

SB 142-FN - AS INTRODUCED

2025 SESSION

25-1043

07/11

SENATE BILL ***142-FN***

AN ACT establishing the department of children's services and juvenile justice.

SPONSORS: Sen. Carson, Dist 14; Sen. Sullivan, Dist 18; Rep. Rice, Hills. 38

COMMITTEE: Judiciary

ANALYSIS

This bill establishes the department of children's services and juvenile justice and transfers the powers and duties of the department of health and human services, division for children youth and families to the new department.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT establishing the department of children's services and juvenile justice.

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

1 1 Transfer of Functions, Powers, and Duties, from the Department of Health and Human
2 Services, Division for Children, Youth and Families to the Department of Children's Services and
3 Juvenile Justice. All the functions, powers, duties, personnel, records, property, programs,
4 operations, and funds of the department of health and human services, division for children, youth
5 and families relative to children's services and juvenile justice provided under RSA 161:2, II-IV,
6 161:2, XII, 161:2, XVII, 169-A, 169-B, 169-C, 169-D, 169-E, 169-F, 169-G, 170-A, 170-B, 170-C, 170-
7 E, 170-G, 170-H, 126-D, 126-G, 621, and 621-A are hereby transferred to the department of
8 children's services and juvenile justice established in this act and vested in the commissioner of that
9 department.

10 2 Transfer of Functions, Powers, and Duties from the Department of Health and Human
11 Services, Bureau of Children's Behavioral Health to the Department of Children's Services and
12 Juvenile Justice. All the functions, powers, duties, personnel, records, property, programs,
13 operations, and funds of the department of health and human services, bureau of children's
14 behavioral health provided under RSA 135-F and 135-C, relative to children's behavioral health and
15 children's psychiatric services are hereby transferred to the department of children's services and
16 juvenile justice established in this act and vested in the commissioner of that department.

17 3 New Chapter; Department of Children's Services and Juvenile Justice. Amend RSA by
18 inserting after chapter 21-V the following new chapter:

19 CHAPTER 21-W

20 DEPARTMENT OF CHILDREN'S SERVICES AND JUVENILE JUSTICE

21 21-W:1 Purpose; Intent. The purpose of this chapter is to provide a unified, statewide
22 administration of programs and services for children and youth, including child protection, foster
23 care, adoption, children in need of services, juvenile justice, residential services, residential care, and
24 all related administrative functions.

25 21-W:2 Definitions. In this chapter:

26 I. "Commissioner" means the commissioner of the department of children's services and
27 juvenile justice.

28 II. "Department" means the department of children's services and juvenile justice.

29 21-W:3 Department Established; General Functions.

1 I. There is hereby established the department of children's services and juvenile justice, an
2 agency of the state, under the executive direction of a commissioner of the department of children's
3 services and juvenile justice.

4 II. The department of children's services and juvenile justice, through its officials, shall be
5 responsible for the following functions:

6 (a) Statewide administration and enforcement of programs and services for children and
7 youth. Such programs and services shall be organized into the following 4 divisions:

8 (1) Administration support, including but not limited to program certification, rate
9 setting, rate review, quality assurance, human resources, communications, IT, and support for other
10 divisions.

11 (2) Child welfare, including adoption, foster care, child day care licensing, and
12 children in need of services.

13 (3) Juvenile justice.

14 (4) Children's behavioral health services, including but not limited to residential
15 services, including secure facilities and residential care programs.

16 (b) Administration and oversight of the juvenile parole board pursuant to RSA 170-H,
17 the child welfare advisory board, the interstate compact for juveniles, pursuant to RSA 169-A, the
18 interstate compact on the placement of children pursuant to RSA 170-A, and the compact for hard to
19 place children, pursuant to RSA 126-D.

20 21-W:4 Commissioner; Compensation.

21 I. The commissioner of the department of children's services and juvenile justice shall be
22 appointed by the governor, with the consent of the council, and shall serve a term of 4 years. The
23 commissioner shall be qualified to hold the position by reason of education and experience. Any
24 vacancy shall be filled for the unexpired term.

25 II. The compensation of the commissioner shall be as specified in RSA 94:1-a.

26 21-W:5 Powers and Duties of the Commissioner. In addition to the powers, duties, and
27 functions otherwise vested by law, the commissioner of the department of children's services and
28 juvenile justice shall:

29 I. Establish clear, comprehensive, and unified departmental objectives, including the
30 development and implementation of a departmental mission statement, promoting the efficient
31 statewide delivery of programs and services to children and youths.

32 II. Represent the public interest and the best interest of the children and youths served in
33 the administration of the programs and services within the department of children's services and
34 juvenile justice, and be responsible to the governor, the general court, the public, and the children
35 and youths being served through such administration.

36 III. Represent the interests of the department by serving on boards, commissions,
37 committees, and professional associations, or specify a designee.

1 IV. Have the authority, subject to the approval of the governor and council, to accept gifts,
2 contributions, and bequests of funds from individuals, foundations, corporations, institutions, and
3 other organizations for the purpose of furthering the mission of the department of children's services
4 and juvenile justice.

