


**DEPARTMENT OF HUMAN RESOURCES  
311 West Saratoga Street  
Baltimore, MD 21201**

DATE: April 30, 2013

POLICY DIRECTIVE SSA # 13-17

TO: Directors, Assistant Directors  
Staff, Local Departments of Social Services, DHR  
Central Staff

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

SUBJECT: State Employees as Public Providers for Out-of-  
Home Care and Adult Services for Local  
Departments of Social Services

This policy directive replaces and supersedes Policy  
Directive SSA # 12-18

PROGRAMS AFFECTED: Child Welfare and Adult Services

ORIGINATING ADMINISTRATION: Social Services Administration

ACTION REQUIRED OF: Local Departments of Social Services  
Directors

EFFECTIVE: May 1, 2013

CONTACT PERSONS: Anita Wilkins  
Program Manager, Resource Development and  
Placement Support Services  
Social Services Administration  
410-767-7119

April Seitz  
Office Director, Adult Services  
Social Services Administration  
410-767-7569

**BACKGROUND:**

Children and youth deserve to grow up in a safe and nurturing home with families who provide a sense of stability and belonging. Similarly, adults served by local department of social services programs that provide housing for vulnerable or disabled adults, deserve to have caring nurturing providers. In building a pool of providers who are able to provide a nurturing home for the adults, children and youth served by the local departments of social services, the Department of Human Resources (DHR or the Department) recognizes that viable candidates may exist within the ranks of its staff and that of the local departments of social services. Since individuals employed by DHR or the local departments of social services tend to have a particular interest in serving adults, children and families, the Department encourages employees to apply to become foster or adoptive parents or Adult Services providers. However, the DHR must still provide safeguards to prevent conflicts of interest.

This policy serves as guidance for State employees serving as public agency resource parents or Adult Services providers to ensure compliance with the participation and prestige of office restrictions of the Public Ethics Law. The purpose of this policy is to assist local departments of social services in the application process for potential employee providers to avoid actual or perceived conflicts of interest. This policy outlines the criteria that DHR's Social Services Administration will consider when reviewing applications from potential employee providers.

**This policy does not apply to an employee who applies to become a resource parent for a private Child Placement Agency (CPA) or Adult Services Provider for a private adult care entity.**

**DEFINITIONS:**

**Resource Parents** include all individuals trained and approved by a public agency (local department of social services) to provide out-of-home placement or pre-adoptive care for court-committed children.

**Adult Services Providers** include all individuals trained and/or approved by the Local Department of Social Services Adult Services programs to provide care to adults.

**Kinship Caregivers** are individuals whose relationship to a child in the care, custody, or guardianship of a local department is within the fifth degree of consanguinity or affinity, and who have been designated by the local department as a provider of temporary or long-term 24-hour care of that child, other than for purposes of adoption, as described in Family Law Article, §5-534(a), Annotated Code of Maryland. A kinship parent must be at least 21 years of age, unless he/she 18 years or older, and lives with a spouse 21 years or older.

**STATE ETHICS COMMISSION REQUIREMENTS:**

The Public Ethics Law, Section 15-101 *et seq.* of the State Government Article of the Maryland Annotated Code, establishes standards of conduct for employees of the State of Maryland. The

State Ethics Commission (SEC) interprets the ethics law and provides guidance on the application of the law. The Ethics Law prohibits State employees from engaging in any activity that presents an actual or apparent conflict of interest or the appearance of unfairness.

The SEC has advised that DHR/SSA's approval of a State employee as **a public agency provider is not considered secondary employment and is not automatically prohibited by the Ethics Law**. However, consideration must be given to whether the employee's job duties present an actual or perceived conflict of interest. In cases where the employee's duties for the State agency can be shown to be sufficiently remote from the oversight or administration of the out-of-home services or adult services programs, DHR/SSA may approve the request.

The SEC has further advised that a State employee's status as a provider for **a CPA or private adult care entity is considered secondary employment. COMAR 07.05.02.09C prohibits a certified private foster parent from accepting a child for foster care who is in State custody if the foster parent is employed by a local department child welfare services unit or the SSA**. Therefore, child welfare and SSA staff can only pursue approval via a CPA if that CPA contracts for placements from jurisdictions outside of the State of Maryland. The employee must follow all procedures for approval of secondary employment before pursuing certification as a CPA provider. Local adult services staff interested in becoming a private provider for either child or adult placements must follow the procedures for approval of secondary employment.

