

Title 07 DEPARTMENT OF HUMAN SERVICES

Subtitle 02 SOCIAL SERVICES ADMINISTRATION

Chapter 25 LDSS Resource Home Requirements

Authority: Family Law Article, §5-501 et seq., Annotated Code of Maryland (Agency Note: Federal Regulatory Reference—45 CFR §§228.13, 228.42, 1355.20, 1355.38, and 1356.30; 42 U.S.C. §§671, 672)

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.01 Purpose.

A. The regulations established in this chapter are the requirements for approval of resource homes by local departments of social services. Failure to meet any of these requirements may be grounds for denial, suspension, or revocation of resource home approval.

B. The primary purposes of these regulations are to:

(1) Protect children from the special risk associated with living outside their own homes by maintaining high quality resource homes that will provide supportive, short-term care for the children;

(2) Provide support and guidance to the resource parents for the purpose of providing a caring, nurturing, and protective environment for foster children in a family setting;

(3) Provide a framework for resource parents to represent the community as professional team members to promote the safety, permanency, and well-being of the foster child; and

(4) Provide a framework for resource parents to co-parent the foster child, mentor the birth family, and participate as members of the professional team in the permanency planning process.

.02 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Abandoned" means:

(a) Not in the care of a caretaker appointed by the child's parent or the court, and the whereabouts of the child's parents remains unknown after reasonable efforts to locate them have been unsuccessful; or

(b) When the parent has left the child with someone but fails to maintain contact with the caretaker, and no other individual has legal authority to exercise custody or guardianship over the child whose health or well-being is threatened.

(2) "Abuse" means:

(a) Child abuse as defined in Family Law Article, §5-701, Annotated Code of Maryland; or

(b) Sexual abuse of a child as defined in Family Law Article, §5-701, Annotated Code of Maryland, whether or not physical injuries are sustained.

(3) "Administration" means the Social Services Administration of the Department of Human Services.

(4) "Adoption" means the legal proceeding by which an individual becomes the child of the adoptive family and which confers on the adopted child all the legal rights and privileges to which a child born to that family would be entitled.

(5) "Cordless window covering" means:

(14) "Inactive resource home" means an approved resource home in good standing with the local department that chooses to suspend acceptance of foster care placements for up to 1 year.

(15) "Household" means the location where the resource parent applicant or approved resource parent resides.

(16) "Household member" means an individual who lives in or is regularly present in a household.

(17) "ICPC" means the Interstate Compact on the Placement of Children as set forth in Family Law Article, §§5-601—5-611, Annotated Code of Maryland.

(18) "Kinship care" means continuous 24-hour care and supportive services provided for a child placed by a child placement agency in the home of a relative related by blood or marriage within the fifth degree of consanguinity or affinity as set forth in Estates and Trusts Article, §1—203, Annotated Code of Maryland.

(19) "Kinship parent" means an individual who is:

(a) A relative of a child who is in the care, custody, or guardianship of a local department; and

(b) Who is not an approved resource parent, but has been designated by the local department as the temporary 24-hour caregiver of the child.

(20) "Local department" means a department of social services in a county or Baltimore City or the Montgomery County Department of Health and Human Services.

(21) "Local director" means the chief administrator of a local department of social services.

(22) "Neglect" means neglect as defined in Family Law Article, §5-701, Annotated Code of Maryland.

(23) "Parent" means the legal mother or father of a child or the biological mother or father whose rights have not been terminated, or a legal guardian other than a local department.

(24) "Permanency plan" means a plan specifying where and with whom a child shall live, and the proposed legal relationship between the child and the permanent caretaker or caretakers.

(25) "Provisional approval" means temporary emergency approval, valid for only 120 days, by a local department of a restricted relative resource home that has undergone an expedited inspection as outlined in Regulation .11 of this chapter.

(26) "Regular foster care" means foster care that is provided to all children in foster care who do not require extra care and supervision because of special physical, emotional, or behavioral needs.

(27) "Regularly present in household" means visiting or staying in a home with sufficient frequency to make an individual a significant part of the child's or family's life.

(28) "Relative" means an individual who is related to the child by blood or marriage within five degrees of consanguinity or affinity, and is:

(a) Twenty-one years old or older, or

(b) Eighteen years or older, and lives with a spouse who is 21 years or older.

(29) "Resource family" means an individual or family unit dually approved to be available as both foster care and adoptive caregivers.

(30) "Resource home" means an individual or family dually approved by a local department to be available as both foster care and adoptive caregivers.

(31) "Resource home worker" means a local department staff person assigned to work with the resource family.

(32) "Resource parent" is an individual dually approved as a foster and adoptive parent.

(33) "Restricted resource home" means a family resource home approved to serve a specific foster child or children and only that child or children.

(34) "Secondhand smoke" means a complex mixture of gases and particles that includes:

(a) Sidestream smoke, that is, smoke from a burning cigarette, cigar, or pipe; and

(b) Exhaled mainstream smoke.

(35) "Supportive services" means services purchased on behalf of a child to support and maintain a child in the community.

(36) "Treatment foster care" means a program designed and implemented by a child placement agency to provide intensive casework and treatment in a family setting to children with special physical, emotional or behavioral needs as described in COMAR 07.02.21.

.03 Conflict Resolution.

When there is a conflict between the interests of a foster child and those of an adult, the conflict shall be resolved in favor of the foster child.

.04 Technical Requirements for Resource Home Approval and Reapproval.

A. An applicant may apply for resource home approval at the local department.

B. An applicant shall be a United States citizen or alien lawfully admitted for permanent residence under the Immigration and Nationality Act.

C. An applicant shall be at least 21 years old unless otherwise permitted by statute.

D. Physical Examination for All Individuals Living in the Home.

(1) The resource family applicant shall pay for the physical examination unless the local department develops other resources to cover the expense.

(2) The resource family applicant shall authorize release of health information to the local department.

(3) All family members and other residents of the household shall undergo an initial medical examination and formal medical reexamination at least every 2 years.

(a) The initial examination shall include the analysis of tuberculosis tests or X-rays. A combined positive analysis of the PPD or X-rays, or both, indicating active tuberculosis shall be reasons for denial of resource home approval until the family member is certified by the Maryland Department of Health as no longer communicable.

(b) Subsequent tuberculosis tests shall be conducted in accordance with Maryland Department of Health policy.

(4) Additional Medical Examination Requirements.

(a) If a family member or other resident of the household of a resource family has symptoms or a history of physical or mental health problems which may prevent a foster child from receiving proper care or which might be communicable or injurious to the physical or emotional health of a foster child, the local department shall require that individual to:

(i) Undergo additional medical examinations of a general or specific nature as specified by the local department; and

(ii) Provide a written document by the examining physician stating that the health problems pose no threat to the foster child.

(b) The local department shall provide a reasonable amount of time for the applicant to obtain the document in §C(4)(a)(ii) of this regulation. Failure to produce the document is reason for denial, suspension or revocation of resource home approval.

(5) An individual who joins the household shall also undergo a medical examination. The individual shall provide the results of that examination within a reasonable amount of time.

(6) If a resource parent is 60 years old or older, the local department shall observe and document that the resource parent's strength is adequate to meet the needs of children in care.

E. Criminal and Protective Services Background Checks.

(1) Before a resource home may be approved, an applicant and all household members 18 years old and older shall apply for a State and federal criminal background investigation.

(2) Once the resource home is approved, if any new members 18 years old or older join the household, or if any household members become 18 years old, they shall apply for a criminal background investigation within 30 days of their 18th birthday or of moving into the household.

