

APPENDIX II-G

COVER SHEET FOR FINAL PROPOSAL

Notice Number	<b>2022-27</b>	Rule Number	<b>He-C 6429</b>
1. Agency Name & Address: <b>Dept. of Health and Human Services          Bureau of Family Assistance          129 Pleasant St., Brown Bldg.          Concord, NH 03301</b>		2. RSA Authority: <b>RSA 132-A:5 &amp; RSA 170-G:5</b> 3. Federal Authority: _____ 4. Type of Action: <input type="checkbox"/> Adopt <input type="checkbox"/> Amendment (only if Initial Proposal was filed before 9/27/20.) <input type="checkbox"/> Repeal <input type="checkbox"/> Readoption <input checked="" type="checkbox"/> Readoption w/amendment	

5. Short Title: **Children Left at Hospitals or Safe Havens**

6. Contact person for copies and questions:

Name: **Nicole Burke**

Title: **Rules Coordinator-  
Administrative Rules Unit**

Address: **Dept. of Health & Human Services  
Administrative Rules Unit  
129 Pleasant Street, Brown Bldg.  
Concord, NH 03301**

Phone #: **(603) 271-9640**

7. The rulemaking notice appeared in the Rulemaking Register on **March 3, 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 2022-27

Rule Number He-C 6429

1. Agency Name & Address:

**Dept. of Health & Human Services  
Division for Children, Youth and Families  
Thayer Building  
97 Pleasant St  
Concord, NH 03301**

2. RSA Authority: **RSA 132-A:5 & RSA 170-G:5**

3. Federal Authority: \_\_\_\_\_

4. Type of Action:

Adoption \_\_\_\_\_

Repeal \_\_\_\_\_

Readoption **X**

Readoption w/amendment \_\_\_\_\_

5. Short Title: **Children Left at Hospitals or Safe Havens**

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

**The Department of Health and Human Services (DHHS) proposes to readopt He-C 6429 without amendment. These rules are proposed in response to RSA 132-A. He-C 6429 describes the duties and reporting requirements for hospitals and safe havens at which a child who is not more than 7 days old has been left by the child's parent, and the parent has not expressed an intent to return for the child. These rules require that a hospital or safe haven assume temporary care and control of an abandoned child and notify DHHS and law enforcement officials of the situation.**

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

**Infants less than 7 days old, new parents, hospitals, law enforcement, churches, fire departments, emergency 911 responders, staff at DHHS, and staff at the Division for Children, Youth and Families (DCYF).**

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 Statute or Regulation the Rule Implements
He-C 6429.01	RSA 132-A:5
He-C 6429.02	RSA 132-A:1
He-C 6429.03	RSA 132-A:2
He-C 6429.04 – 6429.05	RSA 132-A:3
He-C 6429.06	RSA 132-A:5

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  
Administrative Rules Unit  
129 Pleasant Street, 2<sup>nd</sup> Floor  
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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: **Thursday, April 14, 2022**

☒ Fax

☒ E-mail

☐ Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Thursday, April 7, 2022 at 2:00 pm**

Place: **DHHS Brown Bldg., Auditorium, 129 Pleasant St., Concord, NH**

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

FIS # 22:029 , dated 2/22/2022

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

There is no difference in cost when comparing the proposed rule to the existing rules.

**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):**

**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 readopt existing rules and do not mandate or assign any new, modified, or expanded programs or responsibilities, and 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.**

**CONSENT**

**Readopt He-C 6429.01-He-C 6429.03, effective 8/17/12 (Document #10170), cited and to read as follows:**

**PART He-C 6429 CHILDREN LEFT AT HOSPITALS OR SAFE HAVENS**

Statutory Authority: RSA 132-A:5 and RSA 170-G:5

He-C 6429.01 Scope. These rules apply to hospitals and safe havens at which a child who is not more than 7 days old has been left by the child's parents and the parents have not expressed an intent to return for the child.

He-C 6429.02 Definitions.

