan shall contain staffing requirements, a timetable for achieving those requirements, projected budgets for achieving those requirements and any other costs associated with achieving accreditation. The plan shall be submitted no later than 90 days after passage of this paragraph to the governor; the president of the senate; the chairs of the finance committee and of the public institutions, health and human services committee of the senate; the speaker of the house of representatives; the chairs of the children and family law committee and finance committee of the house of representatives; the legislative budget assistant; the advisory board established in RSA 170-G:6; and the New Hampshire child fatality review committee. Annually thereafter, on or before September 1 of each year, the department shall submit an updated plan, which includes the current status of the original plan, and any changes necessary to achieve accreditation on or before July 1, 2007. ***All accreditation-related reports submitted to or issued by the*** ~~Reports from~~ the Council on Accreditation shall be public documents. Copies shall be submitted to the president of the senate; the chairs of the finance committee and of the public institutions, health and human services committee of the senate; the speaker of the house of representatives; the chairs of the children and family law committee and finance committee of the house of representatives; the legislative budget assistant; the advisory board established in RSA 170-G:6; and the New Hampshire Child Fatality Review Committee.

ACCREDITATION STATUS OF STATE AND COUNTY ADMINISTERED PUBLIC ORGANIZATIONS

COA
COUNCIL ON ACCREDITATION
FOUNDED 1977

FILE

CREDIBILITY • INTEGRITY • ACHIEVEMENT

ACCREDITATION STATUS OF STATE ADMINISTERED SYSTEMS

STATE	ORGANIZATION	STATUS
ARIZONA	Department of Economic Security Division of Children, Youth and Family	In Process
ALASKA	Department of Health and Social Services Division of Family and Youth Services	In Process
ARKANSAS	Department of Human Services Division of Children and Family Service	In Process
CONNECTICUT	Department of Children and Families	Considering
DELAWARE	Delaware Department of Health and Human Services Division of Family Services	Considering
DISTRICT OF COLUMBIA	District of Columbia Department of Child and Family Services	Considering
FLORIDA	Department of Children and Families	Considering
GEORGIA	Department of Human Resources Division of Family and Children's Services	Considering
HAWAII	Department of Health Child and Adolescent Mental Health Division	Considering

IDAHO	Department of Health and Welfare Bureau of Family and Children's Services	Considering
ILLINOIS	Department of Children and Family Services	Accredited
INDIANA	Family and Social Service Administration Division of Family and Children Bureau of Aging and In Home Services	 In Process Considering
IOWA	Department of Human Services Division of Children and Family Services	Considering
KANSAS	Department of Social and Rehabilitative Services	Considering
KENTUCKY	Cabinet for Families and Children	Accredited
LOUISIANA	Department of Social Services Office of Community Services	In Process
MAINE		
MARYLAND	Maryland Department of Human Resources Social Service Administration	In Process 23 Counties 1 City
MASSACHUSETTES		
MICHIGAN		

MISSISSIPPI	Department of Human Services Division of Children and Family Services	Considering
MISSOURI	Department of Social Services Division of Family Services	Considering
MONTANA		
NEBRASKA		
NEVADA		
NEW HAMPSHIRE	Department of Health and Human Services Division of Children, Youth and Families	Considering
NEW JERSEY		
NEW MEXICO		
NEW YORK	State Office of Children and Family Services	Considering
NORTH CAROLINA	Department of Health and Human Services Division of MH/DD/SAS	38 Area Programs Accredited
OHIO	Department of Job and Family Services Office for Children and Family	Considering
OKLAHOMA	Department of Human Services Division of Children, Youth and Families	Considering

OREGON		
RHODE ISLAND		
TENNESSEE		
TEXAS	Department of Protective and Regulatory Services	Considering
UTAH	Department of Human Services Division of Child and Family Services	Considering
VERMONT		
VIRGINIA	Department of Health	Considering
WASHINGTON	Department of Social and Health Services Children's Administration	In Process
WEST VIRGINIA	Department of Health and Human Resources Office of Social Services	In Process
WISCONSIN		
WYOMING		

ACCREDITATION STATUS OF COUNTY ADMINISTERED SYSTEMS

STATE	ORGANIZATION	STATUS
ALABAMA	Mobile County Department of Human Resources	Considering
CALIFORNIA	Fresno County Department of Children and Family Services	Considering
	Napa County Health and Human Services	Accredited
	Riverside County Department of Public Social Services	Considering
	San Francisco County Department of Human Services	Considering
	Stanislaus County Department of Social Services	Accredited
	Ventura County Child and Family Services	Considering
COLORADO	Denver County Department of Human Services Division of Family and Children's Services	Accredited
	El Paso County Department of Human Services	Considering
	Mesa County Human Services	Considering

FLORIDA	Broward County Department of Human Services, Children's Administration	Considering
	Miami-Dade County Department of Human Services	In Process
	Miami-Dade County Office of Youth and Family Development	Accredited
	Orange County Department of Human Services	Accredited
GEORGIA	State Outdoor Therapeutic Appalachian & Roosevelt Wilderness Programs GA Outdoor Therapeutic Programs	In Process
ILLINOIS	Department of Psychiatry Southern Illinois University School of Medicine	Accredited
	Schaumburg Township Spectrum Youth and Family Services	Considering
IOWA	Polk County Youth Services	In Process
KENTUCKY	Lexington-Fayette Urban County Department of Social Services	Accredited
	Boone County Maplewood Children's Home	In Process
MARYLAND	Allegheny County Department of Social Services	In Process

