



State of New Hampshire Guardian ad Litem Board

Public Minutes

Legislative Office Building Room 101

January 18, 2013

Members Present:

Alan Cantor, Susan Duncan, Chris Keating, Ann Larney, Master Henrietta Luneau,
Senator David Pierce David Villiotti

Members Absent:

None

Chairwoman Duncan called the meeting to order at 1:01pm.

A quorum was present.

1. Public Comments
There was no public present.
2. Introduction of New Member
<ul style="list-style-type: none"> a. Senator David Pierce <ul style="list-style-type: none"> i. Representing Senate District 5 Hanover Region in the NH State Senate
3. Review Minutes:
<ul style="list-style-type: none"> a. December 21, 2012 Public <ul style="list-style-type: none"> i. A. Cantor made a motion to approve the minutes. D. Villiotti seconded. Vote: 4-0-2 A. Larney and Sen. Pierce abstaining. b. December 21, 2012 Non-Public SEALED <ul style="list-style-type: none"> i. A. Cantor made a motion to approve the minutes. C. Keating seconded. Vote: 4-0-2 A. Larney and Sen. Pierce abstaining.
4. Training
<ul style="list-style-type: none"> a. Chairwoman Duncan reviewed the relationship between NHTI and GAL Board. <ul style="list-style-type: none"> i. NHTI manages the registration, food, printing the manuals, paying instructors, reserving the room. ii. GAL Board pays a training coordinator to work with Board to schedule instructors and create manual. b. 2013 Training <ul style="list-style-type: none"> i. Discussion Included: <ol style="list-style-type: none"> 1. Currently only 16 people are interested in training. 2. There are 163 Board certified GALs as of January 2013. 3. There is a possibility of being able offer the training remotely. 4. Judge Kelly confirmed in an email that current needs are being met. There are not any judges or masters unable to find GALs. 5. Does the Board want to spend money to put together training and risk not having enough participants? 6. With the recent funding cuts there is not as much GAL work out there. 7. There are no temporary certifications that are waiting for training.

8. The college has not yet responded with the drop dead number of people to hold training.
9. There is no money in the budget for advertising of the training.

Master Luneau arrived.

10. If training is offered at satellite schools would rent need to be paid to the other schools?
11. It was suggested that the Board hold a training in October 2013 and get a commitment and deposit by August 1st.
12. Should the Board wait until after this legislative session as there may be money put back into budget for GALs.
 - ii. Chairwoman Duncan will coordinate a meeting between Shannon Reid and Kathleen Moore of NHTI and Chairwoman Duncan and the Board Administrative Secretary.
 - iii. A. Cantor made a motion to offer training once a year in the Fall subject to minimum requirements of the training facility. C. Keating seconded. Vote: 7-0 Motion passes.

5. Continuing Education

- a. Chairwoman Duncan explained the process of approval of Continuing Education Units according to the rules.
- b. Sheila Girbach
 - i. DCYF New Case Plan Seminar 1 credit
 1. A. Larney made a motion to approve the course. A. Cantor seconded. Vote: 7-0 Motion passes.
 - ii. Domestic Violence and Parenting Plans 3 credits
 1. A. Cantor made a motion to approve the course. A. Larney seconded. Vote: 7-0 Motion passes.
- c. Nina Lloyd
 - i. New Worlds of Adoption Conference - Contact Between Adoptive and Birth Families: What works? 5 credits
 1. Discussion Included:
 - a. Are there GALs that have to deal with adoptive and birth families?
 - b. GALs in abuse and neglect cases, termination of parental rights cases can deal with this issue.
 - c. Chances are the GAL is involved in the case for a different reason and then this issue comes up.
 2. A. Larney made a motion to approve. Master Luneau seconded. Vote: 7-0 Motion passes.

6. Budget

- a. Chairwoman Duncan explained the current budget and all four submitted budgets for FY 14-15.
- b. Discussion Included:
 - i. What is the consultant line used for?
 1. It was explained that it is used to pay the training coordinator and the investigator if there is a complaint that needs investigating.
 2. The line used to have \$14, 000 and now only has \$7,000.

7. Board Updates & Actions

- a. Conflict of Interest Question
 - i. Mary White sent an email asking if it is considered a conflict of interest to serve as a GAL after having served as the mediator for the parents?

- ii. Discussion Included:
 1. There is a GAL rule that deals with conflicts.
 2. This appears to be a legal question.
 3. When Board was established there was confusing between the role of a GAL and mediator.
 4. Has this issue come up with other Boards?
 5. If she gets court approval the Board is not going to second guess.
 6. Board should not give opinion because of locking in answer without all facts.
 7. Possibly reply that the Board observes no blanket prohibition but warn her to consult rules.
 8. Would it be a different answer if she were a GAL first and then a mediator.
- iii. A. Cantor made a motion to reply that the Board doesn't give advisory opinions. You should consult the competency rules and if she still has questions should file a motion with the court. C. Keating seconded. Vote: 7-0 Motion passes.
- iv. The Board agreed to not post a statement regarding the answer on the website and/or send to GALs and courts.

b. Dr. Vandenberg Supreme Court Appeal

- i. Order issued 1/9/13
 1. Motion to reconsider DENIED
 - a. Court correspondence was sent to address listed in notice of appeal.

c. LSR's & Proposed Bills

- i. LSR 323:
 1. Title changed to: 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.
 2. Withdrawn as of 1/16/13
- ii. HB 387
 1. Relative to Immunity of GALs
 2. Been assigned to Judiciary Committee
 3. The bill text can be found at:
<http://www.gencourt.state.nh.us/legislation/2013/HB0387.pdf>
- iii. Board members will be notified via email of any other LSR becoming Bills before the next meeting.

