

PRIVATE FOSTER CARE

Title .07

Subtitle .05

Chapter .02

Title 07 DEPARTMENT OF HUMAN RESOURCES

Subtitle 05 SOCIAL SERVICES ADMINISTRATION— PRIVATE CHILD PLACEMENT AGENCIES

Chapter 02 Private Foster Care

Authority: Family Law Article, §§5-501—5-503, 5-313, 5-524—5-534, and 5-560 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 et seq.; 45 CFR 1355—1357

.01 Purposes.

The purpose of private foster care placement services is to:

- A. Provide time-limited, foster care services to a child and to the child's parent or legal custodian to facilitate safe, appropriate, and timely reunification with a parent or parents;
- B. Concurrently develop and implement a plan in the best interests of a child who cannot be reunified with a parent or parents for planned permanent living arrangements; and
- C. Provide temporary care for a child whose permanent plan is adoption.

.02 Definitions.

- A. In this chapter, the following terms have the meanings indicated.
- B. Terms Defined.
 - (1) "Child placement worker" means an individual licensed in Maryland as a social worker and employed by a licensed child placement agency to:
 - (a) Perform intake services;
 - (b) Provide casework, group work, or community organization services;
 - (c) Plan and coordinate the services and resources affecting children and their birth parents before, during, and after the time the child is in foster care; and
 - (d) Conduct foster home studies.
 - (2) Foster Care.
 - (a) "Foster care" means continuous 24-hour care and support services provided for a minor child by an individual or individuals certified by a licensed child placement agency as foster parents.
 - (b) "Foster care" includes:

- (i) Services to the child's parent or legal guardian, siblings, and relatives to achieve a safe, permanent placement for the child;
 - (ii) Services to the foster parent and supervision of the child in the foster care placement to assure that the placement promotes the child's physical, emotional, and intellectual growth and well-being; and
 - (iii) Post-placement services to the child and the child's caregiver to prevent placement disruption or reentry into foster care placement.
- (3) "Foster parent" means an individual certified by a licensed child placement agency to provide 24-hour care for a foster child in the home where the individual resides.
- (4) "Infant" means a child younger than 24 months old.
- (5) "Least restrictive setting" means the setting most consistent with the best interests and special needs of the child.
- (6) "Long-term care" means care provided for a child for whom:
- (a) A local department holds commitment or guardianship; and
 - (b) The court determined that, even though reasonable efforts were made to effect reunification, relative placement, or adoption, none of these options is possible for reasons such as:
 - (i) After being counseled, the child who is 10 years old or older refuses to be adopted, and there is no caregiver willing to become the permanent resource for the child, or
 - (ii) The child's special needs are satisfied in an institutional setting and a change in placement would be detrimental to the child.
- (7) "Staffing" means a meeting with caregivers, child placement workers, or other involved service providers to discuss a particular case and agree on methods for achieving case plan goals.
- (8) "Treatment foster care" means a 24-hour substitute care program, operated by a licensed child placement agency or local department of social services, for children with a serious emotional, behavioral, medical, or psychological condition as described in COMAR 07.02.21.

.03 Regulatory Requirements for Private Foster Care Services.

- A. To provide private foster care services, the agency shall:
- (1) Be licensed as a child placement agency by the Administration in accordance with COMAR 07.05.01; and
 - (2) Have a written service plan for the provision of its foster care services based on the requirements of this chapter.
- B. To obtain and maintain a license for the provision of treatment foster care services, an agency shall abide by the requirements of this chapter and COMAR 07.05.01 and 07.02.21.

.04 Agency's Foster Parent Recruitment Plan.

- A. The agency shall have a written plan for continuing recruitment of foster parents which includes:
 - (1) Methods of recruitment;
 - (2) Sources to be used;
 - (3) Time-related goals for applicant recruitment;
 - (4) Designated recruitment staff; and
 - (5) Funding to implement the plan.
- B. The recruitment plan shall reflect the medical, cultural, and geographic needs of children awaiting placement.

.05 Application for Foster Parent Certification.

- A. Foster parent applicants shall be single individuals or couples who may be employed.
- B. A prospective foster parent shall sign and date an application indicating a willingness to be a certified foster parent.
- C. An appropriate agency employee shall conduct one or more documented application interviews with the applicant alone or in a group with other applicants. The interviews shall include a discussion of the following:
 - (1) Definition and goals of foster care;
 - (2) Differences between foster parenting and parenting one's own child or adopting a child;
 - (3) Reasons children receive foster care services;
 - (4) Characteristics of birth parents, their problems, needs, rights, and responsibilities;
 - (5) Potential impact of foster care responsibilities on the applicant;
 - (6) Requirements for foster care certification as described in Regulations .05—.12 of this chapter and in agency policy;
 - (7) Agency's policy on discipline;
 - (8) Applicant's assessment, with the agency, of the potential for foster parenthood;
 - (9) Number and characteristics of foster children for whom the applicant is best suited;
 - (10) Financial requirements of foster parents; and
 - (11) Financial obligations of the agency to foster parents and foster children.

.06 Foster Parent Medical Requirements.

- A. All household members or employees of the individual or couple seeking foster parent certification or recertification shall have:
 - (1) An initial medical examination at the time of application for foster parent certification by a qualified Maryland physician which includes:
 - (a) An analysis of a tuberculosis test or x-ray, and

- (b) Testing for any other communicable disease; and
 - (2) Reexaminations at least every 2 years after the initial examination.
- B. Household Health and Mental Health Issues. If any household member or employee of the household has symptoms or a history of health or mental health problems which might impair the foster parent's proper care of the foster child or which might be communicable or injurious to the foster child, the agency shall require that individual to:
 - (1) Have an additional medical or psychological examination for the problem; and
 - (2) Provide a signed, written statement by the examining physician or licensed mental health professional that the problem poses no threat to the foster child.

