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Title 07

DEPARTMENT OF HUMAN RESOURCES

Subtitle 02 SOCIAL SERVICES ADMINISTRATION

Notice of Proposed Action

[13-206-P]

The Secretary of Human Resources proposes to amend:

- (1) Regulation .02 under **COMAR 07.02.07 Child Protective Services — Investigation of Child Abuse and Neglect**; and
- (2) Regulation .04 under **COMAR 07.02.25 LDSS Foster Home Requirements**.

Statement of Purpose

The purpose of this action is to amend regulations to reflect 2012 statutory amendments to Family Law Article, Annotated Code of Maryland, adding human sex trafficking to the definition of child sexual abuse, and making clear that the charge of human sex trafficking precludes foster parent certification.

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, or fax to 410-333-0637. Comments will be accepted through August 26, 2013. A public hearing has not been scheduled.

07.02.07 Child Protective Services — Investigation of Child Abuse and Neglect

Authority: Family Law Article, §5-701 et seq.; Human Services Article, §1-202, 4-202, and 4-207; Annotated Code of Maryland; Chs. 398 and 399, Acts of 2011
(Agency Note: 42 U.S.C. 5106a(b)2) 45 CFR §1340.20)

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(19) (text unchanged)

(20) *“Human trafficking” means any conduct prohibited by Criminal Law Article, §11-303, Annotated Code of Maryland.*

[(20)] (21)—[(35)] (36) (text unchanged)

[(35-1)] (37)—[(39)] (41) (text unchanged)

[(40)] (42) Sexual Molestation or Exploitation.

(a) (text unchanged)

(b) "Sexual molestation or exploitation" includes, but is not limited to:

(i) (text unchanged)

(ii) Sexual crime in any degree including rape, sodomy, or prostitution; [or]

(iii) Allowing, encouraging, or engaging in obscene or pornographic display, photographing, filming, or depiction of a child in a manner prohibited by law; *or*

(iv) *Human trafficking*.

[(40-1)] (43)—[(44)] (47) (text unchanged)

07.02.25 LDSS Foster Home Requirements

Authority: Family Law Article, §5-501 et seq., Annotated Code of Maryland

(Agency Note: Federal Regulatory Reference—45 CFR §228.13, 228.42, 1355.20, 1355.38, and 1356.30; 42 U.S.C. §671, 672)

.04 Technical Requirements for Resource Home Approval and Reapproval.

A.—D. (text unchanged)

E. Criminal and Protective Services Background Checks.

(1)—(2) (text unchanged)

(3) The Department may not approve or continue to approve as a resource home any home in which an adult in the household:

(a) Has a felony conviction for:

(i)—(ii) (text unchanged)

(iii) A crime against a child or children including child pornography; [or]

(iv) A crime of violence including rape, sexual assault, or homicide, but not including other physical assault or battery; *or*

(v) *Human trafficking*; *or*

(b) (text unchanged)

(4)—(6) (text unchanged)

F.—O. (text unchanged)

THEODORE DALLAS
Secretary of Human Resources