(3) The Department may not approve or continue to approve as a resource home any home in which an adult in the household:

(a) Has a felony conviction for:

(i) Child abuse or neglect;

(ii) Spousal abuse;

(iii) A crime against a child or children including child pornography;

(iv) A crime of violence including rape, sexual assault, or homicide, but not including other physical assault or battery; or

(v) Human trafficking; or

(b) In the 5 years before the date of the application, has a felony conviction involving:

(i) Physical assault;

(ii) Battery; or

(iii) A drug-related offense.

(4) The local director:

(a) Shall review charges, investigations, convictions, or findings related to any other crimes of any household member, to determine:

(i) The possible effect on the applicant's ability to execute the responsibilities of a resource parent;

(ii) The ability of the local department to achieve its goals in providing services to children in care; and

(iii) The possible effect on or the safety of children in out-of-home care.

(b) has the authority to deny, suspend, or revoke resource home approval, based on this review.

(5) Before a resource home is approved, the local department shall request information from the state-maintained child abuse and neglect registry of any state in which an applicant or another adult in the household has lived within the last 5 years to determine whether an individual in the household has a prior indicated finding of abuse or neglect. If the review of the records reveals a pending investigation, a decision may not be made as to the use of the home until the investigation is complete.

(6) The Department may not approve or continue to approve as a resource home any home in which an individual has an indicated child abuse or neglect finding. An exception may not be made unless approval is given in writing by the local director.

F. Child Support Clearance.

(1) Before the local department can approve a resource home, the applicant shall undergo a child support clearance to determine any child support arrears owed. If found that the applicant does have a child support arrearage, the:

(a) Applicant shall be given the chance to correct the arrearage; and

(b) Be informed that correction may include either payment of the arrearage in full or payment arrangements with Child Support Enforcement that are acceptable to the local department.

(2) The local department shall consider as part of the application process, when approving an applicant that has an arrearage, the following factors:

(a) The amount of the arrearage;

(b) The level of income sufficient to pay the child support arrearage or enter a payment agreement;

(c) The impact the arrearage has on the applicant's ability to provide foster care or adoptive services; and

(d) If the applicant made a good faith effort to correct the arrearage as described in §F(3) of this regulation.

(3) A good faith effort means:

(a) There is a current payment agreement with Child Support Enforcement; and

(b) The applicant has a positive payment history with the payment agreement.

(4) The local department shall deny the applicant if the arrearage cannot be corrected by:

(a) Full payment; or

(b) A payment agreement within the 120-day application period.

G. Resource Family Home and Equipment Inspection.

(1) Health and Sanitary Approval.

(a) Upon initial application, a resource home shall meet State and local public health and sanitary standards. The local department shall have in writing the approval of the local health department or authorized individual, agency, or organization before approving the resource home.

(b) The resource home worker shall perform the inspection for subsequent reconsiderations unless the worker's visual inspection reveals conditions that require an assessment by the local health department or authorized individual, agency, or organization.

(2) Lead Paint.

(a) A provider may not use paint with lead on any:

(i) Exterior or interior surface of the home; or

(ii) Material or equipment used for child care purposes.

(b) If the home is a pre-1950 residential rental property, which is an affected property as defined by Environment Article, §6-801(b), Annotated Code of Maryland, the resource home shall maintain and the applicant shall provide to the Department a current certificate of compliance with the lead full risk reduction or lead free standard.

(c) If any prospective resource home was constructed before 1978 and has not been certified lead free pursuant to the Environment Article, §6-804(a)(2)(i), of the Annotated Code of Maryland upon initial application, reconsideration and after any renovation that disturbs painted surfaces in the interior or exterior of the home, the applicant shall:

(i) Ensure there is no chipping, peeling, flaking, chalking, or deteriorated paint on interior surfaces of the home or on exterior surfaces that are accessible to a child; and

(ii) If deterioration of a surface is noted, or if renovation of the home occurs that disturbs interior painted surfaces or exterior painted surfaces that are accessible to a child, arrange to have a lead-dust test conducted by an accredited lead paint visual inspector.

(d) If a lead-dust test is required under §G(2)(c)(ii) of this regulation, the applicant shall:

(i) Obtain a passing lead dust test;

(ii) If the home is an affected property, ensure that lead dust testing is conducted by an accredited lead paint visual inspector under COMAR 26.16.02.03B to meet the risk reduction standard;

(iii) If the home is not an affected property, ensure that lead dust testing is conducted by an accredited risk assessor under COMAR 26.16.05.11; and

(iv) Obtain verification from the lead paint inspector or assessor performing the test that the requirements of §G(2)(c)(ii) and G(2)(d)(i)—(iii) of this regulation have been met.

(e) When performing renovation which disturbs painted surfaces in a home that was constructed before 1978 and is not certified lead free, the applicant shall ensure that the work is performed by persons accredited or certified to perform the work using lead safe work practices as required by Environment Article, Title 6, Subtitle 10, Annotated Code of Maryland, and corresponding regulations.

(f) A home is exempt from the provisions in §G(2)(d)—(f) of this regulation if the applicant has filed with the Department of the Environment a report issued by an accredited lead paint inspector, technician or risk assessor and approved by the Department of the Environment establishing that there are no lead containing substances, as defined by COMAR 26.16.01.02B(7), in the interior and exterior of the home.

(3) General Safety Requirements.

(a) A resource home worker shall inspect the home to assure that general safety standards are met. The general safety inspection includes the requirements of §§G(3)(b) and (c) and (4) of this regulation.

(b) Firearms. A resource parent who maintains firearms in the home shall:

(i) Follow all federal and State laws pertaining to registration, permits, and maintenance of firearms;

(ii) Keep all firearms and ammunition maintained in the home in a locked room or container that is inaccessible to children;

(iii) Take all safety precautions to assure that firearms are not accidentally used to injure children in care;
and

(iv) Assure that loaded firearms are not kept in the home unless required because a State, federal, or local law enforcement officer lives in the household and maintains and stores the firearms, in accordance with State, federal, and local law enforcement offices safety procedures.

(c) Prescription and non-prescription drugs, dangerous household supplies, tools, and any other household items which are potentially life-threatening or injurious to children shall be kept in a safe location, inaccessible to children.

(d) Resource homes which rely on the combustion of fossil fuels for heat, ventilation, hot water or clothes dryer operation shall have a carbon monoxide alarm as defined in Public Safety Article, §12-1101, Annotated Code of Maryland.

(4) Window Coverings. A window covering installed:

(i) Before October 1, 2010 may not have exposed or unsecured cords, beads ropes, or strings; or

(ii) On or after October 1, 2010, shall be cordless.

H. Financial Stability of Resource Parents. A resource family shall have sufficient income and financial stability to provide reasonable living conditions for their own family group without depending upon the reimbursement for basic foster care.

I. Fire Safety Standards.

(1) The local department shall have in writing the approval of the local or State fire officials or an authorized individual, agency, or private organization that a resource family home meets the fire safety requirements of the local fire department and any other applicable State or local requirement before approving the resource home.

(2) The annual fire safety inspection may be done using a fire safety survey form approved by the local director and provided to the resource parent by the resource home worker.

(3) The resource home shall have an approved working smoke detector or detectors installed.

J. Sleeping and Living Quarters.

(1) The family living quarters shall be adequate to provide space for foster children without disrupting the usual sleeping and living arrangements of the family group. A foster child's sleeping and living quarters shall have provision for privacy, study at home, and storage of clothes, toys, and personal possessions.