.07 Financial Stability of Certified Foster Parent.

- A. An applicant for foster parent certification shall document possession of sufficient income and financial stability to provide reasonable living conditions without depending on the agency's reimbursement for foster care services.
- B. If the applicant for foster parent certification has a financial problem, and is otherwise qualified to provide foster care, the agency may assist in stabilizing the foster parent's situation by:
 - (1) Providing financial resources; or
 - (2) Referring the applicant to community or public agencies for financial resources.

.08 Mother-Infant Foster Care.

- A. A certified foster parent may provide care for foster children who are mothers with infants if the agency approves the foster parent in writing for mother-infant foster care.
- B. The mother-infant foster parent shall meet all requirements of Regulations .04—.07 and .09—.12 of this chapter, and, in addition, provide:
 - (1) The new mother with:
 - (a) Sanitary space, table, and plumbing necessary to change diapers,
 - (b) Competent instruction in the care and nurturing of her infant,
 - (c) Limits on her social activities to assure that she is responsible for her infant,
 - (d) Opportunity, encouragement, and structure for the completion of her education,
 - (e) Encouragement to develop her capacity for and understanding of her independence,
 - (f) Access to health care for herself,
 - (g) Reasonable flexibility in providing alternate care for her infant,
 - (h) Guidance in human sexuality, and
 - (i) A bed in a room separate from where the infant sleeps, after the infant is 6 months old; and
 - (2) The infant with:
 - (a) Protection from physical harm,
 - (b) Removal from emotional pain,

- (c) Access to health care,
 - (d) Proper food and nutrition,
 - (e) Physical warmth and nurture,
 - (f) Protection from disease,
 - (g) Physical comfort,
 - (h) A proper sleeping environment in an appropriate crib,
 - (i) An appropriate feeding schedule,
 - (j) Regularly changed diapers in a sanitary environment, and
 - (k) When the infant is 6 months old, a crib or appropriate bed in a room separate from where the mother sleeps.
- C. The individual certified as a mother-infant foster parent shall:
- (1) Before the certified foster parent provides mother-infant foster care, receive:
 - (a) 20 hours of general training described in Regulation .12C of this chapter, and
 - (b) An additional 4 hours of training addressing foster care services provided to a mother who is a foster child;
 - (2) Annually receive:
 - (a) 2 hours of training which deals specifically with mother-infant foster care, and
 - (b) 6 hours of training described in Regulation .12D of this chapter; and
 - (3) Be interested in providing young mothers with structure and guidance.

.09 Certified Foster Parent Restrictions and Reporting Responsibilities.

- A. A certified foster parent shall accept all restrictions imposed by the agency.
- B. A certified foster parent shall:
 - (1) When a foster child's whereabouts are unknown for 2 hours, notify the local law enforcement authority and the agency:
 - (a) Immediately by phone call, and
 - (b) Within 48 hours by written report;
 - (2) Immediately notify the agency of all critical incidents including a foster child's:
 - (a) Death,
 - (b) Injury,
 - (c) Serious illness,
 - (d) Incarceration, or
 - (e) Suspected physical abuse, neglect, or mental injury;
 - (3) Within 48 hours, notify the agency of changes in the foster parent's household, including:
 - (a) Employment and child care arrangements,
 - (b) Household composition,
 - (c) Residence and telephone number,
 - (d) Health status, and
 - (e) Stressful conditions which may affect the child's placement;
 - (4) Obtain approval from the agency for other adults to supervise the child while the foster parent is employed;

- (5) Be 21 years old or older;
- (6) If 61 years old or older, have adequate physical strength and emotional stability to meet the needs of a child as documented by:
 - (a) A physician's report, and
 - (b) The agency child placement worker's assessment; and
- (7) Assist in the child's relationship with parents by:
 - (a) Helping the child visit with parents,
 - (b) Maintaining respect towards the child's parents, and
 - (c) Informing the child's parents about events and happenings in the child's daily life.

C. A certified foster parent may not:

- (1) Unless referred as described in COMAR 07.05.03.05E, accept a child for foster care from any Individual or agency other than the agency that certified the foster parent;
- (2) Accept a child for foster care who is in State custody if the certified foster parent is employed by:
 - (a) A local department, child welfare services;
 - (b) The Department of Juvenile Justice (DJJ);
 - (c) Department of Health and Mental Hygiene, Office of Health Care Quality;
 - (d) Department of Education, Interagency Rates;
 - (e) Governor's Office on Children, Youth, and Families; or
 - (f) The Administration;
- (3) Be certified as a foster parent by an agency in which the foster parent is:
 - (a) An agency employee who works in child foster care or adoption service; or
 - (b) A member of the agency's governing board;
- (4) Provide adult care;
- (5) Provide independent boarding care;
- (6) Accept for care an elderly individual or convalescent related to the foster parent unless the agency documents that the child's care is not affected;
- (7) Have, including the certified foster parent's own children, more than:
 - (a) Six children in care; or
 - (b) Eight children when caring for a sibling group of foster children;
- (8) Have, including the infants of foster children and certified foster parents:
 - (a) More than two infants; or
 - (b) More than six children when:
 - (i) There is an infant in the home, or
 - (ii) Three children are younger than 6 years old;
- (9) Provide child day care except with the Administration's written authorization after review of the certified foster parent according to the following criteria:
 - (a) The foster parent meets the requirements of this chapter and COMAR 07.04.01;
 - (b) The foster parent has the physical strength and emotional stability to be responsible for:
 - (i) The day care of one or more children, and

- (ii) Supervision of one or more foster children;
- (c) The foster parent's day care of other children does not adversely affect the status or feeling of security of any foster child in the home; and
- (d) The foster parent does not provide treatment foster care services; or
- (10) Allow the child to be disciplined by:
 - (a) Corporal punishment;
 - (b) Deprivation of food, shelter, clothing, care, or emotional support;
 - (c) Physical restraint;
 - (d) Isolation; or
 - (e) Demeaning verbal abuse.

