HB 120-FN-A - AS INTRODUCED

2023 SESSION

23-0137
07/10

HOUSE BILL ***120-FN-A***

AN ACT relative to the closure of the Sununu Youth Services Center and operation of a replacement secure facility.

SPONSORS: Rep. Edwards, Rock. 31; Rep. Lynn, Rock. 17; Rep. Weyler, Rock. 14; Sen. Bradley, Dist 3

COMMITTEE: Children and Family Law

ANALYSIS

This bill closes and dispenses of the control of the facility known as the Sununu youth services center, as well as sets out parameters for the contract for a replacement facility.

- -

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

HB 120-FN-A - AS INTRODUCED

23-0137
07/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to the closure of the Sununu Youth Services Center and operation of a replacement secure facility.

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

1 Statement of Findings. The general court finds that:

I. Placement in corrections settings can be harmful to children and lead to increased delinquency and adult criminal behavior. It should therefore be reserved for those circumstances in which the safety of a child or of the community requires such confinement.

II. Placement of children who are not serious violent offenders in settings other than the Sununu youth services center (SYSC) complies with The Families First Act, P.L. 115-123, and the New Hampshire system of care established pursuant to 2019, 44 (SB 14), which prioritize community-based treatment of children.

III. This act is in furtherance of these goals.

2 Department of Health and Human Services; Sununu Youth Services Center; Construction and Operation of a Replacement Secure Facility.

I. The department of health and human services shall be responsible to construct a secured treatment facility that has a maximum physical capacity of 18 beds with an operational plan to support approximately 12-14 to replace the current Sununu youth services center (SYSC). The department shall consult with any prospective community about the location and operation of any new facility. The facility shall be administered by the department of health and human services with support and shared services contracts as appropriate. The facility shall be designed to meet the unique needs of youth who are at the facility pursuant to RSA 169-B:14, detention; RSA 169-B:19, commitment; RSA 169-B:24, transfer to superior court; RSA 169-B:32, or RSA 651:17-a, service of adult sentence of incarceration at the youth development center; and RSA 169-A, the interstate compact for juveniles. Upon opening, the facility shall be referred to as the youth development center (YDC) as identified in RSA 169-B and RSA 621. The facility shall have the capability for alternative flexible use when the census so permits.

II. The department of health and human services, in collaboration with the department of administrative services, shall issue a request to procure a qualified design build at the earliest possible time and not later than March 15, 2023. The department of health and human services and the department of administrative services shall collaborate to select an architect, procure the resulting construction project, and complete the project on or before June 30, 2024. The SYSC shall be closed for incarceration, detention, or admission of any child upon the go-live opening of the facility.

III. The facility shall be designed to include:

(a) A physical design that complements therapeutic and trauma-informed care of youth, including a home-like interior and exterior to the maximum practical extent.

(b) Designed to maximize staff visibility and proximity to youth, including administrative offices built within the secured facility in proximity to youth and staff.

(c) Capacity to provide services to meet the medical, physical, and behavioral health needs of all potentially eligible youth while leveraging virtualization of appropriate services.

(d) Space for no more than 18 beds, including space with flexibility to meet the needs of all genders, safety and security, crisis stabilization, admissions, and discharges. The operational support plan shall anticipate 12-14 residents.

(e) Adequate space to meet the educational needs of all youth including youth with special education needs while appropriately leveraging virtual educational support services.

(f) Adequate space for indoor and outdoor recreation.

(g) Capacity to meet the nutritional needs of all youth either on-site or in close proximity.

(h) Necessary elements to be architecturally secure and equipped with video surveillance in compliance with RSA 169-B:15-c.

(i) Operations shall leverage virtual and shared services support to achieve efficiencies while maintaining effectiveness.

IV. The facility programing and operations shall include:

(a) Staff qualifications, standard job descriptions, and training that emphasize the treatment of youth with behavioral health challenges and considerable trauma histories applicable to the facility as well as for supporting youth in the community for flexible assignments based upon census changes.

(b) Use of evidence-based practices, as defined in RSA 170-G:1, V-a, selected to match the needs of the population served at the facility.

(c) Utilization of the uniform assessment, as specified in RSA 170-G:4-e, for all detained and committed youth to understand treatment needs and determine if a different level of care is indicated to meet the youth's needs, and where problem behavior appears patterned, a functional behavior analysis to inform effective behavior interventions.

(d) Provision of care management services by a care management entity, as established in RSA 135-F:4, to begin immediate wraparound support upon admission to plan for discharge.

(e) Frequent visitation opportunities with family, opportunities to include family in appropriate activities as well as daily access to family through telephonic or video conferencing.

(f) Educational programing and staffing that meets the individualized educational needs of youth, including youth with special education needs, creates meaningful educator-youth pairings, maintains connections with sending school districts, and which includes availability of Hi-SET

preparation and testing as appropriate. Virtual educational opportunities shall be leveraged appropriately to help meet youth needs.

(g) Integration of clinical sessions and recreational large muscle movement activities throughout the day.