5 V. Have the authority to apply for, receive, and expend federal funding, grants, subsidies, or
6 other moneys on a department-wide basis.

7 VI. Have general supervision of all neglected or dependent children and see that they
8 receive suitable education, training, and support; assist in the enforcement of all laws for the
9 protection of children and investigate charges that may be brought to the department's attention,
10 and if a crime allegedly has been committed, report to the county attorney.

11 VII. Supervise all foster family homes and child placing agencies.

12 VIII. Develop a broad range of social and related services aimed at preventing dependency
13 and family breakdown, promoting child development and child care, protecting vulnerable children
14 and enabling them to live in their own homes or foster homes rather than in institutions, assisting
15 individuals to attain and maintain self-support and strengthen family life, develop and operate
16 social service programs within the department of children's services and juvenile justice, receive and
17 distribute such federal funds which are allocated specifically to the state for day care for children
18 and adults, and purchase or contract with other agencies or individuals to provide direct grants from
19 sums appropriated for such purpose to other agencies upon submission of approvable plans within
20 the objectives of this paragraph.

21 IX. Review annually the rates established for the purchase of child day care services on
22 behalf of eligible persons. This annual review shall consider the effects of the established rates on
23 current costs, quality, and availability of services.

24 X. Adopt rules, pursuant to RSA 541-A, implementing procedures for state registry and
25 criminal background investigations of all new department staff who have regular contact with
26 children, according to the provisions of RSA 170-G:8-c.

27 XI.(a) Upon request, publicly disclose the information in subparagraphs (c)(3)-(c)(12)
28 regarding the abuse or neglect of a child, if there has been a fatality or near fatality resulting from
29 abuse or neglect of a child. Information included in subparagraphs (c)(1) and (c)(2) shall also be
30 disclosed if it is determined that such disclosure shall not be contrary to the best interests of the
31 child, the child's siblings, or other children in the household and there has been a fatality or near
32 fatality resulting from abuse or neglect of a child. In addition, the same disclosure shall be made
33 when there has been a fatality, to include suicide, or near fatality of a child under the legal
34 supervision or legal custody of the department. In determining whether disclosure will be contrary
35 to the best interests of the child, the child's siblings, or other children in the household, the
36 commissioner shall consider the privacy interests of the child and the child's family and the effects
37 which disclosure may have on efforts to reunite and provide services for the family. If the

1 commissioner determines not to release the information, the commissioner shall provide written
2 findings in support of the decision to the requestor. As used in this section, "near fatality" means an
3 act or event that places a child in serious or critical condition as certified by a physician.

4 (b) Information may be disclosed as follows:

5 (1) Information released prior to the completion of the investigation of a report shall
6 be limited to a statement that a report is "under investigation."

7 (2) When there has been a prior disclosure pursuant to subparagraph (b)(1),
8 information released in a case in which the report has been unfounded shall be limited to the
9 statement that "the investigation has been completed, and the report has been determined
10 unfounded."

11 (3) If the report has been founded, then information may be released pursuant to
12 subparagraph (c).

13 (c) For the purposes of this paragraph, the following information shall be disclosed:

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

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

19 (3) The date of any report to the department of suspected abuse or neglect, to include
20 any prior reports on file, provided that the identity of the person making the report shall not be
21 made public.

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

24 (5) Whether any such report was referred to the department for assessment and, if
25 so, the priority assigned by the department.

26 (6) The date any such report was referred to the department for assessment.

27 (7) For each report, the date and means by which the department made contact with
28 the family regarding the assessment.

29 (8) For each report, the date and means of any collateral contact made as part of the
30 investigation provided that the identity of an individual so contacted shall not be made public.

31 (9) For each report, the date the assessment was completed.

32 (10) For each report, the fact that the department's investigation resulted in a
33 finding of either abuse or neglect and the basis for the finding.

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

1 (12) Any extraordinary or pertinent information concerning the circumstances of the
2 abuse or maltreatment of the child and the investigation of such abuse or maltreatment, where the
3 commissioner determines such disclosure is consistent with the public interest.

4 (d) Any disclosure of information pursuant to this paragraph shall be consistent with the
5 provisions of subparagraph (c). Such disclosure shall not identify or provide an identifying
6 description of the source of the report, and shall not identify the name of the abused or neglected
7 child's siblings, or any other members of the child's household, other than the subject of the report.

8 XII. Establish a quality early learning opportunity initiative which shall be available on a
9 first-come, first-served basis to families whose income is between 190 percent and 250 percent of the
10 federal poverty guidelines, and whose children are enrolled in a child care program licensed under
11 RSA 170-E, and who otherwise meet all other eligibility requirements for child care assistance. The
12 amount of support provided to eligible families shall be calculated annually by the department and
13 shall reflect the estimated average difference between the cost of licensed child care and unlicensed
14 child care.

