



STATE OF NEW HAMPSHIRE



GOVERNOR'S OFFICE

for

EMERGENCY RELIEF AND RECOVERY

August 6, 2025

Her Excellency, Governor Kelly A. Ayotte
and the Honorable Executive Council
State House
Concord, NH 03301

REQUESTED ACTION

Authorize the Governor's Office for Emergency Relief and Recovery (GOFERR) to **retroactively** amend an existing Memorandum of Understanding with the New Hampshire Judicial Branch (NHJB) (Vendor Code #177872), Concord, NH by reducing the price limitation by \$340,031 from \$3,922,994 to \$3,582,963 and extending the completion date from June 30, 2025 to September 30, 2026, for the Judicial Branch to continue to improve the processing of Involuntary Emergency Admissions (IEA) and non-emergency Involuntary Admissions (IN) cases, effective upon approval from Governor and Executive Council. The original MOU was approved by Governor and Executive Council on April 20, 2022, item #64 and amended on June 28, 2023, item #116. This is an allowable use of ARPA SFRF funds under Section 602 (c)(1)(A) to respond to the public health emergency or its negative economic impacts. **100% Federal Funds.**

EXPLANATION

GOFERR requests to **retroactively** amend the attached Memorandum of Understanding (MOU) with the New Hampshire Judicial Branch (NHJB) in order to reduce the price limitation and extend the completion date of this project. This project is retroactive because GOFERR wanted to ensure that fiscal authorization for this program was extended beyond June 30, 2025 before extending this MOU, and that authorization was confirmed with Governor and Executive Council approval on June 25, 2025. The price limitation is being reduced to reflect a reduction NHJB made in December 2024, when it was determined that the entirety of the funds were not needed and the funds were returned and reallocated before the ARPA obligation deadline of December 31, 2024. The extension of the completion date is necessary to allow NHJB to continue using the available balance for the purposes set forth below.

Under the MOU, NHJB is using the funds to continue to replace the current system of processing and hearing involuntary emergency admissions (IEA) cases over the biennium, moving from a multi-location system to a more centralized process that significantly improves efficiencies in the program and better serves the citizens of New Hampshire. NHJB will also use these funds to improve processing and access in non-emergency involuntary admission cases (IN).

These improvements require continued investments in technology hardware and software, as well as costs for staff and judges focused on these cases and the necessary system and procedural changes and

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improvements. Dedicated staff are necessary to ensure the State meets the time frame required by RSA 135-C:32 for all IEA Petition hearings, and to adequately respond to a recent State Supreme Court holding requiring the Court to provide for probable cause hearings within three days of when an IEA certificate is completed.

For example, trained and dedicated staff are handling IEA and IN processing and hearing coordination, court technology improvements are being developed and implemented for these cases, case managers focus on overseeing IEA, IN, and other mental health related cases, and two centralized judges continue to hear IEA, IN and other mental health related cases.

Additionally, the Court has assumed the responsibility for appointment and payment of counsel to ensure individuals are timely receiving the counsel to which they are entitled.

These improvements have revolutionized the IEA process in New Hampshire, providing patients and petitioners with improved access to justice by providing timely access to a judge and timely orders through an efficient and centralized process. Approval of this request will allow NHJB to continue this important work through September 30, 2026.

Respectfully submitted,



Taylor Caswell,
Executive Director, GOFERR

**State of New Hampshire
Amendment to Inter-Department Memorandum of Understanding**

The State of New Hampshire Governor's Office for Emergency Relief and Recovery (GOFERR) and the New Hampshire Administrative Office of the Courts (AOC) hereby mutually agree to amend the Memorandum of Understanding (MOU) previously entered into and signed by Governor and Council on April 20, 2022 Item #64, and amended by Governor and Council on June 28, 2023, Item #116, to extend the deadline for AOC to use these fund and reduce the overall funding for this project from \$3,922,994 to \$3,582,963.

Wherefore the MOU is amended as follows:

1. Reduce the funding for the project from \$3,922,994 to \$3,582,963.
2. Remove paragraph 3 of the MOU and replace with the following:

AOC agrees that any part of \$3,582,963 that is not obligated by December 31, 2024 and expended by September 30, 2026 will lapse and return to the GOFERR SFRF fund.

Additionally, AOC understands that SFRF funds must be obligated by December 31, 2024. AOC agrees to meet with GOFERR on or before September 30, 2024 to assess the amount of funding used to date, the amount of funding remaining, and the anticipated expenses between September 30, 2024 and the closing date of this MOU of September 30, 2026. GOFERR reserves the right to require that funds anticipated to be unused be returned to GOFERR within 30 days of this meeting to allow for GOFERR to reallocate the funds before the December 31, 2024 deadline.