	Baltimore County Department of Social Services	Accredited
	Baltimore City Department of Social Services	In Process
	Dorchester County Department of Social Services	Accredited
	Frederick County Department of Social Services	Considering
	Garrett County Department of Social Services	Accredited
	Harford County Department of Social Services	Accredited
	Howard County Department of Social Services	Accredited
	Kent County Department of Social Services	In Process
	Montgomery County Department of Social Services	Considering
	Prince George's County Department of Social Services	Accredited
	Queen Anne's County Department of Social Services	In Process
	Talbot County Department of Social Services	In Process
	Washington County Department of Social Services	Accredited

	Worcester County Department of Social Services	In Process
MICHIGAN	Ausable Valley Community Mental Health Services	Accredited
	Barry County Substance Abuse Services	Accredited
	Gratiot County Community Mental Health Services Board	Accredited
	Huron Behavioral Health Services (Formerly Huron County Mental Health)	Accredited
	Livingston County Community Mental Health Services	Accredited
	Sanilac County Health Department Alcohol/Other Drug Programs	Accredited
	Sault Ste. Marie Tribe of Chippewa Indians Anishnabek Community and Family Services	In Process
MINNESOTA	Washington County Department of Community Services	Considering
	Hennepin County Department of Children, Family and Adult Services	Considering
NEW JERSEY	Somerset County Office of Youth Services	Accredited
NEW YORK	Suffolk County Department of Social Services	Considering

	Weschester County Department of Social Services	Considering
NORTH CAROLINA	Edgecombe County Department of Social Services	Considering
	Mecklenburg County Department of Social Services	Considering
	Alamance-Caswell Area MH/DD/SA Authority	Accredited
	Albemarle County Mental Health Center	Accredited
	Blue Ridge Center for MH/DD/SAS	Accredited
	Catawba County Mental Health Services	Accredited
	CenterPoint Human Services	Accredited
	Crossroads Behavioral Health Care	Accredited
	Cumberland County Mental Health Center	Accredited
	Davidson County Area Program for MH/DD/SAS	Accredited
	Duplin-Sampson Area MH/DD/SAS	Accredited
	The Durham Center for Behavioral Health and Disability Services	Accredited
	Edgecombe-Nash Area MH/DD/SAS Program	Accredited
	Foothills Area MH/DD/SAS Program	Accredited
	Guilford County Area MH/DD/SA Program	Accredited
	Halifax County Mental Health Center	Accredited

	Johnston County Area MH/DD/SA Authority	Accredited
	Lee-Harnett Area MH/DD/SA Authority	Accredited
	Lenoir County MH/DD/SAS Center	Accredited
	Neuse Center for MH/DD/SAS	Accredited
	New River Area MH/DD/SAS Program	Accredited
	Onslow County Behavioral Healthcare Services	Accredited
	Orange-Pearson-Chatham Area MH/DD/SA Authority	Accredited
	Pathways Mental Health Center	Accredited
	Piedmont Area MH/MR/SAS	Accredited
	Pitt County MH/DD/SA Center	Accredited
	Randolph County Area MH/DD/SAS Authority	Accredited
	Roanoke-Chowan Human Services Center	Accredited
	Rockingham County Area MH/DD/SA Program	Accredited
	Rutherford-Polk Area MH/DD/SA Authority	Accredited
	Sandhills Center for MH/DD/SAS	Accredited
	Smoky Mountain Center for MH/DD/SAS	Accredited
	Southeastern Center for MH/DD/SAS	Accredited
	Southeastern Regional Mental Health Center	Accredited

	Tideland Mental Health Center	Accredited
	Trend Area MH/DD/SA Authority	Accredited
	Vance, Warren, Granville, and Franklin Counties Area MH/DD/SA Program	Accredited
	Wake County Human Services	Accredited
	Wayne County Mental Health Center	Accredited
	Wilson-Green Area MH/DD/SA Authority	Accredited
NORTH DAKOTA		
OHIO	Allen County Children Services Board	In Process
	Champaign County Department of Job and Family Services	In Process
	Erie County Department of Human Services	Accredited
	Franklin County Children's Services	Accredited
	Green County Children Services Board	Accredited
	Hamilton County Department of Human Services	Accredited
	Lorain County Children's Services	Accredited
	Lucas County Children Services Board	In Process
	Montgomery County Children Services	Accredited
	Richland County Children Services Board	Accredited

	Summit County Children's Services	Accredited
	Trumbull County Children Services Board	Accredited
	Washington County Children's Services Board	In Process
PENNSYLVANIA	Philadelphia Department of Human Services	Considering
	Allegheny County DHS	Considering
	Dauphin County Department of Human Services	Considering
	Lehigh County Department of Human Services	Considering
	Luzerne County Children and Youth Services	Considering
	York County Department of Human Services	Considering
SOUTH CAROLINA		
SOUTH DAKOTA		
TENNESSEE	Metro Nashville-Davidson County Department of Social Services	Considering
TEXAS	Harris County Children's Protective Services	Accredited
VIRGINIA	City of Alexandria Department of Human Services	Considering
	Norfolk City Department of Human Services	In Process
WISCONSIN	Milwaukee Bureau of Child Welfare	Considering

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Ex C 1

Child and Family Services

Testimony on SB 86

Submitted by
Jack Lightfoot
Tel: 668-1920 ext. 145
LightfootJ@cfsnh.org

Good morning, Mr. Chairman, members of the Committee. My name is Jack Lightfoot, and I'm speaking on behalf of Child and Family Services in strong support of SB 86, the Kassidy Bortner Child Protection Accountability Act.