Before an individual employee can be considered to become a public resource parent, kinship caregiver, or adult services provider for a local department, DHR/SSA must ensure that no preferential treatment is given to employees in the assignment of foster children, vulnerable adults, or in the monitoring of the caregivers' activities. Employees may have, or may be perceived to have, a conflict of interest if applying to become a resource parent, kinship caregiver, or adult services provider if either of the following is true:

- The employee's position allows the employee to have some influence on the case management decisions relating to the employee as provider, or the child(ren) placed in the employee's home; or
- The employee's position may lead others to give special or preferential treatment or consideration to the employee as a provider.

#### **THE FOLLOWING DHR EMPLOYEES MUST ADHERE TO THIS POLICY:**

- LDSS employees in programs that work with children and families including staff that provide oversight and/or support to the programs (All Child Welfare programs, Finance, Administration, etc)
- DHR Central Child Welfare Program staff
- LDSS employees in Adult Services programs including staff that provide oversight and/or support to the programs (all Adult Services programs, Finance, Administration, etc.)
- DHR Central Adult Services Staff
- DHR Central Office of Licensing and Monitoring staff

## **REQUESTS FOR EMPLOYEES TO BECOME PROVIDERS FOR OUT-OF-HOME PLACEMENT, KINSHIP CARE OR PROJECT HOME FOR LOCAL DEPARTMENTS OF SOCIAL SERVICES:**

Before an employee may become an approved resource parent, kinship caregiver, or adult services provider for a local department of social services, the following must be done:

- The employee must submit a completed DHR/SSA 1296 Request to Become An Employee Provider (Attachment A) and their MS22 to their LDSS director, his/her designee or to their DHR/SSA administrator.
- For LDSS employees, the local department director or his/her designee must consider whether the employee meets the general requirements outlined in this policy. If an examination of the employee's job duties, including the employee's MS22, indicates that the employee meets the SEC requirements described above, and the employee is in good standing, the LDSS director or his/her designee shall sign the request form, and forward the request and the employee's MS22 to DHR/SSA Resource Development and Placement Support Program Manager (child welfare) or Adult Services Office Director (adult services).
- For DHR/SSA Central employees, the DHR/SSA administrator must consider whether the employee meets the general requirements outlined in this policy. If an examination of the employee's job duties, including the employee's MS22, indicates that the employee meets the SEC requirements, and the employee is in good standing, the DHR/SSA administrator shall review and sign the request form and forward the form and the employee's MS22 to DHR/SSA Resource Development and Placement Support Program Manager (child welfare) or Adult Services Office Director (adult services).
- The DHR/SSA Resource Development and Placement Support Program Manager (child welfare) or Adult Services Office Director (adult services) will review all requests from the local department and determine if there are any actual or perceived conflicts of interest based on the applicant's job duties.
- The DHR/SSA Resource Development and Placement Support Program Manager will forward all requests of employees who are a salary grade 19 or higher to the Secretary of DHR for approval.
- If the employee is being considered for a kinship placement and there is an emergent need for placement of the relative child, the child may be immediately placed in the employee's home, pending approval by DHR.

### **Approval/Denial Decision**

- The employee and the local department director or DHR/SSA administrator will be informed of DHR/SSA's decision by memo stating the basis for approval or denial of the request within 15 days of receipt of the request.
- If the request is approved, the memo will designate the local department that will conduct the home study, and that local department will be copied on this memo.
- If the request is denied, the employee may appeal the decision to the DHR Secretary.

**HOME STUDY APPROVAL PROCEDURES:**

- DHR/SSA will designate a local department to conduct the home study. The home study may not be completed by the agency in which the employee works.
- The employee will be notified of the local department designated to conduct the home study in the approval memo. The employee is responsible for contacting the assigned agency to begin the home study process.
- The employee must provide the DHR/SSA approval to the local department at the time of application. The local department may not initiate a home study until the approval has been received.
- All requirements outlined in COMAR 07.02.25 must be followed, including all required training.

**APPROVED EMPLOYEE RESOURCE HOME OR ADULT SERVICES PROVIDER:**

- Within 30 days of approving an employee as a resource parent, kinship caregiver, or adult care provider, the local department completing the home study shall submit the following to the SSA:
  - The employee's name, home address, and phone number;
  - The employee's work address and phone number;
  - The department in which the employee works and his or her position;
  - Whether the employee is approved as a resource parent, kinship caregiver or adult services provider;
  - Proof that notification of the application process has been sent to the local department of social services or DHR Central Administration that employs the employee.
- The local department that completes the home study of the employee will be responsible for the approval, supervision, record maintenance, and reporting relating to that employee provider.
- Employees may not accept placements of children or adults under the supervision of the local department where the employee works unless:
  - The child is a blood relative to the employee and it is in the best interests of the child to be placed with the employee AND
  - The child's or adult's case is not supervised by a worker in the same unit (same supervisor) as the employee.
- Special privileges shall not be granted to employee providers. For example, an employee **cannot** use Administrative Leave to attend to the needs of the children or adults for whom they provide care (such as court hearings, or medical or therapy appointments).
- All approved employees shall sign a Code of Conduct (**Attachment B**) agreeing not to access data about his/her record or that of the child or birth parent(s), or of any siblings of the child in the employee's care or adult placed in his/her custody. Violation of this policy may lead to disciplinary action.
- All approved employees must identify themselves only as a resource parent, kinship caregiver, or adult care provider when interacting and participating in matters relating to

