

APPENDIX II-G

COVER SHEET FOR FINAL PROPOSAL

Notice Number 2022-11 Rule Number He-W 630.01 830.01

<p>1. Agency Name &amp; Address:</p> <p><b>Dept. of Health and Human Services Bureau of Family Assistance 129 Pleasant St., Brown Bldg. Concord, NH 03301</b></p>	<p>2. RSA Authority: <u><b>RSA 167:83 II(e)</b></u></p> <p>3. Federal Authority: _____</p> <p>4. Type of Action:</p> <p><input checked="" type="checkbox"/> Adopt</p> <p><input type="checkbox"/> Amendment (only if Initial Proposal was filed before 9/27/20.)</p> <p><input type="checkbox"/> Repeal</p> <p><input type="checkbox"/> Readoption</p> <p><input checked="" type="checkbox"/> Readoption w/amendment</p>
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5. Short Title: **Living with a Specified Relative**

6. Contact person for copies and questions:

Name:	<b>Nicole Burke</b>	Title:	<b>Rules Coordinator- Administrative Rules Unit</b>
Address:	<b>Dept. of Health &amp; Human Services Administrative Rules Unit 129 Pleasant Street, Brown Bldg. Concord, NH 03301</b>	Phone #:	<b>(603) 271-9640</b>

7. The rulemaking notice appeared in the Rulemaking Register on **February 10, 2022**

**SEE THE INSTRUCTIONS--PLEASE SUBMIT ONE COPY OF THIS COVER SHEET  
AND ONE COPY OF THE FOLLOWING:  
(optional to number correspondingly)**

8. The "Final Proposal-Fixed Text," including the cross-reference table required by RSA 541-A:3-a, II as an appendix.

9. Yes ☐ N/A ☒ Incorporation by Reference Statement(s) because this rule incorporates a document or Internet content by reference for which an Incorporation by Reference Statement is required pursuant to RSA 541-A:12, III.
10. Yes ☒ N/A ☐ The "Final Proposal-Annotated Text," indicating how the proposed rule was changed because the text of the rule changed from the Initial Proposal pursuant to RSA 541-A:12, II(d).
11. Yes ☐ N/A ☒ The amended fiscal impact statement because the change to the text of the Initial Proposal affects the original fiscal impact statement (FIS) pursuant to RSA 541-A:5, VI.

Notice Number 2022-11

Rule Number He-W 630.01 & He-W 830.01

<p>1. Agency Name &amp; Address:</p> <p><b>Dept. of Health and Human Services Bureau of Family Assistance 129 Pleasant St., Brown Bldg. Concord, NH 03301</b></p>	<p>2. RSA Authority: <u>RSA 167:83,II(e)</u></p> <p>3. Federal Authority: _____</p> <p>4. Type of Action:</p> <p>Adoption <u>X</u></p> <p>Repeal _____</p> <p>Readoption _____</p> <p>Readoption w/amendment <u>X</u></p>
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5. Short Title: **Living with a Specified Relative**

6. (a) Summary of what the rule says and of any proposed amendments:

**He-W 630.01 defines the term “dwelling” in reference to assistance groups for Financial Assistance to Needy Families (FANF) and medical assistance. He-W 630.01 also describes who the casehead shall be for various living arrangements of a child, such as the child living with parents or living with a specified relative. Additionally, He-W 630.01 states that a child who is not living with a specified relative shall be ineligible for assistance without good cause. The Department of Health and Human Services (Department) is proposing to readopt He-W 630.01 with amendment by spelling out Financial Assistance to Needy Families and removing the reference to medical assistance as it is now contained in He-W 830.01**

**The Department is also proposing to adopt He-W 830.01 to coincide with rules regarding eligibility for medical assistance being reorganized into Chapter He-W 800. He-W 830.01 defines the term “dwelling” in reference to assistance groups and also describes who the casehead will be for various living arrangements of a child, such as the child living with parents or living with a specified relative. Additionally, He-W 830.01 states that a child who is not living with a specified relative shall be ineligible for assistance without good cause.**

6. (b) Brief description of the groups affected:

**All applicants and recipients of financial and medical assistance programs through financial assistance to needy families (FANF), state supplemental programs (SSP), and Medicaid.**

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

Rule	Specific State or Federal Statutes or Regulations the Rule Implements
He-W 630.01	Section 408(a)(7) of the SSA Act as amended by PRWORA; RSA 167:6
He-W 630.01	RSA 169-C:3,XIV; RSA 167:6; RSA 167:78; RSA 167:79,II & V(b) RSA 167:83,II(e); 42 USC 608(a)(10)
He-W 830.01	RSA 169-C:3,XIV; RSA 167:6; RSA 167:78; RSA 167:79,II & V(b) RSA 167:83,II(e); 42 USC 608(a)(10)

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: **Nicole Burke** Title: **Rules Coordinator –  
Administrative Rules Unit**

Address: **Dept. of Health and Human Services** Phone #: **(603) 271-9640**  
**Administrative Rules Unit** Fax#: **(603) 271-5590**  
**129 Pleasant Street, 2<sup>nd</sup> Floor** E-mail: [Nicole.V.Burke@dhhs.nh.gov](mailto:Nicole.V.Burke@dhhs.nh.gov)  
**Concord, NH 03301**

TTY/TDD Access: Relay NH 1-800-735-2964  
or dial 711 (in NH)

**The proposed rules may be viewed and downloaded at:**

<http://www.dhhs.nh.gov/oos/aru/comment.htm>

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **Tuesday, March 29, 2022**

☒ Fax ☒ E-mail ☐ Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Tuesday, March 22, 2022 at 11:30 am**

Place: [\*\*DHHS Brown Bldg., Auditorium, 129 Pleasant St., Concord, NH\*\*](#)

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # 22:007, dated 2/3/2022

**1. Comparison of the costs of the proposed rule(s) to the existing rule(s):**

There is no difference in cost between the proposed and existing He-W 630.01. Not applicable with respect to He-W 830.01, as this is a new rule.