The Kassidy Bortner Act is not a quick fix to the many challenges facing our child protection system. Reforming a state agency as large as the Division for Children, Youth and Families takes time. We're very happy to say that those reforms have already begun. For example, the introduction of a Structured Decision-Making system brings more consistency to the work of DCYF's case workers and supervisors.

The Kassidy Bortner Act is designed to further improve the NH State Division for Children, Youth and Families, while addressing concerns from legislators, professionals who work with children on a daily basis, and from citizens throughout the state. We all want a system that truly protects children from harm, is fair to all parties, is balanced, and accountable.

The Kassidy Bortner Act does this in two ways: It provides an independent evaluation of the quality of DCYF's work, and it provides the public more and better information about that work.

Protecting children from abuse and neglect also means protecting the privacy of children and their families. No one believes a battered child should then be subjected to public shame and humiliation. In the same vein, families should be able to work on their problems with the help of caring professionals, but free from unwanted scrutiny of neighbors and friends.

The nature of confidentiality laws, however, can make it extremely difficult for legislators and taxpayers to know if they're getting value for their dollar. Lawmakers frequently hear from parents who feel that they have been wronged by the system, and about children who are not adequately protected, but there is no way for them to know if the state acted appropriately since there is no professional, independent assessment of DCYF's staffing, policies and practices.

The Council on Accreditation for Children and Family Services is in the business of providing that kind of assessment. COA is an internationally recognized agency whose guidelines are based on well-researched standards for mental health and social service agencies. It is the only independent measure we have of an agency's performance. Making the regular accreditation reports available to the public will tell legislators and the community – for the first time – whether our money is going to good and proper use.

What does accreditation measure?

It sets standards for all areas of management and practice including rights and responsibilities, financial management, training and supervision, staffing requirements and quality assurance, and holds the agency to them through regular monitoring. Having such standards will help to prevent New Hampshire from falling into the trap, which has ensnared some states, of throwing large sums of money at their child protection systems only to see them fail for lack of review and accountability. Accreditation is not a cure all. But it is an important step in providing the infrastructure that will enable us to have a high quality, accountable system.

The Kassidy Bortner Act requires that DCYF submit an annual accreditation plan to the legislature, the governor and the public. It will be up to us to determine if the plan will accomplish our goals in a cost-effective manner. This Act itself does not require any appropriation.

I am not an expert on the details of accreditation. I have been in touch with representatives from the Council on Accreditation, and they stand ready to help members of this committee understand in greater detail the ins and outs of accreditation. Specifically, one of their volunteer accreditors—one of the individuals who actually goes out to states to assess whether they have met COA standards—would be very happy to come up to Concord to meet with a subcommittee. I'll be happy to make whatever arrangements are necessary. I have also spoken with the COA staff person who is responsible for overseeing the accreditation of public agencies—such as those in Kentucky and Illinois which are currently accredited. This gentleman, too, will be happy to assist the committee in its work. He is based in Florida, so a visit to New Hampshire would be somewhat more difficult to arrange, although it would be possible if the committee so desires.

Finally, I have brought for the committee a copy of the COA standards. You should note that COA has specific standards for specific services, and I have tried to select those standards that I think might apply to DCYF. It is likely that some of the standards in this book will not apply because they cover services not provided by DCYF.

New Hampshire has never had such a plan for action and evaluation. Without it, spending and policy decisions are made without a tool to measure the state's progress in keeping children safe.

The Kassidy Bortner Act also increases accountability by releasing more information to the public about DCYF's response in incidents where a child is killed or nearly killed by abuse or neglect. Current law releases certain information including the name of the abused or neglected child who is killed and the name of the parent. (See RSA 126-A:5). The information we seek that is not currently available would include:

- The dates of any reports to DCYF
- The statutory basis and supporting allegations of those reports
- Whether and when this report was referred to a district office for assessment, and what priority was assigned to it
- The date(s) and means by which the district office contacted the family and others with knowledge of the situation.
- The date the assessment was completed.

The proposed changes do not release further identifying information about the child, parent, the person who reported or the social worker beyond what is currently allowed by state law.

We believe there is much to be learned from DCYF's responses to cases like Kassidy Bortner's, and that the legislature and public need this information to make informed decisions about their child protection agency.

SB 86

EITHER

A. Delete sections 4 and 5

OR

B. Amend section 4 to read as follows and delete section 5:

Submit a plan for the department to achieve accreditation by the Council on Accreditation for Children and Family Services, Inc. The plan shall contain (a) inputs, including staffing requirements, a timetable for achieving those requirements, projected budgets for achieving those requirements, and any other costs associated with achieving accreditation, and (b) outcomes, including an assessment, based on statistical and other evidence, of the impact of accreditation on the number of abused and neglected children, the nature of their abuse and neglect and the relationships between such children and their families. The plan shall be submitted by February 1, 2004 to the governor, the president of the senate, the chairs of the finance, public institutions, and health and human services committees of the senate, the speaker of the house of representatives, the chairs of the finance and children and family law committees of the house of representatives, the legislative budget assistance, the advisory board established in RSA 170-G:6, and the New Hampshire child fatality review committee.

