



Moira O'Neill
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State of New Hampshire

Office of the Child Advocate



**Testimony of
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before
The Vermont Senate Committee on Health and Welfare
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Good morning, Chair Lyons, Vice Chair Westman, and esteemed members of Senate Committee on Health and Welfare. My name is Moira O'Neill, and I am the Child Advocate for the New Hampshire Office of the Child Advocate. Thank you for the opportunity to speak to you today in support of **House Bill 265, An Act relating to the Office of the Child, Youth, and Family Advocate.**

First, I would like to applaud and express gratitude for the effort to establish the Office of the Child, Youth, and Family Advocate. We in the New Hampshire Office of the Child Advocate have followed and supported the endeavor from its inception because it is in the interest of Vermont's children. It would also complete a regional network of support and oversight of children's services. New England state borders are fluid for many children. We have often lamented the absence of a peer to contact when we had questions about the care of New Hampshire children placed in Vermont, or when we have encountered Vermont's children in New Hampshire. Today I reiterate our support.

To give context to my expertise about these kinds of offices, I was an Assistant Child Advocate for the State of Connecticut for 11 years. I complimented my work with doctoral study and completed a dissertation that was a descriptive exploratory study of state children's ombudsmen and child advocates in the United States. I am the first New Hampshire Child Advocate and have built the Office from inception. This is an area of state government about which I am well informed and enthusiastic.

I can speak to the experience of opening an independent office and to the adjustments we made statutorily in the first years. I can also speak to necessary infrastructure and costs. Yesterday I listened to some of your deliberations on the bill and will start with a few comments in response to questions I heard and then I will welcome any additional questions you have today.

- 1) You asked how one person can do all the work that is implied within the Office's mandate. It is true that these offices can be overwhelmed with activity. It is a matter of establishing a manageable system to receive complaints and incident reports and establishing priorities that are driven by trends that emerge. The best approach is to hire knowledgeable, capable staff and invest in a good case management system with robust reporting capacity. In fact, those are the two significant expenses for these offices. We found in New Hampshire during the first four years we operated largely in a reactive mode, given the state of crisis that was our genesis and many lingering concerns that preceded us. This year we undertook strategic planning with a broad assessment of our performance and stakeholder-identified needs in the community. We believe the structure of a strategic plan, informed by the expectations of stakeholders – now that they know what the Office is - will help us lessen the chaos and focus on priority issues.

- 2) You asked about the infrastructure of the office and suggested placing it in a nonprofit entity. This model has been tried in only two states to date, Colorado and Maine. Colorado quickly reverted into a government setting for, among other things, credibility, and sustainability. They are attached to the judiciary on a memorandum of understanding for administrative support while they maintain independence. Maine continues in the non-profit model as a stand-alone entity. My observation is that, not having a place around the capitol, the Office lacks the stature and full perceived authority of a government agency. The classical office designed to have full independence, is attached to the legislature's administrative services for administrative support only. Many of us are in the executive branch attached to the Department of Administrative Services for support like human resources, budget management, and other operational tasks that may distract from the mission of the office. There can be challenges to independence in that model.
- 3) I heard some discussion yesterday about the Advocate's access to children when they are in residential programs but not in custody of the State. House Bill 265 gives the Advocate the authority to speak with children and access information, generally when the state is paying for a service. We often say, where State dollars are involved, we have authority because we oversee the State's investment in children. If parents or guardians are making decisions about children and placing them in residential programs, the presumption is they are providing their own oversight of the child's care. When the State places a child, not only is the State financially responsible, it may also be acting as the child's parent, and therefore must be responsible to oversee the child's care. There are some situations where we have concerns about a facility accommodating children placed privately. Recently we received concerns about abusive practices in what was an outdoor adventure camp that, during the pandemic evolved into a school. While we did not have direct authority to enter and access children and records, we were able to seek out other avenues of State responsibility through licensing, public health, fire safety and school certification. In that way, we were able to prompt attention to the situation.
- 4) You asked how the Advocate would impact the new interstate compact being considered. The new interstate compact on the placement of children (ICPC) establishes a consistent process among states for the movement of children across borders, which I have already mentioned, is a frequent occurrence in New England. In the context of the Advocate's duties, the ICPC represents one more aspect of State involvement in a child's life that would benefit from an independent lens of oversight. Remember that the ICPC is a minimum standard. The Advocate will have the authority to examine assessments, home studies and all the decision making in placing a child at a distance from their original home and offer a layer of assurance those decisions are made in the child's interests. In the case of ICPC over residential placements, I can tell you that we routinely contact our peers in other states to inquire about conditions of a facility or information about recent incidents there that may not come up in the ICPC process, especially if there are concerns after the child is placed. When I worked for the Connecticut Office of the Child Advocate, we received an inquiry from the Rhode Island Child Advocate who had recently visited a Rhode Island child placed in a Connecticut facility. That call prompted us to visit and eventually investigate what were deplorable conditions. The facility was actually closed and over 100 children moved to better care thanks to the alert of another child advocate. In New Hampshire, when we saw a spate of incidents in a small facility on a state property, we alerted the Child Advocate's in sending states to investigate and be sure their children were tended to. I am sure you are aware New Hampshire receives children from Vermont at our youth prison, the Sununu Youth Services Center. My office holds office hours at the facility on a regular basis to check in with young people and ensure their needs are met. On at least three occasions we have encountered Vermont children with concerns about where they would go upon imminent discharge due to reaching the age of 18. We have had to scramble to work our

way through unfamiliar Vermont services to determine who is responsible for them and implore they assist the youngsters. Without any authority in Vermont, we have no way of knowing if the young people get a supported transition for the very best outcomes. The Child, Youth, and Family Advocate would be able to do that.

Those were the major themes of questions I heard in your discussion yesterday. I will add that I very much appreciate the establishment of the advisory committee. In my dissertation study, I found that the advocate is a lonely position in that the necessity for independence, confidentiality, and neutrality of oversight leaves them with few resources to process decision making. New Hampshire has an Oversight Commission that is supportive, however as a public body, there is no space for discussing the Child Advocate's concerns or for taking advice on investigative actions. I believe the advisory committee will be especially useful as a sounding board in the early days of building the Office and establishing processes. They will also be helpful in observing the needs and demands on the Office to determine what adjustments will be necessary in future iterations of the enabling statute. This is common in many states as the role is defined by the needs of the system. In New Hampshire we completely re-wrote and moved our statute to reinforce independence and expand jurisdiction.

I will stop here and take your questions if you have them. I urge your support of **House Bill 265, An Act relating to the Office of the Child, Youth, and Family Advocate.**

Thank you for this opportunity to speak.