.10 Foster Parent's Home, Equipment, and Supply Requirements.

A. Health and Sanitary Approval.

- (1) The foster parent's home shall meet the public health and sanitary requirements of the local health department and other applicable State or local requirements.
- (2) Before certifying the foster parent, the agency shall have the home's health and sanitary approval in writing and signed by an employee of the local health department or an individual who is a State-licensed sanitarian.

B. Fire Safety Approval.

- (1) The foster home shall meet the safety requirements of the local fire department and other applicable State or local requirements.
- (2) Before certifying the foster parent, the agency shall have, from the local fire department, a written:
 - (a) Approval documenting a home fire inspection; or
 - (b) Statement indicating that local policy does not allow fire inspections.

C. Recreation. The foster parent shall:

- (1) Provide sufficient accessible space for outdoor activity, free from conditions that may be dangerous to children's health and safety; and
- (2) Have or have access to age-appropriate outdoor and indoor recreation equipment.

D. Sleeping and Living Quarters.

- (1) The living quarters shall provide space for children without disrupting usual sleeping and living arrangements.
- (2) The children's sleeping and living quarters shall provide for privacy, study at home, and storage of clothes, toys, and individual possessions, and, as necessary, isolation of a sick child.
- (3) Each child shall have adequate bedding and an individual bed which may not be a cot, sofa, sofa bed, double-tiered bed, bunk bed, or any type of portable bed.
- (4) A responsible adult shall sleep within call of each child in the home, according to the child's needs, age, and capability.
- (5) Except for infants, boys and girls may not sleep in the same room.
- (6) Living and sleeping quarters shall be clean.
- (7) An infant may share a bedroom with an adult until the infant is 6 months old.

E. Equipment, Supplies, and Wardrobe.

- (1) The foster parent's home shall be adequately equipped and supplied with items essential to health, comfort, and good grooming, including:
 - (a) Individual towels, toothbrushes, and combs; and
 - (b) Food for a nutritionally balanced diet.
- (2) The foster parent shall supply an adequate personal wardrobe, bureau, and closet space for the foster child.
- (3) When a foster child moves to a different setting, the child's personal supplies and wardrobe shall move with the foster child.

F. Swimming Pools and Hot Tubs.

- (1) A certified foster parent shall provide pool safety supervision commensurate with a child's age and ability.
- (2) A swimming pool or hot tub at the home of a foster parent shall:
 - (a) Be maintained in a safe and sanitary condition; and
 - (b) Comply with county or city zoning, building, and health codes or ordinances.
- (3) In-Ground Pools. If a child younger than 8 years old is placed in a home with an in-ground pool:
 - (a) The pool area shall be completely enclosed by a fence:
 - (i) At least 4 feet high,
 - (ii) Constructed of wood, concrete, brick, or chain metal, and
 - (iii) Equipped with a locked gate to be used when the pool is not in use;or
 - (b) When not in use, the pool shall be completely covered in a manner to prevent access by the child.
- (4) Safety Requirements for Above-Ground Swimming Pools, Hot Tubs, and Spas.
 - (a) When not in use, retractable or removable ladders shall be locked or stored away from the pool.
 - (b) The pool shall be 4 feet above ground at all points.
 - (c) Doors and gates that access the pool shall have locks.
 - (d) If a pool has a deck area with a door, the door shall be locked when the pool is not in use.
 - (e) If the pool entrance has permanent steps, access to the steps shall be limited by a locked gate.
 - (f) A pool may not have climbable objects on the exterior of the pool.
 - (g) When not in use, hot tubs and spas shall have secured covers which prevent access to the tub or spa by children.

G. Dangerous Household Items.

- (1) Firearms. A foster parent who maintains firearms in the home shall:
 - (a) Follow all federal, State, and local laws pertaining to registration, permits, and maintenance of firearms;
 - (b) Keep all firearms and ammunition maintained in the home in a locked room or container that is inaccessible to children;
 - (c) Take all safety precautions to assure that firearms are not accidentally used to injure children in care; and

- (d) Assure that loaded firearms are not kept in the home unless required because a State, federal, or local law enforcement officer:
 - (i) Lives in the household, and
 - (ii) Maintains and stores the firearms in accordance with State, federal, and local law enforcement officers' safety procedures.
 - (2) Prescription and non-prescription drugs, dangerous household supplies, tools, and any other household items which are potentially life-threatening or injurious to children shall be kept in a safe location, inaccessible to children.
- H. Pets. A foster parent who maintains a pet in the home shall assure that:
 - (1) The foster child is, when age appropriate, educated regarding the care and grooming of the pet;
 - (2) A responsible adult is always present when infants are near a pet potentially dangerous to the infant;
 - (3) A foster child allergic to the pet is not placed with the foster parent; and
 - (4) As required by State law or local ordinance, the pet is appropriately:
 - (a) Licensed or registered,
 - (b) Vaccinated, and
 - (c) Leashed.
- I. Transportation. A foster parent shall assure that the child has legal and safe transportation to and from:
 - (1) Medical and dental appointments;
 - (2) School;
 - (3) Appropriate social events;
 - (4) Scheduled meetings with relatives and friends; and
 - (5) Events scheduled by the agency.

