

HB 478-FN – AS INTRODUCED

2013 SESSION

13-0833
05/03

HOUSE BILL

478-FN

AN ACT

requiring the department of health and human services to license supervised visitation centers.

SPONSORS:

Rep. Oigny, Rock 34

COMMITTEE:

Executive Departments and Administration

ANALYSIS

This bill requires the department of health and human services to license supervised visitation centers.

Explanation:

Matter added to current law appears in ***bold italics***.

Matter removed from current law appears [~~in brackets and struck through.~~]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT requiring the department of health and human services to license supervised visitation centers.

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

1 1 New Subdivision; Supervised Visitation Centers. Amend RSA 170-E by inserting after section
2 50 the following new subdivision:

3 Supervised Visitation Centers

4 170-E:51 Supervised Visitation Centers; License Required.

5 I. No person shall establish, maintain, or operate a supervised visitation center without a
6 license issued by the department of health and human services under this subdivision.

7 II. The commissioner of the department of health and human services shall adopt rules
8 under RSA 541-A relative to the following:

9 (a) License application, issuance, maintenance, and renewal procedures.

10 (b) License revocation and suspension procedures.

11 (c) Grounds for license revocation and suspension.

12 (d) Qualifications, experience, and training of supervised visitation center providers and
13 staff.

14 (e) Safety and security procedures, including child-staff ratios.

15 (f) Conflict of interest standards and procedures.

16 (g) Maintenance and disclosure of records, including confidentiality policies.

17 (h) Legal obligations and responsibilities of supervised visitation center providers.

18 (i) Grievance procedures.

19 (j) Quality standards relative to maintaining positive and appropriate parent-child
20 interactions and relationships.

21 (k) A monitoring program to assure appropriate operation in line with established
22 operational objectives and quality standards.

23 III. License application, issuance, and renewal fees shall be established by the commissioner
24 by rule under RSA 541-A and shall be based on administrative costs associated with the licensing
25 and regulation of supervised visitation centers.

26 IV. The department of health and human services shall solicit information and testimony
27 from visitation centers, mothers' groups, father's groups, judges, family law practitioners, children's
28 advocacy groups, domestic violence prevention groups, groups advocating legal reform to reduce false
29 allegations of domestic violence, abuse, and neglect, and members of the general public in developing
30 the rules required under this section.

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1 V. Any person who establishes, maintains, or operates a supervised visitation center without
2 first having obtained a license therefor shall be guilty of a misdemeanor for a natural person and a
3 felony for any other person.

4 VI. The commissioner may apply for, receive, and accept money from any source for the
5 purpose of establishing and administering the supervised visitation center licensing program
6 required by this section.

7 VII. A list of all supervised visitation centers licensed by the department of health and
8 human services shall be available on the state website.

9 VIII. Nothing in this section shall be construed to restrict the court from ordering supervised
10 visitation with an employee of the department of health and human services, a private mental health
11 professional, or any other third party as designated in a court order.

12 2 Effective Date. This act shall take effect January 1, 2014.

HB 478 FISCAL NOTE

AN ACT requiring the department of health and human services to license supervised visitation centers.

FISCAL IMPACT:

The Department of Health and Human Services, Judicial Branch, and the New Hampshire Association of Counties state this bill, **as introduced**, will have an indeterminable impact on state revenue and expenditures, and may increase county expenditures by an indeterminable amount in FY 2014 and each year thereafter. There will be no impact on county and local revenue, or local expenditures.

METHODOLOGY:

The Department of Health and Human Services states this bill requires the Department to license authorized supervised visitation centers, and adopt administrative rules relative to such centers. In addition, the bill states that any person who establishes, maintains, or operates a supervised visitation center without having first obtained a license shall be guilty of a misdemeanor if a natural person and a felony if any other person. The Department states that, while the adoption of rules will not have a fiscal impact on the Department, the implementation of those rules and the administration of a new licensing program will have a fiscal impact. The Department states the cost of administration will depend, among other things, on the requirements of the rule and the number of facilities seeking licensure, both of which are currently indeterminable. However, the Department further states these costs may be offset by the provisions of the bill which allow the commissioner to accept donations and impose application, issuance, and license fees for licensing and regulating the facilities.

The New Hampshire Association of Counties states to the extent more individuals are charged, convicted, and sentenced to incarceration in a county correctional facility, the counties may have increased expenditures. The Association is unable to determine the number of individuals who might be charged, convicted or incarcerated as a result of this bill to determine an exact fiscal impact. The average annual cost to incarcerate an individual in a county correctional facility is approximately \$35,000.

The Judicial Branch states it has no information to estimate how many charges would be brought as a result of this bill to determine the fiscal impact on expenditures. The Branch can, however, estimate the cost of processing each case type. The Branch states these case cost

estimates are based on data that is more than seven years old and does not reflect the changes to the courts over that same period of time or the impact these changes may have on the processing of these types of cases. A misdemeanor can be either class A or class B. The Branch states a class A misdemeanor will cost \$62.71 per case in FY 2014 and \$64.40 per case in FY 2015 and each year thereafter, and a class B misdemeanor will cost \$44.32 per case in FY 2014 and \$45.84 per case in FY 2015 and each year thereafter. The average cost of processing a routine felony case in the superior court will be \$405.37 in FY 2014 and \$415.78 in FY 2015.

The Judicial Council states that since anyone violating this bill would do so within the context of their employment and would likely be defended or indemnified by their employer, it is highly unlikely they would seek the assistance of appointed counsel. Additionally, a gainfully employed person would be unlikely to qualify for appointed counsel at state expense. For these reasons, the Judicial Council states the bill will likely have no fiscal impact on the Council.

The Department of Justice states the bill will have no fiscal impact on the Department, as the criminal offense created by the bill could be prosecuted by a local prosecutor or county attorney's office.