3. All other provisions of the MOU executed by the parties and signed by Governor and Council on April 20, 2022 as amended June 28, 2023 shall remain in full force and effect.
4. **Governor's Office for Emergency Relief and Recovery**



Taylor Caswell, Director

Date: July 11, 2025

5. NH Judicial Branch



Chris Keating, Interim Director
Administrative Office of the Courts

Date: 7/11/2025

6. Approved as to form substance and execution NH Department of Justice:

Louise D. Williams

Louise Williams, AAG

Date: 7/24/25

Signature

Print Name:

Title:

7. Approved by New Hampshire Governor and Council

_____ Date: _____



STATE OF NEW HAMPSHIRE



GOVERNOR'S OFFICE

for

EMERGENCY RELIEF AND RECOVERY

20230615 116 GAC

June 14, 2023

His Excellency, Governor Christopher T. Sununu
and the Honorable Council
State House
Concord, New Hampshire 03301

REQUESTED ACTION

Authorize the Governor's Office for Emergency Relief and Recovery (GOFERR) to amend an existing Memorandum of Understanding with the New Hampshire Judicial Branch (NHJB) (Vendor Code #177872), Concord, NH by increasing the price limitation by \$1,863,495 from \$2,059,499 to \$3,922,994 and extending the completion date from June 30, 2023, to June 30, 2025, for the Judicial Branch to continue to improve the processing of Involuntary Emergency Admissions (IEA) and non-emergency Involuntary Admissions (IN) cases, effective upon approval from Governor and Executive Council. The original MOU was approved by Governor and Executive Council on April 20, 2022, item #64. This is an allowable use of ARPA SFRF funds under Section 602 (c)(1)(A) to respond to the public health emergency or its negative economic impacts. 100% Federal Funds.

Funding is contingent upon Fiscal Committee and Governor and Executive Council approval of an accept and expend request for \$1,867,861 on the June 23, 2023, Fiscal Committee meeting and included on this agenda.

01-02-002-020210 - Governor's Office for Emergency Relief and Recovery,
24690000 - ARP Grants and Disbursements

085 - 588510 Inter-agency Transfer of Fed Funds

FY2023

\$1,863,495

EXPLANATION

GOFERR requests to amend the attached Memorandum of Understanding (MOU) with the New Hampshire Judicial Branch (NHJB) and then provide additional ARPA State Fiscal Recovery Funds (SFRF) to the NHJB pursuant to the terms and conditions set forth in the MOU.

Under the amended MOU, NHJB will use these additional funds to continue to replace the current system of processing and hearing involuntary emergency admissions (IEA) over the next biennium, moving from a multi-location system to a more centralized process that significantly improves efficiencies in the program and better serves the citizens of New Hampshire. NHJB will also use these funds to improve processing and access in non-emergency involuntary admission cases (IN).

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These improvements require continued investments in technology hardware and software, as well as costs for staff and judges focused on these cases and the necessary system and procedural changes and improvements. The need for dedicated staff to ensure the State meets the time frame required in RSA 135-C:32 for all IEA Petition hearings, as well as to adequately respond to a recent State Supreme Court holding that requires the Court to provide for probable cause hearings within three days of when an IEA certificate is completed, continues.

For example, trained and dedicated staff are handling IEA and IN processing and hearing coordination, court technology improvements are being developed and implemented for these cases, case managers focus on overseeing IEA, IN, and other mental health related cases, and two centralized judges continue to hear IEA, IN and other mental health related cases. Additionally, the Court has assumed the responsibility for appointment and payment of counsel to ensure patients are timely receiving the counsel to which they are entitled.

These improvements have revolutionized the IEA process in New Hampshire, providing patients and petitioners with improved access to justice by providing timely access to a judge and timely orders through an efficient and centralized process. Approval of this request would provide additional funds to continue this important work for the next biennium.

Respectfully submitted,



Chase Hagaman,
Deputy Director, GOFERR

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STATE OF NEW HAMPSHIRE



GOVERNOR'S OFFICE

for

EMERGENCY RELIEF AND RECOVERY

April 7, 2022

His Excellency, Governor Christopher T. Sununu
And the Honorable Council
State House
Concord, New Hampshire 03301

REQUESTED ACTION

Authorize the Governor's Office for Emergency Relief and Recovery (GOFERR) to enter into the attached Memorandum of Understanding with the New Hampshire Judicial Branch (NHJB) Vendor Code #177872, Concord, NH in an amount not to exceed \$2,059,499 Judicial Branch to improve the processing of Involuntary Emergency Admissions (IEA) cases by the Circuit Court upon approval from Governor and Executive Council through June 30, 2023. This is an allowable use of ARPA SFRF funds under Section 602 (c)(1)(A) to respond to the public health emergency or its negative economic impacts. 100% Federal Funds.

