


DEPARTMENT OF HUMAN RESOURCES  
SOCIAL SERVICES ADMINISTRATION  
311 WEST SARATOGA STREET  
BALTIMORE, MARYLAND 21201

DATE December 27, 2009

Policy # SSA # 10-20

TO: Directors, Local Departments of Social Services  
Assistant Directors of Social Services  
Local Department of Social Services  
Resource Unit Administrators and Staff

FROM: Carnitra D. White, Executive  
Director   
Social Services Administration

RE: Compliance with Federal and State Technical  
Requirements for Criminal and Protective Services  
Background Checks

PROGRAMS AFFECTED: Out-of-Home Placement Services (Foster Care Services)  
and Resource Units

ORIGINATING OFFICE: Resource Development Placement and Support Services

ACTION REQUIRED OF: All Local Departments

REQUIRED ACTION: Implement policy and procedures when responding to  
requests for Foster Home Approval and Reconsideration

ACTION DUE DATE: December 27, 2009

CONTACT PERSON: Kevin Keegan, Director  
Resource Development Placement and  
Support Services  
410 767-7910

### **Purpose**

The purpose of this policy directive is to mandate full compliance with and to update the State's technical requirements for foster home approval.

### **Background**

In June 2008, Title IV-E eligibility reviews indicated that Maryland was not in substantial compliance with federal child and provider eligibility requirements for the period of April 1, 2007 through September 30, 2007. The reviews were conducted to assess the State's adherence to eligibility criteria for children and their foster care providers. Eighty (80) cases from a random sample selected from the Adoption and Foster Care Analysis and Reporting System (AFCARS) were reviewed. The number of error cases identified in Maryland's review exceeded four (4), which resulted in a Maryland Program Improvement Plan (PIP) for Title IV-E Eligibility Reviews.

This policy directive is being issued as part of Maryland's PIP. It is intended to reiterate both federal and state technical requirements for foster home approval in the areas of criminal and protective services background checks and to ensure local department compliance.

### **Action**

The Social Services Administration is currently amending COMAR 07.02.25. When completed the amended regulations will reflect current practice, including an update in the areas of criminal background checks and child abuse and neglect background checks .

All staff responsible for the approval and annual reconsideration of foster homes shall comply with the guidelines set forth in COMAR 07.02.25.05 - **Technical Requirements for Foster Home Approval**, including the changes contained in the provisions listed below. These changes will be included in COMAR 07.02.25.05E after the amendments are adopted:

### **Criminal and Protective Services Background Checks.**

(1) Before a foster 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. Once the foster

home is approved, if any new members 18 years old or older join the household, or if any household member turns 18, they shall apply for a criminal background investigation within 30 days of their 18<sup>th</sup> birthday or of moving into the household.

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

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

(b) In the 5 years before the date of application, has a felony conviction involving physical assault, battery, or a drug-related offense.

(3) The local department shall review charges, investigations, convictions, or findings related to any other crime(s) of any household member, to determine the possible effect on: 1) the applicant's ability to execute the responsibilities of a foster parent; 2) the ability of the local department to achieve its goals in providing service to children in care; and 3) the safety of children in out-of-home care. Based on this review, the local director has the authority to allow, deny, suspend, or revoke foster home approval.

(4) Before a foster home is approved, the local department shall request information from the child abuse and neglect registry maintained by any state in which an applicant or another adult in the household has lived within the last five years to determine whether an individual in the household has a prior 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.

(5) The Department may not approve or continue to approve as a foster 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.