

HB 1588-FN - AS AMENDED BY THE HOUSE

11Apr2024... 1391h

2024 SESSION

24-2263

02/05

HOUSE BILL ***1588-FN***

AN ACT relative to court jurisdiction over persons receiving special education.

SPONSORS: Rep. Long, Hills. 23

COMMITTEE: Children and Family Law

ANALYSIS

This bill updates statutes relating to court jurisdiction of children in need of services to reflect that special education is offered to students up to the age of 22 years if the student has not yet exited special education based on receipt of a high school diploma.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to court jurisdiction over persons receiving special education.

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

1 1 Jurisdiction Over Certain Persons. Amend RSA 169-B:4, II(c) to read as follows:

2 (c) Who is attending school for the purpose of obtaining a high school diploma or general
3 equivalency diploma and is considered likely to receive such diploma, **or who is receiving special**
4 **education under RSA 186-C.**

5 2 Jurisdiction Over Certain Persons. Amend RSA 169-B:4, IV(c)-(d) to read as follows:

6 (c) The minor graduates from high school or receives a general equivalency diploma, **or**
7 **is still receiving special education under RSA 186-C despite receiving a general**
8 **equivalency diploma;**

9 (d) The minor attains 21 years of age, **unless the minor is still receiving special**
10 **education under RSA 186-C, in which case the court may extend jurisdiction until the**
11 **minor attains 22 years of age or exits special education, whichever occurs first; or**

12 3 Jurisdiction, Continued Jurisdiction; Modification. Amend RSA 169-C:4, II to read as follows:

13 II. The court may, with the consent of the child, retain jurisdiction over any child, who, prior
14 to his or her eighteenth birthday, was found to be neglected or abused and who is attending school
15 until such child completes high school or until his or her twenty-first birthday, whichever occurs
16 first, **unless the minor is still receiving special education under RSA 186-C, in which case**
17 **the court may extend jurisdiction until the minor attains 22 years of age or exits special**
18 **education, whichever occurs first;** and the court is authorized to and shall make such orders
19 relative to the support and maintenance of said child during the period after the child's eighteenth
20 birthday as justice may require.

21 4 Children in Need of Services; Jurisdiction. Amend RSA 169-D:3, II-III to read as follows:

22 II. The court may, with the consent of the child, retain jurisdiction over any child who, prior
23 to his eighteenth birthday, was found to be a child in need of services, and who is attending school
24 for the purpose of obtaining a high school diploma or general equivalency diploma, **or who is**
25 **receiving special education under RSA 186-C.** The court shall make orders relative to the
26 support and maintenance of the child during the period after the child's eighteenth birthday as
27 justice may require.

28 III. The court shall close the case when the child reaches age 18, or if jurisdiction is
29 retained, when the child ceases to be enrolled as a full-time student during sessions of the school, or
30 graduates from such school, or upon reaching the age of 21, whichever shall first occur, **unless the**
31 **minor is still receiving special education under RSA 186-C, in which case the court may**

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1 *extend jurisdiction until the minor attains 22 years of age or exits special education,*
2 *whichever occurs first.*

3 5 Appropriation; Department of Health and Human Services. The sum of \$3,000,000 is hereby
4 appropriated to the department of health and human services for the biennium ending June 30,
5 2025, for the purposes of this act. The governor is authorized to draw a warrant for said sum out of
6 any money in the treasury not otherwise appropriated.

7 6 Effective Date. This act shall take effect 60 days after its passage.

HB 1588-FN- FISCAL NOTE
AS INTRODUCED

AN ACT relative to court jurisdiction over persons receiving special education.

FISCAL IMPACT: ☒ **State** ☐ **County** ☐ **Local** ☐ **None**

Estimated State Impact - Increase / (Decrease)				
	FY 2024	FY 2025	FY 2026	FY 2027
Revenue	\$0	\$0	\$0	\$0
<i>Revenue Fund(s)</i>	None			
Expenditures	\$0	\$1,657,000 - \$5,764,000	\$1,623,000 - \$5,778,000	\$1,701,000 - \$6,063,000
<i>Funding Source(s)</i>	General Fund			
Appropriations	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

- Does this bill provide sufficient funding to cover estimated expenditures? ☒ No
- Does this bill authorize new positions to implement this bill? ☒ No

METHODOLOGY:

This bill amends various child protection and juvenile justice statutes to extend jurisdiction up to age 22, if the student is still receiving special education services. The bill adds responsibilities to the Department of Health and Human Services, which the Department states cannot be absorbed within available resources. In particular, the Department assumes additional Child Protective Service Worker and Juvenile Probation and Parole Officer positions will be required as a result of the proposed legislation to provide case management to an increased number of children/youth whose cases extend to age 22. The Department further assumes contracts with residential treatment providers will need to be amended to expand the scope of services and price limitations to account for the added provision of services through age 22. Finally, the Department assumes changes to the Bridges electronic case management system will need to be made to allow for data collection of youth/young adults receiving services until age 22 and the new price limitations of residential treatment providers to allow for new billing. Additional updates may also be needed to the Department's New Heights system.

The Department provides the following range of potential cost increases as a result of the bill. These ranges are based on the following assumptions: the Department will serve approximately 32 additional young adults annually receiving Child Protection (CPS) and Juvenile Justice (JJS) Services (21 CPS and 11 JJS). Of those, 10 are predicted to receive residential treatment or

utilize placement (eight in residential and two in other placement settings (Foster Care/Kinship) and 22 will receive additional community based services. As a result of the increased workloads, the Department will require two additional Child Protective Service Worker positions and one additional Juvenile Probation and Parole Officer.

Service Type	Lowest Paid Placement/Services			Highest Paid Placement/Services		
	FY 25	FY 26	FY27	FY 25	FY 26	FY 27
Residential*	\$915,011	\$960,762	\$1,008,800	\$4,073,896	\$4,277,591	\$4,491,471
Foster Care*	33,171	34,830	36,571	22,309	23,424	24,595
Community Based Services	315,418	331,189	347,749	1,124,200	1,180,410	1,239,431
System Changes (Bridges, New Heights)	100,000	0	0	250,000	0	0
Position Costs	294,000	297,000	308,000	294,000	297,000	308,000
Total Estimated Costs	\$1,657,601	\$1,623,781	\$1,701,120	\$5,764,405	\$5,778,425	\$6,063,497
*Note: Includes anticipated 5% rate increase in FY 26, FY 27						

The Department anticipates the above costs will be 100 percent generally-funded.

AGENCIES CONTACTED:

Department of Health and Human Services