.11 Method of Foster Parent Home Study.

- A. Before certifying the foster parent, the agency child placement worker shall conduct a home study that includes:
 - (1) At least two home visits;
 - (2) At least 20 hours of training for a foster parent applicant individually, or in a group of other applicants which:
 - (a) May be co-led by the agency child placement worker with other appropriate agency employees, and
 - (b) Shall include all topics described in Regulation .12 of this chapter; and
 - (3) The child placement worker's evaluation of the prospective foster parent which:
 - (a) Utilizes information in the application, training records, and interviews to assess the applicant's weaknesses and strengths, and
 - (b) Makes a professional judgement regarding the applicant's ability to provide a safe, healthy, nurturing environment for a foster child.
- B. The agency child placement worker shall ensure and document in the application record that all required training material is provided to the applicant.

- C. The application and home study used for foster parent certification, if properly updated through the annual foster parent certification renewal, may be used in place of an adoption home study.
- D. The applicant shall:
- (1) Sign a foster parent consent form;
 - (2) Meet the requirement for 20 hours of training; and
 - (3) Meet all agency requirements for certification as a foster parent.
- E. During the home study, the agency child placement worker shall:
- (1) Discuss the agency's policies on discipline and child abuse or neglect, including the:
 - (a) Possibility of physical or sexual victimization by an older child; and
 - (b) Responsibility of the foster parent for the safety of the child;
 - (2) Obtain and document verification of the applicant's employment and income;
 - (3) Obtain and document existence of the applicant's marriage and divorce certificates, if appropriate;
 - (4) Request a health safety inspection of the applicant's home by the health department or a State-licensed sanitarian;
 - (5) Request a fire safety inspection for the applicant's home;
 - (6) Obtain all required medical documentation from prospective foster household members;
 - (7) For all adults living in the applicant's home, obtain:
 - (a) State and federal criminal background checks; and
 - (b) Appropriate local department child abuse and neglect clearances;
 - (8) Obtain local department clearances for the applicant's child support records;
 - (9) If the applicant has a vehicle operator's license, obtain a copy of the applicant's driving record from the Motor Vehicle Administration;
 - (10) Obtain at least three individual references, one of which:
 - (a) May be a relative; and
 - (b) When a child in the household attends a school, shall be a school administrator, counselor, or teacher employed by the school attended by the child;
 - (11) Support the individual written references with at least:
 - (a) One documented face-to-face interview; and
 - (b) Telephone interviews with two references not interviewed face-to-face.
 - (12) Conduct at least two home visits with applicants in accordance with the following schedule:
 - (a) The first home visit shall include an inspection of the house and interviews with all members of the household; and
 - (b) The second home visit may include only the applicant and shall result in an agreement between the agency and the applicant about:
 - (i) Pursuing certification,
 - (ii) Discussing the final recommendation, and
 - (iii) Problem areas;
 - (13) Explore the following areas with the applicant:
 - (a) Motivation to provide foster care or adopt;

- (b) Applicant's background, including:
 - (i) Childhood experiences and relationships,
 - (ii) Education,
 - (iii) Life-changing experiences,
 - (iv) Relationships with relatives and friends,
 - (v) Marital relationships,
 - (vi) In-law relationships,
 - (vii) Sibling relationships,
 - (viii) Relationships with the applicant's children, if any,
 - (ix) Former marriages, if any, and
 - (x) Child-support obligations, if any;
- (c) Applicant's ability to cope with change and stress;
- (d) When applicable, impact of infertility;
- (e) Special interests and activities;
- (f) Impact of applicant's religion or life philosophy on the care of children;
- (g) Employment and financial circumstances;
- (h) Knowledge of and experience in parenting;
- (i) Attitudes toward children's discipline;
- (j) Attitudes toward foster care and adoption, including:
 - (i) Expectations of a child,
 - (ii) Dealing with a child regarding foster care and adoption,
 - (iii) Possibility of an adoptee's need to search for the birth parents in the future,
 - (iv) Dealing with birth parents of either an adoptee or foster child,
 - (v) Impact of the law on opening records for purposes of search and reunification, and
 - (vi) Type of child the applicant could consider parenting, including a child's age range, special needs, and medical requirements;
- (k) Home and community, including:
 - (i) Physical environment of the home,
 - (ii) Child care plans if needed, and
 - (iii) Attitudes of relatives, friends, and neighbors toward foster care and adoption, and
- (l) Safety of the home environment based on a written instrument developed by the agency.

.12 Training Requirements.

