

Status Report on Corrective Actions to Address Audit Findings  
Department of Health and Human Services  
Division for Children, Youth & Families  
Impact of the Change to the Children in Need of Services Law On School Districts

**Department of Health and Human Services**  
**Status Report on Corrective Actions to Address Audit Findings**  
**June 2014**



**Legislative Budget Assistant's Office**  
**Impact of the Change to the Children in Need of Services Law On School Districts.**  
**March 2013**

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Observation No. 1

We recommend the DCYF, courts, and law enforcement consider establishing risk-based guidelines similar to the Detention Assessment Screening Instrument for placing children within the continuum of placement options.

**Auditee Corrective Action Plan:**

**Auditee Response:**

WE CONCUR with the recommendation and will seek to establish risk based guidelines for the placement of children in CHINS and delinquent cases. The department recognizes the potential value of risk based guidelines to inform placement and programmatic decision and it is actively working to establish such guidelines for CHINS and delinquents.

In March of 2011, the department commissioned a process evaluation of the juvenile justice system. The overarching purpose of the evaluation was to support enhancements to the ongoing formulation of a long-term plan for comprehensive juvenile justice system improvement.

Among the recommendations of that evaluation were the development and implementation of a comprehensive statewide and empirically validated risk-needs-responsivity approach to JJS case management. In response to that recommendation, the department has evaluated several risk needs models, selected one and is actively engaged in discussions with the provider on how (and at what cost) to implement that model in New Hampshire. The department anticipates that it could have such a model in place by 2014. As the observation notes, however, the implementation/application of risk-based guidelines to pre adjudicatory placements in CHINS and delinquent cases will require the cooperation and support of both the courts and law enforcement. The department's role prior to arraignment, and at arraignment or initial hearing, is limited and state law assigns the final placement decision to the courts.

In the absence of guidelines, however, the department would note that the CHINS and delinquent statutes do provide a hierarchy of pre-adjudicatory placement options. From less restrictive to more restrictive, those placement options are: release to a parent, guardian or custodian, release to a relative or friend, release to the custody of the department for placement in a foster home, group home, crisis home or shelter care facility or detention. The criteria for selection of the placement option (explicit in CHINS and implicit in delinquent cases) is, "the least restrictive and most appropriate" placement. As evidenced by the observation's survey results, in practice, the application of this standard would seem to err, if at all, in favor of less restrictive placements for children and youth, not more restrictive ones.

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DCYF engaged in consultation with Dr. Gina Vincent and Laura Guy from the National Youth Screening Assessment Project (NYSAP) to research validated risk assessments that NH could select from. Based on that research, Dr. Vincent met with DCYF Administration and Supervisors in July and

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again in October 2013 to review NYSAP's finding. After carefully exploring the utility of the various risk assessment tools, the SAVRY (Structured Assessment of Violence Risk in Youth) was chosen by the Division for Children, Youth and Families as the empirically validated risk assessment tool to help guide decisions made by juvenile justice probation and parole officers in the field. This research informed tool has successfully demonstrated itself to be a reliable tool to predict re-offending of youth. The SAVRY is designed to assist in assessing and making judgments about a juvenile's risk for violence and is completed post-adjudication in Delinquent and CHINS court proceedings. The identified risk rating is then used to inform treatment and services planning as well as the level of supervision needed.

Juvenile Justice Field Administrators, Supervisors and selected senior staff were trained as Master Trainers in the application and utility of the SAVRY in early December 2013. The remaining juvenile justice field staff was trained thereafter. Follow up practice cases were reviewed by Dr. Vincent and feedback via coaching/consultation calls occurred thereafter. DCYF has issued policy regarding the use of the SAVRY by juvenile probation and parole officers and full implementation of the SAVRY commenced April 15, 2014. In addition the SAVRY will be fully integrated into our statewide automated child welfare information system (SACWIS) as of August 4, 2014.

Training for Judges, prosecutors and defense counsel was offered on February 14, 2014. Additional training for court personnel and other stakeholders will occur in the fall of 2014.

As stated above the CHINS and delinquent statutes do provide a hierarchy of pre-adjudicatory placement options. The criteria for selection of the placement option (explicit in CHINS and implicit in delinquent cases) is, "the least restrictive and most appropriate" placement. DCYF adheres to this practice and currently the majority of youth involved with the bureau of Juvenile Justice Field Services are residing at home and receiving services in their community.