the out-of-home placement child(ren) or adult placed in their homes, and not as a DHR employee.

- In the event of a report of alleged abuse or neglect by an employee, the investigation will be completed by the jurisdiction where the maltreatment occurred. If this is the same county where the employee works, the county shall follow local standard operating protocols relating to investigations involving employees.
- The local department must provide immediate notification to DHR/SSA regarding any problems related to employee provider placements. Please contact Anita Wilkins at 410-767-7119 for concerns regarding employee resource parents and employee kinship caregivers; and April Seitz at 410-767-7569 for concerns regarding adult care providers under these circumstances.

#### **DHR ETHICS REGISTRY AND REPORTING PROCEDURES:**

- In order to ensure implementation of the SEC's ruling, SSA must identify and track employee providers by documenting the:
  - Total number of employee resource parent providers (out-of-home)
  - Total number of employee kinship caregivers
  - Total number of employee adult care providers
- A registry will be maintained by the SSA for resource parents, kinship caregivers, and for providers of adult care. This registry will indicate the employees requesting approval to become an employee provider and the home study decision.
- In January and July of each year, DHR/SSA will provide the SEC a report of the number of DHR/SSA employees serving as resource parents or kinship caregivers.

**REQUEST TO BECOME AN EMPLOYEE PROVIDER**

Date: \_\_\_\_\_

To: Department of Human Resources  
Social Services Administration

From: \_\_\_\_\_

SUBJECT: Request to Become an Employee Provider:

\_\_\_\_\_ Resource Parent      \_\_\_\_\_ Kinship Caregiver      \_\_\_\_\_ Adult Services Provider

Relationship to child involved (if any) \_\_\_\_\_

1. Identifying information:

\_\_\_\_\_  
Name of Employee (Spouse, if applicable)      Employee's Position and Grade

\_\_\_\_\_  
Home Address (City, State, and Zip Code)

\_\_\_\_\_  
Employee's Home Phone      Email Address

\_\_\_\_\_  
Employee's Local Department of Social Services      Employee's Work Phone

Local Department which will supervise the placement, if approved: \_\_\_\_\_

2. Brief description of duties and responsibilities in State position: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

3. DHR Administrator/Local Director Approval:

As DHR Administrator or Director of \_\_\_\_\_ Department of Social Services, I have reviewed the employee's job duties and determined the employee's duties are sufficiently removed from the oversight or administration of the Foster Care or Adult Services programs.

\_\_\_\_\_ Approved      \_\_\_\_\_ Disapproved

\_\_\_\_\_  
Signature      Printed Name & Title      Date

4. Social Services/DHR Central Approval:

As Executive Director of the Social Services Administration, I have reviewed the Request to Become an Employee Provider to ensure the request meets the criteria in Policy Directive SSA #13-\_\_\_\_\_.

\_\_\_\_\_ Approved                      \_\_\_\_\_ Disapproved

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name & Title

\_\_\_\_\_  
Date

Note: DHR/SSA may request additional information from the employee and his/her supervisory unit when considering the ethical correctness of an employee's request to become a provider of care.

**REQUEST WILL NOT BE CONSIDERED UNLESS CURRENT  
POSITION DESCRIPTION IS ATTACHED**



### CODE OF CONDUCT

As a DHR or local department of social services Employee approved to provide out-of-home or adult services, I agree to the following:

- Will identify myself at all times as the resource parent or adult services provider when conducting business regarding the child/adult in my care.
- Will not access any case records or CHESSIE records pertaining to my home, child/adult, parents or siblings of a child or adult in my care.
- Will not utilize Administrative leave when conducting business regarding the child/adult in my care, i.e. doctor appointments, therapy appointments, court, etc.
- Will not request preferential treatment in the placement of the child/adult in my home or any requirements relating to approval and/or continued approval of my home.

Any violation of the above may result in disciplinary action.

\_\_\_\_\_  
Signature of Resource Provider

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Approving Worker

\_\_\_\_\_  
Date