

Nina Gardner, Chair
Hon. James E. Duggan, Vice Chair
Hon. James P. Bassett
Gina Belmont, Esq.
Rep. Paul Berch
Sen. Sharon M. Carson
Kimberley Casey
John E. Durkin, Esq.
Joseph Foster, Esq.
Donald D. Goodnow, Esq.
Karen A. Gorham, Esq.
Scott Harris, Esq.



Christopher M. Keating, Executive Director
25 Capitol Street, Room 424
Concord, New Hampshire 03301-6312

Matthew Houde, Esq.
Hon. Edwin W. Kelly
Hon. David D. King
Shari J. Landry
Steven D. Lubrano
Henry Mock
Hon. Tina Nadeau
Stephen Reno
Alan Seidman, Ed.D.
Richard Y. Uchida, Esq.
Phillip Utter, Esq.
Daniel Will, Esq.

March 23, 2016

The Honorable Neal M. Kurk, Chairman
Fiscal Committee of the General Court
State House
Concord, N.H. 03301

[Signature]
Approved by Fiscal Committee Date

Her Excellency, Governor Margaret Wood Hassan
And the Honorable Executive Council
State House
Concord, N.H. 03301

REQUESTED ACTION

Pursuant to RSA 604-A:1-b, Additional Funding, authorize the Judicial Council to receive an additional appropriation from funds not otherwise appropriated in the amount of \$40,000, upon Fiscal Committee and Governor and Council approval, for the period effective July 1, 2015 through June 30, 2016. Source of funds is 100% General Fund.

Funding is to be budgeted in account 02-07-07-070010-1101, entitled "Abuse & Neglect – (Non-CASA)" as follows:

Class/Expense	Class Title	Current Budget	Change	Revised Budget
108/500751	Provider Payments- Legal Services	\$100,000	\$40,000	\$140,000

EXPLANATION

This account funds the court-ordered payments made to private guardians ad litem who provide services to abused and neglected children. Expenditures have exceeded our forecasts in this line. Without additional funding, the Judicial Council will be unable to pay the court-approved invoices for these services.

The State's preferred method of delivering these guardian-ad-litem services is through Court Appointed Special Advocates of New Hampshire, (CASA). In State Fiscal Year 2016, CASA has not been able to meet the increased demand for guardian-ad-litem services in child abuse and neglect cases. As a result, the Courts have turned to private providers to deliver these services to children, leading to increased expenditures by the Judicial Council from the account that funds payments to non-CASA guardians ad litem.

N.H.R.S.A. 169-C:10 provides that "In cases brought pursuant to this chapter involving a neglected or abused child, the court shall appoint a Court Appointed Special Advocate (CASA) or other approved program guardian ad litem for the child. If a CASA or other approved program guardian ad litem is unavailable for appointment, the court may then appoint an attorney or other guardian ad litem as the guardian ad litem for the child."

N.H.R.S.A. 604-A:1-a provides that "In cases involving a neglected or abused child, when a guardian ad litem is appointed for the child pursuant to RSA 169-C:10, the cost of such appointment shall be paid from funds appropriated for indigent defense pursuant to this chapter."

N.H.R.S.A. 604-A:1-b provides that "in the event that expenditures for indigent defense by the Judicial Council are greater than amounts appropriated in the operating budget, the Judicial Council may request, with prior approval of the Fiscal Committee of the General Court, that the Governor and Council authorize additional funding. For funds requested and approved, the Governor is authorized to draw a warrant from any money in the treasury not otherwise appropriated."

The Council received an original appropriation of \$75,000 in this account. On March 9, 2016, the Judicial Council transferred \$25,000 into this account from account 02-07-07-070010-1103 under the authority provided in RSA 9:16-a. The funds currently available in account 02-07-07-070010-1101 are insufficient to pay the court-approved invoices expected to arrive between now and the end of the current fiscal year. Based on the monthly average of expenditures since July 1, 2015, the account will require the addition of \$40,000 to meet the anticipated expenditures in this line through June 30, 2016.

This Agency will remain at your service to provide any requested information concerning the critical importance of this additional funding to the orderly administration of justice.

Thank you for your consideration.

Respectfully Submitted,



Nina C. Gardner
Chair