(2) Each child shall have an individual bed that may not be stacked in vertical bunk bed formation. The bed shall have sufficient cover to protect the occupant from cold conditions.

(3) A responsible adult shall sleep within call of each foster child in the home.

(4) Except for children younger than 2 years old, boys and girls may not sleep in the same room. A teenaged parent may share a bedroom with their child until the child reaches 2 years old. A child 2 years old or older may not share a bedroom with an adult unless approved by the local department. A child may not share a bed with an adult or another child at any time. A child under two years old shall sleep in a crib or other secure bed which will ensure the child's safety.

K. Pets. A resource parent who maintains a pet in the home shall assure that:

(1) The foster child is, when age appropriate, educated regarding the care and grooming of the pet;

(2) A responsible adult is always present when infants are near a pet potentially dangerous to the infant;

(3) The local department is notified of any manifestations of allergies that occur during a child placement so that appropriate action can be taken; and

(4) As required by State or local ordinance, the pet is appropriately:

(a) Licensed or registered;

(b) Vaccinated; and

(c) Leashed.

L. Transportation. A resource parent shall assure that the child has legal and safe transportation to and from:

- (1) Medical and dental appointments;
- (2) School;
- (3) Appropriate social events;
- (4) Scheduled meetings with relatives and friends; and
- (5) Events scheduled by the agency.

M. Safety Requirements for Swimming Pools, Hot Tubs, Spas, Waterfront Property, Fish or Duck Ponds and Similar Bodies of Water.

(1) Resource parents shall provide supervision with regard to pool safety commensurate with a child's age and ability.

(2) The resource home worker shall:

- (a) Discuss requirements for barriers to ensure the safety of children;
- (b) Inspect the pool, hot tub, spa, waterfront property, fish or duck pond or similar body of water for safety compliance; and
- (c) Record this information in the case record.

(3) A swimming pool, fish or duck pond or similar body of water at the home of a resource parent shall:

- (a) Be maintained in a safe and sanitary condition; and
- (b) Comply with county zoning, building, or health codes or ordinances.

(4) An in-ground pool at the home of a resource parent, when not in use, shall:

- (a) Have the pool area completely enclosed by a fence at least 4 feet high, and the fence gate locked;
- (b) Be completely covered in a manner to prevent access by a child; or
- (c) Have power safety covers for an in-ground pool that may be used as an alternative to fences.

(5) Safety requirements for above-ground swimming pools or hot tubs include the following:

- (a) Retractable or removable ladders shall be locked when not in use, or stored away from the pool;
- (b) A pool or the fencing around a pool shall be 4 feet above ground at all points;
- (c) Doors and gates that access the pool, hot tub or spa shall have locks;
- (d) If a pool, hot tub or spa has a deck area with a door, the door shall be locked;
- (e) Permanent steps shall have a locked gate;

(f) A pool, hot tub or spa may not have climbable objects on the exterior; and

(g) Hot tubs or spas shall have secured covers when not in use.

(6) When there is waterfront property, a fish or duck pond or similar body of water at or near the resource family home, the local department may require that the body of water or the resource family home be fenced with a locked gate. Factors to consider in requiring a fence and locked gate shall include:

(a) Proximity and location of body of water to the resource family's residence;

(b) Age, special needs, and swimming ability of the foster children residing with the resource family; and

(c) Size of the body of water.

(7) A resource parent shall have at least one person currently certified in cardiopulmonary resuscitation (CPR) present in the resource home's swimming pool and water recreation area when being used by a foster child.

(8) An exception to the provisions of this regulation may not be made unless the local director gives approval, in writing. A local director may not grant an exception that violates:

(a) Local zoning, building, health codes, or ordinances;

(b) Factors that may be considered in granting an exception include:

(i) Age, special needs, and swimming ability of the foster children placed with the resource family;

(ii) Proximity and location of the pool, hot tub, spa, or body of water to the resource family home; and

(iii) The use of any other safety feature that ensures the safety of the foster children.

N. Dual Approval.

(1) A home shall be approved as both foster care and adoption placement and the dually approved home shall be considered a resource home.

(2) A resource home may not be approved by more than one private or public agency concurrently for the purpose of child placement.

(3) A resource home may not be approved as both a child placement and an adult placement resource, unless the resource home receives written approval from the Social Services Administration for the express purpose of allowing a youth to transition to the care of the Maryland Developmental Disabilities Administration in the Maryland Department of Health (DDA).

(4) If a resource family chooses to move to another agency, it is the responsibility of the receiving agency to verify that the previous approval has been closed out and obtain all necessary references.

O. Reapproval of a Closed Resource Home.

(1) If a former resource parent requests that their home be reopened as a resource home within three years after its closure, and the resource home was in good standing at closure, the resource parent shall complete ten hours of in-service training, including discipline training, and meet all the technical requirements for resource home approval.

(2) If the home of a resource parent has been closed more than three years all requirements for resource home approval shall be completed.

.05 Resource Parent Standards.

A. A local department shall recruit prospective resource parents in accordance with the needs of Maryland children who are currently in out-of-home placement.

B. Resource parents shall have the following characteristics:

(1) Knowledge of, interest in, and regard for the principles of good child care, understanding of the resource parents' responsibility in providing good child care, and the requirements for approval;

(2) Willingness to work cooperatively with local department personnel in:

(a) The best interest of the child;

(b) Implementing the case plan as defined in COMAR 07.02.11.03B(9);

(c) Being accessible to local department staff by telephone and for home visits when requested; and

(d) Ensuring that the requirements of this chapter are met;

(3) Maturity and personality characteristics which:

(a) Make it possible to provide an emotional climate in which a child can benefit during temporary care,

(b) Create an atmosphere where social skills can be enriched,

(c) Help a foster child to understand placement in foster care and the child's own feelings about the placement, and

(d) Help maintain the family ties through regular and consistent family contact as required by the child's case plan;

(4) The flexibility to understand and work with lifestyles different from the foster parents';

(5) The capacity to value, respect, appreciate, and educate a child regarding the child's racial, ethnic, religious, and cultural heritage;

(6) The capacity to understand that it is in the best interest of a child of mixed racial parentage to have healthy multiracial experiences;

(7) The skills to promote the process of socialization through family life to enhance the child's growth and learning;

(8) The suitability in age and physical stamina to meet the demands of the care of growing children;

(9) The willingness to support and encourage a child's educational progress, and take an active role by attending school conferences and similar activities whenever possible;

(10) The ability to provide time free from the interference of other responsibilities, and to give a child the needed care and attention;

(11) The ability to provide adequate family life and meet the needs of a foster child, notwithstanding any employment outside the home; and

(12) Awareness of the way in which a child needs family life to grow and learn, and the ability to provide the child with the values which parents customarily provide, including training and opportunities for socialization, both as part of and outside the structure of the family.

C. Plans for Alternative Supervision.

(1) A local department may approve a plan for other adult supervision while the resource parent is employed or in school provided the plan shall:

(a) Include a care provider licensed by the Maryland Office of Child Care or another agency that provides child care services whose standards for licensing are in accordance with the Maryland Office of Child Care regulations or equivalent; and

(b) Include a criminal background and a protective services background check.

(2) A local department may approve a plan for other adult supervision for any reason other than that detailed in §C(1) of this regulation. The resource parent shall provide the local department with a written plan to provide for substitute care for a foster child for those instances where the resource parent must be absent from the home.

