



State of New Hampshire Guardian ad Litem Board

Public Minutes

Legislative Office Building Room 101

May 17, 2013

Members Present:

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

Members Absent:

None

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

A quorum was present.

1. Public Comments

No public was present.

2. Review Minutes:

- a. April 19, 2013 Public
 - i. A. Cantor made a motion to approve the minutes. Sen. Pierce seconded. Vote: 5-0-3
A. Larney, M. Luneau, Sen. Pierce abstaining. Motion passes.
- b. April 19, 2013 Non-Public SEALED
 - i. S. Duncan had corrections therefore discussion was held until non-public session.

Sen. Pierce 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:

S. Duncan, Aye, A. Cantor, Aye, C. Keating, Aye, Ann Larney, Aye, Master Henrietta Luneau, Aye, Senator David Pierce, Aye, Representative Rollo, Aye, D. Villiotti, Aye

~Non-Public Session~

Sen. Pierce made a motion to go back into public session. A. Larney seconded. Vote: 8-0 Motion passes.

3. Board Updates & Actions

- a. Rules Only Meeting
 - i. Discussion Included
 - 1. A previously scheduled rules only meeting had to be cancelled do to lack of quorum and needs to be rescheduled.
 - 2. After comparing schedules it was decided that June 14, 2013 at 1:00pm was the best time to obtain the most Board members.
 - 3. The Board agreed to have the Board staff research other Board common sense rules.
- b. Vacant Seat on Board
 - i. One of the General Public Seats has been vacant since October 2011.

- ii. At April meeting Board members were asked to think of possible names to submit to the Governor for consideration.
- iii. Sen. Pierce suggested Jeannette Birge.
 - 1. She is the director of the Upper Valley Child & Family Services.
 - 2. She is committed to issues regarding children.
 - 3. Both Sen. Pierce and former Board member Jack Lightfoot have discussed this opportunity with her.
 - 4. The Board agreed to have Board staff reach out to Ms. Birge to see if she is interested.
- iv. Chairwoman Duncan asked Board member to be thinking of other names in addition to submit to the Governor.
- c. Nancy Tierney Order
 - i. In 2011 a Decision and Order was issued for disciplinary actions.
 - 1. The terms of the order were that Nancy Tierney's certification is suspended for one year from the date of this order, but that the Board's order of suspension is stayed for two years provided that no further disciplinary action is imposed upon Ms. Tierney.
 - 2. IT IS FURTHER ORDERED that the suspension will be lifted following the two-year stay provided that Ms. Tierney is not subject to further disciplinary action by the Attorney Discipline Office or any court.
 - ii. Counsel advised that it would be a good idea to issue a new order stating that the suspension has been lifted.
 - iii. Sen. Pierce made a motion to issue a new order that the suspension has been lifted and authorize Chairwoman Duncan to sign on behalf of the Board. M. Luneau seconded. Vote: 8-0 Motion passes.
- d. Training
 - i. At April meeting Board voted to have office send an email to certified GALs with specific questions regarding training.
 - ii. A summary of the collaborated responses was distributed to Board members.
 - 1. Discussion Included:
 - a. When asked, Judge Kelly informed the Board that he is unaware of any court which does not have enough GALs to fulfill appointments.
 - b. There has been a significant decrease in the number of GAL appointments due to the 2011 fund cut for marital cases.
 - c. This year it would perhaps be a better idea to offer a training for currently certified GALs.
 - i. This was suggested by many GALs in response to the training questions.
 - ii. It could include topics such as:
 - 1. Legal Updates
 - 2. Law Changes
 - 3. Child Advocacy
 - 4. Late Report Process Explanation
 - 5. Report Writing: What the Judges and Masters are looking for
 - d. What is the current need for training?
 - i. The current list of those interested in becoming a GAL is approximately 25.
 - e. Currently, the Courts are more likely choosing experienced GALs.
 - f. The Board agreed to form a sub-committee consisting of two Board members and a currently certified GAL to review the current training

and develop and advanced training.

- i. M. Luneau and A. Cantor were appointed to the committee.
- ii. Based on their experience they will pick a GAL from the list of people who responded to the training question inquiry to sit with them on the sub-committee.
- iii. It will be a public work session therefore if other GALs would like to attend they may.

