



1873 LEGAL COUNSEL SERVICES	
Chapter: Services for Children, Youth, and Families	Section: Direct and Purchased Services
	New Hampshire Division for Children, Youth and Families Policy Manual Policy Directive: 07-20 Effective Date: October 2007 Scheduled Review Date:
	Approved:  Maggie Bishop, DCYF Director
Related Statute(s): RSA 126-A , RSA 169-B , RSA 169-C , RSA 169-D , RSA 170-G , and RSA 311 Related Admin Rule(s): Related Federal Regulation(s): SSA Section 422 , and SSA Section 475	Related Form(s): Bridges' Screen(s) and Attachment(s):

Purpose

To define the purchased service specifications for legal counsel services.

Definitions

"Legal Counsel" means the services of an attorney in good standing with the state bar association who represents children and families involved with DCYF.

"Service Code" means LR.

"Service Population" means children, ages birth through 20, and families who have been referred to DCYF as abused/neglected, CHINS, or delinquent, and who need court intervention and supportive services to remain together or to be reunited.

"Service Unit" means 1 Hour.

Policy

Provider Qualifications/Requirements:

- I. A provider for legal counsel services must:
 - A. Be in good standing with the state bar association and submit a letter of verification to DCYF at the time of application and re-certification; and
 - B. Comply with RSA 311 and rules of the court relative to the appointment of individuals to serve as an attorney for children, adolescents, and families.
- II. Legal counsel services are limited to individual actions only.
- III. No financial reimbursement is made by DCYF for class-action suits filed against DCYF, fee-generating cases, criminal actions, or representation of parents for children in need of services and delinquency cases.
- IV. Legal fees are not paid by DCYF for participation at administrative case reviews, pursuant to Titles IV-B, Section 422 and IV-E, Section 475(5) of the Social Security Act.

Service Provision Guidelines:

- I. DCYF authorizes payment for legal counsel services ordered by a court of competent jurisdiction for representation of a person as to whom statute provides that an attorney be provided to the extent that statute also provides for payment of the cost for the attorney by DCYF.
- II. Legal counsel services must be provided:
 - A. Pursuant to RSA 169-C:10 II, for indigent parents alleged to have neglected or abused their children and be appointed for indigent parents not alleged to have neglected or abused their children who are household members where independent representation is deemed necessary by the court to protect that parent's interests; or
 - B. Pursuant to RSA 169-D:12 II for children and adolescents who have been brought before the court under RSA 169-C and under RSA 169-D.

Payment/Billing Procedures:

- I. The District or Family Court Judge appoints legal counsel.
- II. The legal counsel provider submits an invoice to the court of jurisdiction; the judge approves the invoice and forwards the invoice to the county human services administrator.
- III. No payment is allowed for bills received after one year from the date of service, pursuant to RSA 126-A:3 II.
- IV. The county human services administrator receives the invoice pursuant to RSA 126-A:3 II-a and RSA 169 and forwards the invoice to DCYF for payment.

Practice Guidance

What is the Service Rate for this Service?

- Refer to [Item 2700 Rates](#) (Fiscal Management Chapter, Rates Section) for current rate.