(3) Any plan for supervision by someone under 18 years old while the resource parent is away from the home shall be approved by the local department prior to implementation. The plan shall be consistent with COMAR 13A.15.08.01.

.06 Resource Home Study Process.

A. The selection of a family for home study shall be made on the basis of the family's flexibility in the type of child they can parent and the needs of children coming into out-of-home placement rather than the chronological order in which a family contacted the local department.

B. The home study process shall include an opportunity for prospective resource parent or parents to assess their potential for resource parenthood.

C. The home study process shall provide an opportunity for a local department to study and assess a family's potential for resource parenthood.

D. A home study shall provide in-depth information about foster care and adoption to a prospective resource parent, which includes:

(1) The definition and goals of foster care and adoption;

(2) The differences between foster parenting, parenting one's own child, and adoption of a child;

(3) The problems which require a child being placed in foster care;

(4) The characteristics of children needing foster care placement and adoption, including problems and needs;

- (5) The characteristics of birth parents, their problems, needs, rights, and responsibilities, including visitation;
- (6) The role and responsibilities of resource parents to the child, the birth parents, the local department, and the resource parent's own family;
- (7) The role and responsibilities of the local department to the resource family, the birth family, and the foster children;
- (8) The impact foster care and adoption may have on the applicant's own family;
- (9) The impact that separation and placement have on the child, the birth family, and the resource family;
- (10) The nature and purpose of the local department's planning documents, including the permanency plan, the case plan, and the service agreement;
- (11) The minimum requirements for resource homes, as set forth in Regulations .04—.05 of this chapter;
- (12) The knowledge of different types of resource home options, including emergency foster care or regular foster care;
- (13) Understanding that the priorities of permanency plan options are in the following order:
 - (a) Return home to birth parents,
 - (b) Placement with relatives,
 - (c) Adoption,
 - (d) Independent living, in which the child is learning to be self-sufficient and responsible for living arrangements,
 - (e) Another Planned Permanent Living Arrangement:
 - (i) A permanency plan that addresses the individualized needs of the child, including the child's educational plan, emotional stability, physical placement, and socialization needs, and
 - (ii) Includes goals that promote the continuity of relations with individuals who will fill a lasting and significant role in the child's life.
- (14) The option to be considered as an adoptive home for children who have been in continuous care in the foster home for at least 1 year;
- (15) The legal, technical, procedural, financial, medical, and educational aspects of child placement;
- (16) An overview of the Citizens Review Board for Children and other review processes and the resource parents' role in these processes;
- (17) The Department's discipline policy, as stated in Regulation .20 of this chapter;
- (18) The requirement that resource parents attend 27 hours of pre-service dual-approval training and at least ten hours per year of continuing training as approved and made available by the Administration.

E. Method of Resource Home Study.

(1) The resource home study process shall include:

- (a) Home visits;
- (b) Questions to the prospective resource parents; and
- (c) Training and evaluation.

(2) The prospective resource parents shall:

- (a) Sign a resource parent application and the consent to release confidential information forms;
- (b) Complete resource home application materials;
- (c) Attend 27 hours of pre-service training; and
- (d) Meet the technical requirements for resource home care to be approved as a resource home.

(3) An orientation meeting may be counted towards the required 27 hours of pre-service training as specified in §E(2)(c) of this regulation.

(4) The resource home worker shall:

(a) Conduct at least three visits at the home of the prospective resource parent. One of the home visits shall include a meeting with each resource parent individually, and other visits shall include:

- (i) The entire family,
- (ii) A discussion of training, and
- (iii) A tour of the house;

(b) Obtain three personal references, as follows:

- (i) Two of the references shall be supported by a personal interview;
- (ii) Only one of the references may be a relative;
- (iii) The applicants shall notify and obtain the consent of their references; and

(iv) If there is a school-aged child in the prospective resource family, references from school personnel shall be requested;

(c) Discuss the Department's policies on discipline and child abuse and neglect, including the risk of physical or sexual victimization by another child and the responsibility of the resource parent for the safety of all children in their care;

(d) Obtain verification of income;

(e) Obtain verification of marital status, if applicable;

(f) Request a health and sanitary inspection by the local health department in the jurisdiction for each home being considered for approval;

(g) Review local department records to determine whether a member of the prospective resource family has an indicated finding of abuse or neglect;

(h) Review the results of the State and federal criminal background checks;

(i) Make certain that fire safety approval is obtained as required in Regulation .04I of this chapter;

(j) Provide pre-service training for the prospective resource family and ensure that all material contained in the pre-service training is provided to the family;

(k) Review local department records to determine whether a prospective resource parent is in arrears on child support payments and, if in arrears, whether the arrearage:

(i) May be corrected; or

(ii) Impacts on the applicant's ability to provide foster care as specified in Regulation .04F of this chapter.

F. Recommendation of Resource Home for Approval.

(1) A local department shall notify a prospective resource parent in writing, and within 120 days of the date on which the local department accepts the application provided for in §E(2) of this regulation of the decision of approval or denial.

(2) A prospective resource parent aggrieved by a decision may file an appeal according to Regulation .19 of this chapter.

(3) A home study for a relative placement, foster care, or adoption which is referred from another state under the Interstate Compact on the Placement of Children (ICPC) shall be:

(a) Forwarded to the appropriate local department within 5 calendar days of receipt at the Maryland ICPC Office;

(b) Completed by the local department and returned to the Maryland ICPC Office within 45 calendar days of receipt; and

(c) Forwarded to requesting state within 60 calendar days from the date of the receipt of the request at the Maryland ICPC Office.

.07 Rights of a Resource Parent.

A. At the initial placement, at any time during the placement of a child in foster care, and as soon as practicable after new information becomes available, the resource parent has the right to receive full information from the caseworker on the physical, social, emotional, educational, and mental history of a child which would possibly affect the care provided by a resource parent except for information about the family members that may be privileged or confidential.

B. With regard to local department case planning, except for meetings covered by attorney-client privilege or meetings in which confidential information about the birth parents is discussed, the resource parent has the right to:

(1) Be notified of, and when applicable be heard at, scheduled meetings concerning a child in order to actively participate, without superseding the rights of the birth parents to participate and make appropriate decisions regarding the child in the case planning, administrative case reviews, interdisciplinary staffings, and individual educational planning and mental health team meetings;

(2) Be informed of decisions made by the courts or a child welfare agency concerning a child;

(3) Provide input concerning the plan of services for a child and to have that input given full consideration by the local department;

(4) Be given reasonable written notice, waived only in cases of a court order or when a child is determined to be at imminent risk of harm, of plans to terminate the placement of a child with a resource parent;

(5) Receive timely and appropriate board payments for the child's care;

(6) Receive timely compensation for allowable expenses;

(7) Have liability and insurance coverage for certain damages in accordance with Regulation .23 of this chapter; and

(8) Be provided with the child's permanency plan, visitation plan, and schedule.

.07-1 Rights of a Foster Parent.

A. At the initial placement, at any time during the placement of a child in foster care, and as soon as practicable after new information becomes available, the foster parent has the right to receive full information from the caseworker on the physical, social, emotional, educational, and mental history of a child which would possibly affect the care provided by a foster parent except for information about the family members that may be privileged or confidential.