- (a) "Child" means a newborn infant who is not more than 7 days old.
- (b) "Church" means a house of worship that is registered with the New Hampshire secretary of state under RSA 292:1, I for a religious purpose.
- (c) "Department" means the department of health and human services.
- (d) "Emergency 911 responder" means a person who is trained to provide the services of a fire department, police department, or ambulance or rescue unit.
- (e) "Hospital" means "hospital" as defined in RSA 132-A:1, II, namely, "a public or private institution which is required to be licensed under RSA 151, and which is engaged in providing to patients, under supervision of physicians, diagnostic and therapeutic services for medical diagnosis, treatment, and care of injured, disabled, or sick persons, or rehabilitative services for the rehabilitation of such persons."
- (f) "Safe haven" means "safe haven" as defined in RSA 132-A:1, III, namely, "a church which is attended by a person, or a police or fire station which is attended by a person, or a 911 responder at an agreed transfer location."

He-C 6429.03 Temporary Care and Control of Children by a Hospital or Safe Haven.

- (a) A hospital or safe haven shall, without a court order, take temporary care and control of a child who is not more than 7 days old, pursuant to RSA 132-A: 2, I.
- (b) A safe haven shall immediately and safely transport or arrange for the child to be immediately and safely transported to the local hospital.
- (c) The hospital, whether receiving the child directly from the parent or from the safe haven, shall provide any medical services necessary to protect the physical health or safety of the child including observation, physical examination, and any necessary medical treatment.

**Readopt He-C 6429.04, effective 8/17/12 (Document #10170), as amended effective 2/21/18 (Document #12482), to read as follows:**

He-C 6429.04 Requirements of Hospitals and Safe Havens.

- (a) Within 24 hours after assuming temporary care and control of a child under RSA 132-A: 2, I, the hospital or safe haven shall provide notice to the division for children, youth, and families (DCYF) and local law enforcement officials.

(b) Personnel at hospitals and safe havens shall provide the notification to DCYF required in (a) above by calling the DCYF intake unit at 1-800-894-5533.

(c) When providing notification to DCYF or to law enforcement, a hospital or safe haven shall provide the following information:

- (1) The name of the hospital or safe haven;
- (2) The date and time the child was left at the hospital or safe haven;
- (3) The child's gender and date of birth if known;
- (4) The child's health condition;
- (5) The name of the attending physician; and
- (6) Any personally identifiable information that was provided to the hospital or safe haven by the child's parent or parents on a voluntary basis, such as:
  - a. The parent or parents' names and addresses; and
  - b. Family medical history or other family information.

(d) As allowed by RSA 132-A:3, II, a hospital or safe haven may bill the department for all necessary medical and other costs incurred while assuming care of the child, including any cost incurred for services provided by a physician or other medical personnel who is not associated with the hospital or safe haven, within 90 days of the date the hospital or safe haven assumed custody of the child.

(e) Hospital personnel shall allow the DCYF nurse or staff access to the child and the child's medical information.

**Readopt He-C 6429.05 and He-C 6429.06, effective 8/14/12 (Document #10170), cited and to read as follows:**

He-C 6429.05 Duties of the Department.

(a) Upon receiving notification in accordance with He-C 6429.04(a), DCYF staff shall:

- (1) Within 24 hours, request law enforcement officials to investigate the incident using all resources available, including checking the national crime information center database, to determine if the child is a missing child;
- (2) Have a staff nurse, supervisor, or DCYF administrator:
  - a. Observe the child;
  - b. Review any medical information about the child;
  - c. Follow up on any health care treatment recommendations; and
  - d. Coordinate with the hospital for the child's discharge from the hospital; and
- (3) Apply to the family division of the circuit court for an order to assume temporary custody of the child.

(b) In accordance with RSA 132-A:3, the department shall be responsible for all necessary medical and other costs incurred by the hospital or safe haven related to the temporary care and control of the child.

He-C 6429.06 Care and Custody Requests. Following the surrender of the child, anyone requesting care and custody of the child shall contact the family division of the circuit court that has jurisdiction over the matter, pursuant to RSA 169-C.

#### APPENDIX C

<b>Rule</b>	<b>Specific State or Federal Statutes or Regulations the Rule Implements</b>
He-C 6429.01	RSA 132-A:5
He-C 6429.02	RSA 132-A:1
He-C 6429.03	RSA 132-A:2
He-C 6429.04 – 6429.05	RSA 132-A:3
He-C 6429.06	RSA 132-A:5