**Contact Person:**

Lorraine Bartlett, Administrator IV  
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603-271-8821

**Estimated completion date:**

Corrective Actions Deemed Complete

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**Observation No. 2-Determine Shelter Care Needs**

We recommend the DHHS develop and adopt rules relative to a certificate of need formula for shelter care and detention beds in accordance with statute or alternatively seek legislation amending these laws.

If seeking an amendment or repeal of the legislation, the DHHS should develop a formal process for determining and regularly assessing shelter care needs in the State.

**Auditee Corrective Action Plan:**

WE CONCUR with the recommendation and will seek legislation to amend or repeal of the chapter law in the upcoming legislative session.

As noted by the observation, the chapter law dates from 1988 (some 25 years ago) and was enacted at a time when the number of shelter care beds was insufficient to meet the needs of the system. For the reasons noted in the observation, the current number of shelter care beds substantially exceeds the need for shelter care and the current law's requirement for a fixed number of shelter care beds no longer makes practical or fiscal sense.

The department has an existing formal process for determining and assessing shelter care needs as well as other service needs throughout the state. The department's Division for Children

Youth and Families regularly conducts case practice reviews in all of its district offices as part of its quality improvement process. These reviews are modeled after the Federal Child and Family Service Reviews and regularly assess the service needs (including the need for shelter care) in each district office. Based on the findings in these reviews, each district office is required to develop and implement a program improvement plan, which in the case of shelter care, may involve the identification of the need for more short term, emergency or shelter care beds. Based on the identified the need, the department can then reach out to appropriate service providers and request that they provide the necessary services.

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The shelter care statutes at issue were repealed by Section 144:51 of HB2 (2013). See below.

*144:51 Repeal. 1988, 197:12 as amended by 1990, 201:16, relative to certification of shelter care/detention beds, is repealed.*

As indicated in its Auditee Response, the department has a formal process for determining and assessing shelter care needs throughout the state.

**Contact Person:**

Dague Clark, DCYF Fiscal Administrator 271-4817

**Estimated completion date:**

Corrective Actions Deemed Complete

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**Observation No. 3-Formally Assess Alternate Uses Of The Sununu Youth Services Center**

We recommend the DHHS formally assess alternate uses of the SYSC, including shelter care, to determine the most appropriate and beneficial options to maximize utilization of the facility and minimize costs.

**Auditee Corrective Action Plan:**

WE CONCUR with the recommendation and will formally assess alternate uses for the SYSC, including shelter care, to determine the most appropriate use of the facility.

While the department recognizes that SYSC is underutilized and that there is a need to formally assess alternate uses for the facility, the department questions both the need for additional shelter care services at this time and the appropriateness of using SYSC to provide this service.

As the observation points out, there has been a steady decline in the need for shelter care services in the state. This decline is due in part to changing demographics, declining crime rates, changes to the CHINS statute and a departmental shift in philosophy over the past few years that focuses on placement stability and permanency for the child whenever possible.

With its emphasis on placement stability and permanency, the department has developed and expanded the availability of emergency and short-term placements with its existing residential service providers. These placements are able to provide the evaluative and treatment-planning services traditionally done in shelter care while maintaining the child in their home community. Unlike shelter care, these placements also offer the possibility of longer-term placement in the same facility should the need arise. As the use of short-term and emergency placements increases, the department anticipates that the need for shelter care services will continue to decline.

In addition, there are a number of potential challenges/barriers to the use of SYSC to provide shelter care. The department would have to seek approval from the Department of Justice for the change of use. The facility would have to be unlocked in accordance with state law and in order to maintain Medicaid and IV-E eligibility for federal reimbursement. The department would have to hire appropriate staff. The department would have to insure that shelter care youth are kept separate from detained or committed youth at the facility, and to determine how, if at all, it could provide access for shelter care youth to the dining, medical and educational facilities located in the locked sections of SYSC.

Given the declining need for shelter care and the challenges to providing this service at the SYSC, it may prove more cost effective and programmatically sounder to provide this service through emergency and short-term placements in the community with existing, geographically disperse residential service providers, than it would be to renovate the SYSC facility, expand the number of shelter care beds (for which there is no current need) and centralize their location at SYSC.

