



State of New Hampshire Guardian ad Litem Board

Public Minutes

Legislative Office Building Room 101

March 15, 2013

Members Present:

Susan Duncan, Chris Keating, Ann Larney, Master Henrietta Luneau,
Representative Deanna Rollo, David Villiotti

Members Absent:

Alan Cantor, Senator David Pierce,

Chairwoman Duncan called the meeting to order at 1:05pm.

A quorum was present.

1. Public Comments
There was no public present.
2. Non-Public Session
<p><i>A. Larney moved to go into non-public session for the purposes of discussing a matter which, if discussed in public, would likely affect adversely the reputation of a person or persons who is not a member of this body pursuant to RSA 91-A:3, II(c). M. Luneau seconded. A roll call vote was taken:</i></p> <p style="padding-left: 40px;"><i>S. Duncan, Aye, C. Keating, Aye, A. Larney, Aye, Master Luneau, Aye, Representative Rollo, Aye, D. Villiotti, Aye</i></p> <p style="text-align: center;"><i>~Non-Public Session~</i></p> <p><i>C. Keating left during Non-Public Session.</i></p> <p>Rep. Rollo made a motion to go back into public session. A. Larney seconded. Vote: 5-0 Motion passes.</p>
3. Review Minutes:
<p>a. February 15, 2013 Public</p> <p style="padding-left: 40px;">i. S. Duncan made a motion to approve the minutes. Rep. Rollo seconded. Vote: 3-0-2 A. Larney and D. Villiotti abstaining.</p>
4. Continuing Education
<p>a. Mary White</p> <p style="padding-left: 40px;">i. Enhancing Interview Skills: The Art of Asking the Right Questions 6 credits</p> <p style="padding-left: 80px;">1. At February meeting Board voted to request more information in the form of course descriptions, agendas, presenter bios. That material was received and distributed to Board members.</p> <p style="padding-left: 80px;">2. M. Luneau made a motion to approve the course. A. Larney seconded. Vote: 5-0 Motion passes.</p>

ii. “DSM 5: Common Mental Health Disorders-Co-Occurrence, diagnosis and Key Changes 6 credits

1. At February meeting Board voted to request more information in the form of course descriptions, agendas, presenter bios. That material was received and distributed to Board members.
2. A. Larney made a motion to approve the course. M. Luneau seconded.
Vote: 5-0 Motion passes.

iii. Families and Addiction 3 credits

1. M. Luneau made a motion to approve the course. S. Duncan seconded.
Vote: 5-0 Motion passes.

iv. Initial Training of Addiction and Recovery 5.5 credits

1. M. Luneau made a motion to approve the course. A. Larney seconded.
Vote: 5-0 Motion passes.

b. Honey Hastings, Amoskeag Continuing Education

- i. The following courses were approved by the Board in August 2012.

1. Child Support and other Legal Updates

- a. They are being presented again this Spring.
- b. The only change is the addition of new cases to the Child Support and Other legal Updates.

- ii. Board voted at February meeting to ask for more information. The information was received and distributed to Board members.

- iii. S. Duncan made a motion to approve the course for the additional presentations. A. Larney seconded. Vote: 5-0 Motion passes.

c. Alan Cantor

- i. **Behind the Curtain: Mental Health Consultation in Child Custody Cases 7 credits**

1. A. Larney made a motion to approve the course. M. Luneau seconded.
Vote: 5-0 Motion passes.

d. Nina Lloyd

- i. **Children and Youth in Court Protocols 6 Credits**

1. The board previously approved the course for 5.5 credits. GAL Lloyd said this presentation went over time by 30 minutes.
2. Discussion Included:
 - a. The course has been previously approved for 5.5 credits.
 - b. If you go to any course you only receive credit for the hours listed on the agenda whether or not the course runs over or under.
3. S. Duncan made a motion to stay with the 5.5 credits that has previously been approved. M. Luneau seconded. Vote: 5-0 Motion passes.

e. Stephen Bunker

- i. **Strengthening Families Summit 7 credits**

1. M. Luneau made a motion to approve the course. Rep. Rollo seconded.
Vote: 5-0 Motion passes.

5. CASA Memorandum of Understanding

- a. A. Larney and C. Keating will work together to create a new draft MOU for the full Board to vote on at the April meeting.