S. Duncan 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). A. Larney seconded. A roll call vote was taken:

S. Duncan, Aye, A. Cantor, Aye, C. Keating, Aye, Ann Larney, Aye, Master Henrietta Luneau, Aye, Senator David Pierce, Aye, Representative Rollo, Aye, D. Villiotti, Aye

~Non-Public Session~

A. Cantor left the room recused during non-public session.

Sen. Pierce made a motion to go back into public session. Rep. Rollo seconded. Vote: 8-0 Motion passes.

Chairwoman Duncan declared a five minute recess.

The meeting was back in session at 2:30pm.

e. Website

- i. The Board agreed to post a signed copy of CASA MOU on website.
- ii. The Board agreed not to post the Notice of Hearing or identify Ann Thompson Bennett on the website.
 1. Discussion Included:
 - a. The Notice of Hearing is Public along with the hearing.
 - b. The GAL has the right to ask for the hearing to be non-public pursuant to RSA 91:A.
 - c. What do other boards do?
 - d. The decision and order is a public document whether or not the hearing was held in non-public session.
 - e. The Board has previously had one hearing in non-public session as confidential medical information was being discussed therefore met the criteria of RSA 91:A. The decision is posted online.
 - f. It seems odd that the hearing would be public as it could annihilate the person's reputation.
 - g. RSA 490:C states the hearings are public unless closed in whole or in part by the Board.
 - h. If the hearing is required to have a decision and order even if there is no finding and that order is public it would seem silly not to identify who the hearing is for online.

f. Email from Alan Cantor

- i. GAL Cantor was contacted by the county attorney for information in one of his files.
- ii. He maintains that the file is confidential to third parties and asked for the Board's input.
- iii. The Board agreed that GAL Cantor needs to file a motion with the court for clarification.

- g. Email from Heidi Patten
 - i. GAL Patten was looking for advice regarding getting a child to disclose sexual abuse without stepping out of her boundaries. The incident has been reported.
 - ii. The Board agreed they do not have the authority to advise. She should contact the county attorney or law enforcement in the area.
- h. Investigator RFP
 - i. Current contract is due to expire August 31, 2013.
 - ii. Original 2011 RFP said contract was renewable for 2 years.
 - iii. After conferring with Purchasing,
 - 1. Since the original RFP said renewable for 2 years we are obligated to offer current 2 bid winners the opportunity to renew at the same price.
 - a. If they do not want to keep the price the same than we must go through the bidding process.
 - 2. If the Board needs an investigator they must use one of the two bid winners.
 - iv. The Board agreed to send a letter to the bid winners asking if they would like to renew their contract.

4. Continuing Education

- a. Here Comes the Judges 2013 by NHAJ for 6 credits
 - i. The course is more geared for civil and trial lawyers not GALs.
 - ii. Sen. Pierce made a motion to deny the course. C. Keating seconded. Vote: 8-0 Motion passes.
- b. Parenting for a Future Without Violence by NHAG for 15.5 credits
 - i. Sen. Pierce made a motion to approve the course. M. Luneau seconded. Vote: 8-0 Motion passes.

5. Late Reports

- a. All Family Divisions reported.
 - i. The list of GAL with late reports for the quarter was distributed to Board members.
 - ii. The list is available through the Board office for the public.
 - iii. The case numbers are now in the database.
- b. At the request of multiple GALs the Board agree to allow its staff person to send out quarterly emails to GALs who have been listed as having a late reporter.
 - i. This will allow the GALs to better recall the cases as they will still be fresh in their mind.
- c. The Board agreed if the GALs with late reports get documentation from court saying there was a mistake and they don't belong on list; their name can be removed from list.

6. Non-Public Session

Sen. Pierce 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). A. Larney seconded. A roll call vote was taken:

S. Duncan, Aye, A. Cantor, Aye, C. Keating, Aye, Ann Larney, Aye, Master Henrietta Luneau, Aye, Senator David Pierce, Aye, Representative Rollo, Aye, D. Villiotti, Aye

~Non-Public Session~

M. Luneau left the room recused during non-public session.

M. Luneau returned during non-public session.

M. Luneau left during non-public session recused.

A. Cantor made a motion to go back into public session. Rep. Rollo seconded. Vote: 7-0 Motion passes

Rep. Rollo made a motion to adjourn. C. Keating seconded. Vote: 7-0. Motion passes.