- A. An applicant shall complete 20 hours of training provided by the agency before the agency certifies the applicant as a foster parent.
- B. The agency shall document the applicant's attendance and understanding of material.
- C. The training shall include the following:
 - (1) Role and relationships in foster care between agency, foster parent, parents, and the child;
 - (2) Separation anxiety and the importance of the child's parents and siblings;

- (3) Developmental needs of children in care;
- (4) Care of children who have special needs;
- (5) Cultural and religious awareness and differences;
- (6) Child management and discipline techniques;
- (7) Child abuse and neglect;
- (8) The availability of supportive services in the community for the children and foster families;
- (9) Self-awareness;
- (10) Communication skills;
- (11) Problem solving;
- (12) First aid and home safety;
- (13) Human sexuality;
- (14) Foster care as preparation for adoption;
- (15) The need for adoption;
- (16) Adoption responsibilities;
- (17) The function of the Citizens' Review Board for Children (CRBC) and other case review processes described in COMAR 07.01.06 and the foster parent's role in these processes;
- (18) The legal, technical, procedural, financial, medical, liability, and educational aspects of child placement;
- (19) The nature and purpose of agency documents, including the permanent placement case plans and the service agreement; and
- (20) Requirements for certified foster parents as described in Regulations .04—.11 of this chapter and agency policy.

D. Continuing Training.

- (1) Continuing training of foster parents shall include a minimum of 6 hours per year.
- (2) The training shall concentrate on the topics listed in §C of this regulation and additional foster care topics as needed.

.13 Recommendation for Certification.

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

- (1) Make the results of the foster parent's home study and training evaluation available in writing for the record and for the applicant;
- (2) Review charges, investigations, convictions, or findings related to a crime of any household member of the foster parent to determine:
 - (a) Possible effect on the applicant's ability to execute the responsibilities of a foster parent; and
 - (b) Applicant's ability to provide quality service to children in care;
- (3) Deny certification if an applicant for foster parent certification:
 - (a) Refuses to consent to the child protective service clearance and the criminal background check;
 - (b) Has an indicated child abuse finding;
 - (c) Has a felony conviction for child abuse or neglect, spousal abuse, a crime against children, rape, sexual assault, or homicide;

- (d) In the 5 years before the date of application for foster parent certification, has a felony conviction for physical assault, battery, or a drug-related offense; or
 - (e) Refuses to consent to the Motor Vehicle Administration clearance;
 - (4) If a child abuse or neglect investigation is in process, postpone the decision on certification until the investigation is complete;
 - (5) Review local department records to determine whether an applicant is in arrears on child support payments and, if in arrears, whether the arrearage:
 - (a) May be corrected; or
 - (b) Impacts on the applicant's ability to provide foster care;
 - (6) Decide to certify or deny based on all available information, State requirements, and agency policy;
 - (7) Notify the applicant in writing of the decision within 120 days after the date on the signed application; and
 - (8) Have a signed agreement with the certified foster parent which includes the following:
 - (a) For the foster parent:
 - (i) A pledge to serve as foster parent for at least 6 months,
 - (ii) Those foster parent's actions which require agency staff authorization,
 - (iii) The extent of liability for damage or risk resulting from foster children living with the foster parent,
 - (iv) An understanding that certification expires 1 year from the date on the signed agreement, and
 - (v) Expectations of the foster parent which support activities to promote the right of a child to relationships with the child's own family and cultural heritage; and
 - (b) For the agency:
 - (i) An understanding that the foster parent shall be reimbursed financially commensurate with the care needs of the child as specified in the service plan and in a timely manner,
 - (ii) A pledge that the foster parent shall be treated with dignity, respect, and consideration as a professional member of the agency's child treatment team, and
 - (iii) A pledge to inform the foster parent of the date, time, and location of CRBC and administrative reviews of the foster child's case and resulting appropriate recommendations, providing information to assist a foster parent without disclosing confidential information.
- B. An applicant aggrieved by the agency's chief administrator's decision shall be informed orally and in writing that the applicant may file a grievance in accordance with agency policy.
- C. An individual or couple not certified as a foster parent by an agency may not provide care for a foster child.

.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) The child protective services unit of the local department in the jurisdiction where the certified foster parent's home is located, and
 - (ii) If the child is in the custody of a local department or DJJ, the worker for the child or the worker's supervisor;
 - (b) Immediately notify the agency's chief administrator and the Administration of the suspected abuse or neglect; and
 - (c) Arrange a staffing for the child with appropriate professionals to plan the child's continued protection and treatment.
- (2) The agency's chief administrator or the chief administrator's designee shall:
 - (a) Within 48 hours of notification, send a written incident report to the Administration documenting the suspected abuse or neglect; and
 - (b) Within 72 hours of notification, decide whether to suspend or revoke the foster home certification.

B. Indicated Abuse. If the local department determines that abuse is indicated by a foster parent or an individual in a foster parent's household, the agency shall:

- (1) Immediately remove all foster children from the foster parent's care;
- (2) Immediately send written notification of the indicated finding and the agency's resulting actions to the Administration;
- (3) If the certified foster parent is indicated, revoke certification according to Regulation .16 of this chapter; and
- (4) If a member of the certified foster parent's household is indicated, revoke or suspend certification according to Regulation .16 of this chapter.

C. Indicated Neglect. If the local department determines that neglect is indicated by a foster parent, the agency shall:

- (1) Take action according to Regulation .16 of this chapter; and
- (2) Within 48 hours, send written notification of the indicated finding and the agency's actions to the Administration.