B. With regard to local department case planning, except for meetings covered by attorney-client privilege or meetings in which confidential information about the natural parents is discussed, the resource parent has the right to:

(1) Be notified of, and when applicable be heard at, scheduled meetings concerning a child in order to actively participate, without superseding the rights of the natural parents to participate and make appropriate decisions regarding the child in the case planning, administrative case reviews, interdisciplinary staffings, and individual educational planning and mental health team meetings;

(2) Be informed of decisions made by the courts or a child welfare agency concerning a child;

(3) Provide input concerning the plan of services for a child and to have that input given full consideration by the local department;

(4) Be given reasonable written notice, waived only in cases of a court order or when a child is determined to be at imminent risk of harm, of plans to terminate the placement of a child with a foster parent;

(5) Receive timely and appropriate room and board payments for the child's care;

- (6) Receive timely compensation for allowable expenses such as parent training and transportation costs;
- (7) Have liability and insurance coverage for certain damages in accordance with Regulation .21 of this chapter;
and
- (8) Be provided with the child's permanency plan, visitation plan, and schedule.

.08 Responsibilities of a Resource Parent.

A. Responsibilities to a Foster Child. A resource parent shall:

- (1) Participate in the child's mental, physical and dental health care and add the documentation from each health care visit to the child's abbreviated health care record within 72 hours of receipt;
- (2) Provide parental supervision and guidance appropriate to the child's age and developmental level;
- (3) Provide daily essentials that are required for the health, comfort, and good grooming of a child, including:
 - (a) A nutritionally balanced diet adequate for the child's needs in growth and development,
 - (b) Adequate shelter, and
 - (c) Clothing proper for the season;
- (4) Help the child cope with the anxiety of being away from the child's birth family, and promote the child's self-esteem and positive self-image;
- (5) Respect the child and the child's family;
- (6) Be sensitive to and respect the child's individual needs, tastes, and values, and support the child's religious beliefs and cultural customs;
- (7) Involve the child in family activities;
- (8) Establish clear expectations for and limits on behavior, understand and deal with negative behavior in a positive way, and reward good behavior;
- (9) Provide or arrange transportation to appointments, sports, and social and cultural events;
- (10) Participate in the child's educational process;
- (11) Give at least 10 working days notice when requesting removal of a child except in circumstances that are critical to the health and safety of the child or resource family;
- (12) Report any suspected incidence of a child's physical or sexual abuse or neglect to the local department as soon as the incident becomes known to the resource parent;
- (13) Notify the local department of any criminal charges, investigations, or findings related to any crime committed by a household member;
- (14) Assist in preparing the child to accept the permanency plan and any move from the resource home;

(15) Preserve the child's rights and to have information about the child kept confidential; and

(16) Provide an environment for foster children free from exposure to secondhand smoke.

B. Responsibilities to a Child's Birth Family. A resource parent, as required by a child's case plan, shall:

(1) Assist the local department in maintaining and improving the child's relationship with the birth family, and support this relationship by helping with birth family visits, which may include visits in the resource home;

(2) Maintain an attitude of respect and understanding towards the birth parents and family of the child;

(3) Tell the child's birth parents about events and happenings in the child's daily life;

(4) Serve as a role model for the birth parent; and

(5) Transmit information about the child's birth family only to the local department or its representatives.

C. Responsibilities to Local Department. A resource parent shall:

(1) Participate in training required or approved by the Administration;

(2) Work as a team member in assessing a child's strengths and needs, and in implementing the child's case plan;

(3) Keep the local department aware of the child's development and adjustment;

(4) Attend case reviews and meetings as requested by the local department;

(5) Maintain the standards of resource family care required by these regulations; and

(6) Immediately notify the local department of changes within the resource family, such as:

(a) Employment and child care arrangements;

(b) Composition of the household;

(c) Residence and telephone;

(d) Health status; and

(e) Stressful conditions which may affect the placement.

.09 Local Department Responsibility to Resource Parents.

A. A local department shall:

(1) Make accurate and timely reassessments of resource parent capabilities;

(2) Provide resource parents with relevant information that is available about the child and the reason the child is being placed in foster care;

- (3) Provide resource parents with the abbreviated health care record;
- (4) Help resource parents to understand their rights and responsibilities as defined in Regulations .07 and .08 of this chapter;
- (5) Include the resource parents in the development of any service agreements negotiated with any foster children in their care;
- (6) Inform the resource parents of the child's permanency plan and keep them updated, when necessary, as to the progress of the achievement of that plan and give the resource parents the ability to provide input as to the plan;
- (7) Explain payment criteria, including board rates, clothing allowance, and any supplemental expenditures made to meet the child's needs in accordance with COMAR 07.02.11;
- (8) Explain and provide pre-service and in-service training;
- (9) Provide appropriate supportive services when available that will enable the resource parents to meet the unique needs of the child and deal effectively with problems inherent in the child's adjustment to care;
- (10) Obtain agreement of resource parents to any visitation plan that involves the use of the resource parents' home, with attempts made to balance the resource parents' right to privacy with the right of the birth parents to visit the child;
- (11) Respond as soon as possible to crisis situations that may arise from the child's placement in the resource home;
- (12) Assist the resource parents in preparation for the separation of the child from foster care placement;
- (13) Assist the resource parent in the selection, preparation, and completion of continuing resource parent training;
- (14) Complete reconsideration every year or whenever there are major changes in the home of resource parents that could affect the resource parents' ability to care for foster children;
- (15) Act in accordance with Regulation .15 of this chapter, and Family Law Article, §§5-704 and 5-706, of the Annotated Code of Maryland, when abuse or neglect is reported in a resource home;
- (16) Obtain and maintain all pertinent records on the resource parents and the children for whom the resource parents have cared; and
- (17) Complete all appropriate forms to close the resource home record when necessary and end all foster care payments.

B. A local department shall maintain regular contact with the resource parents and the child in out-of-home care.

.10 Provisions for Kinship Care.

A. A local department shall give priority consideration as a placement resource to relatives when a child is committed to a local department for out-of-home placement, or must be placed in an out-of-home placement on an emergency basis.

B. Emergency Placement.

(1) At the time of placement, or not later than 24 hours thereof, the local department shall conduct an assessment and an initial home inspection of a relative who accepts placement of a child on an emergency basis, as set forth in §E(2) and (3) of this regulation.

(2) Within 5 days of placement, the local department shall complete all items under §E of this regulation.

C. Placement of a Committed Child.

(1) A committed child shall be placed by a local department with a relative only after the relative is approved as a kinship parent or as a provisional restricted resource home unless;

(a) The child was placed in the relative's home during the shelter care period by the court, or

(b) The child currently resides in the relative's home.

D. To exercise care and custody of a minor child committed to a local department, a relative may choose to:

(1) Continue as an approved kinship parent, and apply for financial benefits through the State Family Investment Administration, Child Support Administration, and federal Social Security Administration; or

(2) Become an approved restricted resource parent according to COMAR 07.02.25.11.

E. In order to approve a relative as a kinship parent, a local department shall conduct:

(1) State and federal criminal background checks and child protective services clearances.

(a) Each household member 18 years old or older shall apply for State and federal criminal background checks and child protective services clearances.

(b) The local department shall request information from the records of any state in which an adult in the household has lived within the past five years to determine whether an adult in the household has a prior indicated finding of abuse or neglect.

(c) The local department shall obtain a certification signed by each prospective kinship parent stating that they have no prior criminal record or indicated findings of child abuse or neglect.

