

Amendment to HB 49-FN-A

1 Amend the bill by replacing all after the enacting clause with the following:

2

3 1 Statement of Findings. The general court finds that:

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

7 II. Placement of children who are not serious violent offenders in settings other than the  
8 Sununu youth services center (SYSC) complies with the Families First Act, Public Law 115-123, and  
9 the New Hampshire system of care established pursuant to chapter 44 of the laws of 2019, which  
10 prioritize community-based treatment of children.

11 III. Placement of children in corrections settings outside the state of New Hampshire  
12 undermines the stabilization and return to productive members to the communities. This act is in  
13 furtherance of these goals.

14 2 Department of Health and Human Services; Sununu Youth Services Center; Construction and  
15 Operation of a Replacement Secure Facility.

16 I. The department of health and human services shall be responsible to construct a secured  
17 treatment facility to replace the current Sununu youth services center (SYSC). The capacity of the  
18 facility shall be determined using data-driven analysis of SYSC residential trends, state  
19 demographics trends and regional trends in juvenile involvement in violent crime and organized  
20 crime. In no case shall the facility exceed a physical capacity of 18 beds with an operational plan to  
21 support 12 beds. A smaller facility of 6 to 12 residents shall be fully and equally evaluated. The  
22 department shall consult with the community selected for the location and operation of any new  
23 facility, as well as any municipality bordering the selected community. The department shall, to the  
24 extent practicable, implement any reasonable requests by the communities to ensure the safe  
25 operation of the facility, implement a payment in lieu of taxes arrangement to prevent the shifting of  
26 costs to local taxpayers, and ensure co-operation with the prospective community. The department  
27 may use the final report of the commission established in RSA 169-B:48 in order to finalize the  
28 capacity and site selection of the replacement center.

29 II. The facility shall not be administered by any non-governmental entity. The facility shall  
30 be owned, administered and operated by the department of health and human services with support  
31 and shared services contracts as appropriate. The facility shall be designed to meet the unique  
32 needs of youth who are at the facility pursuant to RSA 169-B:14, detention; RSA 169-B:19,

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1 commitment; RSA 169-B:24, transfer to superior court; RSA 169-B:32 or RSA 651:17-a, service of  
2 adult sentence of incarceration at the youth development center; and RSA 169-A, the interstate  
3 compact on juveniles. Upon opening, the facility shall be referred to as the youth development  
4 center (YDC) as identified in RSA 169-B and RSA 621. The facility shall have the capability for  
5 alternative flexible use when the census so permits.

6 III. The facility and any available co-located services shall be designed to include:

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

9 (b) Staff visibility and proximity to children, including administrative offices built within  
10 the secured facility in proximity to children and staff, to the maximum extent practicable.

11 (c) Capacity to provide services to meet the medical, physical, and behavioral health  
12 needs of all potentially eligible residents if appropriate for the child.

13 (d) Space for no more than 18 beds, including space with flexibility to meet the need for  
14 safety and security, crisis stabilization, admissions, and discharges for all children. The operational  
15 support plan shall anticipate 12 residents. An alternative plan shall be developed to equally and  
16 fully evaluate a physical and operational plan ranging from 6 to 12 beds and residents.

17 (e) Adequate space to meet the educational needs of all children including children with  
18 special education needs, while using virtual educational support services if appropriate for the child.

19 (f) Adequate space for indoor and outdoor recreation.

20 (g) Capacity to meet the nutritional needs of all children.

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

23 (i) Operations may utilize virtual and shared services when consistent with the child's  
24 education or treatment plan and appropriate to effectively meet the needs of a particular child or  
25 children.

26 IV. The facility programming and operations shall include:

27 (a) The development of staff qualifications and standard job descriptions comprising  
28 required licensing or skill attainment. Staff qualifications shall be designed to ensure the provision  
29 of treatment to children with behavioral health challenges exacerbated by considerable trauma  
30 histories. Job description requirements, where appropriate shall include self and group protection,  
31 training in therapeutic approaches to address challenging behaviors, including the use of de-  
32 escalation techniques.

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

35 (c) Utilization of the uniform assessment, as specified in RSA 170-G:4-e, for all detained  
36 and committed youth to understand treatment needs and determine if a different level of care is

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1 indicated to meet the youth's needs, and where problem behavior appears patterned, a functional  
2 behavior analysis to inform effective behavioral interventions.

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

5 (e) Provision of frequent visitation opportunities with family, opportunities to include  
6 family in appropriate activities and daily access to family through telephonic or video conferencing.

7 (f) Provision of educational programing and staffing that meets the individualized  
8 educational needs of each child, including children with special education needs, creates meaningful  
9 educator-child pairings, maintains connections with sending school districts, and which includes  
10 availability of Hi-SET preparation and testing as appropriate. Virtual educational opportunities  
11 shall be leveraged appropriately to help meet the residents' needs.

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

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

18 (i) Provision of adequate security to maintain the safety of staff and residents as well as  
19 the safety of the surrounding community and the general public.

