

Senate Children and Family Law Committee

Declan Donahue 271-3324

SB 515-FN, relative to judicial determinations related to children placed in a qualified residential treatment program in certain juvenile matters and appointment of counsel in certain circumstances.

Hearing Date: January 15, 2026

Time Opened: 10:20 a.m.

Time Closed: 10:44 a.m.

Members of the Committee Present: Senators Abbas, Sullivan and Long

Members of the Committee Absent : None

Bill Analysis: This bill revises juvenile statutes relative to placements in qualified residential treatment programs to align with federal requirements. The bill directs the department of health and human services to have a qualified assessment of the child conducted within 30 days of placement and the court to review the assessment and placement within 60 days of placement. This bill further allows litigation to continue if despite a diligent search, counsel has not yet been secured for a child in certain proceedings under the child protection act.

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

Sponsors:

Sen. Long

Sen. Sullivan

Sen. Perkins Kwoka

Sen. Fenton

Sen. Rosenwald

Sen. Avard

Sen. Watters

Sen. Prentiss

Sen. Altschiller

Sen. Birdsell

Who supports the bill: Senator Pat Long, Senator Donovan Fenton, Senator Cindy Rosenwald, Marcia Sink, Attorney Susan Laurabee, Karen Rosenberg, Emily Lawrence, Lisa Wolford

Who opposes the bill: Dawn McKinney

Summary of testimony presented in support:

Senator Pat Long

- This bill was filed on behalf of the Department of Health and Human Services.

- Sections 1-3 would make changes to delinquency, child protection, and children in need of services (CHINS) portions of RSA 169 to put them in line with federal guidelines.
- Comprehensive Assessment for Treatment (CAT) assessments must be conducted within 30 days of placement and judicial determinations must be made within 60 days, as required by the Family First Protection Act.
- The bill will continue to allow the court to, if an attorney is not available for litigation, move forward with other aspects of the child's case that do not require representation for their expressed interest.
- There is an amendment that satisfies all parties with an interest.
- Attorney Susan Laurabee is here to walk through SB 413 and answer any questions.

Susan Laurabee (Legislative Liaison, Division of Children, Youth and Families) & Marie Noonan (Director, Division of Children, Youth and Families)

- This bill has 2 parts.
- The first amends identical language in all 3 child protection statutes. Current law does not meet the federal requirement of the Family First Services Prevention Act (FFSPA), mandating certain requirements be met to receive funding for the placement of a child at a qualified residential treatment program (QRTP).
- FFSPA has 2 requirements:
 - Within 30 days of placement at QRTP, a trained professional unaffiliated from the department shall complete an assessment to determine if the QRTP is the appropriate and least restrictive setting for the child. This is done via the completion of a comprehensive assessment for treatment.
 - Within 60 days of placement, family court must review QRTP and CAT assessments and make a decision on placement.
- The discretionary appointment of counsel is if the child chooses to seek representation for their expressed interests. There is also mandatory appointment of counsel for children placed in a QRTP.
- This had a retroactive approach where all children in a QRTP would be retroactively appointed counsel via a phased in approach. HB 2 delayed implementation of this, but not the sunset, so the amendment contains a continuation.
- Where no attorney is available, litigation may move forward with any parental abuse and neglect cases until an attorney is available to represent the child.

Karen Rosenberg (Policy Director, Disability Rights Center) & Emily Lawrence (Advocacy Director, Waypoint)

- Although there were concerns about the bill as filed, the amendment addresses those concerns.
- The bill establishing the right to counsel found that children have important legal rights at stake in complex abuse and neglect cases that can lead to institutionalization.

- SB 515 would have New Hampshire following nationally recognized best practice, as children with representation get better results and decreased time to permanency.
- There is the concern that it would prematurely create an exception to the right to counsel.

Lisa Wolford (Executive Director, Children's Law Center of New Hampshire)

- Trainings have already begun to prepare lawyers for SB 463 to take effect.
- She expressed her support for the bill as amended, but stated she could not support the bill as written.
- The primary issue at hand is institutionalization, which is expensive and does not produce better outcomes for children.
- The legislature enacted a law that went into effect a year ago, SB 417, that codified the considerations judges must make when considering institutional placement for a child.
- Creating an exception in the law for certain children to not have access to counsel would be a violation of the equal protection clause.

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Date Hearing Report completed: January 16, 2026