

# Maryland Register

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## Title 07 DEPARTMENT OF HUMAN RESOURCES Subtitle 02 SOCIAL SERVICES ADMINISTRATION Subtitle 05 SOCIAL SERVICES ADMINISTRATION — PRIVATE CHILD PLACEMENT AGENCIES

### 07.05.02 Private Foster Care

Authority: Family Law Article, §§5-501—5-503, 5-313, 5-524—5-534, [and] 5-560, and 5-701 et seq.; Courts and Judicial Proceedings Article, §3-801 et seq., Annotated Code of Maryland

Agency Note: Federal Regulatory Reference: 42 U.S.C. [§620] §621 et seq.; 45 CFR 1355—1357

#### Notice of Proposed Action

[13-200-P]

The Secretary of the Department of Human Resources proposes to amend Regulations **.09**, **.13— .15**, and **.17** under **COMAR 07.05.02 Private Foster Care**.

#### Statement of Purpose

The purpose of this action is to add the felony conviction of human trafficking to the list of convictions preventing the licensing of a private foster home if any member of the household has been convicted of felony human trafficking. In addition, references to DJJ will be corrected to read the Department of Juvenile Services.

#### Comparison to Federal Standards

There is a corresponding federal standard to this proposed action, but the proposed action is not more restrictive or stringent.

#### 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, 311 W. Saratoga Street, Rm. 265, Baltimore, MD 21122, or call 410-767-2149, or email to [andrea.shuck@maryland.gov](mailto:andrea.shuck@maryland.gov), or fax to 410-333-0637. Comments will be accepted through July 28, 2013. A public hearing has not been scheduled.

#### **.09 Certified Foster Parent Restrictions and Reporting Responsibilities.**

A. — B. (text unchanged)

C. A certified foster parent may not:

(1) (text unchanged)

(2) Accept a child for foster care who is in State custody if the certified foster parent is employed by:

(a) (text unchanged)

(b) The Department of Juvenile Services [(DJS)];

(c) — (f) (text unchanged)

(3) — (10) (text unchanged)

**.13 Recommendation for Certification.**

A. The agency's chief administrator or designee shall:

(1) — (2) (text unchanged)

(3) Deny certification if an applicant for foster parent certification:

(a) — (b) (text unchanged)

(c) Has a felony conviction for child abuse or neglect, spousal abuse, a crime against children, rape, sexual assault, *human trafficking*, or homicide;

(d) — (e) (text unchanged)

(4) — (8) (text unchanged)

B. — C. (text unchanged)

**.14 Abuse or Neglect by a Foster Parent.**

A. Initial Action.

(1) If a child placement worker or other agency employee observes that a child placed with a certified foster parent is in serious and immediate danger, the child placement worker shall:

(a) Immediately notify:

(i) (text unchanged)

(ii) If the child is in the custody of a local department or [DJJ] *the Department of Juvenile Services*, the worker for the child or the worker's supervisor;

(b) — (c) (text unchanged)

(2) (text unchanged)

B. — C. (text unchanged)

**.15 Agency Services to the Child Before Placement in Foster Care.**

A. Assessment of the Child.

(1) (text unchanged)

(2) Acceptance of a Child for Placement.

(a) — (d) (text unchanged)

(e) If the child is in the custody of a local department or [DJJ] *the Department of Juvenile Services*, the agency may not accept the child for placement if the agency does not have on file the following documents for the child:

(i) — (iv) (text unchanged)

B. — C. (text unchanged)

D. Preplacement Preparation. The agency child placement worker shall:

(1) — (7) (text unchanged)

(8) If the child is in the custody of the local department or [DJJ] *the Department of Juvenile Services*:

(a) — (b) (text unchanged)

(c) Arrange a visit with the child for the local department or [DJJ] *the Department of Juvenile Services* worker:

(i) (text unchanged)

(ii) In a time frame suggested by the local department or [DJJ] *the Department of Juvenile Services* worker.

E. (text unchanged)

**.17 Agency Maintenance and Termination of a Child in Foster Care Placement.**

A. (text unchanged)

B. The agency child placement worker shall:

(1) (text unchanged)

(2) Document all contact with the local department caseworker if the child is in local departmental custody or with the [DJJ] *Department of Juvenile Services* worker, if applicable; and

(3) (text unchanged)

C. — F. (text unchanged)

THEODORE DALLAS  
Secretary of Human Resources