



State of New Hampshire

GENERAL COURT

CONCORD

MEMORANDUM

DATE: November 1, 2013

TO: Honorable Terie Norelli, Speaker of the House
Honorable Chuck Morse, President of the Senate
Honorable Karen O. Wadsworth, House Clerk
Honorable Tammy L. Wright, Senate Clerk
Honorable Maggie Hassan, Governor
Michael York, State Librarian

FROM: Representative Mary Beth Walz, Chair

SUBJECT: Final Report on HB 418, Chapter 44:1, Laws of 2013

Pursuant to HB 418, Chapter 44:1, Laws of 2013 please find enclosed the Final Report of the Committee to Study a Program to Address Children in Need.

Committee to Study a Program to Address Children in Need
HB 418, Chapter 44:1, Laws of 2013

Final Report
November 1, 2013

Rep. Mary Beth Walz, Chair
Rep. Patrick Long
Rep. Deanna Rollo
Rep. Daniel Itse
Rep. Dudley Dumaine
Sen. Martha Fuller Clark

Duties

The committee was established to study and develop a program to address children in need. Specifically, the committee was tasked with the following duties:

- Consult with the National Conference of State Legislatures on best practices for serving children in need, examine similar programs from other states, and review the CHINS (children in need of services) program under RSA 169-D as previously implemented.
- Identify a program model or structure appropriate for New Hampshire and draft recommendations for a program to address children in need.
- Solicit information and testimony from any individual or entity with experience or expertise relevant to the study.

Process

The committee heard testimony and received information from a variety of sources, including Sarah Alice Brown of NCSL on CHINS and juvenile justice reform; Joseph Diament of the NH Department of Corrections on a history of CHINS and juvenile justice in New Hampshire; Rep. Paul Berch on his experience as a practicing attorney in Vermont and that state's juvenile justice system; the Carsey Institute at the University of New Hampshire on an assessment of the CHINS program from 2008-2011; school superintendents on the issue of truancy; law enforcement and prosecutors; Child and Family Services; the NH Juvenile Court Diversion Network; Judge Edwin Kelly, Administrative Judge of the Circuit Court; a family affected by the CHINS program and other interested parties.

Findings

The committee endorses the concept of earlier intervention. Schools, in particular, are successful at identifying children who may be problematic. The state needs more positive youth development programs throughout the state which allow children to feel safe, to mature, to develop leadership skills and to have a sense of control. The committee specifically recognizes the value of diversion programs which allow a juvenile to avoid a criminal record and lower costs of courts, prosecutors and police officers time to testify. The committee also notes the importance of the continued support of the NH Juvenile Court Diversion Network whose research is credible and possesses comprehensive institutional knowledge.

The committee believes that, while money is currently being spent on services for children, it is not necessarily being spent in the appropriate places. Further, while HHS is currently involved in data collection, there needs to be a better analysis of the data to determine the effectiveness of services provided by all of the agencies they contract with. Once this data is analyzed, HHS will be able to present their findings to the legislature to allow legislators to make more informed decisions about the allocation of resources.

The committee also finds that child development studies have advanced solutions (Better Defined Competency). To be successful, our current system needs to demonstrate different models of service appropriate to the development of the child and should identify other causes besides delinquency for the child's behavior i.e. mental health or substance abuse issues. The committee believes in the value of child development training for all stakeholders and staff (Advanced Certification Training), the identification and implementation of evidence-based family and community diversion programs and the review and pursuit of mental health and substance abuse models.

Regarding court intervention, the committee finds issues with the current process, including the requirement of two months and five court appearances before services are ordered (if at all), that the child must admit to delinquency by being asked to sign the petition, that the courts are unable to force compliance with their orders and the lack of assurance of consistency throughout the process with judges and all stakeholders. Judge Kelly testified to the fact that courts should not be the main access to mental health services in the state. The committee recognizes that court intervention is appropriate only with children who may be considered "in deep" and who would benefit for said court intervention; the committee also recognizes the value of the truancy court, such as the one at Nashua High School, which may be effective in other school districts.

The committee further finds that there is a significant lack of services and staffing in northern New Hampshire. This has a number of causes, including: lack of beds available for mental health treatment, long travel distances, the difficulty in involving the community (particularly in groups of several small towns) and the financial difficulty involved in delivering services where it is unsustainable to set up services in every town. The committee would encourage southern municipalities to collaborate, thus freeing up funding and would explore the allocation of state dollars by square mile rather than per capita or some combination of both.

Recommendations

- Foremost, the state needs to improve the safety net available to juveniles and families by providing better access to affordable mental health and substance abuse treatment and counselors. Programs should be accredited and evidenced-based. Treatment should be multi-systemic and include the entire family. Services should be coordinated so all providers are in communication, including JPPOs, mental health therapists, schools, police, etc. Treatment and counseling should be available within schools, where possible. Continuity is essential to insure that stakeholders will be able to follow through the process with the child by providing continuity of the personnel (judges, prosecutors, JPPO's therapists) and schooling involved in a child's case.
- Juvenile diversion services should be available in every county. Diversion services should include in-home treatment, as is appropriate, and may include concepts such as restitution and community panels.
- There needs to be more focus on the child following intervention; there should be follow-up aftercare services available to juveniles and families which may include, but should not be limited to, natural supports such as a family member, a neighbor, a teacher, or another person the child respects. There should also be an exit interview for every child and family leaving the CHINS system to determine what worked and what did not, whether the child got all of the services ordered and the quality of those services.
- The state also needs to create the ability to track CHINS petitions throughout the state by law enforcement so one county can see petitions filed in another county.
- The New Hampshire Department of Education should compile data and reports on effective truancy programs and disseminate the information to all school districts in the state.
- The state should develop state-wide multidisciplinary teams with different areas of geographic responsibility or create a mobile state team which could travel to meet specific geographical needs, particularly in the North Country.
- Legislation should be drafted to clarify the meaning of "habitual" to broaden the standard for when a juvenile's behavior warrants a CHINS petition, particularly for the case where a single act may put the child in danger.
- All schooling provided should be adequate so the child can get credit and transfer that credit to any public school in the state
- There needs to be a comprehensive, open-minded review of the Sununu Center.

Respectfully submitted,

Rep. Mary Beth Walz, Chair