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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 $240,000 effective upon Fiscal Committee and Governor and Council approval, through June 30, 2025. 100% General Funds.

Funding is to be budgeted in 02-07-07-070010-11010000 ABUSE & NEGLECT (NON-CASA) as follows:

Class/Expense	Class Title	Current Budget	Change	Revised Budget
108/500751	Provider Payments Legal Services	$437,512	$240,000	$677,512

EXPLANATION

This account funds the work of assigned counsel for non-CASA GALs to represent parents in abuse and neglect cases when a CASA volunteer is not available.

Pursuant to the State's statutory order of appointment in RSA 169-C:10, when a court appoints a guardian ad litem (GAL) to a case, that appointment first goes to a volunteer GAL from CASA of New Hampshire. If CASA does not have a volunteer available, the court then appoints a private, non-CASA, GAL to serve as a GAL. The Judicial Council pays the bills for these non-CASA GALs. 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.

This statutory order of appointment set forth in RSA 169-C:10 A specifies that "[i]n 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 unavailable for appointment, the court may then appoint an attorney or other guardian ad litem as the guardian ad litem for the child."

Total FY24 expenditures for this line were $432,487. The FY25 appropriation for this line is $360,000. As of February 2025, year-to-date expenditures for this line have been $330,021.45 (i.e., approximately 91% of the budget).

The number of bills, and total bills for this budget line has grown consistently in recent years. In FY14, there were 289 bills submitted totaling $148,192.17. In FY 24, there were 556 bills submitted totaling $432,487.19. Not only has the number of bills almost doubled, but each individual bill has increased.

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. (Sup. Ct. R. 48-a). The base rate for most GAL work, which had been set at $60.00 per hour in 1992, increased to $90.00 per hour 2022 and then to $125 an hour on January 1, 2025.

In short, the Judicial Council pays assigned counsel for more cases, and the rate payable to assigned counsel has increased. However, the budget for assigned counsel has not increased sufficiently

The funds currently available in account 02-07-07-070010-10110000 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 $240,000 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,

Jay Buckey

Jay M. Buckey
Executive Director