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

- (1) Within 60 days of referral or application of a child for placement, the agency shall write a report after assessing the child's needs. The assessment report shall include the:
 - (a) Identification of the specific needs of the child which justify consideration of referral and placement of the child;
 - (b) Parent's strengths and weaknesses;
 - (c) Involvement of the child's parents and significant others in the child's current care;

- (d) Available resources, including the parent's financial ability to support the child in care;
 - (e) Social and medical history of the child;
 - (f) Child's legal status; and
 - (g) Initial case plan.
- (2) Acceptance of a Child for Placement.
- (a) The agency may not accept a child for service whose needs exceed the services provided by or available to the agency.
 - (b) When the agency refuses acceptance of a child, it shall provide a written statement of the reasons for the refusal to the referral source or individual.
 - (c) Before accepting a child for placement, the agency shall secure from the parents, legal custodian, or court, the written authority to:
 - (i) Place the child; and
 - (ii) Provide routine or emergency medical care.
 - (d) Before accepting a child for placement, the agency shall document that the legal rights and obligations retained by the parents and those delegated to the agency were: :
 - (i) Explained to the parents orally and in writing;
 - (ii) In clear and simple language; and
 - (iii) Provided in the parent's own language if they do not understand English.
 - (e) If the child is in the custody of a local department or DJJ, the agency may not accept the child for placement if the agency does not have on file the following documents for the child:
 - (i) Medical passport and medical history or other medical information;
 - (ii) Educational history;
 - (iii) Psychosocial history; and
 - (iv) When appropriate, psychiatric or psychological evaluation.
- B. Services to the Parents. The agency shall:
- (1) Provide prenatal and postnatal counseling to an expectant parent considering placement;
 - (2) Make every reasonable effort to help the parent assume a parental role when reunification is the permanency planning goal;
 - (3) Help the parent gain access to the services necessary to accomplish case plan goals;
 - (4) While the child is in foster care, assist the parent with any problems that brought about the need for placement;
 - (5) Encourage contacts between the parent and the child in foster care, in accordance with the case plan; and
 - (6) Offer the parent a signed agreement which includes the respective responsibilities of agency and parent for meeting case plan goals.
- C. Selection of Care for the Child. The agency shall:
- (1) Select the type of care for the child consistent with the child's needs;

- (2) Document the need to place a child with a foster parent who lives out of a 2-hour commute radius from the agency and the child's parents that includes:
 - (a) Plans to maintain child and parent contact, and
 - (b) Payment of transportation costs;
 - (3) Except when there are contraindicating reasons stated in the case plan, place siblings together when possible;
 - (4) Provide:
 - (a) Needed specialized services for the child,
 - (b) The least restrictive setting closest to the child's parent Commensurate with the child's needs, and
 - (c) Consideration of the parent's preference.
- D. Preplacement Preparation. The agency child placement worker shall:
- (1) Except when prevented by the demands of an emergency placement, meet with the child and parent before the placement;
 - (2) Help the child, according to the child's age and capability, understand the reasons for placement;
 - (3) Prepare the child emotionally for placement;
 - (4) Assure that the child's clothing and other personal belongings are prepared for the child's move;
 - (5) Except when placing under emergency conditions, plan and participate with the child in at least one visit to the foster care home before placement;
 - (6) Be available to the child, the parent, and the foster parent for supportive services;
 - (7) Obtain and maintain in the case record the child's developmental history;
 - (8) If the child is in the custody of the local department or DJJ:
 - (a) At least once every 3 months, schedule staffings with the child's worker and any other professionals who may impact on the foster child's care;
 - (b) Every 6 months, provide the child's worker a written report which describes the child's progress toward achieving the case plan; and
 - (c) Arrange a visit with the child for the local department or DJJ worker:
 - (i) 1 week after placement, and every month following placement, or
 - (ii) In a time frame suggested by the local department or DJJ worker.
- E. Emergency Placement.
- (1) A child may be placed on an emergency basis with a certified foster parent approved in writing by the agency for emergency placements.
 - (2) Approved emergency certified foster parents shall:
 - (a) Be willing to accept foster children on an emergency basis;
 - (b) Be aware of the risks and problems of emergency foster care;
 - (c) Provide foster care for a child at least until a permanent plan for the foster child's care is developed, within 30 days from the date of the emergency placement; and
 - (d) Follow all requirements for foster parent certification contained in Regulations .04—.12 of this chapter.
 - (3) The agency may not maintain the child in foster care unless the referring agency, within 20 days of an emergency placement, provides the following:

- (a) Medical passport and medical history or other required medical documentation;
- (b) Educational history;
- (c) Psychosocial history;
- (d) Child's permanent plan; and
- (e) When appropriate, psychiatric evaluation.

.16 Agency Maintenance of Certified Foster Parents.

- A. The agency shall have written policies and procedures consistent with this chapter to govern maintenance of certified foster parents.
- B. The agency shall document that agreed upon financial payments are made to the foster parent in an accurate and timely manner.
- C. The agency shall have a written policy to govern the suspension or revocation of foster parent certification for not more than 60 days for a violation of:
 - (1) This chapter;
 - (2) COMAR 07.02.21;
 - (3) COMAR 07.05.01; or
 - (4) Agency policy.
- D. The procedures for suspension are as follows:
 - (1) At least 20 days before a planned suspension, the agency shall give the foster parent:
 - (a) Notice of the intended action,
 - (b) A statement of the specific regulation or policy violated,
 - (c) An opportunity for the foster parent to remedy the causes for the anticipated suspension, and
 - (d) A statement describing the agency's grievance procedure;
 - (2) If certification is suspended as planned by the agency, the agency may not place additional children with the foster parent;
 - (3) If, after 60 days, the foster parent has not addressed the reasons for the suspension, the agency shall revoke certification; and
 - (4) Within 30 days of revocation, the agency shall remove all children in care from the home.
- E. Emergency Action and Procedures for Revocation of Certification.
 - (1) Emergency Action.
 - (a) If the agency finds evidence of the foster parent's gross incompetence, misconduct, child abuse, child neglect, or other conditions which pose an immediate threat to the children's health and safety or that of the general public, the agency shall remove the children from the care of the foster parent upon delivery of a written notice that the certification is revoked or suspended immediately.
 - (b) The notice shall include:
 - (i) The citation of specific State regulations or agency policies violated;
 - (ii) The agency's decision; and