(d) The local department may not approve, or continue to approve as a placement, any home in which an adult in the household:

(i) Has a felony conviction for child abuse or neglect, spousal abuse, a crime against children, child pornography, or a crime of violence including rape, sexual assault, or homicide but not including other physical assault or battery; or

(ii) In the 5 years before the date of the request for a criminal background check, has a felony conviction, involving physical assault, battery, or a drug-related offense.

(e) The local department may not approve or continue to approve for kinship care any home in which an individual has an indicated child abuse or neglect finding. An exception may be made only upon approval in writing by the local director.

(2) An assessment of the relative with particular attention given to:

- (a) Their relationship with the child and the child's parents;
- (b) The care provided by the relative to other children in the relative's home;
- (c) Their knowledge and understanding of the circumstances that led to the need for the child's placement;
- (d) Their role in the past in helping or protecting the child or preventing occurrences of abuse or maltreatment of the child, including the relative's present ability to protect the child placed in the relative's home; and
- (e) Their ability to understand the need for protection.
- (f) Their willingness to assume legal responsibility for the child if reunification is not possible within 12 to 18 months;
- (g) Their willingness to cooperate with the local department and to maintain regular contact with assigned caseworkers;
- (h) Their willingness and ability to follow local department requirements regarding:
 - (i) Working with birth parents and encouraging reunification;
 - (ii) Enforcing the visitation schedule developed by the local department with the child's parents;
 - (iii) Supporting and encouraging the child's educational progress;
 - (iv) Ensuring that the child attends school according to Maryland law and regulation; and
 - (v) Refraining from using corporal punishment as a method of discipline.

(3) Initial Home Inspection.

- (a) The purpose of the inspection is to verify that the home is physically safe and appropriate, and has:
 - (i) Adequate heat, light, water, refrigeration, cooking, and toilet facilities;
 - (ii) Functioning smoke and carbon monoxide detectors;
 - (iii) In place safety precautions regarding firearms and prescription and non-prescription drugs, dangerous household supplies, tools, and any other household items that are potentially life-threatening or injurious to children as outlined in Regulation .04G(3) of this chapter;
 - (iv) No exposed wiring;
 - (v) No rodent or insect infestation;
 - (vi) No broken windows, doors, or steps;
 - (vii) No holes in roofs, floors, walls, or ceilings;
 - (viii) No peeling or chipped paint;

- (ix) No mold;
 - (x) Access to windows and doors;
 - (xi) Met the safety requirements for swimming pools, hot tubs, spas, waterfront property and fish and duck ponds as outlined in Regulation .04M of this chapter; and
 - (xii) Otherwise met basic health and safety standards as determined by the Administration.
- (b) The initial home inspection shall be repeated by a caseworker within 5 days of notification of a move to another residence by the kinship parent.

F. Health and Safety Hazards Found in the Home.

- (1) If a health and safety hazard is present, a caseworker shall immediately inform the relative, verbally and in writing, that corrective action is needed within 30 calendar days of the date of the written notice.
- (2) If a health or safety hazard is noted, the caseworker may:
 - (a) Immediately remove the child from the home pending correction of the deficiencies; or
 - (b) If placement with the relative was court-ordered, immediately report the findings to the court with a recommendation as to whether the placement should be continued pending correction of the deficiencies.
- (3) A local department may use flex funds to assist relatives in correcting deficiencies when appropriate and when funding is available.
- (4) When deficiencies are not corrected within 30 calendar days of notice to the kinship parent, the case shall be staffed by the local department to determine whether the placement shall be continued.

G. A local department shall inform the kinship parent of:

- (1) The local department's role and authority to supervise the placement; and
- (2) The option to become a resource parent.

.11 Restricted Resource Homes.

A. Except as otherwise provided, restricted resource homes shall meet the same requirements as regular resource homes as provided for in this chapter.

B. A restricted resource home can be either that of a relative or nonrelative. In either case the same eligibility criteria apply.

C. Provisional approval may be granted only to a relative of a child who seeks to become a restricted resource parent.

.12 Provisional Approval of Restricted Relative Resource Homes.

A. The Provisional Approval Process requires:

- (1) Completion of all elements of Regulation .10E of this chapter unless approved as a kinship home.
 - (2) An assessment of the home to ensure that it meets the health and safety requirements outlined in Regulation .04 of this chapter.
 - (3) A written statement signed by the potential kinship caregiver acknowledging that they understand the Administration's discipline policy.
 - (4) The local department shall obtain sufficient information necessary to contact character references; and
 - (5) The local department shall obtain a signed authorization for release of medical information prior to consideration of guardianship assistance.
- B. When granted, provisional approval is valid for up to 120 days. At the end of that time, all requirements of this chapter must be completed.

C. Revocation of Provisional Approval.

- (1) A local department shall revoke a restricted resource parent's provisional approval if any requirement for resource home approval has not been met within the 120-day period and the restricted resource parents were given reasonable notice to take corrective action to meet the identified requirement.
 - (2) At least 7 business days before revocation of provisional approval, the local department shall deliver a letter of revocation. The letter of revocation shall provide the restricted resource parent with notice of the action to be taken, the grounds for the action, and a description of the resource parent's appeal rights.
- D. This regulation does not apply to home study referrals made to the ICPC from other states.

.13 Limitations on Active and Inactive Resource Homes.

- A. A local department may not permit a resource home it approves to:
- (1) Be licensed for child or adult care by more than one agency unless approval is given in writing by the local department director or the director's designee;
 - (2) Independently accept a child or an adult for care from an individual or agency other than the agency that approved the resource home;
 - (3) Provide independent boarding care except to a child of a relative or friend on a temporary basis, and this child shall be counted as the resource parent's own child in the count of the children in the home;
 - (4) Allow the care of an ill or convalescing adult, unless the situation is evaluated by the local department and it is determined that this care does not interfere with the care of the foster child;
 - (5) Except as provided for in §§C and D of this regulation, to provide care for more than six children, including those of the resource parent;
 - (6) Have more than two infants younger than 2 years old, including the resource parent's own children; or
 - (7) Except as provided for in §B of this regulation, provide child day care.

B. Limitation on Child Day Care. A limitation may be waived on written authorization of the local department and the Maryland Office of Child Care after review, and if all of the following criteria are met:

- (1) The home meets the standards of the local department and the Maryland Office of Child Care;
- (2) The home is not a treatment foster care home, because caring for children in treatment foster care is a full-time responsibility; and
- (3) It has been assured that the family day care provider has the physical and emotional strength to be responsible for the day care of one or more children, in addition to what is needed in care and supervision for the child, or children, in the resource family home on a full-time basis.

C. For the purpose of dually approved resource/day care homes:

- (1) The resource/day care parents' children, the foster children, and the day care children younger than 13 years old shall be counted as children to be served;
- (2) Not more than two children younger than 2 years old may be in the home;
- (3) The resource/day care parents may not care for more than six children including the day care children, the foster care children, and the foster parent's birth children, adopted children, or both if younger than 13 years old; and
- (4) The resource/day care parent may care for a total of eight children if the foster care or day care children include a sibling group.

D. Under §A (5) of this regulation, the local department may permit up to eight children in a home, including those children of the resource parent, when required to care for a sibling group or for a short-term (60 to 90 days) emergency placement of a child. However, if there is an infant in the home, or if three of the children are younger than 6 years old, there may not be more than six children in the home.

