

<b>Agency Name</b>	Division For Children, Youth and Families
<b>Audit Name</b>	STATE OF NEW HAMPSHIRE JUVENILE JUSTICE SERVICES PRE-ADJUDICATED PLACEMENTS PERFORMANCE AUDIT REPORT
<b>Audit Period</b>	Feb 2013
<b>Status Report Date</b>	July 12, 2022

Summary of Audit Observations/Findings					
Number	Observation Title	Status [place X in status column]			
		Unresolved	Partially Resolved	Substantially Resolved	Fully Resolved
1	<i>Risk based guideline</i>				X
2	Determine Shelter Care needs				X
3	Formally assess Alternative uses of the Sununu Youth Services Center				X
4	Establish Administrative Rules for Obtaining DHHS Consent to File CHINS Petitions				X

**Observation 1: No Formal Risk Assessment on CHINS and Delinquent cases**

**Summary of Finding:** 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.

**Current Status:** This observation is fully resolved. The Division continues to utilize the SAVRY as the risk/needs tool for all adjudicated CHINS and Delinquents currently. The Division is implementing the utilization of the CANS (Child and Adolescent Needs and Strengths) as its strengths/needs tool to support connecting youth to the appropriate level of care both in the community and in residential treatment. The CANS will be implemented to determine the level of care for residential treatment Oct 1, 2021 in compliance with Family First Legislation. The CANS Assessment will also be implemented within DCYF Juvenile Justice Field Services as the assessment tool to connect youth to community based supports and interventions effective January 1, 2022.

**Observation 2:** 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.

**Current Status:** This observation is fully resolved. As stated in June 2014, the Shelter Care statutes at issue were amended by 1990, 201:16, relative to certification of shelter care/detention beds, is repealed.

As indicated then the department has a formal process (CFSR) for determining and assessing shelter care needs throughout the state. The process to assess the need for Shelter and Detention beds remains in effect. The current shelter care contract is in place until December 2022, prior to that date an assessment will be completed to determine the present need.

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**Observation 3: *Formally assess Alternative uses of the Sununu Youth Services Center***

**Summary of Finding:** 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.

**Current Status:** This observation is fully resolved. This item is moot as a result of the State Fiscal Year 2021/2022 budget decisions regarding the closure of SYSC and creation of a committee to determine a replacement for SYSC and future of current SYSC campus.

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**Observation 4: *Establish Administrative rules for Obtaining DHHS Consent to File CHINS Petitions***

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

**Current Status:** This observation is fully resolved.

As of July 12, 2022, this item has been fully resolved after further review and understanding of the 169 D statute governing CHINS, specifically an appeal process after a denial by DCYF. Pursuant to RSA 169-D:5-c, DCYF's decisions on CHINS petitions are not appealable. To develop administrative rules to allow for appeals would require a statutory change, which is not within the Department's authority. However, RSA 169-D:5 I expressly allows for a CHINS petition to be filed with the courts. Since the statute allows families to file a CHINS petition, this does provide them with a judicial review of the same facts that the Division had in declining a D2 CHINS request. The relevant sections of RSA 169-D:5-c are, as follows, "[n]otwithstanding RSA 541-A, the department's decision shall not be subject to appeal nor shall the fact that the department declined to offer voluntary services preclude a person from filing a petition under RSA 169-D:5, I." [Emphasis added]