- (iii) A description of the agency's grievance procedure.
 - (c) Once the agency revokes on an emergency basis, the agency may not restore the foster parent's certification unless the agency determines that the causes for the revocation have been remedied.
 - (2) If the agency revokes a foster parent's certification following a 60 day suspension, the agency shall:
 - (a) On the 60th day of the suspension, deliver a notice to the foster parent which includes the information described in §E(1)(b) of this regulation; and
 - (b) Within 30 days of the revocation date, remove the foster children from the foster parent's care.
- F. Monitoring.
 - (1) The agency shall monitor all certified foster parents for compliance with this chapter.
 - (2) Within 72 hours after the agency receives a complaint that a certified foster parent may have violated State regulations or agency policy, the agency child placement worker shall:
 - (a) Conduct an investigation to assess the foster parent's compliance with applicable regulations and policy;
 - (b) Send a written report to the Administration and the chief administrator of the agency stating:
 - (i) Findings, and
 - (ii) Any proposed action affecting the certification of the foster parent; and
 - (c) Inform the foster parent, in writing, of:
 - (i) Findings,
 - (ii) Any anticipated actions, and
 - (iii) If appropriate, appeal or grievance rights of the foster parent.
- G. Recertification.
 - (1) The agency shall conduct recertifications of certified foster parents to determine continuing compliance with State regulations and agency policy:
 - (a) Annually; and
 - (b) If the certified foster parent changes address, marital status, or household composition.
 - (2) The agency child placement worker shall complete and document at least one home visit specifically to recertify the foster parent.
 - (3) At least 60 days before the expiration of certification, the agency shall:
 - (a) Determine if the foster parent wishes to continue as a certified foster parent; and
 - (b) If indicated, reexamine all requirements for the foster parent.
 - (4) The agency shall complete a review and either recertify or deny certification before the current certification expires to prevent interruption of care.
 - (5) If the certified foster parent changes address, the agency shall obtain a copy of fire and sanitary inspections for the new address.

- (6) If the agency determines that the physical condition of the certified foster parent's home warrants further investigation, the agency shall require additional fire and health inspections.
- (7) If a member of the foster parent's household becomes 18 years old during the year before recertification, a federal and State criminal background check and child abuse clearance shall be completed on the household member before recertification.
- (8) Upon request, the agency shall make available to the Administration information on recertified foster parents including:
 - (a) Documents;
 - (b) Reports;
 - (c) Statistics;
 - (d) Files;
 - (e) Case records;
 - (f) Financial records;
 - (g) Memoranda;
 - (h) Correspondence; and
 - (i) Any other information which the Administration identifies.

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

A. The agency shall:

- (1) Schedule a physical examination and a functional assessment for the child by a physician within 2 working days after the child's placement;
- (2) Unless the child has been examined within 6 months before placement and the agency has a record of the examination signed by the examiner, schedule a dental, eye, and hearing examination for a child 3 years old or older within 60 days of placement;
- (3) Obtain information on the child's immunization history within 30 days of placement or, if not available, provide needed immunizations after a physical examination and recommendations by a physician;
- (4) Document that the selected foster parents are able to assist in the achievement of the child's case plan goals;
- (5) Supervise care and services for the child as stated in the child's case plan;
- (6) Accurately transmit all relevant information concerning the child's history and needs to the foster parent except for information about family members that may be privileged or confidential;
- (7) Provide the child with at least annual medical and dental examinations and the health care recommended in the child's health record while the child is in the agency's care;
- (8) Provide the foster parent with assistance and consultation; and
- (9) Assure that, during the school year, the child:
 - (a) Is enrolled in an appropriate school setting within 5 days of placement, and

- (b) Attends school regularly.
- B. The agency child placement worker shall:
 - (1) See the child at least monthly and as often as necessary to carry out the case plan;
 - (2) Document all contact with the local department caseworker if the child is in local departmental custody or with the DJJ worker, if applicable; and
 - (3) Meet with the parent and child together regularly to assess and document:
 - (a) Progress in resolving problems which precipitated placement,
 - (b) Parent and child relationship difficulties,
 - (c) The child's adjustment to separation, and
 - (d) Achievement of case plan goals.
- C. The agency may provide programs of specialized foster care for:
 - (1) Children with disabilities;
 - (2) Hard-to-place children; and
 - (3) Children in preadoptive care.
- D. The agency shall require the foster parent to submit and have approved by the agency and the parents or legal custodian any plan:
 - (1) For the child to leave the foster care home longer than 1 week for vacation or other reasons; or
 - (2) That requires the child to leave the State for any length of time.
- E. Placement Termination.
 - (1) The agency may terminate a placement if the child is:
 - (a) Moved to another agency-certified foster home;
 - (b) Reunified with the birth or adoptive family;
 - (c) Moved to a foster parent not certified by the agency;
 - (d) Moved to a residential child care program; or
 - (e) Legally emancipated.
 - (2) If the placement is terminated, the agency child placement worker shall:
 - (a) Unless emergency conditions exist, meet with the child and current foster parents at least 2 weeks before the termination;
 - (b) Prepare the child emotionally for the termination;
 - (c) Assure that the child's clothing and personal belongings are prepared for moving before termination;
 - (d) Explain in person the reasons for the termination to the child and current foster parent;
 - (e) Send a written explanation for the termination to the current foster parents at least 1 week before the termination; and
 - (f) If the child is moving to a setting under another agency's authority, prepare the child's records for transfer.
- F. Interstate Placement. The agency shall send written notice to and receive written approval from the Administration's Director of the Interstate Compact on Placement of Children before the agency:
 - (1) Places a Maryland child in another state; or
 - (2) Receives a child from another state for Maryland placement.