15 21-W:6 Rulemaking.

16 I. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the
17 administration and enforcement of the following:

18 (a) The interstate compact for juveniles under RSA 169-A.

19 (b) Delinquent children under RSA 169-B.

20 (c) Child protection under RSA 169-C.

21 (d) Children in need of services under RSA 169-D.

22 (e) Missing children under RSA 169-E.

23 (f) Court ordered placements under RSA 169-F.

24 (g) Review of dispositional orders in juvenile cases under RSA 169-G.

25 (h) The interstate compact on the placement of children under RSA 170-A.

26 (i) Adoption under RSA 170-B.

27 (j) Termination of parental rights under RSA 170-C.

28 (k) Child day care, residential care, and child-placing agencies under RSA 170-E.

29 (l) Services for children, youth, and families under RSA 170-G.

30 (m) Parole of delinquents under RSA 170-H.

31 (n) The compact for hard to place children under RSA 126-D.

32 (o) Family support services under RSA 126-G.

33 (p) Educationally disabled children at the Sununu youth services center, formerly the
34 youth development center under RSA 621, and any state facility that is for or that includes detained
35 or adjudicated youth.

36 (q) Special education programs under RSA 186-C:20.

37 (r) Children's behavioral health services under RSA 135-C and 135-F.

1 (s) Any other program, service, or facility previously administered or managed by the
2 department of health and human services according to any law whose powers and duties have been
3 transferred under this chapter to the department of children's services and juvenile justice.

4 II. Upon the abolition of each agency, department, division, bureau, or other administrative
5 unit whose functions, powers, and duties are transferred in accordance with this chapter, the
6 existing rules of such agency, department, division, bureau, or other administrative unit shall
7 continue in full effect, without interruption, as the rules of the department of children's services and
8 juvenile justice. Rules so continued shall be effective for the remainder of the period established
9 under RSA 541-A:17, II.

10 III. The commissioner shall send copies of all rules proposed under this section to the
11 chairperson of the house children and family law committee and the chairperson of the senate health
12 and human services committee, or their successor committees, for review.

13 4 Transfer of Authority from the Department of Health and Human Services, Division for
14 Children, Youth and Families to the Department for Children's Services and Juvenile Justice.

15 I. The department of health and human services, division for children, youth and families is
16 hereby abolished and all of the functions, powers, and duties, and responsibilities of the division and
17 the officials of that division, are hereby transferred to the department of children's services and
18 juvenile justice established in this act.

19 II. The transfer provided for in paragraph I of this section shall include all of the personnel,
20 books, papers, records, equipment, unexpended appropriations or other funds, actions, and other
21 property or obligations of any kind of the division for children, youth and families.

22 III. The state employees of the division for children, youth and families shall be transferred
23 to the department of children's services and juvenile justice when the duties, functions, and
24 responsibilities of the division for children, youth and families are transferred to the department.
25 Any person employed in such a position at the time of such transfer or at any subsequent time
26 thereto shall be deemed an employee of the department. All classified employees of the department
27 shall be classified employees of the state of New Hampshire within the meaning of RSA 21-I:49 and
28 shall be subject to all requirements, and be entitled to all benefits and emoluments, of the state
29 personnel system. Nothing in this paragraph shall preclude the general court from increasing or
30 decreasing the number of positions within the department.

31 5 Transfer of Authority from the Department of Health and Human Services, Bureau of
32 Children's Behavioral Health Services to the Department for Children's Services and Juvenile
33 Justice.

34 I. The department of health and human services, bureau of children's behavioral health
35 services is hereby abolished and all of the functions, powers, and duties, and responsibilities of the
36 bureau and the officials of that bureau, are hereby transferred to the department of children's
37 services and juvenile justice established in this act.

1 II. The transfer provided for in paragraph I of this section shall include all of the personnel,
2 books, papers, records, equipment, unexpended appropriations or other funds, actions, and other
3 property or obligations of any kind of the bureau of children's behavioral health services.

4 III. The state employees of the bureau of children's behavioral health services shall be
5 transferred to the department of children's services and juvenile justice when the duties, functions,
6 and responsibilities of the bureau of children's behavioral health services are transferred to the
7 department. Any person employed in such a position at the time of such transfer or at any
8 subsequent time thereto shall be deemed an employee of the department. All classified employees of
9 the department shall be classified employees of the state of New Hampshire within the meaning of
10 RSA 21-I:49 and shall be subject to all requirements, and be entitled to all benefits and emoluments,
11 of the state personnel system. Nothing in this paragraph shall preclude the general court from
12 increasing or decreasing the number of positions within the department.

