



State of New Hampshire Guardian ad Litem Board

Public Minutes

June 20, 2014

Legislative Office Building Room 101

Members present: Susan Duncan, Chris Keating, Ann Larney, Dave Robbins,
Representative Deanna Rollo, David Villiotti

Members Absent: Alan Cantor, Master Henrietta Luneau, Senator David Pierce

Chairwoman Duncan called the meeting to order at 12:33pm.

1. Public Comment

There was no public present.

2. Review Minutes

May 16, 2014 Sub-Committee Public: C. Keating made a motion to approve the minutes. A. Larney seconded. Vote: 6-0 Motion passes.

May 16, 2014 Full Board Public: C. Keating made a motion to approve the minutes. Rep. Rollo seconded. Vote: 6-0. Motion passes.

3. Motion for Rehearing

The Board received a motion for rehearing filed by Kevin Coutreau, the complainant, on the Ann Thompson Bennett Hearing of April 18, 2014. The motion was filed and processed in accordance with GAL 212.08. The Board forwarded the motion to all parties involved and received a motion to object from Ann Thompson Bennett, respondent and nothing from Don Nason, prosecutor.

The Board reviewed the motion, the objection and GAL 212.08. After discussion the Board felt that it did not meet the criteria in 212.08 (f) The board shall grant the motion for rehearing if it determines that, in the original hearing, it:

- (1) Incorrectly assessed the relevant evidence;
- (2) Incorrectly applied the relevant law; or
- (3) Failed substantially to comply with this chapter.

The Board discussed that it had already dealt with the issue at the Board level and recognized that Mr. Coutreau could not bring his appeal to the Supreme Court until all options have been exhausted with the Board.

A. Larney made a motion to deny the motion for rehearing. D. Villiotti seconded. Vote: 6-0 Motion passes. S. Duncan made a motion that Chris Keating would sign the order on behalf of the Board. D. Villiotti seconded. Vote: 6-0. Motion passes.

4. GAL Statistics as of June 20, 2014

- a. 93 Certified GALs
 - i. 1 is on an alteration of time to complete CEUs and it not allowed to accept new cases
 - ii. 2 are no longer accepting appointments
 - iii. 2 are temporary for the purpose of completing an appointment
 - iv. Technically, there are 88 Certified GALs able & willing to serve.
- b. 5 GALs expired in May.
- c. 1 Expired in June requesting Temp Cert
- d. 8 GALs are still within the 90 day re-certification period
- e. 62 GALs are certified in Family Division
- f. 73 GALs are certified in District Court
- g. 90 GALs are certified in Superior Court
- h. 78 GALs are certified in Probate Court

5. Board Actions & Updates

The Board reviewed a draft letter to Judge Kelly the Administrative Judge of the Circuit Court addressing the issues of discrepancies within the Order of Appointment of GALs. This issue came up during the last adjudicatory hearing. The current order is confusing. C. Keating made a motion to adopt the letter and send to Judge Kelly and all parties listed on the order of the Ann Thompson Bennett Decision of April 2014.

HB 1343 Relative to guardian ad litem fees: The bill as amended has passed the House and Senate and is awaiting the Governor's signature. While the Bill involves Guardians ad Litem it does not involve the Board in particular; The Board agreed that after the Governor signs the bill into law the Board staff would post it on the website and email all certified GALs.

Rep. Rollo made a motion to re-elect Susan Duncan as chair for another two year period. D. Robbins seconded. Vote: 5-0-1. S. Duncan abstaining. Motion passes. D. Robbins made a motion to re-elect Chris Keating as vice chair for a two year period. S. Duncan seconded. Vote: 5-0-1. C. Keating abstaining. Motion passes.

The Board had been using the Department of Administrative Services fax line. Board staff recently found out that that fax line no longer exists. After a brief discussion the Board agreed to no longer have a fax machine. All documents must be submitted either by USPS mail or email. The Board will not print out emailed documents to make copies as required by GAL rules. Board staff will notify all certified GALs of this and change all letter heads and mail merge documents.

When archiving the Board staff noticed there was nothing in the retention policy regarding communications with counsel. A. Larney made a motion to revise the records retention policy by adding Communications with Counsel to be kept permanently. Rep. Rollo seconded. Vote: 6-0. Motion passes. The Board staff will update the policy and post the revision online.

In June 2013 Mike Puiia filed a motion for preservation and named the Board in the motion. The Board has still not heard the outcome. After contacting the court Board staff learned this is a sealed case. The Judge requested that the Board send a written request for a copy of the specified order. The Board reviewed a draft letter to the court. D. Robbins made a motion adopt and send the letter to the court. S. Duncan seconded. Vote: 6-0. Motion passes

6. Training

According to the data provided to the Board from the courts there is not a current need for GALs. Appointments are being able to be filled. The Governor's Budget Freeze does not affect the hiring of a training coordinator as it would be for services.

The Board discussed whether it would be prudent to hold a training knowing there is not a current need for GALs along with the fact that Governor has a budget freeze to help maintain the surplus. It was noted for the record that the Rhode Island Family Division Courts is giving out the Board's number for training to become a RI GAL.

Currently the Training Notification List Statistics are: 84 General, 76 District, 75 Probate, 68 Superior. It is believed that about a dozen of those people are from Rhode Island.

The Board agreed it is not the job of the NH Guardian ad Litem Board to provide training for Rhode Island prospective GALs.

D. Robbins made a motion to hold a training. C. Keating seconded. Discussion included that a training would require a lot of effort to be well supported. D. Robbins withdrew his motion and C. Keating withdrew his second.

C. Keating made a motion that based on the survey of judges who preside over domestic relations matters in NH there appears to be satisfaction with the current need for GALs. There is no need at this moment to provide additional GALs to the judiciary. Rep. Rollo seconded. Vote: 5-1. D. Robbins opposing. Motion passes.

The Board agreed to keep in contact with the judiciary in order to make sure the need for Certified GALs is filled.

7. Board Member Retiring

Ann Larney has retired from CASA and therefore is retiring from the Board. Chairwoman Duncan recognized and thanked her for her service to the Board and wished her well for the future.

Her replacement will be Betsy Paine who will start in August.

8. Non-Public Session

C. Keating 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). D. Robbins seconded. A Roll call vote was taken: Susan Duncan, Aye, Chris Keating, Aye, Ann Larney, Aye, Dave Robbins, Aye, Representative Deanna Rollo, Aye, David Villiotti, Aye

~Non-Public Session~

D. Robbins left the room and returned during non-public session. A quorum was still present.

Rep. Rollo made a motion to return to public session. A. Larney seconded. Vote: 6-0. Motion passes.

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