.18 Records.

- A. Permanent Records. The agency shall maintain case records for permanent retention documenting the services provided in foster care and pertinent information about the child, the birth or adoptive parents, and the foster parent.
- B. When a child is moved to a new foster care home supervised by a different agency, the receiving agency shall:
 - (1) Obtain all records pertaining to the child from the agency which previously placed the child; and
 - (2) Maintain the records indefinitely unless the child is moved again to a foster home or other setting supervised by another agency.
- C. The agency shall follow the record requirements stated in COMAR 07.05.01.11.
- D. The child's case record shall include the following:
 - (1) Face sheet located in the front of the case record which includes the child's:
 - (a) Name,
 - (b) Birth date,
 - (c) Guardianship status,
 - (d) Pertinent medical information,
 - (e) Placement location, and
 - (f) Parent's or legal custodian's name, address, and telephone number;
 - (2) Birth certificate or place of birth and birth name;
 - (3) Race, religion, and pertinent ethnic or cultural information;
 - (4) If appropriate, the child's guardianship information, including date of decree, docket number, court, and copy of the decree;
 - (5) Siblings, including:
 - (a) Names,
 - (b) Birth dates, and
 - (c) Living arrangements;
 - (6) Child's medical records and health history, including:
 - (a) Financial responsibility,
 - (b) Medical record at birth,
 - (c) Developmental history,
 - (d) Preplacement physical,
 - (e) Medical recommendations,
 - (f) Post-placement services, and
 - (g) Medical passport or other medical documents;
 - (7) Permanent case plan;
 - (8) Educational history and records; and
 - (9) Documentation of staffings and other meetings tracking the child's progress.
- E. The parent's record shall include:
 - (1) Face sheet located in the front of the case record which includes the parent's:
 - (a) Name,
 - (b) Address,
 - (c) Social Security number, and
 - (d) If pregnant, expected due date;
 - (2) Date of application or initial referral;

- (3) Birth date and place;
 - (4) Race and religion;
 - (5) Marital status;
 - (6) If pregnant, prenatal care plan;
 - (7) Names, birth dates, and location of birth parents' additional children;
 - (8) Names and social histories of birth parents' parents;
 - (9) Parent's physical description, including:
 - (a) Weight,
 - (b) Height,
 - (c) Coloring of eyes, hair, and skin,
 - (d) Individual traits such as scars, moles, or disfigurements, and
 - (e) Photographs;
 - (10) Multigenerational health history;
 - (11) Education and work history;
 - (12) Social summary of marital, parental, sibling, and other significant relationships;
 - (13) Discussion of separation and termination of parental rights as applicable;
 - (14) Parent's schedule for visiting with the child; and
 - (15) Signed voluntary relinquishment form as appropriate, and consent form for medical care.
- F. The certified foster parent's record shall include:
- (1) Face sheet located in the front of the record which includes:
 - (a) Name of the foster parent,
 - (b) Names and relationships of all members of the household,
 - (c) Address, and
 - (d) Telephone number;
 - (2) Applications, forms, and references;
 - (3) The agency's home study of the certified foster parent;
 - (4) The agency's findings on the foster parent's compliance with Regulations .04—.12 of this chapter;
 - (5) Record of children placed with the foster parent;
 - (6) Documentation of:
 - (a) The agency's regular monitoring,
 - (b) The agency's annual recertification or denial of recertification,
 - (c) Criminal background check, and child abuse and child support clearances,
 - (d) Completed required training,
 - (e) Fire and health inspections, and
 - (f) Any other activity of the agency with the foster parent.
- G. The agency's annual statistical summary shall include:
- (1) The number of children currently in:
 - (a) Preadoptive placement,
 - (b) Treatment foster care placement, and
 - (c) Regular foster care placement;
 - (2) The number of children who, in the last year, were:
 - (a) Reunified with parents,
 - (b) Placed for adoption,

- (c) Placed with a different foster parent certified by the agency,
 - (d) Placed with another child placement agency,
 - (e) Emancipated, and
 - (f) Placed in a residential child care program;
- (3) The number of foster parent individuals and couples currently certified by the agency; and
 - (4) The number of foster parent individuals and couples whose certification in the last year was:
 - (a) Suspended,
 - (b) Revoked, or
 - (c) Suspended and revoked.

.19 Confidentiality.

- A. The confidentiality of all information shall be safeguarded according to COMAR 07.01.02 and 07.01.07.
- B. The agency and agency-certified foster parent shall protect confidential information regarding the foster children, parents, and guardians.

.20 Appeal Process.

- A. The agency shall have a written appeal process which may be used by any aggrieved applicant, foster parent, parent, foster child, or other aggrieved party.
- B. Appeal Process.
 - (1) A foster parent aggrieved by a decision of the agency shall be informed by written letter of the right to use the agency appeal procedure and the process for filing a grievance.
 - (2) Unless the children were removed according to Regulation .16E(1) of this chapter, the foster parent may retain the children in care until the agency's decision on the appeal.
- C. If the aggrieved party is not satisfied through the agency process, a fair hearing may be requested as set forth in COMAR 07.01.04.

Administrative History

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