13 6 Office of the Child Advocate; Reference Change. RSA 21-V:1, V is repealed and reenacted to
14 read as follows:

15 V. "Department" means the department of children's services and juvenile justice.

16 7 Office of the Child Advocate; Reference Change. Amend RSA 21-V:2, III(a) to read as follows:

17 (a) Investigate the actions of any agency and make appropriate referrals; provided that
18 department of ~~[health and human services specific complaints shall be handled by the ombudsman~~
19 ~~pursuant to RSA 126-A:4, III]~~ **children's services and juvenile justice specific complaints**
20 **shall be handled by that agency.**

21 8 Department of Health and Human Services; Educational Expenses; Liability Amended.
22 Amend RSA 126-A:39, II to read as follows:

23 II. Rates for private providers of special education services shall be set as provided in RSA
24 186-C:7, III, by the departments of ~~[health and human services]~~ **children's services and juvenile**
25 **justice**, education, and administrative services.

26 9 Department of Health and Human Services; Child Welfare Services Amended. Amend RSA
27 161:2, II to read as follows:

28 II. Child Welfare Services. Develop and administer state responsibilities for child welfare,
29 and may administer directly such child welfare activities. Child welfare activities shall include:
30 ~~[Protection and care of homeless, dependent and neglected children, and children in danger of~~
31 ~~becoming delinquent; cooperation with any court and with state and other institutions for children,~~
32 ~~including investigation and follow-up services; services and care of children in foster homes; and all~~
33 ~~other child welfare activities authorized by law]~~ **administration and enforcement of child**
34 **support as defined in this section, administration of federal and state family support and**
35 **assistance programs pursuant to RSA 167, and assistance to developmentally disabled**
36 **children pursuant to RSA 171-A; provided, however, that nothing in this chapter or RSA 167 shall**
37 **be construed as authorizing any public official, agent, or representative, in carrying out any of the**

1 provisions of this chapter or RSA 167 to take charge of any child over the objection of either of the
2 parents of such child, or of the person standing in loco parentis to such child, except pursuant to a
3 proper court order.

4 10 Parole of Delinquents; Purpose of Juvenile Parole Amended. Amend RSA 170-H:1 to read as
5 follows:

6 170-H:1 Purpose of Juvenile Parole. It is the intent of the general court that the juvenile parole
7 system provide a means of rehabilitating delinquents who have been committed to the custody of the
8 department of ~~[health and human services]~~ **children's services and juvenile justice**, without
9 continued incarceration. It is also the intent of the general court that the juvenile parole board and
10 the department of ~~[health and human services]~~ **children's services and juvenile justice**, when
11 administering this system, demonstrate recognition of the need to protect the public from criminal
12 acts by juvenile parolees.

13 11 State-County Finance Commission. Amend RSA 28-B:3, II to read as follows:

14 II. Review and provide recommendations **prior to any rate setting and adjustments,**
15 **regarding:**

16 (a) Department of health and human services rate setting and adjustments including,
17 but not limited to, those for long-term care services for elderly and adult clients by the division of
18 elderly and adult services~~[- court ordered and volunteer services by the division for children, youth,~~
19 ~~and families, and the division of juvenile justice services, prior to any rate setting or adjustments].~~

20 (b) **Department of children's services and juvenile justice rate setting and**
21 **adjustments, including those for court-ordered and volunteer services.**

22 12 Department of Health and Human Services; Memorandum. Amend RSA 126-A:5, XXI(a) to
23 read as follows:

24 XXI.(a) The commissioners of the departments of health and human services, **children's**
25 **services and juvenile justice**, and corrections, and the attorney general shall enter into a
26 memorandum of understanding establishing an inter-departmental team, to address responsibilities
27 associated with the most challenging cases of individuals 18 years of age or older with developmental
28 disabilities or acquired brain disorders who present a substantial risk to community safety as
29 determined by a comprehensive risk assessment appropriate to the individual. The memorandum of
30 understanding shall include a requirement for participation by: the department of health and human
31 services, including the bureau of developmental services, the bureau of behavioral health, ~~[the~~
32 ~~division for children, youth and families,]~~ the bureau of drug and alcohol services, the New
33 Hampshire hospital, the department of justice, **the department of children's services and**
34 **juvenile justice**, and the department of corrections. The purpose of the memorandum of
35 understanding is to promote collaboration and cooperation across all services systems to determine
36 and recommend system responsibility for providing and/or funding specific services and supports to

1 effectively meet the needs of the individual and the public safety of the community in accordance
2 with the rules of the respective departments.

3 13 Surrogate Parents. Amend RSA 186-C:14, III(a) to read as follows:

4 (a) When a child with a disability, as defined in RSA 186-C:2, needs special education
5 and the parent or guardian of the child is unknown or after reasonable efforts cannot be located, or
6 the child is in the legal custody of [~~the division of children, youth, and families~~] **the department of**
7 **children's services and juvenile justice**, the commissioner, or designee, may appoint a surrogate
8 parent who shall represent the child in the educational decision-making process, provided that for a
9 child in the legal custody of the [~~division of children, youth, and families~~] **department of children's**
10 **services and juvenile justice**, a judge overseeing the child's case pursuant to the Individuals With
11 Disabilities Education Act, 20 U.S.C. section 1415(b)(2)(A)(i), may appoint a surrogate parent.

