

New Hampshire

TITLE XII. PUBLIC SAFETY AND WELFARE CHAPTER 169-E. MISSING CHILDREN

§ 169-E:1. Definition

For the purposes of this chapter "missing child" means any person under the age of 16 years missing from his normal and ordinary place of residence and whose whereabouts cannot be determined by a person responsible for the child's care.

§ 169-E:2. Report

When a law enforcement agency in this state that has jurisdiction in the matter is informed that a minor is or may be a missing child and that the person providing the information wishes to file a missing child report, the law enforcement agency shall take that report from the child's parents, custodial parent, guardian, legal custodian or any other person responsible for the missing child. Upon taking the report, the law enforcement agency shall take reasonable and appropriate action to locate the missing child. No law enforcement agency in this state shall have a rule or policy that prohibits or discourages the filing of or the taking of action upon a missing child report, within a specified period following the discovery or formulation of a belief that a minor is or could be a missing child.

§ 169-E:2-a. Hotline for Missing Children; Rulemaking

There is hereby established a toll-free statewide hotline for the purpose of reporting information on missing children. This hotline shall have its terminus at the central communication section of the New Hampshire division of state police. The director of the division of state police shall adopt rules under RSA 541-A relative to its administration and operation.

§ 169-E:3. Procedure

I. If a missing child report is made to a law enforcement agency in this state that has jurisdiction in the matter, the law enforcement agency shall gather readily available information about the missing child and integrate it into the national crime information center computer within 12 hours following the making of the report, unless extraordinary circumstances cause a delay. The law enforcement agency shall make reasonable efforts to acquire additional information about the missing child following the transmittal of the initially available information, and promptly integrate any additional information acquired into such computer system.

II. The parents, custodial parent, guardian, legal custodian, or other person responsible for the missing child shall provide available information upon request, and may provide information voluntarily, to the law enforcement agency during the information gathering process. The law enforcement agency also may obtain available information about the missing child from other persons, subject to constitutional and statutory limitations.

III. Upon the filing of a missing child report, the law enforcement agency involved promptly shall make a reasonable attempt to notify other law enforcement agencies within its county and, if the agency has jurisdiction in a city, town, or unorganized or unincorporated place that borders another county, to notify the law enforcement agency for the city, town, or unorganized or unincorporated place in the other county with which it shares the border, that it has taken a missing child report and may be requesting assistance or cooperation in the case, and provide relevant information to the other law enforcement agencies. The agency may notify additional law enforcement agencies and appropriate county providers of human services exercising children services functions, about the case, request their assistance or cooperation in the case, and provide them with relevant information.

IV. Upon request from a law enforcement agency, a county provider of human services exercising children services functions shall grant the law enforcement agency access to all information concerning a missing child that the provider possesses that may be relevant to the law enforcement agency in investigating a missing child report concerning that child. The information obtained by the law enforcement agency shall only be used to further the investigation to locate the missing child.

§ 169-E:4. Cooperation With Other Agencies

I. Upon request, law enforcement agencies in this state shall cooperate with other law enforcement agencies in their investigations of missing child cases.

II. The information in any missing child report made to a law enforcement agency shall be made available, upon request, to law enforcement personnel of this state, other states, and the federal government when the law enforcement personnel indicate that the request is to aid in identifying or locating a missing child or the possible identification of a deceased minor who, upon discovery, cannot be identified.

§ 169-E:5. Dental Records

When a missing child has not been located within 30 days after the date on which his missing child report was filed with a law enforcement agency, that law enforcement agency shall request the missing child's parents, custodial parent, guardian, or legal custodian, or any other person responsible for the missing child, to provide written consent for the law enforcement agency to contact the missing child's dentist and request the missing child's dental records. Upon receipt of such written consent, the dentist shall release a copy of the missing child's dental records to the law enforcement agency and shall provide and encode the records in such form as requested by

the law enforcement agency. The law enforcement agency shall then integrate information in the records into the national crime information center computer in order to compare the records to those of unidentified deceased persons. This section shall not prevent a law enforcement agency from seeking consent to obtain copies of a missing child's dental records, or prevent a missing child's parents, custodial parent, guardian, or legal custodian, or any other person responsible for the missing child, from granting consent for the release of copies of the missing child's dental records to a law enforcement agency, at any time.

§ 169-E:6. Recovery of Child

A missing child's parents, custodial parent, guardian, or legal custodian, or any other person responsible for a missing child, shall immediately notify the law enforcement agency with which they filed the missing child report whenever the child has returned to their home or to their care, custody, and control, has been released if he was the victim of an offense under RSA 633, or has otherwise been located. Upon such notification or upon otherwise learning that a missing child has returned to the home of, or to the care, custody, and control of his parents, custodial parent, guardian, or legal custodian, or other person responsible for him, or has been released if he was the victim of an offense under RSA 633, or otherwise has been located, the law enforcement agency involved shall promptly integrate the fact that the minor is no longer a missing child into the national crime information center computer.