(h) Real-time access by the office of the child advocate, as established in RSA 21-V:4, II, to the electronic case management system used by the facility, regular access to youth placed in the facility under RSA 21-V:4, III, and video surveillance and general access to the facility pursuant to RSA 21-V:2, VII.

(i) Physical and personal security to maintain safety of staff and residents as well as public safety externally.

V. The department of health and human services shall begin to implement the programming shifts in subparagraphs IV(a) through (i) immediately upon the effective date of this act, to be implemented while children remain at the SYSC.

VI. The department of health and human services shall submit quarterly progress reports to the joint legislative oversight committee on health and human services, established by RSA 126-A:13, and to the office of the child advocate established under RSA 21-V beginning on or before May 1, 2023 until such time as the facility is operational. Each quarterly report shall include a statement indicating whether the reported progress is sufficient to meet the June 30, 2024 deadline for the opening of the facility. In the event that sufficient progress to meet this deadline has not been made, the progress report shall include the reasons for any projected delay in meeting the June 30, 2024 deadline, a description of the efforts being undertaken to minimize any delay in the development and opening of the facility and projected completion date. In addition, the quarterly progress reports shall include the following information:

(a) Progress towards retaining an architectural consultant to design the plan for the facility;

(b) Progress towards completion of the design for the facility;

(c) Progress towards contracting with the company that will construct the replacement facility;

(d) The anticipated date construction of the replacement facility will be completed; and

(e) The anticipated date by which the replacement facility will be operational.

VII. The governor, with the approval of the fiscal committee of the general court, may delay the June 30, 2024 project completion date under paragraph II for construction delays or other unforeseen circumstances provided any such delay be no more than 2 years.

3 Possession and Disposal of the Sununu Youth Services Center (SYSC). As of the date of the opening of the youth development center set forth in section 2 of this act, the department of administrative services shall take possession of the entire property currently housing the SYSC on South River Road in Manchester, New Hampshire. The department shall dispose of the property

and any revenues received shall be deposited in the general fund. The department shall consult with the city of Manchester, the Business and Industry Association, and other organizations, as appropriate, prior to any sale of the property. Returning the property to the property tax and business tax rolls shall be a high priority.

4 Appropriation; Construction and Operation of a Replacement Secure Facility. The sum of $15,000,000 for the fiscal year ending June 30, 2023 is hereby appropriated to the department of health and human services for the design and construction of the new secured youth development facility, as described in section 2 of this act. Such funds shall be nonlapsing and continually appropriated to the department for the purposes of this act. Of this amount, the governor shall determine if any remaining discretionary funds appropriated in the American Rescue Plan Act of 2021, Public Law 117-2 or any other federal funds can be used for this purpose and any remainder shall be general funds. The governor is authorized to draw a warrant for the general fund share of said sum out of any money in the treasury not otherwise appropriated.

5 Repeal. The following are repealed:

I. 2021, 91:329, relative to the closure date of the Sununu youth services center.

II. 2021, 91:330, relative to the committee established to develop a closure and replacement plan for the Sununu youth services center.

6 Effective Date. This act shall take effect upon its passage.

LBA
23-0137
Redraft 11/9/22

HB 120-FN-A- FISCAL NOTE
AS INTRODUCED

AN ACT relative to the closure of the Sununu Youth Services Center and operation of a replacement secure facility.

FISCAL IMPACT: [X] State [ ] County [ ] Local [ ] None

	Estimated Increase / (Decrease)			
STATE:	**FY 2023**	**FY 2024**	**FY 2025**	**FY 2026**
Appropriation	$15 million	$0	$0	$0
Revenue	$0	$0	$0	$0
Expenditures	Indeterminable	Indeterminable	Indeterminable	Indeterminable
Funding Source:	[X] General [ ] Education [ ] Highway [X] Other - federal funds, including ARPA			

METHODOLOGY:

This bill requires the Department of Health and Human Services to construct an 18-bed secured treatment facility for juveniles, with an operational plan to support 12-14 beds. The facility shall be administered by the Department, with support and shared services contracts as appropriate. The bill stipulates time frames by which the project must be initiated and completed, as well as various design parameters. Under current law, the existing Sununu Youth Services Center (SYSC) is scheduled to close on March 1, 2023. This bill would delay the SYSC's closure until the opening of the new facility, which shall be no later than June 30, 2024. With respect to operational costs, the Department anticipates indeterminable cost savings compared to the current costs of the existing SYSC.

The Department of Administrative Services assumes that the design and construction of a new facility may take longer than the time frame established by the bill, with the project potentially not being completed until 2028. Regardless of time frame, the Department estimates design costs of $3 million and construction costs of $22 million.

The bill provides for a $15 million appropriation in FY 2023 for the design and construction of the new facility. The appropriation is to be funded first with federal American Rescue Plan Act (ARPA) funds, with any remainder coming from the state general fund.

AGENCIES CONTACTED:

Department of Health and Human Services and Department of Administrative Services