12 14 Tuition Waiver for Children in State Foster Care or Guardianship. Amend RSA 187-A:20-b,
13 III(b) to read as follows:

14 (b) Beginning November 1, 2008, and no later than November 1 each year thereafter, the
15 [~~division of children, youth, and families~~] **department of children's services and juvenile justice**
16 shall submit a report to the health and human services oversight committee, established in RSA 126-
17 A:13, and the house children and family law committee, or their successor committees, detailing the
18 status of the tuition waiver program.

19 15 Guardian Ad Litem Board; Membership; Reference Change. Amend RSA 490-C:2, I(f) to read
20 as follows:

21 (f) One member representing the [~~division of children, youth, and families~~] **department**
22 **of children's services or juvenile justice**, or Casey family services, or another child protection
23 agency in the state, appointed by the governor.

24 16 Release of a Defendant Pending Trial; Reference Change. Amend RSA 597:2, II to read as
25 follows:

26 II. The court or justice shall order the pre-arraignment or pretrial release of the person on
27 his or her personal recognizance, or upon execution of an unsecured appearance bond in an amount
28 specified by the court, subject to the condition that the person not commit a crime during the period
29 of his or her release, and subject to such further condition or combination of conditions that the court
30 may require, unless the court determines that such release will not reasonably assure the
31 appearance of the person as required or will endanger the safety of the person or of any other person
32 or the community. The court may also consider as a factor in its determination under this
33 paragraph or paragraph III that a person who is detained as a result of his or her inability to meet
34 the required conditions or post the required bond is the parent and sole caretaker of a child and
35 whether, as a result, such child would become the responsibility of the [~~division of children, youth,~~
36 ~~and families~~] **department of children's services and juvenile justice**.

37 17 Trust and Agency Funds; Reference Change. Amend RSA 6:12-c, II(c) to read as follows:

1 (c) The Matthew Elliot memorial trust fund of the [~~division of juvenile justice services,~~
2 department of health and human services.

3 18 Duties of the Juvenile Justice Advisory Board. Amend RSA 621-A:11, I-I-b to read as follows:

4 I. The advisory board shall act in an advisory capacity to assist the commissioner of the
5 department of [~~health and human services~~] **children's services and juvenile justice** relative to
6 juvenile justice programs and services provided to children at the youth development center and
7 other juvenile justice facilities. The board may also provide advice and input on fiscal and budgetary
8 matters related to such facilities, the availability of state and federal grants, business partnerships,
9 and other funding sources available to the department for such facilities.

10 I-a. The board shall seek information from [~~the director of the division of juvenile justice~~
11 ~~services in~~] the department of [~~health and human services~~] **children's services and juvenile**
12 **justice** concerning the successes and challenges relative to the state's juvenile justice programs and
13 services.

14 I-b. The board shall be available to address emergent issues identified by the commissioner
15 of [~~health and human services~~] **children's services and juvenile justice**, [~~the director of the~~
16 ~~division of juvenile justice services,~~] the [~~chair~~] **chairperson** of the advisory board, or any board
17 member. In furtherance of this paragraph, the board may solicit comments from the public or any
18 other entities as it deems appropriate.

19 19 Interbranch Criminal and Juvenile Justice Council. Amend RSA 651-E:2, I(i) to read as
20 follows:

21 (i) The [~~director of the division of juvenile justice services,~~] commissioner of the
22 department of [~~health and human services~~] **children's services and juvenile justice**, or designee.

23 20 Powers of City Councils; Group Homes; Reference Change. Amend RSA 47:11-b to read as
24 follows:

25 47:11-b Group Homes. The city councils may appropriate money to support or aid group homes.
26 For the purposes of this section, a group home is an institution or home which is supervised and
27 licensed pursuant to the provisions of RSA [~~161:2, IV~~] **21-W**, and provides residential and counseling
28 services to persons under the age of 21.

29 21 Services for Children, Youth and Families; Powers and Duties of the Department. Amend
30 RSA 170-G:4, XIII to read as follows:

31 XIII. Assume and administer all the responsibilities and duties of the department of [~~health~~
32 ~~and human services~~] **children's services and juvenile justice** relative to child welfare services
33 provided under [~~RSA 161:2, II and XII relative to child welfare services funded through the social~~
34 ~~services block grant; 167:43; 167:51-167:53~~] **RSA 21-W**; 169-C; 170-A; 170-B; **and** 170-C[; 170-F; and
35 463 and provided under Title IV-B and Title IV-E of the Social Security Act].

36 22 Reference Changes. Amend the following RSA provisions by replacing "commissioner of
37 health and human services" or "commissioner of the department of health and human services" with

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1 "commissioner of the department of children's services and juvenile justice": RSA 169-B:20; 169-
2 D:18-a, I; 170-G:1, V; 170-G:3, IV; 170-G:4, VI, X, and XVIII; 170-G:4-a, I; 170-G:5; 170-H:2, IV-a;
3 186-C:3-b; 186-C:7-a, I; 621:3, II-a; and 621-A:1.