E. Educational Limitations.

- (1) Resource parents may not home school foster children.
- (2) Decisions to use a private or parochial school shall be discussed with the local department and if approved:
 - (a) The resource parent is responsible for payment of tuition, books, and any other costs associated with a child they choose to enroll in an accredited private or parochial school; and
 - (b) The monthly board payment is not to be supplemented to pay these school costs.
- (3) When a child enters care and is currently enrolled in an accredited private or parochial school, the child shall be enrolled in public school unless the resource parent with the permission of the local department chooses to assume responsibility for continued enrollment or the biological family continues to financially provide for the education.

.14 Resource Parent Training.

A. Pre-service Training. A local department shall provide or arrange for a minimum of 27 hours of pre-service training during the recruitment and mutual selection process of resource parents before formal approval of a home and before placing a child in the home. This training includes the following:

(1) Role and relationships in foster care between local department personnel, the resource parent, the child's birth parent, and the child;

(2) Separation anxiety and the importance of the child's family and the child's communication with them;

(3) Developmental needs of children in care;

(4) Special needs children;

(5) Awareness of cultural and religious differences;

(6) Child management and discipline techniques;

(7) Child abuse and neglect;

(8) Supportive services available in the community for children and resource parents.

(9) Self-awareness;

(10) Communication skills; and

(11) Problem solving.

B. Continuing Training.

(1) A local department shall provide or arrange continuing training for resource parents.

(2) Resource parents shall acquire a minimum of 10 hours of training a year as approved by the Administration, including two hours of training in behavior management every other year.

(3) The training shall consist of continuing work on the areas listed in §A of this regulation for the pre-service training and any additional topics as needed.

.15 Annual Reconsideration.

A. A local department shall:

(1) Conduct an annual reconsideration of each resource home which includes at least one home visit, to determine continuing compliance with the resource home regulations;

(2) Complete the review and decide whether to reapprove the resource home before the anniversary of the date of approval;

(3) Complete a review whenever there are major changes in the lives of the resource parents that could affect their ability to care for foster children, and that may include:

(a) Illness or death of a member of the resource family;

(b) Marital problems,

(c) Change in employment status of resource parents;

- (d) Move to a new residence,
 - (e) Suspected abuse or neglect in the home, or both, or
 - (f) Change in marital status of resource parents such as separation, divorce, or remarriage;
- (4) Require, when applicable:
- (a) An Application to be Resource Parents form to be signed by the new resource parents;
 - (b) A criminal background check and child protective service clearance to be made for the new resource parent(s) if a remarriage occurs;
 - (c) The Resource Parent Agreement form to be signed by the new resource parent,
 - (d) A medical examination to be required of the new resource parent;
- (5) Conduct an interview to discuss implications for the family when a resource parent requests to change the type of child care the resource parent wishes to give, for example, from emergency care to regular foster care;
- (6) Conduct a review of the resource home record and interview the caseworker for each child placed in the home in preparation for the reconsideration;
- (7) Conduct a discussion with the resource parents regarding the following when completing the annual reconsideration:
- (a) Composition of the resource family,
 - (b) Identification of foster children that are currently in the home,
 - (c) Sleeping arrangements, and
 - (d) Determination as to whether a new environmental health inspection is needed due to relocation or structural changes;
- (8) Prepare a formal medical report on a resource family at the initial reconsideration and every 2 years after that, or when there is an indication of serious health problems in the resource family.

B. A resource home worker shall:

- (1) Verify the income of the resource family;
- (2) Discuss the relationship of the resource parents with each other, with their own children, and with the foster children;
- (3) Discuss satisfactions and difficulties of resource parenting;
- (4) Discuss the family pattern of social and recreational activities, chores, and household duties;
- (5) Discuss methods of discipline;

(6) Discuss the resource parents' patterns for handling situations relative to the foster child's contacts with the child's birth family;

(7) Discuss and review an alternate child care plan in accordance with Regulation .05C of this chapter when the resource parent is out of the home;

(8) Discuss the pattern of caring for educational and health needs of foster children;

(9) Include comments by a child's local department of social services worker;

(10) Identify strengths and weaknesses of the resource parents in terms of their role as permanency planning team members;

(11) Identify necessary or desirable change in age, sex, or number of children to be placed in the home;

(12) Discuss the decision regarding continued use of the home if there is a present or imminent situation that may alter the original decision regarding the use of the home;

(13) Review permanency plans for children in the home;

(14) Complete the annual reconsideration in writing, and verbally share this information with the resource parents within 30 days of the anniversary of the approval date; and

(15) Discuss child support arrears with the resource family as described in Regulation .04F of this chapter.

.16 Complaints Regarding Abuse or Neglect, or Both, in Approved Resource Homes.

A. Initial Action.

(1) If a resource home or foster care worker observes that a child placed in a resource home is in serious and immediate danger, the worker, in the best interest of the safety and protection of the child, shall immediately remove the child and make arrangements for the child's protection and care.

(2) A local department employee who receives a report or makes a personal observation of suspected abuse or neglect in a resource home shall immediately notify the child protective services unit of the local department and the worker for the child involved, or the worker's supervisor.

(3) The child's foster care worker shall notify the resource home worker and the foster care worker for any other children living in the foster home of the complaint of suspected abuse or neglect, and of any action taken in response to the complaint.

B. Investigation.

(1) The child protective services unit of a local department shall respond to the complaint of abuse or neglect as required by Family Law Article, §§5-701—5-715, of the Annotated Code of Maryland, and COMAR 07.02.07. If an investigation is undertaken, the investigator may not be the foster care worker for any foster child in the resource home.

(2) The investigator, the foster care workers for all of the foster children in the resource home, and the resource home worker shall remain in close communication throughout the investigation.

C. Procedures Leading to Decision Regarding Continued Use of Resource Home Under Investigation.

(1) If an investigation of suspected abuse or neglect is undertaken, additional children may not be placed in the resource home pending the outcome of the investigation and the decision by the local department's director, or the director's designee, as to the continued use of the home.

(2) If an investigation of suspected abuse or neglect is undertaken, the local department shall undertake a complete review of the resource home to determine whether the home still meets the standards for a resource home under these regulations.

(3) If an investigation is undertaken, an appropriate local department staff member shall visit the resource home at least once a week as long as any foster children remain in the home, until a decision is rendered as to the continued use of the resource home, unless ordered otherwise by the juvenile court or agreed otherwise by the attorney for the children living in the home and the attorney for the local department.

(4) Within 5 working days after receiving the recommendation of the staff, the local department director or the director's designee shall render a written decision as to the continued use of the resource home.

(5) A copy of the director's decision shall be forwarded to the Administration and shall be placed in the resource home record and in the records of any foster children living in the home when the alleged abuse or neglect occurred.

D. Notifications.

(1) A local department shall immediately notify the resource parents that a complaint of abuse or neglect has been made about them.

(2) The identity of any alleged abuser or neglecter may only be divulged to the parent of the abused or neglected child. The local department shall notify the attorneys and the parents of any foster children living in the home when the complaint was made, and the parents of the foster children involved in the suspected abuse or neglect, of the outcome of the investigation.

(3) The local department shall send a copy of the decision as to the continued use of the home to the resource parents and to the attorneys for the foster children living in the home when the complaint was made.

.17 Suspension and Revocation.

A. After receiving a complaint indicating possible violations of the resource home regulations, a local department shall conduct an investigation to assess compliance with applicable regulations and discuss findings with the resource family.

B. Suspension.

(1) A local department may suspend resource home approval for a period not exceeding 60 days for a violation of these regulations.

(2) Except as provided in §D of this regulation, and at least 20 days in advance of a planned suspension, the local department shall send the resource parents a:

(a) Notice that includes the intended action;

(b) Statement of the specific regulation violated; and

(c) Statement describing the resource parent's right to appeal the decision of the local department.