Funding is available in the account as follows:

01-02-002-020210 - Governor's Office for Emergency Relief and Recovery,
24690000 - ARP Grants and Disbursements

085 - 588510 Inter-agency Transfer of Fed Funds

FY2022
2,059,499

EXPLANATION

GOFERR will enter into the attached Memorandum of Understanding (MOU) with the NHJB. GOFERR will then transfer ARP State Fiscal Recovery Funds to the New Hampshire Judicial Branch pursuant to terms and conditions set forth in the MOU. Under the terms of the MOU, NHJB will use the funds to replace the current system of processing and hearing IEA cases to a more centralized process to significantly improve efficiencies at multiple locations throughout the state. The funds will be used for initial costs needed to establish this centralized sustainable solution, a one time investments in technology and with a portion for salary and benefits of the courts staff and judges that are dedicated to this single, statewide mental health docket. The MOU requires that funds be sufficiently obligated by June 30, 2023 and anything not used by that date will lapse and return to the GOFERR SFRF fund. This will allow for any unobligated funds to be reallocated before the ARP deadline of 12/31/2024.

There is a need for dedicated staff to ensure the State meets the three-day time frame required in RSA 135-C:32 for all IEA Petitions Court hearings. The Courts have implemented a new process that conducts hearings while the patient is still in the local hospital and before they reach New Hampshire Hospital (NHH) or a Designated Receiving Facility (DRF). The patient is entitled to notice of the hearing and appointment of counsel. This system worked when petitions were filed after the patient had arrived at NHH or a DRF. However, it was apparent that the patients in local hospitals may not have been receiving

notice and that appointed counsel did not always have a means to contact their patient-clients who remained at local hospitals. As a result, petitions may have been subject to dismissal for failure to conduct a hearing within the 3 day deadline. This issue was most acute for IEA Petitions where the certifying clinician designated NHH as the receiving facility.

The Circuit Court will transform the way in which it handles IEA cases with the creation of a single, statewide mental health docket. The Court believes that significant efficiencies can be achieved by replacing the current system of processing and hearing IEA cases at multiple locations throughout the state with a centralized process. Judges and staff would be dedicated to and specialize in adjudication of IEA and other mental health-related cases. Additionally, the Court would assume the responsibility for appointment of counsel and to expand the counsel pool to ensure patients are timely receiving the counsel to which they are entitled.

The success of centralization will depend largely on the hard work of the staff assigned to the project. Because the Court will be assuming functions previously performed by DHHS, this new process will increase the amount of Court resources required for processing IEA cases, including issuance of hearing notices with information about remote hearings and attorney-client consultations to multiple parties. Centralization will also require coordination between multiple parties to facilitate hearings under tight deadlines, work that was previously done by DRF staff.

Efficient and timely processing of IEAs will require new Court staff who will be trained and dedicated to IEA processing and hearing coordination. The Court believes that four new case managers focused on processing of IEAs and other mental health related cases, such as non-emergency involuntary admissions, will be required. The case managers will be responsible for ensuring timely docketing of IEA cases, delivery of accurate hearing notices and other documents to parties, entry of court actions into the Court's case processing system, and issuance of notices of decision. These specialized case managers will also prepare files for judicial review and ensure that judicial decisions are timely and accurately reflected in Court records. They will also serve as courtroom clerks during IEA and other mental health related hearings. They must be experienced court staffers able to accurately process cases under tight deadlines.

Additionally, the case managers will be responsible for coordinating between all parties to ensure that timely hearings are conducted and that all parties are able to participate. Case managers will assist parties with connecting to remote hearings, answer questions from litigants about court processes, and address scheduling conflicts as they arise. Case managers will need to be skilled at interpersonal relations and assisting individuals in crisis, as their role will require communicating with individual and families experiencing extreme distress.

Because local courts typically dedicate only 15 to 60 minutes to IEAs per day, no one court can simply take over all IEA hearings. Instead, the Court proposes the addition of two central judges dedicated to hearing IEAs and other mental health related cases, such as involuntary commitments and guardianship cases for patient's subject to involuntary commitment. When not hearing mental health related cases, the central judges would be assigned to other, easily centralized cases, such as the review of warrants and the processing of electronically filed estate cases. Assigning two judges to centrally process IEA and other mental health-related cases will ensure smooth functioning of the system in the event of illness or vacation and allow the Court to conduct simultaneous IEA hearings on days when a high number of Petitions are received.

The addition of two full-time central judges who will take on tasks that would otherwise be handled by local judges will also provide flexibility to local courts to address IEA and other mental health related emergencies. For example, if the central judges process warrants in addition to IEAs, local courts would gain a day or more of judge time each month that they currently do not have because the local judge is

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required to process warrants. Spreading that time out over the month would build flexibility into the local courts' schedules, permitting the court to reserve time each day for the judge to address mental health related emergencies, such as allowing a judge to travel to a local hospital to conduct an IEA hearing in-person when the patient is unable to participate remotely.

This is a presumptively eligible use of SFRF funds under FR 35.6 (b) (3) Enumerated uses; responses presumed reasonably proportional; subsection (i)(C) Behavioral Health and/or Public Sector Capacity Administrative Needs, FR 35.6 (b)(ii)(E).

In the event that Federal Funds become no longer available, General Funds will not be requested to support this program.

Respectfully submitted,



Taylor Caswell,
Executive Director, GOFERR