6. Board Updates & Actions

a. Meetings

- i. Sen. Pierce is requesting that the board change to 2nd Friday

1. Due to Senator Pierce not being present this item was held in abeyance until the

C. Untimely-filed Guardian ad Litem Reports.

- (1) A guardian ad litem who, without good cause, fails to file a report required by any Court or statute by the date the report is due may be subject to a fine of not less than \$100 and not more than the amount of costs and attorneys fees incurred by the parties to the action for the day of the hearing. The guardian ad litem shall not be subject to the fine under this rule if, at least ten (10) days prior to the date the report is due, the GAL files a motion requesting an extension of time to file the report. See RSA 490:26-g.
- (2) The Clerk shall report to the Guardian ad Litem Board all guardians ad litem who fail to file a report by the date the report is due. However, the report shall clearly indicate all such guardians for whom the court has found good cause for the late filing. The Clerk shall make such report available to the public.

d. Website

- i. The Board office was informed that DoIt will only put online the 2 years worth of minutes.
- ii. Therefore, the minutes from 2011 are now removed the website. Hard copies and electronic files will still be available from the Board office.

e. Non-certified GALs

- i. An email reply was received from Judge King regarding the appointment of non-certified GALs and distributed to all Board members.
 1. In his email Judge King stated: The vast majority of the non-certified GAL appointments were in the probate division, where non-certified GALs are regularly appointed. These cases typically deal with locating missing heirs, do not involve children and therefore are generally assigned to lawyers with expertise in this area.
- ii. Chairwoman Duncan presented the Board with the following statistics:
 1. 138 GALs are currently active
 2. 1 is no longer accepting appointments.
 3. 73 are attorneys
- iii. Discussion Included:
 1. Should the Board suggest to Judge King adding a box on the Order of Appointment stating Board Certified yes or no and below it include their expiration date?
 2. Letters are sent monthly to Judge Kelly, Judge Nadeau and Administrative Office of Courts listing the GALs who have expired and when.
 3. There was question whether or not all the Judges and Masters are receiving these lists.
 4. Board could add to the rules having the GALs be required to add their certification expiration date to all pleadings, reports, etc...
- iv. The Board agreed to have Chairwoman Duncan share her statistics with Judge King and let him know of the suggestion regarding changing the order of appointment.

- f. House & Senate Bills
 - i. HB 469
 - 1. Relative to time limits for regulatory boards and commissions to hold disciplinary proceedings
 - a. This bill has been retained in committee.
 - b. The Board may want to address issue in rules.
 - c. There is a possibility that RSA could change to instill a deadline for the processing of complaints.
 - ii. HB 625-FN
 - 1. Relative to oversight of guardians ad litem by the Guardian ad Litem Board
 - a. House voted to ITL.
 - iii. HB 671
 - 1. Restoring state payment of fees for guardians ad litem and attorneys where the parents are indigent.
 - a. House voted ought to pass with two amendments and sent to House Finance.
 - i. One of the amendments removes guardians ad litem from the bill.
 - iv. HB 681
 - 1. relative to the membership, duties, and responsibilities of the guardian ad litem board and establishing the Court Appointed Advocates for Children in Divorce (CAACD) Corporation
 - a. House voted to ITL.
 - v. SB 156-FN
 - 1. relative to the appointment of a guardian ad litem in certain sexual assault cases
 - a. Senate voted to ITL
- g. GAL Brochure
 - i. Needs to be updated
 - ii. Office staff and Chairwoman will work on the changes and bring to the full board for a vote.
- h. Board Policies
 - i. All the unwritten and approved Board policies need to be put into one document and then readdressed by the entire Board for approval.
- i. Edrea Grabler Letter
 - i. GAL Grabler is requesting confirmation that the “Immigration Law” course that she took in May 2010 applies to GAL Rule 403.01(g), allowing her to use the course on her recertification in July 2013.
 - ii. Discussion Included:
 - 1. The course was taken within 90 days of her certification.
 - 2. This is her first renewal, as she let her certification lapse after her initial certification and had to apply for recertification as a new GAL.
 - 3. She meets all the requirements pursuant to 403.01(g)
 - iii. A. Larney made a motion to allow the above course to count towards GAL Grabler’s CEU for her 2013 renewal. M. Luneau seconded. Vote: 5-0 Motion passes.

7. Budget

- a. The State's Budget system "NH First" did an upgrade and the Board staff has been unable to log on and balance the February & March budgets.
- b. A help desk request ticket has been filed.
- c. Once access is obtained Board members will receive a copy of the Monthly Budget Update.

8. Rules

- a. Discuss DRAFT proposed Rules
 - i. Chapter 200
 1. GAL 203.01 Discussion included:
 - a. Rescinding 203.01(c)(2) Payment of the complaint filing fee as specified in Gal 304.01 in the form of a valid check or money order.
 - i. The Special Legislative Committee that met this summer to discuss the audit recommended the removal of the complaint filing fee.
 - ii. The current definition of the waiver is strange and causes the Board a lot of frustration.
 - iii. The reality is if people do not have money that is reason enough to waive the fee.
 - iv. When the rules were made the fee was established to weed out any frivolous complaints. It was the opinion of the Board at that time that they would be overwhelmed with complaints if no fee was established.
 - v. In the years since the establishment of the fee there has not been an overwhelming amount of complaints.
 - b. Add new 203.01 (c)(2) Copies of GAL order of appointment, GAL stipulation, all GAL reports, and all court orders.
 - c. Change 203.01(d)(1) to read: Be completed using a keyboard or legibly printed in ink;
 - d. 203.01(e) replace the word, "Board" with "Complaint Sub-Committee".
 - e. 203.01(e)(2) replace the words, "not accepted for filing" to "being dismissed".
 - f. 203.01(f) replace the words, "not accepted for filing" to "be dismissed".
 2. S. Duncan made a motion to approve the above changes to 203.01. M. Luneau seconded. Vote: 5-0 Motion passes.
 3. GAL 203.03 Discussion included:
 - a. The work session that met this summer agreed to recommend rescinding the oral argument section.
 - b. Changing the time limit to 5 minutes instead of 10.
 - c. It is a lot of process to manage the oral arguments.
 - d. The Board is there to represent the public and has a obligation to allow oral arguments.
 - e. It is the one time the complainant can come in and talk to the Board.
 - f. Occasionally, the complainant learned something new that they did not see during the first go round.
 - g. The oral argument method seems to not be a good one.
 - i. It would make more sense to have a written method as in the Court system.
 - ii. The written method would provide a standard for reconsideration. It would not allow regurgitation of the same

