

August 20, 2008

Mary Castelli, Esq.  
NH DHHS  
129 Pleasant Street  
Concord, NH 03301

Dear Mary,

I hope this letter finds you well.

The NH Civil Liberties Union was contacted by a juvenile against whom there was a finding of delinquency in Colebrook District Court as a result of an alleged burglary. Shortly thereafter he received a letter from DHHS Division for Juvenile Justice Services, which appears to be a form letter captioned **NOTICE OF DNA TESTING REQUIREMENTS**. I am enclosing a copy of this letter for your review.

The letter misstates the law. Except for juveniles convicted of certain sexual offenses, juveniles are not subject to DNA testing. Evidently a similar order to submit to DNA testing was litigated before Brentwood Family Division Justice David LeFrancois in the past. Judge LeFrancois held that RSA 651-C, the DNA collection statute, does not apply to juveniles unless they are adjudicated delinquent as a result of the enumerated sexual offenses. I am also enclosing a copy of Judge LeFrancois's order.

The purpose of this letter is to make sure that the practices of Division for Juvenile Justice Services conform to the law and that the form letter submitted juveniles will be edited to reflect the law.

Please give me a call to discuss this at your earliest convenience. Mary, if you are not the appropriate person to have contacted, please let me know whom I should address this to.

I look forward to speaking with you.

Very truly yours,

Barbara R. Keshen  
Staff Attorney

CC: Mr. Michael Brauer