

CHAPTER 12  
HB 486-FN-A – FINAL VERSION

2013 SESSION

13-0642  
05/01

HOUSE BILL            ***486-FN-A***

AN ACT                making an appropriation for the purpose of paying residential care providers at the Chase Home for Children.

SPONSORS:            Rep. Nordgren, Graf 12; Rep. Charron, Rock 4; Rep. Devine, Rock 4; Rep. Hagan, Rock 4; Rep. Gile, Merr 27; Rep. J. MacKay, Merr 14; Rep. Rosenwald, Hills 30; Rep. Gargas, Hills 27; Rep. DeSimone, Rock 14; Rep. Almy, Graf 13; Sen. Odell, Dist 8; Sen. Woodburn, Dist 1; Sen. Fuller Clark, Dist 21; Sen. Reagan, Dist 17

COMMITTEE:          Finance

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ANALYSIS

This bill makes a supplemental appropriation to the department of health and human services for payment of residential care providers pursuant to the supreme court order in *Chase Home et al. v. New Hampshire Division of Children, Youth and Families*, No. 2010-548, 162 N.H. 720 (2011).

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                                Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Thirteen*

AN ACT                    making an appropriation for the purpose of paying residential care providers at the Chase Home for Children.

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

1            12:1 Findings.

2            I. On November 22, 2011, the supreme court of New Hampshire issued an opinion on *Chase*  
3 *Home for Children et al. v. New Hampshire Division for Children, Youth and Families*, Docket No.  
4 2010-0548, which upheld the New Hampshire superior court trial decision, Docket No. 217-2007-EQ-  
5 00487.

6            II. On January 6, 2012, the department of health and human services issued a letter to the  
7 New Hampshire department of justice informing them of the judgment upholding *Chase Home et al.*  
8 *v. New Hampshire Division of Children, Youth and Families*. In that letter the department of health  
9 and human services determined it did not have an appropriation from which to pay this judgment  
10 and therefore requested the judgment be submitted to the legislature under the terms of RSA 491:8.

11            III. On February 3, 2012, pursuant to RSA 491:8, the attorney general submitted a letter to  
12 the speaker of the New Hampshire house of representatives and the president of the New Hampshire  
13 senate, requesting an appropriation to cover the judgment in the case of *Chase Home et al. v.*  
14 *New Hampshire Division of Children, Youth and Families*.

15            IV. In September 2012, the department of administrative services issued unaudited  
16 preliminary financial statements for fiscal year 2012. The sum of \$2,700,000 was accrued for the  
17 judgment in the case of *Chase Home et al. v. New Hampshire Division of Children, Youth and*  
18 *Families* and is reflected as a general fund liability in these financial statements.

19            V. On December 31, 2012, the state of New Hampshire issued its comprehensive annual  
20 financial report for the fiscal year ending June 30, 2012. The report included a liability of  
21 \$2,700,000, representing the net amount of state cost for the judgment after the federal share has  
22 been recorded in the government wide statement of net assets as of June 30, 2012.

23            VI. As of December 31, 2012, said judgment, interests, and costs totaled \$3,956,579.51, and  
24 will increase at the amount of \$214.18 per day thereafter until payment in full is made.

25            12:2 Department of Health and Human Services; Appropriation for Residential Childcare  
26 Services. In addition to any other sums appropriated, the sum of \$4,000,000 is hereby appropriated  
27 to the department of health and human services for the fiscal year ending June 30, 2013, and shall  
28 be made available for the sole purpose of paying the final judgment, awarded costs, and interest to  
29 certain residential care providers, which judgment was affirmed by the New Hampshire supreme

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1 court in *Chase Home for Children, et al. v. New Hampshire Division for Children, Youth and*  
2 *Families*, No. 2010-548, 162 N.H. 720 (2011) and in accordance with RSA 491:8. Of said  
3 appropriation, \$2,700,000 shall be from state general funds, and \$1,300,000 shall be from federal  
4 funds. The governor is hereby authorized to draw a warrant for said state general fund sum out of  
5 any money in the treasury not otherwise appropriated. Sums appropriated herein shall not lapse.

6 12:3 Effective Date. This act shall take effect upon its passage.

7 Approved: May 7, 2013

8 Effective Date: May 7, 2013