§ 169-E:7. Cooperation With United States Attorney General

Law enforcement agencies in this state shall cooperate fully with the United States Attorney General in the collection of information that would assist in the identification of unidentified deceased persons and information that would assist in the location of missing persons under the "Federal Missing Children Act of 1982," 28 U.S.C.A. § 534, as amended. Law enforcement agencies in this state that are investigating missing children cases shall utilize the records and information compiled by the United States Attorney General pursuant to that act when the circumstances of an investigation indicate that the records and information may be of assistance and when the act authorizes it.

TITLE XV. EDUCATION

CHAPTER 189. SCHOOL BOARDS, SUPERINTENDENTS, TEACHERS, AND TRUANT OFFICERS; SCHOOL CENSUS CHILD BENEFIT SERVICES

§ 189:49-a. Fingerprinting Program

I. The state board of education in conjunction with the department of safety shall adopt a model fingerprinting program which shall be made available to the board of education of each school district in the state. The state board of education shall encourage each school district to adopt this program in the interest of uniformity throughout the state.

II. If the school district adopts the fingerprinting program it shall be for the sole purpose of providing a means by which a missing child might be located or identified and shall be operated on the following basis:

(a) No student shall be required to participate in the program.

(b) In order for a student to participate in the program, the parents, custodial parent, guardian, legal custodian, or other person responsible for the student shall authorize the student's participation by signing a form that shall be developed by the board of education or by the principal or chief administrative officer of the nonpublic school for the program.

(c) All fingerprint cards shall be given to the parents, custodial parent, guardian, legal custodian, or other person responsible for a student after the fingerprinting of the student. A copy of a fingerprint card may be retained by a school or school district, if written permission is given by the student's parent, guardian, or legal custodian. The student, upon reaching the age of 18, or the parent at any time, shall have the right to have the card returned and no copy shall be retained by the school or school district.

(d) The name, sex, hair and eye color, height, weight, and date and place of birth of the student and other information may be indicated on the fingerprint sheet or card.

III. Fingerprints obtained pursuant to this section, or any medical, psychological, guidance, counseling, or other information that is derived from the use of the fingerprints, shall not be admissible as evidence against the minor who is the subject of the fingerprints in any proceeding in any court, and shall not be used against the minor after the minor reaches the age of majority.

IV. A principal or chief administrative officer of a public school, or any employee of a public school who is authorized to handle school records, shall provide access to the relevant records of a student to a law enforcement officer who indicates that an investigation is being conducted by such officer and that the student is or may be a missing child. Copies of information in the relevant records of a student shall be provided, upon request, to the law enforcement officer, if prior approval is given by the student's parent, guardian, or legal custodian. Information obtained by the officer shall be used solely in the investigation of the case. The information may be used by law enforcement agency personnel in any manner that is appropriate to solving the case, including, but not limited to, providing the information to other law enforcement officers and agencies and to the office of the attorney general, division of public protection, bureau of criminal justice, for purposes of computer integration pursuant to RSA 7:10-a.

§ 193:31. Program Established; Rules

The department of education, in cooperation with the department of health and human services, shall establish the "missing child educational program" that shall perform the functions specified in this subdivision. The program shall operate under the supervision and control of the

commissioner of education in accordance with procedures that the commissioner shall adopt by rule, pursuant to RSA 541-A, to implement this subdivision.

§ 193:32. Educational Materials

I. The program shall acquire or prepare educational materials relating to missing children issues and matters. These issues and matters include, but are not limited to, the following:

(a) The types of missing children.

(b) The reasons why and how minors become missing children, the potential adverse consequences of a minor becoming a missing child, and, in the case of minors who are considering running away from home or from the care, custody, and control of their parents, custodial parent, guardian, legal custodian, or another person responsible for them, alternatives that may be available to address their concerns and problems.

(c) How to avoid becoming a missing child and what to do if one becomes a missing child.

(d) Efforts that schools, parents, and members of a community can undertake to reduce the risk that a minor will become a missing child and to quickly locate or identify a minor who becomes a missing child, including, but not limited to, fingerprinting programs.

II. The program shall provide, upon request, a reasonable number of copies of the educational materials acquired or prepared pursuant to paragraph I to boards of education in this state and to nonpublic schools in this state. The program shall provide assistance, upon request, to a board of education or nonpublic school that is developing an educational program concerning missing children issues and matters.

III. The program shall provide, upon request, a copy of any educational material to another person or entity.

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