

## **INSTRUCTION PAGE - TREATMENT FOSTER CARE BED CAPACITY EXCEPTIONS**

### **I. Background**

COMAR 07.02.21 sets a limit of two foster children to be placed in a treatment foster care (TFC) home. The Social Services Administration (SSA) may grant an Exception to the treatment foster care bed limitation under certain circumstances, and allow the placement of only one additional child. An Exception must be requested for the placement of an additional foster child in the treatment foster home over the two allowed. One such circumstance is for the placement of a sibling in the same treatment foster home. An Exception must also be requested for the placement of a Minor Mother and her infant child in a treatment foster home that is not a part of a Minor Mother program.

A request for an Exception shall be made in writing by private provider treatment programs or local department to SSA through the Office of Licensing and Management (OLM). A granted Exception is specific to the treatment foster home and children as listed on the Exception. Any change to the make-up of the treatment foster home renders the Exception invalid and a new Exception would need to be pursued if appropriate.

### **II. Submission of Request for Exception**

- Who can make a request?

The treatment foster placement agency and the local department must jointly prepare the Exception Request Packet (DHR/SSA Form 1310). Either the treatment foster placement agency or the local department may submit the completed Packet to the appropriate OLM Licensing Coordinator. The submitting party is responsible for gathering all information and documentation, including written acknowledgement from all local departments having children placed in the home in question. The form must be completed electronically. The submitted packet must include DHR/SSA Forms 1310- A, B, C, and D to be considered complete. Incomplete packets will be returned without consideration.

- Information to be submitted

The submission of the Exception Packet may be made by fax) or by hardcopy. The written approval by SSA will include an effective date no earlier than the receipt acknowledgement date unless otherwise negotiated. The Exception Request Packet includes the following information:

1. Treatment Foster Care Bed Capacity Exception Packet Form (DHR/SSA Form 1310 - A)
2. Documentation of Treatment Eligibility
3. Documentation of Serious Medical/Behavioral Condition
4. Treatment Plan for Exception Child (unless traditional foster care sibling)
5. Treatment Summary – other placed children
6. LDSS Recommendation for Exception (DHR/SSA Forms 1310 - C & D) for each child placed in home and for exception child (to be printed on LDSS agency letterhead).
7. Provider Treatment Foster Parent Certification (DHR/SSA Form 1310 - A Section III)
8. Treatment Foster Care Placement Agency Questionnaire (DHR/SSA Form 1310 - A, Section IV)
9. Treatment Foster Parents Skills, responsibilities and home history (DHR/SSA Form 1310 - A, Section V).
10. Treatment Foster Parent Statement (DHR/SSA Form 1310 - B)(to be printed on provider agency letterhead)

### **III. Documentation of Eligibility**

Valid documentation of a determination on each treatment child in home and child for which exception is requested is stated in COMAR as:

- Documented serious medical condition, **or**
- Documented serious emotional, behavioral or psychological condition (documentation must include psychiatric diagnosis by appropriate qualified professionals)
- Documentation of need of a high level of treatment in a family setting
- Written policy for planned discharge of child from treatment program (documentation that discharge plan revisited on regular basis)

#### **IV. Basis of Administrative Approval Decision**

Factors considered by the Administration in the approval or disapproval of an Exception include but are not limited to the following:

- Sibling placements
- Child's eligibility for Treatment Foster Care services
- Treatment needs of child and other children in home
- Skills and abilities of Treatment Foster Parent
- Previous Exception requests for child/siblings
- Services needed and offered for Treatment children and family
- Changes in Treatment foster parent responsibility

#### **V. Decision Outcomes**

The Administration will respond in writing to all requests. The Approval of an Exception will be specific to the treatment foster family and children named in the packet. Any variation or change in the children placed will render the Exception invalid. A new Exception would need to be pursued if appropriate. Unless otherwise stated within the Exception, the Exception is valid as long as the foster children in the Request are placed within that home. If the number of foster children is reduced to 2, the Exception is no longer necessary and automatically terminates.

When granting an Approval, the Administration will specify the type of placement. Placement types for the Exception include:

- Treatment foster child placement
- Regular foster child placement
- Sibling placement
- Time-limited or temporary placement

The Approval includes the status of each foster child within the home.

#### **VI. Decision Disagreements**

The Exception decision is not subject to the decision appeals process. However, the provider agency may ask SSA for a staffing on the Exception in order to better explain the need. The staffing will include the OLM, SSA, local department and the treatment placement provider. The request for a staffing must be made in writing.