4 23 Reference Changes. Amend the following RSA provisions by replacing "department of health
5 and human services" with "department of children's services and juvenile justice": RSA 21-V:7, I; 21-
6 V:10, III(e); 169-B:2, II and III-a; 169-B:2-a, I(b); 169-B:5-a; 169-B:6-a; 169-B:11, III; 169-B:14, I(c)
7 and I(e); 169-B:15-a; 169-B:16, III; 169-B:19, I, III-a(a), III-a(c), and VI; 169-B:20; 169-B:31; 169-
8 B:32; 169-B:40, I(a) and I(f); 169-C:3, XII; the introductory paragraph of 169-C:3-a; 169-C:8-a; 169-
9 C:12-b; 169-C:16, III; the introductory paragraph of 169-C:19; 169-c:20-a, I; 169-C:27, I(a); the
10 section heading of 169-C:34; 169-C:34-a, I; 169-C:38-a; 169-C:39-k, I(e); 169-D:2, V; 169-D:4-a; 169-
11 D:5-a; 169-D:10, II(c); 169-D:13, I(c); 169-D:14, III; 169-D:17, I; 169-D:18-a, I; 169-D:29, I(a) 169-F:2;
12 169-F:3; 169-F:4; 169-G:2; 169-G:6; 170-A:3; 170-A:4; 170-A:6, I; 170-B:2, VI and VIII; 170-B:32, III;
13 170-C:2, VII; 170-C:9, I; 170-C:11, II, IV, and VI; 170-C:13; 170-C:14, III; 170-E:2, IV(h), V, and VII;
14 the introductory paragraph of 170-E:5-a; 170-E:5-b, II(c)(4), III(a), and III(c); 170-E:6-a, I and II; 170-
15 E:21-a; 170-E:25, V, VII, and X; 170-E:44; 170-E:50; 170-G:1, I, and IV, 170-G:2; 170-G:5-a; 170-G:6-
16 a, 170-G:8-a, I; 170-G:8-c, VI; 170-G:14; the introductory paragraph of 170-G:16 and 170-G:16, V;
17 170-H:2, V-a; 170-H:7; 170-H:13, I, II(a), and III; 186-C:3-b; 186-C:19-a, 186-C:19-b, I(a); 186-C:20;
18 621:1; 621:3; 621:8; 621:10; 621:19; 621:22; 621-A:1; 621-A:9; and 621-A:11.

19 24 Reference Changes. Amend the following RSA provisions by replacing "division" with
20 "department": RSA 21-V:1, III and IV; 21-V:2, III; 21-V:4, II; 21-V:7; and 21-V:10, I(h).

21 25 Repeal. The following are repealed:

22 I. RSA 126-A:5, XI and XII, relative to duties of the department of health and human
23 services transferred to the department of children's services and juvenile justice.

24 II. RSA 161:2, III, relative to general supervision of all neglected or dependent children by
25 the department of health and human services.

26 III. RSA 161:2, IV, relative to supervision and licensing of foster family homes and child
27 placing agencies by the department of health and human services.

28 IV. RSA 161:2, XII, relative to social service programs for children and families.

29 V. RSA 161:2, XVII, relative to review of rates for child day care services by the department
30 of health and human services.

31 VI. RSA 161:4-a, III, relative to rulemaking authority of the department of health and
32 human services under RSA 161:2, XII.

33 26 Memorandum of Understanding with the Department of Health and Human Services;
34 Hampstead Hospital.

35 I. The commissioners of the department and the department of health and human services
36 shall enter into a memorandum of understanding to create a strategic partnership between the
37 Sununu Youth Development Center and Hampstead Hospital. The purpose of the memorandum of

1 understanding is to promote collaboration and cooperation between the two facilities and ensure
2 consistent treatment for youth in both facilities.

3 27 Memorandum of Understand with the Department of Health and Human Services;
4 Administrative Support.

5 I. The commissioners of the department and the department of health and human services
6 shall enter into a memorandum of understanding establishing an inter-departmental team, to
7 provide administrative support to both departments, including but not limited to IT, legal, and
8 human resources until such time that both commissioners agree that they have the infrastructure
9 necessary to operate independently. The purpose of the memorandum of understanding is to
10 promote collaboration and cooperation between the two departments and ensure a smooth transition
11 for all employees being transferred from the department of health and human services to the
12 department.

13 28 Governor's Commission on Children's Services.

14 I. There shall be a governor's commission on children's services, consisting of the following
15 members:

16 (a) A policy advisor with experience in children's services, appointed by the Governor;

17 (b) The Commissioner of the department or designee;

18 (c) The commissioner of the department of health and human services or designee;

19 (d) The commissioner of the department of education or designee;

20 (e) The attorney general or designee;

21 (f) The director of the division of Medicaid services within the department of health and
22 human services or designee;

23 (g) The director of the division of behavioral health within the department of health and
24 human services or designee;

25 (h) The director of the division of economic supports within the department of health
26 and human services or designee;

27 (i) The director of the division of long term supports and services within the department
28 of health and human services or designee;

29 II. The purpose and duty of this commission shall be ensuring all relevant departments
30 remain engaged in the mission of serving youth and their families. The members of this commission
31 shall ensure their respective departments cooperate and communicate with each other effectively to
32 ensure the best outcomes possible for New Hampshire youth and their families.

