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Title 07 DEPARTMENT OF HUMAN RESOURCES Subtitle 02 SOCIAL SERVICES ADMINISTRATION

07.02.11 Out-of-Home Placement Program

Authority: Courts and Judicial Proceedings Article, §§3-801, 3-802, 3-815, 3-816.1, 3-817, 3-819.1, 3-819.2, 3-820, and 3-823; Education Article, §§7-101(b) and 15-106.1; Family Law Article, §§5-501, 5-504, 5-524—5-534, 5-701, and 5-709; Human Services Article, §9-101 et seq.; Annotated Code of Maryland (Agency Note: Federal Regulatory Reference: 42 U.S.C. §§620 et seq., 670 et seq.; 45 CFR §205.10; 45 CFR §303.72; 45 CFR 1355—1357)

Notice of Proposed Action

[15-028-P]

The Secretary of Human Resources proposes to amend existing Regulations **.03 — .05** under **COMAR 07.02.11 Out-of-Home Placement Program**.

Statement of Purpose

The purpose of this action is to change the definition of relative to reflect the current definition, alter the definition of parents to include two parents of the same sex, and delete the term “Independent Living Preparation Services”. Additional changes incorporate the provisions of Ch. 207 (S.B. 940), Acts of 2014, which mandates that the Social Services Administration (SSA) adopt regulations that authorize SSA to notify the appropriate criminal or juvenile delinquency court if SSA has information indicating that the child’s interests as a victim are not adequately protected in a case before the court.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Andrea Shuck, Regulations Coordinator, Department of Human Resources, 301 W. Saratoga Street, Room 265, Baltimore, MD 21012, or call 410-767-2149, or email to andrea.shuck@maryland.gov, or fax to 410-333-0637. Comments will be accepted through February 9, 2015. A public hearing has not been scheduled.

.03 Definitions.

- A. (text unchanged)
- B. Terms Defined.

[(26) “Independent Living Preparation Program” means services and supervision to prepare youth to live self-sufficiently after discharge from out-of-home placement as described in COMAR 07.02.10.]

[(27)] (26) — [(36)] (35) (text unchanged)

[(37)] (36) Parent or Parents.

(a) “Parent” means:

(i) The birth or adoptive [mother] *mothers* or [father] *fathers* of the child; and

(ii) Includes by reference both the individual [mother] *mothers* and [father] *fathers* as applicable.

(b) “Parents” means the birth or adoptive [mother] *mothers* and [father] *fathers* of the child.

[(38)] (37) — [(45)] (44) (text unchanged)

[(46)] (45) “Relative” means an individual who is at least 18 years old and related to the child by blood, [or] marriage or adoption within five degrees of consanguinity or affinity [and is:

(a) 21 years old or older; or

(b) 18 years old or older and lives with a spouse who is 21 years old or older].

[(47)] (46) — [(49)] (48) (text unchanged)

[(50)] (49) “Return home” has the same meaning as reunification in [§B(49)] §B(50) of this regulation.

[(51)] (50) (text unchanged)

[(52)] (51) “Semi-independent living” means a program for [youths] *youth* 16 through 20 years old who are:

(a) Participating in [the Independent Living Preparation Program] *Youth Transitional Services as described in COMAR 07.02.10;*

(b) — (c) (text unchanged)

[(53)] (52) — [(65)] (64) (text unchanged)

[(66)] (65) “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] 07.05.05.

[(67)] (66) — [(71)] (70) (text unchanged)

.04 Eligibility.

A. — B. (text unchanged)

C. *A child is not eligible for out-of-home placement if the child:*

(1) *Is married;*

(2) *Is in the military; or*

(3) *Fails to comply with §B of this regulation.*

[C.] D. — [D.] E. (text unchanged)

.05 Local Department Responsibility for Out-of-Home Placement.

A. — B. (text unchanged)

C. A local department with responsibility for a child’s case shall:

(1) — (14) (text unchanged)

15) Provide services to the child’s family and monitor the safety of any children remaining in the family home; [and]

16) Ensure that, at a minimum, the caseworker:

(a) — (b) (text unchanged)

(c) Has monthly contact with the out-of-home placement provider; *and*

(17) *Notify the appropriate court if the department has information indicating that a child’s interest as a victim is not protected in a court case.*

TED DALLAS
Secretary of Human Resources