

CHAPTER 57  
HB 1260-FN-LOCAL – FINAL VERSION

12Mar2014... 0708h

2014 SESSION

14-2164  
05/01

HOUSE BILL            ***1260-FN-LOCAL***

AN ACT                relative to communication of the cost of services provided under the children in need of services (CHINS) program to parents.

SPONSORS:            Rep. Abrami, Rock 19

COMMITTEE:          Children and Family Law

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ANALYSIS

This bill requires the department of health and human services to inform parents or guardians of the cost of services that may be provided under the CHINS program and for which they may be financially responsible.

The bill also directs parents to contact their insurance provider to determine whether coverage is available for services provided under the program.

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                                Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT                   relative to communication of the cost of services provided under the children in need of services (CHINS) program to parents.

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

1           57:1 New Paragraph; Children in Need of Services; Communication of Program Costs to Parents  
2 and Guardians. Amend RSA 169-D:5 by inserting after paragraph VII the following new paragraph:

3           VIII. The department shall develop a brochure that describes the liability and  
4 reimbursement process under RSA 169-D:29. The brochure shall be available to the public and shall  
5 be distributed at the earliest available opportunity to parents and others chargeable by law for the  
6 minor's support who are requesting or receiving voluntary or court ordered services. The brochure  
7 shall contain a description of the liability and reimbursement process under RSA 169-D:29, examples  
8 of typical services that may be provided through voluntary or court ordered services, the cost or  
9 range of costs for these services, and a statement that although the court may order reimbursement  
10 pursuant to RSA 169-D:29, any reimbursement order will be based on the person's ability to pay.  
11 The department shall provide its juvenile probation and parole officers with information and  
12 training on the liability and reimbursement requirements of this chapter.

13           57:2 Liability of Expenses and Hearing on Liability; Monthly Expense Statement. Amend  
14 RSA 169-D:29, I(c) to read as follows:

15           (c) The state shall have a right of action over for such expenses against the parents or  
16 the people chargeable by law for the child's support and necessities. ~~[and the right to require]~~ ***Upon***  
17 ***written request, the department shall provide the parents or other persons chargeable by***  
18 ***law for the minor's support and necessities with a statement of the costs of any services,***  
19 ***placements, or programs incurred in the case to date. The*** parents or other ~~[people]~~ ***persons***  
20 chargeable by law for the minor's support and necessities ~~[to assign to the state]~~ ***shall promptly***  
21 ***notify the department of*** any insurance benefits that may be available to pay for all or a portion of  
22 the services provided. ~~[The department shall request reimbursement for such expenses from parents~~  
23 ~~or people chargeable by law for the minor's support and shall request assignment to the state of any~~  
24 ~~insurance benefits that may be available to pay for all or a portion of the services provided.]~~ ***Upon***  
25 ***receipt of notice of a proposed service, the parents or other persons chargeable by law for***  
26 ***the minor's support and necessities shall contact their insurance carrier within 48 hours to***  
27 ***determine if coverage is available to pay for the particular service and shall notify the***  
28 ***department of the results. If insurance coverage is available, the parents or other persons***  
29 ***chargeable by law for the minor's support and necessities shall cooperate with the***

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1 *insurance carrier and shall comply with the insurance carrier's requirements for direct*  
2 *payment to the provider.* The court shall require the individual chargeable by law for the child's  
3 support and necessities to submit a financial statement annually to the court upon which the court  
4 shall make an order as to reimbursement to the state as may be reasonable and just, based on the  
5 person's ability to pay. Such financial statement shall include, but not be limited to, any benefits  
6 received from the Social Security Administration or insurance benefits available to the individual.  
7 The court shall include disposition of these benefits in its order as to reimbursement. Such  
8 reimbursement shall be established on a per month or per week basis and shall continue from the  
9 time the services begin until 4 years beyond the time such services end, unless such reimbursement  
10 is fully paid prior to the end of the 4-year period. The court's jurisdiction to order reimbursement  
11 shall continue until the court-ordered obligation to reimburse has been fulfilled. If the court does not  
12 issue a reimbursement order, the court shall issue written findings explaining why such  
13 reimbursement is not ordered.

14 57:3 Petition. Amend RSA 169-D:5, I-a to read as follows:

15 I-a. The petition shall be in writing and verified under oath. The following notice shall be  
16 printed on the front of the petition in bold in no smaller than 14 point font size: "See back for  
17 important information and financial obligations." The back of the petition shall include a notice of  
18 liability for parents and other individuals chargeable by law for the child's support and necessities,  
19 *which shall state: "In accordance with RSA 169-D:29, parents and others chargeable by*  
20 *law for the child's support and necessities are required to reimburse the state for the cost of*  
21 *voluntary or court ordered services. The amount that you will be required to reimburse the*  
22 *state will be based on your ability to pay. You have a right, upon written request, to receive*  
23 *a statement from the department of the cost of services incurred in the case to date. Upon*  
24 *our receipt of notice of a proposed service or placement, you must contact your insurance*  
25 *carrier within 48 hours to see if coverage is available to pay for the proposed service or*  
26 *placement and notify the department of the results. If insurance coverage is available, you*  
27 *must cooperate with your insurance carrier and comply with their requirements for direct*  
28 *payment to the provider."*

29 57:4 Effective Date. This act shall take effect January 1, 2015.

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31 Approved: May 27, 2014

32 Effective Date: January 1, 2015

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