



State of New Hampshire Guardian ad Litem Board

Public Minutes

August 16, 2013

Legislative Office Building Room 101

Members Present: Alan Cantor, Susan Duncan, Chair, Chris Keating, Ann Larney, Master Henrietta Luneau, Representative Deanna Rollo, David Villiotti

Absent: Senator David Pierce

S. Duncan called the meeting to order at 1:02pm.

A quorum was present.

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). Seconded by A. Cantor. A roll call vote was taken:

Alan Cantor, Aye, Susan Duncan, Chair, Aye, Chris Keating, Aye, Ann Larney, Aye, Representative Deanna Rollo, Aye, David Villiotti, Aye

~Non-Public Session~

M. Luneau arrived in non-public session.

M. Luneau left recused during non-public session.

M. Luneau returned during non-public session.

M. Luneau made a motion to go back into public session. D. Villiotti seconded. Vote: 7-0 Motion passes.

1. Public Comment

a. There was no public present.

2. Review Minutes

a. July 19, 2013 Public Full Board

i. A. Larney made a motion to approve the minutes. D. Villiotti seconded. Vote: 5-0-2
A. Cantor & C. Keating abstaining. Motion passes.

b. July 19, 2013 Non-Public SEALED Full Board

i. A. Larney had changes to make therefore discussion was held until non public session.

3. Board Actions & Updates

a. Late Reports

i. Discussion Included:

1. The discussion from July was reviewed. The following new points were added:
2. There is an element of fair play. If all courts are not reporting and dealing with late reports in the same way it is not fair to punish.
3. The LBA performance audit from January 2012 recommended the Board investigate and discipline GALs for late reports.
4. The Board has been researching the matter for months and has discovered:
 - a. Not all Masters and Judges are reporting or disciplining late reporters.
 - b. The court database system automatically assigns report dates without consideration of the weekend or holidays.

- c. The Order of Appointment states that the GAL will not begin work until the stipulation is signed and retainer fee received.
 - i. How is a GAL expected to do the work of the report without the signed stip or retainer?
 - d. It is laborious for the clerk to go through each individual file to compile the list of late reporters.
- 5. Due to the fact that the data the Board is receiving is inconsistent they agreed that in the future they will only address late reports if a pattern is seen when a GAL is up for renewal..

b. Emails

- i. An email was received at the Senate and forwarded to the Board from an unidentified GAL. The email stated the following:
 - 1. *I have been a Certified Guardian ad Litem for almost ten years. Due to the actions of the Legislature in the previous year, cuts to the budget have created a situation whereby the Courts have not been assigning GAL's as often as in the past several years.*

Regardless of the circumstances, I am very frustrated that I am out of business as a GAL and Mediator. I am not sure what relief I can seek, but at the very least I find it hard to understand that training, as GAL or Mediator, one is unable to practice these skills to help families resolve differences. I wonder how many children in this state will be adversely impacted by the policies that are in place causing this to happen.

- 2. The Board reviewed the email and agreed to take the thoughts into consideration.
- ii. An email was received from Bill Graham regarding posts to a WMUR blog.
 - 1. In his email he stated that an unidentified person claiming to be a certified GAL was posting inappropriate comments online.
 - 2. The Board reviewed the information.

c. Training

- i. How should the Board deal with its responsibility to provide training.
- ii. Does the Board have an obligation to let someone be a GAL if they want to be a GAL?
- iii. Does the Board have the ethical obligation hold training even though GAL work is declining in NH?
- iv. Discussion Included:
 - 1. People may be taking the training to better themselves not necessarily to become a GAL.
 - 2. It is not a small endeavor to put a training on.
 - 3. The Board does have the obligation to use common sense.
 - 4. It is made clear at the training that being a GAL in NH is not a full time job nor is there any guarantee you will ever be appointed.
 - 5. The cost of the training and certification is a minimum of \$400.
 - 6. In the last biennium the budget line for publicly funded GAL cases was zeroed out.
 - a. In Parental Rights and Responsibilities cases (i.e. Divorce, Custody) the parties must pay for a GAL to be provided.
 - b. Some GALs have agreed to charge the reduced rate for those that would have qualified for the public fund before it was cut.
 - c. Due to this Masters and Judges are more often appointing an experienced GAL to a case as they can be more efficient in getting the job done without a huge cost to the parties.
 - 7. NHTI should have a minimum number of people.

8. The audit did not acknowledge or understand all that NHTI does for the training. They only looked at the gross income but not the expenses.
 9. An email could be sent to the current list explaining the situation and inquire if they are still interested in the training.
 10. How does the Board ensure that the minimum number of people can attend the training? There is a lot of work to go into the planning.
- v. C. Keating made a motion to send a statement to the people currently on the notification list to find out if they are still interested with the knowledge that the workload for GALs in NH has declined and there are no guarantees they will be able to re-coup the money they put into the training. A. Larney seconded. Vote: 7-0 Motion passes.
1. C. Keating, S. Duncan and Board staff will work together to write and send the email.
- d. Website
- i. Due to license agreement between the State and Adobe all editable forms on the GAL Board website have been updated.
- e. Executive Branch \$25 million Budget Cut
- i. The legislature recently voted on an Executive Branch budget cut of \$25 million.
 - ii. The money was ordered to be taken from personnel lines.
 1. Joe Bouchard, the Assistant Commissioner of Department of Administrative Services, of which the Board is administratively attached, said he is unsure what DAS is going to do; if my position will remain the same or be reduced or cut.
 2. DAS is meeting next week to discuss the options.
 - iii. Discussion Included:
 1. The Board budget and personnel line is already bare bones.
 2. In the audit it says that the Board needs a full time person so it makes no sense to cut the already minimum hours.
 3. If the Board is affected they will schedule a meeting with Senator Morse the Chair of Finance.
- f. Pay Raise
- i. The Legislature included in HB-2 Chapter 144 a pay raise for the next three years as follows:

1. July 12, 2013 – July 10, 2014	1.5%
2. July 11, 2014 – January 15, 2015	2.25%
3. January 15, 2015 - ?	2.25%
 - ii. The monies for the raise will be deposited into the Board's account.

4. Continuing Education Requests

- a. New England Juvenile Defender Center Training 2011
 - i. Board has previously approved the 2012 Training
 - ii. University of Maine Law School 5.75 CEU's
 - iii. C. Keating made a motion to approve the training. D.Villiotti seconded. Vote: 7-0 Motion passes.
- b. Taming Tempers and Reclaiming Calm
 - i. Neutral-Ground LLC 4 CEU's
 - ii. A. Larney made a motion to approve the training. M. Luneau seconded. Vote: 7-0 Motion passes.

~Public Session~

M. Luneau left the meeting recused.
A quorum was still present.

A. Cantor 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). Seconded by D. Villiotti. A roll call vote was taken:

*Alan Cantor, Aye, Susan Duncan, Chair, Aye, Chris Keating, Aye, Ann Larney, Aye,
Representative Deanna Rollo, Aye, David Villiotti, Aye*

D. Villiotti made a motion to go back into public session. Rep. Rollo seconded. Vote: 6-0 Motion passes.

Rep. Rollo made a motion to adjourn. A. Cantor seconded. Vote: 6-0 Motion passes.