33 III. The commission shall meet minimum of once a month, with the first meeting being held
34 no later than 30 days after the effective date of this bill.

35 IV. The commission must submit a report to the speaker of the house, senate president, and
36 governor quarterly with updates on the work of the commission and any pertinent issues that need
37 to be addressed. The commission may submit additional reports as needed to the speaker of the

1 house, senate president, and governor. The necessity of such additional reports shall be determined
2 by the commission.

3 V. A quorum must be present for the commission to conduct its work. A quorum shall
4 consist of 5 members. The commission may hold meetings remotely via electronic communication
5 platforms and members present shall have voting privileges regardless of whether they are
6 participating remotely or in-person.

7 27 Effective Date. This act shall take effect January 1, 2026.

SB 142-FN- FISCAL NOTE
AS INTRODUCED

AN ACT establishing the department of children's services and juvenile justice.

FISCAL IMPACT: This bill does not provide funding, nor does it authorize new positions.

Estimated State Impact				
	FY 2025	FY 2026	FY 2027	FY 2028
Revenue	\$0	\$0	\$0	\$0
<i>Revenue Fund(s)</i>	None			
Expenditures*	\$0	In Excess of \$11.4 million to \$18.4 million	In Excess of \$7.6 million	In Excess of \$11.7 million
<i>Funding Source(s)</i>	General Fund			
Appropriations*	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

*Expenditure = Cost of bill

*Appropriation = Authorized funding to cover cost of bill

METHODOLOGY:

This bill establishes the Department of Children's Services and Juvenile Justice (DCSJJ) and transfers the powers and duties of the Department of Health and Human Services (DHHS), Division for Children Youth and Families (DCYF) to the new department.

The DHHS indicates the bill also transfers functions, powers and duties enumerated in various RSAs stated in the bill that are currently part of DHHS but are outside of either DCYF or the Bureau of Children's Behavioral Health (BCBH). These are included in the DHHS analysis as being transferred to the new department. Such functions, powers and duties include the State's responsibilities for child protection, juvenile justice, and children's behavioral health, and staff, positions, roles, and functions that are currently providing those roles and functions to various divisions and bureaus that are not transferred to the DCSJJ established by the bill. The DHHS fiscal analysis assumes and discusses the inclusion of the high-level associated costs of the DHHS positions and functions currently housed outside of DCYF that would be necessary to maintain the current level of services and functionality for the programs identified in this bill.

The new DCSJJ, through its officials, would be responsible for the following functions:

- a) Statewide administration and enforcement of programs and services for children and

youth. Such programs and services shall be organized into the following 4 divisions:

- Administration support, including but not limited to program certification, rate setting, rate review, quality assurance, human resources, communications, IT, and support for other divisions.
- Child welfare, including adoption, foster care, child day care licensing, and children in need of services.
- Juvenile justice.
- Children's behavioral health services, including but not limited to residential services, including secure facilities and residential care programs.

(b) Administration and oversight of the juvenile parole board pursuant to RSA 170-H, the child welfare advisory board, the interstate compact for juveniles, pursuant to RSA 169-A, the interstate compact on the placement of children pursuant to RSA 170-A, and the compact for hard to place children, pursuant to RSA 126-D.

The DHHS analysis assumes the Division of Administration support must include: legal support, business & operations, human resources, contracts and procurement, rate-setting, provider relations, facilities and maintenance, finance and cost allocation, privacy, security and information technology. All of these functions are performed for DCYF through other DHHS program areas and are not included in the DCYF positions identified to transfer to the new DCSJJ. The DHHS analysis assumes the inclusion of the expenses for these functions in order to operationalize the bill and fulfill the stated purpose of creating the new department. The DHHS assumes that there must be a Chief Legal Officer with a Bureau of Legal Support as well as a Chief Financial Officer with a Bureau of Finance to support the new Department.

Additional DHHS assumptions include:

- Child day care licensing includes all of the current functions and responsibilities performed by the Child Care Licensing Unit which is currently part of Health Facilities Administration. The analysis includes expenses based on the budget for the Child Care Licensing Unit.
- Residential services and residential care facilities includes the management and certification of residential providers currently performed by the Bureau for Children's Behavioral Health and the licensing functions currently provided by the Child Care Licensing Unit.
- There are Bureau of Children's Behavioral Health contracts that are developed in conjunction with the Bureau of Mental Health Services because the services contracted for are extensively intertwined. Contracts with the Community Mental Health Centers and the Rapid Response Answering Point, as well as the contractor providing technical assistance, trainings, and assessments for the NH Rapid Response System, would all need to be divided. This will be difficult because the services provided are well blended in order to allow for efficiency of services. Approximately \$30 million in contracts will need to be divided, potentially resulting in increased costs for the vendors to invoice the separate Departments.

