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THE STATE OF NEW HAMPSHIRE
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February 26, 2025

The Honorable Ken Weyler, Chairman
 Fiscal Committee of the General Court and

Her Excellency, Governor Kelly A. Ayotte
 and the Honorable 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 total amount of \$400,000 effective upon Fiscal Committee and Governor and Council approval, through June 30, 2025. **100% General Funds.**

Funding is to be budgeted in 02-07-07-070010-10920000 GUARDIAN AD LITEM as follows:

Class/Expense	Class Title	Current Budget	Change	Revised Budget
108/500751	Provider Payments Legal Services	\$898,080	\$400,000	\$1,298,080

EXPLANATION

This account funds the work of assigned counsel for non-CASA GALs to represent parents in termination of parental rights cases when a CASA volunteer is not available. This line also funds representation of wards in guardianship proceedings, attorneys for parents in termination of parental rights proceedings, and representation of parents in the appeals stage of termination of parental rights cases.

RSA 170-C:13 specifies "[t]he judicial council shall pay the cost of a CASA guardian ad litem appointed for the child or other guardian ad litem in cases arising from an underlying abuse and neglect proceeding when the state is the moving party or in cases where payment would work a hardship on the petitioner."

RSA 464-A:6 specifies that "[t]he right to legal counsel for any person for whom a temporary guardian or guardianship of the person and estate, or person, or estate, is sought shall be absolute and unconditional. If the proposed ward does not have his or her own counsel, the court shall appoint counsel for the proposed ward immediately upon the filing of a petition for guardianship of the person and estate, or the person, or estate. The judicial council shall pay the cost of such appointment,

including counsel and investigative, expert, or other services and expenses necessary to provide adequate representation.”

The Judicial Council is responsible for paying the court approved bills in the case types above. The assigned counsel system is based on an hourly rate of payment, with a structure of fee caps in place through court rules. The general trend has been that the costs for these cases has gone up due to increased case complexity and length, and an increase in hourly rates. The Supreme Court also approved a revision to the court rule that governs counsel fees and expenses for court appointed counsel, increasing the hourly rate for attorneys, and authorizing billing for travel time.

Total FY24 expenditures for this line were \$948,019. The FY25 appropriation for this line is \$848,050.00. As of February 2025, year-to-date expenditures for this line have been \$821,996.66 (i.e., approximately 97% of the budget).

The funds currently available in account 02-07-07-070010-10920000 are insufficient to pay the court-approved invoices expected to arrive between now and the end of the current fiscal year. Based on the monthly average of expenditures year to date, the Judicial Council anticipates that the account will require the addition of at least \$400,000 to meet the anticipated expenditures in this line through June 30, 2025.

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,

A handwritten signature in black ink that reads "Jay Buckey". The signature is written in a cursive, flowing style.

Jay M. Buckey
Executive Director