Other alternative uses for SYSC under active consideration and which would be assessed by the department are: the use of the center to provide transitional housing for juveniles who have been released on parole or who have aged out of the system and as minors are unable to obtain

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appropriate housing; and, the creation of a parent service center that would be used to encourage and facilitate ongoing family contact and involvement with the youth while the youth is committed to the center.

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The Department of Health and Human Services – Division of Children Youth and Families was directed by 2013 Chapter Law 249 to conduct an assessment of the Sununu Youth Services Center to determine advantages and disadvantages of the current facility use, potential alternative uses, the viability of using another facility instead, and ways that current costs could be reviewed.

A report was submitted to the Fiscal Committee of General Court in December 2013, which reflects the Agency’s work to engage stakeholders, advocates and providers to assist in determining the most appropriate, cost-effective long and short-term uses of the SYSC.

The report details a two option approach – A short term approach explores with New Hampshire Hospital the possibility of operating a separate unit at SYSC that could provide secure mental and behavioral treatment to youth who need crisis stabilization or transitional care prior to returning safely to their community. This would potentially expand the service continuum available for these youth, more fully utilize the existing SYSC facility and infrastructure, and reduce SYSC operating costs by generating reimbursement for these services through youth’s insurance coverage. In regards to this approach, discussions with New Hampshire Hospital have begun, and an exploration of insurance coverage requirements is in process.

A long term approach will be to explore steps to become eligible for Medicaid reimbursement for treatment services provided to the current population at SYSC. As a correctional facility, SYSC is not currently eligible to receive any Medicaid payments for those services. However, the potential exists to transition the facility into a secure psychiatric treatment facility, eligible for Medicaid payments. Many of the structures and practices of such a facility are already in place at SYSC in response to the needs of current population, and any additional necessary changes are being explored.

DCYF has obtained consultation from the State of Vermont regarding their similar model, and has begun collaboration with other agencies within DHHS necessary for this project, including the Division of Family Assistance, Office of Medicaid & Business Policy, and Legislative Affairs, as we explore this possibility. The Department anticipates identifying a process and requirements for necessary accreditation of SYSC, as well as further defining possible options for Federal Financial Participation (FFP) through Medicaid in the coming months.

**Contact Person:**

Dague Clark, DCYF Fiscal Administrator 271-4817

**Estimated completion date** TBD

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**Observation No. 4**

**Establish Administrative Rules For Obtaining DHHS Consent To File CHINS Petitions**

We recommend the DCYF develop administrative rules outlining the process, and criteria, for obtaining DHHS consent to file a CHINS petition.

**Auditee Corrective Action Plan:**

WE CONCUR with the recommendation and will seek to adopt administrative rules outlining the criteria and the process for obtaining the department's consent to the filing of a CHINS petition. The department would note, however, that following the statutory change, it made substantial efforts to explain the criteria and process for obtaining departmental consent to affected stakeholders. The department distributed informational materials to police chiefs and school principals throughout the state. Those materials clearly identified the criteria (the criteria tracks the statutory definition of CHINS and requires that the petitioner make a prima facie showing that the child meets that definition) and outlined the process (including who to contact and what information would be helpful in order for the department to evaluate the referral) for obtaining the department's consent. In addition, the department held informational sessions for stakeholders at its district offices and has presented on the topic at schools, conferences and workshops throughout the state. It is not clear that the department has the necessary authority under the CHINS statute (RSA 169-D) to promulgate the recommended rule. To the extent, however, that that additional rule making authority is necessary, the department will seek it from the legislature. The department would also note that there are several pending legislative initiatives that would repeal or amend various sections of the CHINS statute. If these initiatives pass, they may alter the need for, or the content of the recommended administrative rule. Accordingly, the department would plan to address the implementation of this recommendation at the close of the current legislative session.

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The CHINS statute was amended by the legislature in last session. Within eight months after the statute was changed, the DCYF Policy team developed a policy on CHINS. This policy includes the process by which a CHINS referral is received, assessed and served by the DCYF. With the framework now defined and in place, rulemaking regarding Departmental Consent will begin.

**Contact Person:**

Erica G Ungarelli, Administrator, Wellbeing Bureau  
271-7298

**Estimated completion date:**

Policy is complete, rulemaking to commence.

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