- The Bureau of Children’s Behavioral Health contributes to the Mental Health Block Grant Maintenance of Effort (MOE). Federal law requires the state must maintain state expenditures for community mental health services for adults with a serious mental illness and children with a serious emotional disturbance at a level that is not less than the average level for the 2 preceding fiscal years. The Bureau of Children’s Behavioral Health contributes approximately \$9 million towards this MOE. The removal of these expenses from the MOE calculation risks a reduction in the Block Grant award following the period of noncompliance.
- The bill provides the new commissioner’s salary will be set pursuant to RSA 94:1-a. The DHHS analysis assumes the salary will be commensurate with the current DHHS Commissioner.

The DHHS notes there are other general fund costs not included in the assumptions above. Under federal law the new DCSJJ would be required to establish a new and separate Public Assistance Cost Allocation Plan (PACAP) to allocate their state public assistance agency costs across the benefiting programs. The DHHS analysis does not account for the costs associated with developing, implementing, and maintaining a PACAP.

The bill would take effect January 1, 2026 and assumes operation of the new DCSJJ would begin on January 1, 2026. This start date does not allow for standing up the operationalization of this new agency for federal funding. The new agency would not be able to bill any federal grants for reimbursement until such time the new agency has drafted and submitted a new Public Assistance Cost Allocation Plan. The DHHS assumes the first six months of the new DCSJJ would be all general fund costs after which federal funds would be available to cover 33% of the costs.

Based on the information and assumptions above the DHHS provided the estimate below of the fiscal impact of this bill.

	1/1/2026 - 6/30/2026 (100% General Funds)			
New Department - Total Costs	Low	High	FY 2027 (67% General / 33% Federal)	FY 2028 (67% General / 33% Federal)
Contracts	\$135,000	\$135,000	\$272,000	\$285,600
Cost Allocation/ Federal Reporting	\$883,750	\$883,750	\$1,797,048	\$1,976,463
Accounting & Finance	\$1,024,000	\$1,024,000	\$2,075,000	\$2,178,750
Information Technology	\$4,853,170	\$11,853,170	\$3,242,538	\$4,690,334
Human Resources	\$580,000	\$580,000	\$1,159,000	\$1,216,950
Legal	\$747,000	\$747,000	\$1,513,000	\$1,588,650
Administrative Appeals	\$248,000	\$248,000	\$503,000	\$528,150

Maintenance & Purchasing	\$1,963,687	\$1,963,687	\$2,886,873	\$3,034,790
Rate Setting	\$192,000	\$192,000	\$386,000	\$405,300
Support Staff	\$735,000	\$735,000	\$1,499,000	\$1,573,950
Total:	\$11,361,607	\$18,361,607	\$15,333,459	\$17,478,937

The DHHS has provided the following information in addition to the estimated costs above.

- Budgeted funds for staff and services moving from DHHS will need to be general fund costs as in the first six months of this transition, the new department will be unable to claim federal funds until such time MOUs and PACAP and hiring of new staff occurs.
- In FY 2024 DHHS had to transfer approximately \$6 million in general funds from other areas of the DHHS budget into DCYF. The DHHS anticipates a slightly smaller need in FY 2025. If the DHHS request for the DCYF budget is not fully funded it would expect the new DCSJJ to be under budgeted by an equivalent amount. This shortfall is not included in the table above.
- The current DoIT budget includes about 68 shared services across DHHS. Many of these shared services provide multiple benefits including economy of scale pricing, enterprise level cost sharing, enterprise level support, and cross divisional collaboration. This bill would hinder those benefits and costs would be adversely affected. In addition, the bill would require major initial purchases of duplicate hardware, software, application development (New HEIGHTS, NH Bridges, Salesforce, NECSES, and others), DOIT project expenses for the approximately 69 solutions, require establishing or adjusting MOUs for 56 solutions, and require contract adjustments or procurement for approximately 80 solutions. Once established, the new agency would be required to adjust and increase funding for maintenance and operations of all services.
- There are at minimum 155 individual IT considerations that would need to be considered; of which 123 would need to be managed within the new agency and the remaining 27 being used by the new agency but managed by other stakeholders. It is difficult to quantify the cost of the IT impacts to this bill. It has been estimated that this would require an additional 29 staff within the new agency IT Bureau to replicate the current maintenance and operations service that DHHS - Bureau of Information Services, DHHS Project Management Office and DHHS Divisional Information Services Bureaus complete at a business and enterprise level.

The DHHS acknowledges that the Sununu Youth Services Center would be expected to be part of this move, even though this bill as introduced does not explicitly include it. Accordingly, it is not part of the Department's fiscal analysis based on the language of the bill, but impacts to SYSC should be considered in any future analysis.

AGENCIES CONTACTED:

Department of Health and Human Services