Complete Document

Can Be Viewed

In Bill Folder

Standards and Self-Study Manual

TOOL BOX- sample charts, forms & questionnaires

Accreditation Policies & Procedures

Guidelines to COA Accreditation



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PRESIDENT OF THE SENATE

GENE G. CHANDLER
SPEAKER OF THE HOUSE

SB86

REPORT
NOVEMBER 1, 2004

GRAFTON COUNTY COURT PILOT PROJECT OVERSIGHT COMMITTEE
RSA 2002, 243:2-243:5 AS AMENDED BY 2003 206:5-206:6

Legislation

The original intent of SB 124 (Ch. 243, '02) was to open up child abuse and neglect hearings to the public statewide. However, the bill as amended and signed into law created a pilot project in Grafton County. There is a trend in other states to open up these hearings. The original pilot was from July 1, 2002 to June 30, 2003. It was extended to June 30, 2004. Additional legislation, SB 415, extended the pilot to June 30, 2006 and expanded it to Rockingham County as of July 1, 2004. This report is on the Grafton County pilot project through June 30, 2004.

Oversight Committee

The legislation also established a legislative oversight committee because there was concern about the impact of open courts on the child/ren and families. The oversight committee's responsibilities were to:

1. Establish criteria to evaluate the effectiveness of the pilot project.
2. Determine what costs, if any, are incurred on the courts because of this pilot project.
3. Assess the effectiveness of the project based on the criteria and information gathered by the committee.

The oversight committee members are:

Senator John Gallus
Senator Carl Johnson
Senator Sheila Roberge
Representative Carolyn Gargasz
Representative Mary Stuart Gile
Representative Daniel Itse.

Representative Carolyn Gargasz serves as chair of the committee as chosen by the other committee members.

Criteria
The court in Grafton County developed forms for the implementation of the pilot project previous to the formation of the oversight committee.

Notice of Grafton County Pilot Project Relative to Abuse and Neglect Hearings
Motion to Close All or Portions of Abuse and Neglect Hearing
Confidentiality Order Regarding Abuse and Neglect Hearing

In addition to these court forms, the oversight committee recommended a method of gathering information from participants. The questionnaire it developed was not in use until the end of the Grafton County pilot project and will be used in the expanded Grafton/Rockingham pilot. See attachment.

Costs
According to Judge Susan Carbon, the costs have been minimal. Once the forms were developed, the only cost was in copying them. Judge Carbon also said the cost in time was minimal. One reason for this is most likely due to the fact that non-parties attended only 15% of the hearings that were not closed to the public. (according to information in the court's report).

Information Gathered by the Committee
The oversight committee has gathered information by:

*Observing court hearings
*Meeting with Judge Susan Carbon at the Plymouth Court
*Interviewing DCYF representatives
*Interviewing CASA representatives

Observations
The committee is satisfied that the open process in Grafton County has not been harmful to children.

There are two conditions in the legislation where hearings are presumed to be closed:

*When a child is present.
*When medical or psychological information is presented.

Confidentiality is still protected. Before a hearing is opened, the judge asks if there are reasons to have the hearing closed. It is still up to the Judge's discretion to close a hearing. However, under this new process, there is the presumption that the court will be open. When anyone observes a hearing they are informed that the information is confidential.

The attendance by the public has been minimal. There is no public listing of these cases, so mainly it is people who have some connection with the parties involved in the case

who would know a hearing is taking place. Both DCYF and CASA have said that the problems they anticipated have not occurred.

According to the Court Report of August 30, 2004 the following data has been gathered on 258 abuse and neglect proceedings in Grafton County:

87 hearings were either entirely or partially closed to the public.
- 55 were closed because of medical and psychological reports, records, testimony
- 19 were closed because a child was present

171 hearings were open to the public.
- Of those hearings non-parties attended 26 hearings
- Of those who attended, many were relatives, some friends, and some legislators

Advantages to having open hearings:
*People who care about what is happening with these children are able to observe the process.
*People who are a support to the parties are able to attend.
*Opening the court allays the suspicion of what goes on behind closed doors.

Action taken by the oversight committee
Oversight committee members, with Senator Roberge as prime sponsor, submitted legislation, SB 415, to expand the pilot project statewide. As a result of concerns raised in testimony, SB 415 was amended to expand the pilot project to Rockingham County only, a more populous county, effective July 1, 2004 to June 30 2006. Grafton County has developed procedures and forms that, according can readily be used in Rockingham County. Therefore, there should not be difficulty in implementing the open court in one additional, larger county. The continuation of an oversight committee allows for further evaluation as this is implemented, especially in courts with more cases in more populace areas.

The expanded pilot project legislation also emphasized and included the language that "all observers of and participants in hearings conducted under this section shall be subject to the confidentiality provisions of RSA 169-C25."

This legislation added the following to the criteria for evaluating the project: "including the effects of opening hearings on children and families involved." The questionnaire to participants is designed to gather that information.

Conclusion
There have been no reports of adverse impacts as reported by the Court, Division of Children Youth and Families, Court Appointed Special Advocates and the Oversight Committee.

Because of the lack of outside attendance, it is not apparent whether or not people were aware that they could invite others to attend the hearing. Therefore, the attached questionnaire is designed, in part, to answer that question.

Respectfully submitted,

Representative Carolyn Gargasz, CHAIRPERSON
Hillsborough District 46

Senator John Gallus, District 1

Senator Carl Johnson, District 2

Senator Sheila Roberge, District 9

Representative Mary Stuart Gile
Merrimack District 38

Representative Daniel Itse
Rockingham District 80

Attachment: Pilot Project Oversight Questionnaire
Addendum: Grafton County Family Division Annual Court Report of August 30, 2004

INFORMATION AND QUESTIONNAIRE ABOUT OPEN ABUSE AND NEGLECT HEARINGS IN GRAFTON AND ROCKINGHAM COUNTIES

The New Hampshire Legislature has opened the child abuse and neglect cases in Grafton and Rockingham Counties to the public as a pilot project. There is a committee of representatives and senators who are overseeing this project. The committee members want to determine if allowing people into the courtroom is having any effects on the families. They would like to hear from you if you have any comments on how this process is working.