(3) When a resource home approval is suspended, the local department may not place any child in the resource home, and the:

(a) Resource home may continue to provide services to the children only if the suspension was caused by a violation of these regulations that does not threaten the health and safety of the children in care, and either the local department agrees that the reason for the suspension can be corrected within 60 days from the date of the suspension, or an appeal is filed within 20 days of the local department's notice; or

(b) Local department shall remove the children from the home within 30 days of the date of suspension.

(4) The local department shall restore or revoke a suspended approval by the end of the suspension period.

C. Revocation.

(1) The local department may revoke an approval for a violation of these regulations.

(2) Except as provided in §D of this regulation, and at least 20 days before the planned revocation, the local department shall send the resource parents a notice which includes:

(a) The intended action;

(b) A statement of the specific regulations violated; and

(c) A statement describing the resource parent's right to appeal.

(3) When an approval is revoked, the local department shall immediately remove the children from the home unless an appeal is filed within 20 days of the local department's notice.

D. Emergency Suspension or Revocation.

(1) If the local department finds evidence of gross incompetence, misconduct in operating the resource home, neglect or abuse of children in care, or other conditions that pose an immediate threat to their health and safety, the local department shall, without giving 20 days notice, suspend or revoke any approval it has issued to protect the health, safety, or welfare of the children under the resource parents' supervision or of the general public. The letter of suspension or revocation shall provide the resource parents with notice of the action taken, the grounds for it, and a description of the resource parents' right to appeal it.

(2) If children remain in the resource home at the time the decision to suspend or revoke the resource home approval is made, the local department shall immediately remove the children.

(3) Once suspended or revoked on an emergency basis, the resource home approval may not be restored unless:

(a) There has been a hearing decision favorable to the resource parents; or

(b) The local director has given written approval for the reinstatement.

.18 Denial of Approval.

The local department may deny an application if:

- A. The applicant or the home in which the care is provided fails to meet the requirements of this chapter;
- B. An evaluation of the application form by the local department reveals that the applicant knowingly reported false information;
- C. The applicant has a history of regulatory violations which demonstrates an inability to provide for the health and safety of the children;
- D. The applicant has previously had approval denied or revoked by any local department, unless the local department is satisfied that the condition that was the basis for the denial or revocation has been corrected;
- E. The applicant prevents the local department from completing its responsibilities for approval;
- F. An evaluation of criminal records or child abuse or neglect records of individuals identified in Regulation .04E of this chapter indicates behavior harmful to children; or
- G. Based on substantial, credible evidence the local department concludes that the applicant cannot provide for the health, safety, or welfare of the children in care because of abuse of alcohol or other controlled dangerous substances, mental instability, or any other condition which creates reasonable doubt as to the applicant's ability to provide foster care.

.19 Appeal Procedure.

- A. A person aggrieved by a decision of a local department to deny, suspend, revoke, or terminate resource home approval has the right to appeal in accordance with COMAR 07.01.04.
- B. A person aggrieved by a decision of a local department to deny, suspend, revoke, or terminate resource home approval which is based in whole or in part on a child protective services finding of "indicated" or an identification of an alleged abuser or alleged neglecter in a record of the Central Registry when noting appeal under §A of this regulation, shall also receive a hearing in accordance with COMAR 07.02.26. The decision reached in accordance with COMAR 07.02.26 is binding on any proceedings under this regulation.
- C. A fair hearing need not be held on any decision which has been, or may only be, determined by a court.
- D. Resource parents who wish to adopt a foster child in their care and who wish to contest the local department's decision to place the child with another resource family may, within 30 days from the removal of the child, file with the local department a request for a hearing. The local department shall notify the Office of Administrative Hearings which shall hold the hearing and issue a decision within 45 days of the receipt of the request.
- E. A person aggrieved by the local department's decision to place a foster child with another resource family which is based in whole or in part on a child protective services finding of "indicated" or an identification of an alleged abuser or alleged neglecter in a record of the Central Registry when noting an appeal under §D of this regulation, shall also receive a hearing in accordance with COMAR 07.02.26. The decision reached in accordance with COMAR 07.02.26 is binding on any proceedings under this regulation.

.20 Discipline of Foster Children.

- A. Only resource parents or other adult caregivers approved by the local department, and known to the children, may discipline foster children.
- B. Physical holding as a form of restraint shall be used only to the degree necessary to protect the child from self-injury or from injuring others.

C. Behavior Management training and continuing consultation shall be provided by the local department as needed to resource parents regarding appropriate discipline methods. The use of discipline shall also be discussed during any reconsideration of the resource home.

D. Prohibited punishments include:

- (1) Corporal punishment, which includes physical hitting or any type of physical punishment inflicted in any manner upon the body;
- (2) Physical exercises, such as running laps or performing pushups;
- (3) Requiring or using force to require a child to take an uncomfortable position such as squatting, bending, or repeated physical movements;
- (4) Verbal remarks which belittle or ridicule a child or a child's family;
- (5) Denial of essential program services, such as local department planned educational, psychiatric, or psychological services;
- (6) Denial of meals, clothing, bedding, sleep, mail, or visits with a child's family;
- (7) Threatening a child with the loss of the child's placement in the home;
- (8) Bodily shaking;
- (9) Placement in a locked room; and
- (10) Use of mechanical or chemical restraints.

.21 Resource Home on Inactive Status.

A. An approved resource home in good standing with the local department may choose to suspend acceptance of foster care placements for up to 1 year and still maintain its status as an approved resource home.

B. During the period in which children are not placed in the home, the resource parents are not required to undergo an annual reconsideration. At the point that the family wishes to accept children, a reconsideration shall be completed.

C. If the resource family does not wish to accept foster children at the end of the 1-year period, the resource family may not be considered a resource and the home shall be closed.

D. The resource parent shall receive 30 days' notice of the local department plan to close the home.

.22 Termination of a Resource Home.

A. A local department may terminate a resource home approval for one of the following reasons:

- (1) The local department has not placed any children in the resource home in the previous 3 years; or
- (2) The characteristics of the children the resource parent is willing to accept for care in the resource home are not consistent with the characteristics of the children in foster care and entering foster care.

B. The local department shall give a resource parent 30 days notice of a plan to terminate approval of the home.

.23 Liability Insurance and Reimbursement for Loss to Resource Parents.

A. The Administration shall provide liability insurance for resource parents who care for children under certain conditions. The insurance shall cover:

(1) Bodily injury and property damage that a foster child causes to a person or the property of a person other than the resource parent; and

(2) Actions brought against the resource parents by the child's natural parents for any accident to the foster child.

B. The Department shall reimburse a resource parent for the costs of bodily injury or property damage that the child causes to the resource parent, and that insurance does not cover, if the resource parent did not contribute substantially to the bodily injury or property damage sustained.

C. Excluded from coverage are claims for:

(1) Alienation of affection;

(2) Accidents involving vehicles which are licensed or intended for road use;

(3) Payment to the resource parents for injury or damage caused by the foster child to the resource parent which is otherwise covered by insurance; and

(4) Reimbursement in excess of \$5,000.

.24 Confidentiality.

The confidentiality of information shall be strictly safe-guarded according to the confidentiality requirements in COMAR 07.01.07 and the access to records requirements in COMAR 07.01.02. The local department and the resource parents shall protect confidential information regarding the foster children and their natural parents or guardians, or both.