

2797 RULE DEVELOPMENT PROCESS

Chapter: **General Administrative Operations** Section: **Policy and Rule Maintenance**



New Hampshire Division for Children, Youth and Families Policy Manual

Policy Directive: **01-16**

Approved:

Effective Date: **April 30, 2001**

Scheduled Review Date:

DCYF Director

Related Statute(s): [RSA 541-A](#)

Related Admin Rule(s):

Related Federal Regulation(s):

Related Form(s):

Bridges' Screen(s) and Attachment(s):

Purpose

To establish the requirements for developing and filing rules at DCYF.

Policy

- I. All rules must be identified from established DCYF policy, if possible.
- II. Each rule is a DCYF statement that affects the public and must have a number and letter to locate it.
- III. Each form that is completed or signed by a member of the public must be described by rule.
- IV. Assigned policy and program staff, who are familiar with the subject or who developed the policy, have the responsibility for identifying rules for DCYF.
- V. Rules under development must be coordinated with the Policy and Rules Unit at State Office to obtain initial technical assistance with:
 - A. Locating any previous rule documents;
 - B. Identifying the statutory authority to establish the rules and other state and federal law references;
 - C. Using uniform rule numbers;
 - D. Calculating timelines for filing the initial proposed rules;
 - E. Using the required rule format; and
 - F. Planning the date and place for the public hearing.
- VI. The requirements of the Administrative Procedures Act (RSA 541-A) and the NH Rulemaking Manual must be carefully followed to avoid rulemaking delays and major revisions after the public's review of the rules.
- VII. In summary, the major steps of the rulemaking process include:
 - A. Identification and formatting of rules from DCYF policy, if possible;
 - B. Review by DCYF legal coordinators;

- C. Review and assistance from Administrative Rules Unit staff in the Commissioner's Office of Program Support;
 - D. Preparation of the rules' fiscal impact information in coordination with Fiscal Unit's Administrator;
 - E. Submission of the rulemaking notice form, fiscal impact statement, and proposed rules to the DHHS Rules Unit;
 - F. Publication of the Rulemaking Notice in the NH Rulemaking Register;
 - G. Public Hearing;
 - H. Review of comments from the public;
 - I. Preparation of amended fiscal impact information and the final proposed rules;
 - J. Meeting with Office of Legislative Services' staff to discuss revisions;
 - K. Attendance at the Joint Legislative Committee Hearing; and
 - L. Coordination of final rules with the DHHS Administrative Rules Unit.
- VIII. Staff who develop the rules for DCYF must attend all meetings with staff at the Office of Legislative Services, the scheduled public hearing, and the Legislative Committee's review of the final proposed rules.
- IX. Current rules filed under the Commissioner's authority (He-C) are listed and numbered in indexes kept in the DCYF Rules Manual, at the Commissioner's Administrative Rules Unit, and at the Office of Legislative Services, Division of Administrative Rules. Current rules may also be accessed via NH Bridges Help screens or the NH web page, Webster.