- issue.
- iii. Most complainants are not attorneys so the written method would be a deterrent.
- iv. The people who are filing complaints are better able to get their point across verbally and feel like they are being heard.
- h. There needs to be someone controlling the time.
- i. The complainant should speak for the allotted time and then the Board can ask questions.
- j. Make the following changes:
 - i. 203.03 Remove the words, “or nonacceptance”.
 - ii. 203.03(c,e,g,n) Remove the word,”nonacceptance”.
 - iii. 203.03 (h) Change the time limit from 10 minutes to 5 minutes.
 - iv. 203.03(n) Change 10 days to 45 days.
- 4. S. Duncan made a motion to approve the above changes to 203.03. M. Luneau seconded. Vote: 5-0 Motion passes.
- 5. A. Larney made a motion to rescind 203.04. D. Villiotti seconded. Vote: 5-0 Motion passes.
- 6. Add a new 203.04 that reads:

Gal 203.04 Emergency Suspension of Certification

- (a) The board shall suspend a certification pending adjudicative proceedings when it specifically finds that public health, safety or welfare requires such emergency action.
- (b) If the board makes such a specific finding, it shall:
 - (1) Immediately suspend the certification pending an adjudicative hearing of the issues or a settlement with the certified individual or entity; and
 - (2) Deliver to the certified individual or entity an order reciting its finding and the suspension of certification by:
 - a. Certified mail with return receipt requested; and
 - b. Any additional method determined to be necessary to give prompt notice of the board's action to the certified individual or entity.
- (c) If the board makes such a specific finding it shall also notify Administrative Office of the Courts.
- (d) Within 10 days of delivering the notice described in (b) above, the board shall:
 - (1) Commence an adjudicative hearing; or
 - (2) Issue an order of settlement in accordance with GAL 213.01.
- a. Discussion included:
 - i. Changing (d) to read the next regularly scheduled Board meeting instead of 10 days.
 - ii. It was thought that the 10 days was required because it was an emergency. The office staff will check and report back at the next meeting.
 - iii. 10 days is stretching it and the Board should not extend the date any further.

- iv. Courts don't have that long for an ex-parte motion.
- v. You could give the GAL emergently suspended the option for a 10 day hearing.
- vi. Instead of next regularly scheduled meeting say 35 days.
- vii. The GAL that has been emergently suspended has the right to immediately respond especially since this is their livelihood.
- b. The Board agreed to not vote on this section until next month when answers can be provided regarding the 10 day hearing.

C. Keating returned to meeting.

- 7. 205.01(b) Discussion Included:
 - a. Changing the words, "date of action" to "date on the letter".
- 8. S. Duncan made a motion to approve the above changes to 205.01(b). A. Larney seconded. Vote: 6-0 Motion passes
- 9. 208.01 Discussion Included:
 - a. Adding 208.01 (b)(11) settlement option to Notice of Hearings
 - b. The Board agreed to add this and will vote on actual language at next meeting.
- ii. Chapter 300
 - 1. Discussion Included:
 - a. Current application and supplemental application
 - i. Both have public and confidential information on them.
 - ii. There is duplicate information on the Supplemental Application.
 - b. The new draft application
 - i. Combines both current application and supplemental.
 - ii. Information is only provided once.
 - iii. More simplified than before.

D. Villiotti made a motion to adjourn. C. Keating seconded. Vote: 6-0 Motion passes.

9. Items on Agenda not discussed:

- i. Chapter 300
 - 1. Discuss whether to:
 - a. Add rules regarding requiring internships or mentorship?
 - b. Change application fee?
 - c. Add time limit for re-instatement such as 18 mos to 2 years?
 - d. Add to 302.04 (b) & (d) dated within 6 months of the application?
 - e. Application being separated into two or keep as one?
 - 2. Approve the changes
- ii. Chapter 400
 - 1. Discuss whether to:
 - a. Adding Parental Alienation Class to Training or Child Impact Seminar
 - b. Add to 401.09 (a) & (c) dated within 6 months of the application
 - c. Add a time limit for CEU approvals
 - 2. Approve the changes
- iii. Chapter 500
 - 1. Approve the changes