THIS FORM IS ANONYMOUS. It can be dropped off at the court or mailed to the court and the court will send it to the oversight committee in care of Susan Duncan, NH Senate, Concord, NH.

ARE YOU (PLEASE CIRCLE)

Accused parent
Non-accused parent
Attorney
Division of Children, Youth and Families
Guardian ad Litem
Court Appointed Special Advocate
Law Enforcement
Household Member
School Representative
Relative (please explain) _____
Other (please explain) _____

Please use the back of this sheet if you need more space to answer questions.

1. Did any member of the public (other than those people involved in your case) attend any portions of the hearing? Yes___ No___ If yes, who? _____

2. What impact, if any, did open hearings have on you and/or your children? Please explain. Short term (within a few weeks) or long term (a month or longer)

3. Would you recommend that these cases be open in the future?
Yes __ No __ No Opinion __

4. Do you have any other comments, recommendations or changes you would like to share?

5. Did you understand that you could invite others to attend? Yes ___ No ___
If yes, how were you informed?

Please feel free to contact any of the Oversight Committee members directly:

Rep. Carolyn Gargasz, Hollis, 465-7463
Rep. Mary Stuart Gile, Concord, 224-2278
Rep. Daniel Itse, Fremont, 642-9403
Sen. Joseph Foster, Nashua, 271-2674
Sen. John Gallus, Berlin, 752-1066
Sen. Sheila Roberge, Bedford, 472-8391

Or contact the Family Division Administrator, Gina B. Apicelli, Plymouth, 536-2608

State of New Hampshire Judicial Branch
Family Division

win W. Kelly
Administrative Judge

Supervisory Judges:
Susan B. Carbon, Grafton County (603) 536-7609
Gerald Taube, Rockingham County (603) 642-6314
Family Division Administrator:
Gina B. Apicelli, Esq.
(603) 536-7609 (603) 271-6418

August 30, 2004

His Excellency Governor Craig R. Benson
Office of the Governor
107 N. Main Street – State House
Concord, NH 03301

Senator Thomas Eaton
Senate President
107 N. Main St. - State House Room 304
Concord, NH 03301

Honorable Gene Chandler
Speaker of the House
107 N. Main St. - State House Room 308
Concord, NH 03301

Dear Governor Benson, President Eaton, and Speaker Chandler,

Enclosed please find the Annual Report on the findings and recommendations of the Grafton County Family Division relative to opening hearings in child abuse and neglect cases as required by RSA 2002, 243:2-243:5 as amended by 2003, 206:5-206:6.

If you have any questions about this report, please do not hesitate to contact me.

Very truly yours,

Edwin W. Kelly

Edwin W. Kelly
Administrative Judge

EWK:lc

cc: Legislative Oversight Committee
John Stephen, Commissioner, DHHS

GRAFTON COUNTY PILOT PROJECT REPORT ON OPEN ABUSE AND NEGLECT PROCEEDINGS PURSUANT TO CHAPTER 243 (SB 124, 2002)

With the passage of Senate Bill 124 in May of 2002, abuse and neglect proceedings have been presumed to be open to the public in Grafton County. As part of the open abuse and neglect proceedings pilot project, a report from the Administrative Judge of the District Court on the findings and recommendations is due on September 1, 2004.

OVERVIEW

This report of the Grafton County pilot project summarizes findings and highlights court recommendations pertaining to abuse and neglect hearings. The first section outlines the process being used in the Family Division to implement Chapter 243. Next, findings from the four Grafton County Family Division locations are summarized. The last section is a brief assessment of the pilot project by judges and court staff in Grafton County.

IMPLEMENTATION PROCESS

A ***Notice of Grafton County Pilot Project Relative To Abuse and Neglect Hearings*** and a ***Motion To Close All or Portions of Abuse and Neglect Hearing*** are sent to each party with the initial abuse/neglect petition and accompanying paperwork. These are set forth as Attachments A and B.

Before each abuse or neglect hearing begins, the judge conducts a pre-hearing colloquy to see if there are any reasons, as set forth in Chapter 243, to close the hearing. The ***Notice of Grafton County Pilot Project Relative To Abuse and Neglect*** (described above) is also posted on the outer courtroom door.

If, after the initial colloquy with the parties, it is determined that the hearing is to be open in full or in part, court security officers inform the non-parties waiting outside the court room that all or part of the hearing will be open. The non-parties who attend the hearings are reminded by the judge that it is a misdemeanor to disclose any information that may

identify the child or parent(s) involved in the hearing without prior court permission. At the end of the hearing, the judge completes a ***Confidentiality Order Regarding Abuse and Neglect Hearing***. This is set forth as Attachment C.

FINDINGS

Since its inception in 2002 through August 10, 2004, Two Hundred and Fifty Eight (258) ***Confidentiality Orders*** have been completed by judges who presided over abuse and neglect proceedings across Grafton County. The following information was abstracted from those ***Confidentiality Orders***.

- Eighty-seven (87) abuse and neglect hearings were either entirely or partially closed to the public. This is approximately 34% of the 258 hearings for which Confidentiality Orders were completed.

- One Hundred Seventy One (171) abuse and neglect hearings were open to the public. This is approximately 66% of the 258 hearings for which Confidentiality Orders were completed.