20 (j) Training that emphasizes the treatment of youth with behavioral health challenges  
21 using approaches that include the employment of de-escalation techniques and that recognizes the  
22 risk that children may have considerable trauma histories, and that is otherwise applicable to the  
23 facility.

24 (k) Procedures for supporting children in the community with flexible assignments  
25 based upon census changes.

26 V. The department of health and human services shall begin to implement the programming  
27 changes in subparagraphs IV(a) through (k) without regard to whether children are at the SYSC or  
28 the new facility as soon as reasonably practicable.

29 VI. The department of health and human services shall submit quarterly progress reports to  
30 the joint legislative oversight committee on health and human services, established by RSA 126-  
31 A:13, and to the office of the child advocate established under RSA 21-V beginning no later than 60  
32 days after the passage of this act, until such time as the facility is operational. Each quarterly  
33 report shall include a statement indicating whether the reported progress is sufficient to meet the  
34 accepted completion deadline for the opening of the facility. In the event that sufficient progress to  
35 meet this deadline has not been made, the progress report shall include the reasons for any projected  
36 delay in meeting the deadline, a description of the efforts being undertaken to minimize any delay in

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1 the development and opening of the facility and projected completion date. In addition, the quarterly  
2 progress reports shall include the following information:

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

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

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

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

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

10 VII. The department of health and human services may use the final report of the  
11 commission established in RSA 169-B:48 in order to finalize the capacity and site selection of the  
12 replacement center.

13 VIII. The governor, with the approval of the fiscal committee of the general court, may delay  
14 the project completion date for construction delays or other unforeseen circumstances provided any  
15 such delay be no more than one year.

16 3 Sununu Youth Services Center; Architect Procurement. Amend 2023, 1:4 to read as follows:

17 1:4 Department of Health and Human Services; Sununu Youth Services Center; Construction  
18 and Operation of a Replacement Secure Facility. The department of health and human services, in  
19 collaboration with the department of administrative services, shall issue a request to procure a  
20 qualified architect on or before ~~March 1, 2023~~ **within 60 days of the effective date of this act**,  
21 and shall collaborate to issue a request for proposals for a contractor to build the resulting  
22 construction project **on a time line supporting the use of American Rescue Plan Act of 2021,**  
23 **Public Law 117-2 funds or any other federal funds.** The SYSC shall immediately be closed for  
24 detention or admission of any child when a replacement facility is sufficiently completed that  
25 children can be legally and safely housed there.

26 4 Possession and Relinquishment of the Sununu Youth Services Center (SYSC). As of the date  
27 of the opening of the youth development center set forth in section 2 of this act, and notwithstanding  
28 RSA 4:40, the department of administrative services shall take possession of the entire property  
29 currently housing the SYSC on South River Road in Manchester, New Hampshire. The department  
30 shall relinquish the property and any revenues received shall be deposited in the general fund. The  
31 department shall consult with the city of Manchester, the New Hampshire department of business  
32 and economic affairs, and other organizations, as appropriate, prior to any sale of the property. In  
33 relinquishing the property, the return of the property to an entity that will enhance the tax and  
34 business tax rolls of the city of Manchester and the state of New Hampshire shall be a high priority.  
35 Any relinquishment of the SYSC shall be approved by the governor and council.

36 5 Appropriation; Construction and Operation of a Replacement Secure Facility. The sum of  
37 \$21,600,000 for the fiscal year ending June 30, 2023 is hereby appropriated to the department of

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1 health and human services for the design and construction of the new secured youth development  
2 facility, as described in section 2 of this act. Such funds shall prioritize use of federal funds, be  
3 nonlapsing and continually appropriated to the department for the purposes of this act. Of this  
4 amount, the governor shall determine if any remaining discretionary funds appropriated in the  
5 American Rescue Plan Act of 2021, Public Law 117-2 (ARPA) or any other federal funds can be used  
6 for this purpose and any remainder shall be general funds. Should any amount of New Hampshire's  
7 ARPA State Fiscal Recovery Fund (SFRF) allocation, from the American Rescue Plan Act of 2021,  
8 Public Law 117-2, be identified and authorized for use on this project as outlined above, all such  
9 funds must be fully obligated for the project by September 30, 2024, and be fully expended no later  
10 than the ARPA SFRF deadline of December 31, 2026. Moreover, all required ARPA SFRF  
11 compliance and guidance must be followed, and the department of health and human services must  
12 coordinate with the governor's office for emergency relief & recovery (GOFERR) to fulfill those  
13 requirements and ensure proper accounting of and reporting on the use of ARPA SFRF on this  
14 project. The governor is authorized to draw a warrant for the general fund share of said sum out of  
15 any money in the treasury not otherwise appropriated.

16       6 Effective Date. This act shall take effect upon its passage.

2023-0804h

AMENDED ANALYSIS

This bill sets out parameters for the contract, funding, and deadlines for a replacement youth development center facility.

UNAPPROVED