

Senate Children and Family Law Committee

Joshua Schauer 271-3077

SB 76, relative to the office of the child advocate.

Hearing Date: January 30, 2025

Time Opened: 10:00 a.m.

Time Closed: 10:29 a.m.

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

Members of the Committee Absent : None

Bill Analysis: This bill makes several modifications to laws regarding the office of the child advocate.

The bill is a request of the office of the child advocate.

Sponsors:

Sen. Long

Sen. Altschiller

Rep. Petrigno

Who supports the bill: Sen. Long (SD20), Senator Altschiller (SD24), Lissa Mascio (OCA), Lisa Wolford (CLC-NH)

Who opposes the bill: Julie Smith, Patrick Doughty, Jean Holden.

Who is neutral on the bill: John Williams (DHHS), Doga Keith (Youth Villages)

Summary of testimony presented in support:

Senator Long: Senate District 20

- Introduced the bill and explained the history of the Office of the Child Advocate. He stated that the office was created in 2017 and in 2020, the language was amended to include all Executive Branch child advocacy agencies and partners. However, there are still some gaps, which is why SB 76 is needed.
- Sen. Long also offered an amendment (2025-0173s) to SB 76 to further clarify the language and close any gaps in the current language.

Lissa Mascio: NH Child Advocate Office, Legislative and Policy Director

- The Child Advocate Office is a newer agency. Established in 2017, It went from an independent oversight to include all Executive Branch agencies that serve children with the expanded language.

- Ms. Mascio defined agency and executive agency for clarification. She stated that current law randomly refers to one or the other and left a lot of vague language as to what responsibilities they had.
- The new bill captures both the public and private services with the executive agencies that directly serve children. Some examples of these agencies are Waypoint, Nashua Children’s Home, and Youth Villages.
- She clarified that the amendment Sen Long introduced was adding more agencies to the language. In essence, it is a “clean-up of the clean-up”, making it more concise when conducting oversight and providing or requesting information to other agencies. It is only related to the services they are providing under the contract agreements.
- Waypoint also offers care for elderly, and the bill clarifies the scope of child advocacy within agencies. The amendment reiterates the definition of agency, so that Waypoint does not have access to elderly but just children in their scope of “care”.

Senator Abbas inquired about the language on Page 1, Line 6 stating “The phrase *should have received services from the agency*. When it comes to *should have received*, how exactly will that play out in the real world?”

- Mascio stated this is one of the main charges of their oversight team (Assistant Child Advocate, Jason Taylor). They take all calls and concerns of children receiving services but often look at the children not receiving services. An example of this is children who fall through the cracks and should be receiving services but may be on a waitlist and are in limbo. This legislation takes kids both in the system and in the gaps of the system.
- This legislation will look at all children in DCYF that are not always looked at or not currently receiving services from any agency but should be receiving those services. They always recommend going through central intake, but they also look into a case when receiving a call. This statute gives them access to a child’s history and records of receiving services from DCYF agencies and contracted agencies as far back as 3 years.

Senator Abbas pressed again about who is making the decision of “should have received”, in other words who is making the determination of what kids qualify as “should have” regarding services and records being released?

- Mascio said that ultimately it is the state agency. While OCA oversees their work independently, the practice is that they have direct access and brings it forward to the state agency. Asking questions regarding the wellbeing of the child. OCA is the intermediary between the child and state agency. They can bring people together to gather info, but the state agency must make the determination.

Senator Abbas stated that on Page 3, line 17-22 it seems to be expanding what is exempt. What is the impact of that expansion?

- OCA is exempt from RSA 91-A. RSA 91-A is concerned with confidentiality. They want to be clear confidentiality extends to the identity of the person calling and others involved in the investigation by OCA. They want people to feel comfortable talking to them without personal information being released.

Senator Abbas asked if there is anything that will not be exempt, but will be tomorrow if this bill passed?

- Mascio responded that she felt the OCA is already exempt but wanted to make it clearer. The current wording felt vague and ambiguous.

Senator Abbas asked if a court has upheld that.

- Ms. Mascio replied it has never been contested.

Lissa Mascio - In response to John Williams testimony

- Referring back to earlier testimony, she wanted to address Page 2 of the bill, Lines 15-17. This has to do with the DHHS office. It is not an expansion, but clarification was necessary.
- With the original language OCA has to forward information to DCYF. Time would go by, and the individual would call back as nothing had happened. This new language creates a streamlined process with information that is relevant to their office and does not expand the responsibilities of DHHS. The amendment makes it clearer as to what OCA can address.
- The original language was constricting with the “agency” language, and the amendment expands that to allow OCA to do more streamlined work with a more defined process.

Emily Lawrence: Advocacy Director for Waypoint

- Waypoint serves families and children across the state involved with DCYF. They have concerns with the language on Pages 4-6 as currently written. The new bill will expand the scope to *all agency records*, but it is vague. Waypoint would support this legislation if the amendment Senator Long introduced is passed.

Neutral Information Presented:

John Williams: Director of Legislative affairs, NH DHHS

- DHHS is not taking a position but wants to hear the testimony for clarity. It is to understand the scope of the agency.

- There are questions that are helpful to this committee. There could be unintended consequences if the language is not clear and concise. One item not discussed was a question relative to Lines 3-6, the word *executive* was stricken from “agency”, and the question is, what is the applicability of contracted entities. Is this an expansion or not? It starts off on current law with “The office (OCA) shall have access to the following information...all case records including healthcare records of any child receiving services from an executive agency and all records submitted to the courts,” but then agencies are delineated so there is confusion on contracted entities.
- This is expanding authority to other health centers not directly working with DCYF.
- There are still some open questions that need to be more clarified.

JS

Date Hearing Report completed: February 5, 2025