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25 Capitol Street, Room 424
Concord, New Hampshire 03301-6312

March 25, 2021

The Honorable Kenneth Weyler, Chairman
Fiscal Committee of the General Court
State House
Concord, N.H. 03301

His Excellency, Governor Christopher T. Sununu
And the Honorable Executive Council
State House
Concord, N.H. 03301

REQUESTED ACTION

Pursuant to RSA 604-A:1-b, Additional Funding, authorize the Judicial Council to receive an additional appropriation from funds not otherwise appropriated in the amount of $730,000, upon Fiscal Committee and Governor and Council approval through June 30, 2021. Source of funds is 100% General Fund.

Funding is to be budgeted in account 02-07-07-070010 as follows:

Class/Account	Title	Accounting Unit	Current Budget	Requested Change	Adjusted Budget
108-500751	Abuse and Neglect (Non-CASA)	11010000	$150,000	$30,000	$180,00
108-500751	Ancillary Non-Counsel Services	11030000	$1,030,101	$500,000	$1,530,101
108-500752	Guardian ad Litem	109200000	$511,287	$200,000	$711,287

EXPLANATION

Accounting unit 11010000 funds the court-ordered payments made to private guardians ad litem who provide services to abused and neglected children. The State's preferred method of delivering these guardian-ad-litem services is through Court Appointed Special Advocates of New Hampshire (CASA). When CASA is unable to accept an appointment, the court appoints a private guardian ad litem. Expenditures have exceeded our forecasts in this line. Without additional funding, the Judicial Council will be unable to pay the court-approved invoices for these services.

N.H.R.S.A. 169-C:10 provides that "In cases brought pursuant to this chapter involving a neglected or abused child, the court shall appoint a Court Appointed Special Advocate (CASA) or other approved program guardian ad litem for the child. If a CASA or other approved program guardian ad litem is

Phone: (603) 271-3592
Fax: (603) 271-1112
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unavailable for appointment, the court may then appoint an attorney or other guardian ad litem as the guardian ad litem for the child."

N.H.R.S.A. 604-A:1-a provides that "In cases involving a neglected or abused child, when a guardian ad litem is appointed for the child pursuant to RSA 169-C:10, the cost of such appointment shall be paid from funds appropriated for indigent defense pursuant to this chapter."

N.H.R.S.A. 604-A:1-b provides that "in the event that expenditures for indigent defense by the Judicial Council are greater than amounts appropriated in the operating budget, the Judicial Council may request, with prior approval of the Fiscal Committee of the General Court, that the Governor and Council authorize additional funding. For funds requested and approved, the Governor is authorized to draw a warrant from any money in the treasury not otherwise appropriated."

Total FY20 expenditures for this line were $358,893. Through the end of March 2021, the Judicial Council has paid a total of $121,715 for Abuse & Neglect – (Non-CASA) invoices, leaving a balance of $28,387. The year-to-date expenditures are actually $26,005 higher than the current expenditure amount, due to an FDM correction from the previous fiscal year. It is anticipated that the funds currently available in account 02-07-07-070010-1101 will be insufficient to pay the court-approved invoices expected to arrive between now and the end of the current fiscal year. It is expected that the account will require the addition of $30,000 to meet the anticipated expenditures in this line through June 30, 2021.

Accounting unit 11030000 funds services other than counsel which a court deems necessary for an adequate defense. RSA 604-A:1 provides that "representation shall include counsel and investigative, expert and other services and expenses, including process to compel the attendance of witnesses, as may be necessary for an adequate defense before the courts of this state." Expenditures have significantly exceeded our forecasts in this line. Without additional funding, the Judicial Council will be unable to pay the court-approved invoices for these services.

Pursuant to RSA 604-A:1-b, the Judicial Council may request, with prior approval of the Fiscal Committee of the General Court, that the Governor and Council authorize additional funding if expenditures for indigent defense are greater than amounts appropriated in the operating budget.

FY20 expenditures for this line were $1,879,899. As of March 24, 2021, year-to-date expenditures for this line were approximately $1,030,073, leaving a balance of approximately $28. A transfer request for $99,999 to this accounting unit is currently pending.

The Judicial Council currently has an additional $30,197 in invoices waiting to be processed. The funds currently available in account 02-07-07-070010-1103, even after the transfer, are insufficient to pay the court-approved invoices already in-house and expected to arrive between now and the end of the current fiscal year. Based on the monthly average of expenditures since July 1, 2020, the account will require the addition of $500,000 to meet the anticipated expenditures in this line through June 30, 2021.

The Guardian ad Litem (10920000) accounting unit funds a variety of services, including guardians appointed to incapacitated adults and minors in guardianship court proceedings. It also funds parent attorneys and private guardians ad litem in termination of parental rights cases. The current balance in this line is $54,555.13. As of March 23, 2021 in-house bills total approximately $62,718. The current balance is insufficient to pay the pending invoices and those expected to come in before the end of the fiscal year. Based on the monthly average of expenditures since July 1, 2020, the account will require the addition of $200,000 to meet the anticipated expenditures through June 30, 2021. Without additional funding, the Judicial Council will be unable to pay the court-approved invoices for these services.

This Agency will remain at your service to provide any requested information concerning the critical importance of this additional funding to the orderly administration of justice.

Thank you for your consideration.

Respectfully Submitted,

Sharon Nelbert
for

Sarah T. Blodgett
Executive Director