- Of the 171 hearings which were open to the public, people other than parties to the action attended 26 hearings. Thus, non-parties attended about 15% of the hearings that were not closed to the public.

- Of the non-parties in attendance at open hearings, many were relatives of the accused parent in the abuse and neglect action, though there were also some friends of the accused parents as well as some legislators.

- Of the Eighty-seven (87) hearings that were closed in full or in part, there were two predominant reasons for closure: Fifty-five (55) orders cited confidential medical and psychological reports, records and testimony; Nineteen (19) cited the child being present.

ANALYSIS:

As the court understands it, two primary purposes for opening abuse and neglect hearings include: (1) shedding "sunshine" on the court and executive branch agencies (i.e., DCYF) to ensure everyone is following the laws/protocols and insisting that due process rights are observed; and (2) heightening public awareness of the difficult issues raised in these cases. These goals are balanced against privacy interests of adults whose medical/psychological information may be shared with the parties (but not disclosed to the public), and the need to avoid embarrassment for child victims of abuse or neglect.

It appears to the court that the legislature's objectives have been maintained and balanced. To our knowledge, no hearing was opened in contravention of the statute, or in contravention of any party's wishes. When hearings were opened, those who attended were generally family members who, absent this pilot project would generally be allowed to attend with the consent of the parties anyway. It appears to the court that it is helpful to have the extended family members, who are being are relied upon for support as the family before the court resolves the issues that led to the filing of the abuse or neglect petition, present in the courtroom. It has been the rare occasion that having the extended family present in the courtroom seemed to negatively impact the proceedings.

It appears that although parties may invite anyone they wish, few parties actually bring other individuals with them to these hearings. The court has not seen a rush to attend such hearings by the public, likely because these hearings are held during the daytime when the non-involved public is generally unavailable. However, they are allowed to attend, subject to the protections built into the legislation, and the very opportunity for open proceedings is valuable.

We have found that in all four locations, it has been rare that any party has used the written motion form to request that a hearing be closed. Although this form is sent to all parties at the beginning of the case, all have found it more convenient to have a short discussion at the beginning of each hearing, at which time the parties know whether the child will be present, or whether there will be medical or psychological records that need

to be discussed. We now believe that sending a written motion form is an unnecessary step and plan to discontinue doing so. We will, however, continue to send out the ***Notice Of Grafton County Pilot Project Relative To Abuse & Neglect Hearings*** as we have been.

We encourage continued monitoring of the program and in particular, encourage obtaining input for the parties who are involved in these proceedings to determine it they have recommendations for improving how the open hearings process works, or other input they may have on the efficacy of open hearings.

We welcome feedback from Committee Members and continue to encourage members to attend hearings to obtain a first-hand impression of the process.

Voting Sheets

HOUSE COMMITTEE ON CHILDREN AND FAMILY LAW

EXECUTIVE SESSION on SB 86-FN

BILL TITLE: **relative to disclosure of certain information about child fatalities and near fatalities resulting from abuse and neglect, and relative to accreditation of the department of health and human services by the Council on Accreditation for Children and Family Services.**

DATE: May 6, 2003

LOB ROOM: 206

Amendments:

Sponsor: Rep. Gargasz	OLS Document #:	1495h	Adopted
Sponsor: Rep.	OLS Document #:		
Sponsor: Rep.	OLS Document #:		

Motions: (OTP) OTP/A, ITL, Interim Study (Please circle one.) **AMENDMENT**

Moved by Rep. Janet F. Allen

Seconded by Rep. Margaret D. Hallyburton

Vote: 13-0 (Please attach record of roll call vote.)

Motions: OTP, (OTP/A) ITL, Interim Study (Please circle one.)

Moved by Rep. Janet F. Allen

Seconded by Rep. Margaret D. Hallyburton

Vote: 13-0 (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: 13-0

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Barbara Hull Richardson, Clerk

OFFICE OF THE HOUSE CLERK

2003 SESSION

CHILDREN AND FAMILY LAW

Bill #: SB 86-FN Title: relative to the disclosure of information about child fatalities resulting from abuse and neglect; relative to accreditation of the

PH Date: 4/15/03 Exec Session Date: 5/6/03

Motion: OTP Amendment #: 2003-1495h

MEMBER	YEAS	NAYS
Moran, Edward P, Chairman	✓	
McRae, Karen K, V Chairman	✓	
Brown, Julie M	✓	
Arnold, Thomas I	✓	
Bickford, David A		
Greenberg, Gary C		
Bouchard, David M		
Itse, Daniel C		
Furman, Christine M		
Gargasz, Carolyn M	✓	
Dokmo, Cynthia J		
Ouellette, Robert O	✓	
Hallyburton, Margaret D	✓	
Allen, Janet F	✓	
Blanchard, Elizabeth D	✓	
Pratt, Irene A	✓	
Allison, David C		
Richardson, Barbara Hull, Clerk	✓	
Johnson, Lionel W	✓	
Grassie, Anne C		
Gile, Mary Stuart	✓	
	13	0

TOTAL VOTE:

OFFICE OF THE HOUSE CLERK

2003 SESSION

CHILDREN AND FAMILY LAW

Bill #: SB 86-FN Title: relative to the disclosure of certain information

PH Date: 4/15/03 Exec Session Date: 5/6/03

Motion: OTP/A Amendment #: 2003-1495h

MEMBER	YEAS	NAYS
Moran, Edward P, Chairman	✓	
McRae, Karen K, V Chairman	✓	
Brown, Julie M	✓	
Arnold, Thomas I	✓	
Bickford, David A		
Greenberg, Gary C		
Bouchard, David M		
Itse, Daniel C		
Furman, Christine M		
Gargasz, Carolyn M	✓	
Dokmo, Cynthia J		
Ouellette, Robert O	✓	
Hallyburton, Margaret D	✓	
Allen, Janet F	✓	
Blanchard, Elizabeth D	✓	
Pratt, Irene A	✓	
Allison, David C		
Richardson, Barbara Hull, Clerk	✓	
Johnson, Lionel W	✓	
Grassie, Anne C		
Gile, Mary Stuart	✓	
	13	0
TOTAL VOTE:		

Committee Report

COMMITTEE REPORT

COMMITTEE: **Children and Family Law**

BILL NUMBER: **SB 86-FN**

TITLE: relative to disclosure of certain information about child fatalities and near fatalities resulting from abuse and neglect, and relative to accreditation of the department of health and human services by the Council on Accreditation for Children and Family Services.

DATE: May 6, 2003 CONSENT CALENDAR YES ☒ NO ☐

☐ OUGHT TO PASS

☒ OUGHT TO PASS WITH AMENDMENT

☐ INEXPEDIENT TO LEGISLATE

☐ REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

STATEMENT OF INTENT
(Include Committee Vote)

This bill will require the Division of Children, Youth and Families to report fatal and near fatal incidents happening to children in the home. The amendment extends accountability to all out of home court ordered placements and includes suicide along with near fatal incidents. Current law preserves confidentiality at the discretion of the commissioner using current best interest standards; the amendment would require written reasons for the same. This bill also requires an annual report of what it would take for DCYF's child protection services to achieve national accreditation. The bill extends the reporting date of the Grafton County Court Pilot Project to 2004.

Vote 13-0.

Rep. Janet F. Allen
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

CONSENT CALENDAR

Children and Family Law

SB 86-FN, relative to disclosure of certain information about child fatalities and near fatalities resulting from abuse and neglect, and relative to accreditation of the department of health and human services by the Council on Accreditation for Children and Family Services. **OUGHT TO PASS WITH AMENDMENT**

Rep. Janet F. Allen for Children and Family Law: This bill will require the Division of Children, Youth and Families to report fatal and near fatal incidents happening to children in the home. The amendment extends accountability to all out of home court ordered placements and includes suicide along with near fatal incidents. Current law preserves confidentiality at the discretion of the commissioner using current best interest standards; the amendment would require written reasons for the same. This bill also requires an annual report of what it would take for DCYF's child protection services to achieve national accreditation. The bill extends the reporting date of the Grafton County Court Pilot Project to 2004. **Vote 13-0.**

Rep. Allen for the committee: SB 86

13/0 OTP w/A

Consent Calendar

This bill ~~was originally brought forward in response~~ to the ~~Cassidy Bertram tragedy. It~~ will require the div. of CY&F to report ~~all~~ fatal & near-fatal incidents to children in NH ~~in state~~ home. The amendment extends accountability to all out of home court ordered placements and includes suicide along with ~~attempted~~ near fatal incidents. This bill also requires an annual Report of what it would take for DCYF's Child protection services to achieve national accreditation ~~for child & family services, as well as~~; the bill extends reporting date of the Grafton County Court Pilot Project to 2004.

~~This~~ Current law preserves Confidentiality is ~~preserved~~ at the discretion of the Commissioner, ~~however~~ amendment but ~~req~~ would require written reasons for same.

OK.

EPM

COMMITTEE REPORT

COMMITTEE: Finance

BILL NUMBER: **SB 86-FN**

TITLE: relative to disclosure of certain information about child fatalities and near fatalities resulting from abuse and neglect, and relative to accreditation of the department of health and human services by the Council on Accreditation for Children and Family Services.

DATE: May 22, 2003 CONSENT CALENDAR YES ☒ NO ☐

☐ OUGHT TO PASS

☒ OUGHT TO PASS WITH AMENDMENT

☐ INEXPEDIENT TO LEGISLATE

☐ RE-REFER

☐ REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

STATEMENT OF INTENT
(Include Committee Vote)

SB 86 requires the Department of Health and Human Services to disclose certain information on abuse and neglect cases if there has been a fatality or near fatality. It also extends the reporting date for the pilot project relative to abuse and neglect hearings in Grafton County. The Finance Committee amendment made changes affecting the section that requires the Department of Health and Human Services to submit a plan to obtain accreditation by the Council of Accreditation for Children and Family Services by July 1, 2007. The amendment from the Finance Committee removes the requirement that we qualify for accreditation by July 1, 2007 but directs the Department to bring additional information that would also demonstrate outcomes as well as what the cost of meeting the accreditation standards would be to the state. The bill as presented would have set the state on the path to accreditation regardless of cost or outcomes. Finance also deleted a section dealing with the LBA auditing compliance to meet the 2007 deadline because the deadline was removed.

Vote 21-0.