**2. Cite the Federal mandate. Identify the impact on state funds:**

No federal mandate, no impact on state funds.

**3. Cost and benefits of the proposed rule(s):**

The proposed rule makes minor editorial changes to He-W 630.01, which defines “dwelling” with respect to the assistance group for Financial Assistance to Needy Families (FANF). New rule He-W 830.01 is written to mirror He-W 630.01.

**A. To State general or State special funds:**

None.

**B. To State citizens and political subdivisions:**

None.

**C. To independently owned businesses:**

None.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

**The proposed rules modify an existing program or responsibility, but do not mandate any fees, duties, or expenditures on the political subdivisions of the state, and therefore do not violate Part I, Article 28-a of the N.H. Constitution.**

**Readopt with amendment He-W 630.01 effective 03-01-12 (Document #10077), to read as follows:**He-W 630.01 Living with a Specified Relative.

(a) For purposes of determining the assistance group for financial assistance to needy families (FANF) financial assistance, "dwelling" means:

- (1) An individual's principal residence or place of abode;
- (2) The family setting maintained or in the process of being established as a home, as evidenced by assumption, continuation, and exercise of responsibility for day-to-day care and control of the child by the relative with whom the child is living; and
- (3) A living unit as defined in (1) and (2) above with no more than one postal address.

(b) If the dwelling has a separate living unit attached to it with a separate postal address, this living unit shall not be considered part of the same dwelling.

(c) The department shall consider a child to be living with a specified relative as defined in RSA 167:78,XXIII when the child lives in the same dwelling as defined in (a) above as the specified relative unless the conditions in (e) apply.

(d) The department shall consider the specified relative in (c) above to be the casehead for the assistance group.

(e) If a child lives in the same dwelling as both the child's parent and a non-parent specified relative, the department shall consider the child to be living with the parent.

(f) The department shall consider the parent in (e) above to be the casehead in the assistance group unless the conditions in (g) below apply.

(g) If the non-parent specified relative in (e) above is the legal guardian of the child pursuant to RSA 169-C:3,XIV, the department shall:

- (1) Consider the non-parent specified relative to be the casehead in the assistance group; and
- (2) Consider the parent to be a member of the assistance group pursuant to RSA 167:79,II and He-W 601.01(u).

(h) A child who is not living with a specified relative for a period of 45 consecutive days shall be ineligible for FANF financial assistance if good cause does not exist.

(i) For purposes of paragraph (h), good cause shall exist, pursuant to 42 USC 608(a)(10), when:

- (1) The specified relative retains care and control of the child;
- (2) The child's return to the home is expected; and
- (3) For a child who is absent from the home to attend school, the child returns home during vacation periods and semester breaks or returns home at the end of the school year and has not established another dwelling.

**Adopt He-W 830.01 to read as follows:****He-W 830.01 Living with a Specified Relative.**

(a) For purposes of determining the assistance group for parent caretaker relative medical assistance, "dwelling" means:

- (1) An individual's principal residence or place of abode;
- (2) The family setting maintained or in the process of being established as a home, as evidenced by assumption, continuation, and exercise of responsibility for day-to-day care and control of the child by the relative with whom the child is living; and
- (3) A living unit as defined in (1) and (2) above with no more than one postal address.

(b) If the dwelling has a separate living unit attached to it with a separate postal address, this living unit shall not be considered part of the same dwelling.

(c) The department shall consider a child to be living with a specified relative as defined in RSA 167:78,XXIII when the child lives in the same dwelling as defined in (a) above as the specified relative unless the conditions in (e) apply.

(d) The department shall consider the specified relative in (c) above to be the casehead for the assistance group.

(e) If a child lives in the same dwelling as both the child's parent and a non-parent specified relative, the department shall consider the child to be living with the parent.

(f) The department shall consider the parent in (e) above to be the casehead in the assistance group unless the conditions in (g) below apply.

(g) If the non-parent specified relative in (e) above is the legal guardian of the child pursuant to RSA 169-C:3,XIV, the department shall:

- (1) Consider the non-parent specified relative to be the casehead in the assistance group; and
- (2) Consider the parent to be a member of the assistance group pursuant to RSA 167:79,II and He-W 601.01(u).

**APPENDIX**

<b>Rule</b>	<b>Specific State or Federal Statutes or Regulations the Rule Implements</b>
He-W 630.01	Section 408(a)(7) of the SSA Act as amended by PRWORA; RSA 167:6; RSA 169-C:3,XIV; RSA 167:6; RSA 167:78; RSA 167:79,II & V(b) RSA 167:83,II(e); 42 USC 608(a)(10)
He-W 830.01	RSA 169-C:3,XIV; RSA 167:6; RSA 167:78; RSA 167:79,II & V(b) RSA 167:83,II(e); 42 USC 608(a)(10)