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). Master Luneau seconded. A roll call vote was taken:

A. Cantor, Aye, S. Duncan, Aye, C. Keating, Aye, A. Larney, Aye, Master Luneau, Aye, Senator Pierce, Aye, D. Villiotti, Aye

~Non-Public Session~

A. Cantor made a motion to go pack into public session. A. Larney seconded. Vote: 7-0 Motion Passes

d. Email from Representative McConkey

- i. The Board office received an email regarding outstanding payments owed to GAL Rebecca Hewson by the State of NH.
- ii. Discussion Included:
 1. This is not the first time this issue has been brought up.
 2. The payments in question total over \$37, 000.00 and are from two years ago.

3. C. Keating informed the Board that GAL Hewson brought this matter to the attention of the Judicial Council.
 - a. After a thorough review, a detailed account of each bill in question was put together.
 - b. It was discovered that the majority of her missing payments were made to Mountain View Mediation which was listed on the bill as the payee. Since submitting those bills GAL Hewson no longer is partnered with Mountain View Mediation.
 - c. There was a small amount of marital cases that she had not been paid for however there is no current statutory authority to pay them. Judge Kelly issued an order in April 2011 to submit all bills by June 1, 2011. GAL Hewson failed to submit her bills in a timely manner.
 - d. There was one bill that was found to be unpaid and the authority does exist to pay it.
 - e. GAL Hewson was sent a letter from the Judicial Council explaining all of the above and that the one bill will be paid once an invoice is received.
4. There is a court rule stating the deadline to submit bills at the close of a case.
5. The email was copied to Senator Bradley and Councilor Burton.
 - a. Councilor Burton replied that he was bringing this to the attention of DHHS.
6. It is not the Board's job to find, forward or suggest the proper place for Representative McConkey's concern.
- iii. S. Duncan made a motion to reply to the email copying all to whom it was sent saying, "The Board does not have any statutory authority to force payments to Guardians ad Litem." A. Cantor seconded. Vote: 7-0 Motion passes.
- e. Email from Bethany Cottrell, Director Merrimack County Child Advocacy Center
 1. An email was received requesting opportunity to discuss providing a training to GALs and CASA.
 - a. Training would be "Forensic Interviewing for the Non Forensic Interviewer"
 - b. Training would be offered free of charge.
 2. Discussion Included:
 - a. This is a great opportunity for needed training at no cost.
 - b. Child Advocacy Center is state wide and employs very well trained staff.
 - c. Their motto is questionable. "Listen First, Believe Always"
 - d. There are one way mirrors in all interviews and statute says all child interviews must be video taped.
 - e. Forensic Interviewing seems more accusatory setting than neutral.
 - f. Interviewing children is not easy. Anything you can learn from training can help even in a small way.
 3. C. Keating made a motion to invite Bethany Cottrell to the February meeting for a presentation and discussion. Sen. Pierce seconded. Vote: 7-0 Motion Passes.

8. Late Reports

- a. Chairwoman Duncan reviewed the statute that discusses GAL late reports.
 - i. The court is enabled to fine a GAL for a late report.
 - ii. The Board is required by statute to receive a list of GALs who have filed late reports.
 - iii. The Board has in the past taken the position that it is up to the judge to sanction/fine a GAL.
 - iv. When a GAL comes up for renewal the Board does ask the GAL for an explanation if they appear as a habitual late reporter.

- v. There are inconsistencies amongst the courts in terms of what is reported.
- b. Circuit Court District Division (Milford, Keene, Jaffrey)
 - i. No late reports for 4th quarter of 2012.

9. Non Public Session

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). Senator Pierce seconded. A roll call vote was taken:

A. Cantor, Aye, S. Duncan, Aye, C. Keating, Aye, A. Larney, Aye, Master Luneau, Aye, Senator Pierce, Aye, D. Villiotti, Aye

~Non-Public Session~

C. Keating left in recused in non-public session.

A. Cantor made a motion to go back into public session. D. Villiotti seconded. Vote: 6-0 Motion Passes.

10. Items on Agenda held until February meeting:

- a. Discuss DRAFT proposed Rules
 - i. Chapter 200
 - 1. Discuss whether to:
 - a. add 208.01 (b)(11) Add settlement option to Notice of Hearings
 - b. 203.04 Waiver of Fees
 - c. Oral Arguments
 - i. Change time period for Board to vote after argument
 - 2. Approve the changes
 - ii. 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
 - iii. 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
 - 2. Approve the changes
 - iv. Chapter 500
 - 1. Approve the changes

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