Rep. Fran Wendelboe
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

CONSENT CALENDAR

USE ANOTHER REPORT FOR MINORITY REPORT

Finance

SB 86-FN, relative to disclosure of certain information about child fatalities and near fatalities resulting from abuse and neglect, and relative to accreditation of the department of health and human services by the Council on Accreditation for Children and Family Services. **OUGHT TO PASS WITH AMENDMENT**

Rep. Fran Wendelboe for Finance: SB 86 requires the Department of Health and Human Services to disclose certain information on abuse and neglect cases if there has been a fatality or near fatality. It also extends the reporting date for the pilot project relative to abuse and neglect hearings in Grafton County. The Finance Committee amendment made changes affecting the section that requires the Department of Health and Human Services to submit a plan to obtain accreditation by the Council of Accreditation for Children and Family Services by July 1, 2007. The amendment from the Finance Committee removes the requirement that we qualify for accreditation by July 1, 2007 but directs the Department to bring additional information that would also demonstrate outcomes as well as what the cost of meeting the accreditation standards would be to the state. The bill as presented would have set the state on the path to accreditation regardless of cost or outcomes. Finance also deleted a section dealing with the LBA auditing compliance to meet the 2007 deadline because the deadline was removed. **Vote 21-0.**

COMMITTEE REPORT

COMMITTEE: Finance

BILL NUMBER: **SB 86-FN**

TITLE: relative to disclosure of certain information about child fatalities and near fatalities resulting from abuse and neglect, and relative to accreditation of the department of health and human services by the Council on Accreditation for Children and Family Services.

DATE: May 22, 2003 CONSENT CALENDAR YES ☒ NO ☐

☐ OUGHT TO PASS

☒ OUGHT TO PASS WITH AMENDMENT

☐ INEXPEDIENT TO LEGISLATE

☐ RE-REFER

☐ REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

STATEMENT OF INTENT
(Include Committee Vote)

SB 86 requires the Department of Health and Human Services to disclose certain information on abuse and neglect cases if there has been a fatality or near fatality. The reporting date for the pilot project relative to abuse and neglect hearings in Grafton County. The Finance Committee amendment made changes affecting the section that requires the Department of Health and Human Services to submit a plan to obtain accreditation by the Council of Accreditation for Children and Family Services by July 1, 2007. The amendment from the Finance Committee removes the requirement that we qualify for accreditation by July 1, 2007 but directs the Department to bring additional information that would also demonstrate outcomes as well as what the cost of meeting the accreditation standards would be to the state. The bill as presented required [illegible] accreditation regardless of cost or outcomes. Finance also deleted a section dealing with the LBA auditing compliance to meet the 2007 deadline because the deadline was removed.

Vote 21-0.

Rep. Fran Wendelboe
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT

SB163

SB163 reflects the House's position on HB788 which repeals the certificate of need board and transfers ~~much~~ a much limited scope of regulation to the Dept of HHS. The Finance Committee made several housekeeping changes in the bill as it came from the policy committee. The extension of the nursing home bed moratorium in HB663 was codified into this bill. ~~The~~ the additional federal revenue available due to the transfer to hhs and the additional function of data analysis was clarified. ~~Governor's Council created by the policy committee~~ review was added to the Advisory Committee appointed by ~~Governor~~, A section was added to further clarify the confidentiality of personal identification in the data collection portion of the bill, Finally, the effective date was changed for July 1, 2003 to upon passage.

The policy committee established a 3 member public advisory committee to be appointed by the Governor. With the policy committees approval, Finance added approval by the executive council.

Fran Wendelboe

SB86

SB86 requires the dept of HHS to disclose certain information on abuse and neglect cases if there has been a fatality or near fatality. The reporting date for the pilot project relative to abuse & neglect hearings in Grafton County. The finance committee amendment made changes affecting the section that requires the dept of HHS to submit a plan to obtain accreditation by the Council of Accreditation for Children and Family Services by July 1, 2007. The amendment from the Finance committee removes the bill from the policy committee requirement that we qualify for accreditation by July 1, 2007 but directs the department to bring additional information that would also demonstrate outcomes as well as what the cost of meeting the accreditation standards would be to the state. The bill as presented required doing accreditation ~~regardless~~ regardless of cost or outcomes. Finance also deleted a section dealing with the LBA auditing compliance to meet the 2007 deadline because the deadline was removed.

Proportionate Share Payment Program.

In addition to the daily rates paid to the county nursing homes for Medicaid eligible residents, the Medicaid program reimburses counties for nursing homes costs in excess of the Medicaid rate through Proportionate Share Payments ("ProShare"). Intergovernmental transfers between the state and counties are made in an amount not to exceed an amount, reasonably estimated, that would have been paid for those services under Medicare principles. (Medicare does not pay for these services)

ProShare is calculated based on the difference between the Medicaid rate, determined by the state and a computed Medicare rate. The difference is then multiplied by the number of Medicaid Nursing home bed days. The state makes payments to each county based on its relative share of Medicaid nursing home beds. This payment is considered a Medicaid cost and is available for federal reimbursement at 50% under the state's federally approved Medicaid plan. The state and counties share the federal revenue generated by the Proshare payments.

State revenue in the operating budget from ProShare is approximately $12.2 million in 2004 and $11.2 million in 2005. $3.7 million is restricted revenue to fund Nursing Services and the remainder in deposited as unrestricted revenue.

Provider Payments

Provider payments are payments to providers enrolled in the Medicaid program for services provided to Medicaid recipients. There are over 10,000 providers enrolled in the Medicaid program and over 80,000 Medicaid recipients in New Hampshire. There and many different types of Medicaid services paid through the provider payment accounts. Major costs include: prescription drugs, inpatient hospital services, outpatient hospital services and physician services. These expenditures are made from two accounts within the Department of Health and Human Services. Payments for services to elderly citizens are made from an account in the Division of Elderly and Adult Services and are shared 50% federal, 25% state, and 25% county. All other payments are made through an account in the Office of Health Planning and Medicaid and are 50% state and 50% federal.

Providers payments are processed by EDS under a contract with the state for about $15 million per year.