



DEPARTMENT OF HUMAN SERVICES

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Supersedes:	SSA-CW 21-11, Kinship Placement SSA-CW #21-09, Resource Parent Home Standards SSA-CW #10-16, Smoke Free Environment for Children in Foster Care SSA-CW #11-10, Window Covering Safety for Resource Homes - “Angel’s Law”
Originating Office:	Out-of-Home Services
Summary of Change:	This change reflects an alignment with: <ul style="list-style-type: none"> • This updated federal regulation by the Child and Families Administration on 9/8/23 regarding separate licensing or approval standards for relative or kinship foster family homes; • Maryland Family Law Article 5-534 • COMAR 07.02.09 Kinship Care Program Standards
Required Actions:	<ul style="list-style-type: none"> • Local departments of social services (LDSS) must prioritize and support the placement of children with relatives, kin, or other individuals close to a child-in-care or the child’s family; • LDSS must assess and license kinship caregivers while supporting and strengthening the family; • LDSS must provide supportive services to kinship caregivers; • LDSS must inform kinship caregivers of all relevant policies, procedures, and rights and responsibilities.

Key Words:	Kinship caregivers, kin, relatives, family by choice, placement priority and considerations, licensing requirements, assessments, background clearances, annual reviews, reasonable and prudent parenting standard, window covering safety - “Angel’s Law”, smoke free environment for children in out-of-home care
Related Federal Law	471 (a)(19), (20), (29) of the Social Security Act ; 45 CFR 1355.20 ; 45 CFR 1356.21(m)
Related State Laws	Family Law Article § 5-534 , Family Law Article §5-505 Courts and Judicial Proceedings Article §3–801(y)
COMAR	COMAR 07.02.09 Kinship Care Program Standards
State Plan Implications?	Yes

PURPOSE AND SUMMARY

This purpose of this policy is to direct all Department of Human Services staff (DHS), including staff at the Local Departments of Social Services (LDSS) regarding to:

- A. Maryland’s preference for placing children in out-of-home care with kin;
- B. Requirements for assessing and licensing kinship caregivers; and
- C. Protocols and requirements for partnering with kin to achieve permanent families and lifelong connections for children while in out-of-home care.

RELATED LAWS AND REGULATIONS

[MD. Annotated Code, Family Law Article, Kinship Care §5-534](#) and [Courts and Judicial Proceedings Article §3–801\(y\)](#) were changed as of October 1, 2024 by [Senate Bill 708 \(2024\)](#) to establish a preference for children and youth experiencing out-of-home care to live with kin, including relatives and family by choice.

This package of legislative changes supports and advances our “Kin First” approach to out-of-home care by prioritizing important adult-child bonds, including those found by blood or marriage, when considering the best interests of children who require an out-of-home placement. The legal changes clarify the definition of kinship caregiver by including relations through blood, marriage, tribal law or custom, or cultural custom or practice. It also provides a preference for kinship caregiver placements which evidence demonstrates result in better outcomes for children. The changes establish the evidence-based framework for our “kin first” approach to foster care.

In addition, DHS has promulgated regulations for licensing kinship homes that address the unique needs of kinship families. The kinship caregiver licensing regulation can be found in COMAR 07.02.09. The regulations are consistent with the federal Administration for Children and Families (US Department of Health and Human Services), rules ([45 CFR 1355.20\(a\)](#) and [45 CFR 1356.21\(m\)](#)) [encouraging states to establish kin-specific foster home licensing](#) regulations.

DEFINITIONS

Administration - The Social Services Administration of the Maryland Department of Human Services.

Adoption - The legal proceeding by which an individual becomes the child of an adoptive family and has all the legal rights and privileges to which a child born to that family would be entitled.

Family by choice - An individual who is unrelated to the child but has a strong familial or other significant bond with the child; or a person identified by the child's parent. This may include but is NOT limited to, friends, godparents, teachers, coaches, and other community members who have a relationship with the child or their family.

Family search and engagement - A range of strategies to help identify and engage kin (relatives and family by choice) for children who enter out-of-home care.

Guardianship - An award by a court, including a court other than the juvenile court, with the authority to make ordinary and emergency decisions as to the child's care, welfare, education, physical and mental health, and the right to pursue support.

Kin - An individual who is related to the child through blood or marriage, adoption, tribal law or custom, or cultural custom or practice; or an individual who is unrelated to the child, but has a strong familial or significant bond with the child, or is a person identified by the child's parent.

Kinship Care - Continuous 24-hour care and supportive services provided for a child-in-care placed in the home of a kinship caregiver. The LDSS maintains legal custody of the child it places with a kinship resource.

Kinship Caregiver - An individual who is at least 18 years old and with whom a child-in-care may be placed for temporary or long-term care; and

- a. Is related to a child-in-care through blood or marriage, adoption, tribal law or custom, or cultural custom or practice; and

- b. If not related to a child-in-care as in (a) of this subsection, has a strong familial or other significant bond to such child, or is a person identified by the child's parent.

Kin-first Culture - A child welfare agency with a kin-first culture seeks to place every child who requires out-of-home care with kin. Laws, regulations, policies, practices, and agency culture are established and implemented to make placing children with kin the norm; and placing children in non-kin settings (foster homes or congregate care), the exception. Practices recognize and respond to the unique needs of kinship caregivers and kinship families, providing emotional, financial, and tangible support they need.

Kinship Exception Process - A review process designed to ensure all reasonable resources are exhausted to make proactive, thorough, and timely efforts to identify and engage kin prior to placing any child in a non-kinship placement at entry into out-of-home care or any time a placement change is made.

Kinship Resource Home - The residence of an individual(s) licensed as kinship caregiver(s).

LGBTQIA2+ - Individuals who identify as lesbian, gay, bisexual, transgender, intersex, queer/questioning, asexual, two-spirit, or other description that an individual may use to describe their gender expression, gender identity, sexuality, and psychological sex characteristics.

Licensed - Approved by a LDSS as a kinship caregiver and a resource for custody and guardianship or adoption of a child-in-care.

Local Department - A local department of social services (LDSS) in a county, Baltimore City, or the Montgomery County Department of Health and Human Services.

Monthly care stipend - Financial support that a LDSS provides a kinship caregiver to assist them with caring for a child-in-care placed in the home.

Out-of-home care - An out-of-home placement, and the monitoring of and services provided to a child in aftercare following a child's out-of-home placement.

Respite Care - A short-term service consisting of daily or overnight care to children who reside in a resource or kinship home.

Reunification - Reuniting the child with the child's parent(s) or legal guardian.

Non-Paid kinship - The term used in the electronic system of record to identify a kinship home that has been assessed by the LDSS per the

requirements of law, regulation and policy; is licensed for placement of a child in out-of-home care; and, the kinship caregiver does not want to receive the monthly care stipend.

PROCEDURES AND TIMEFRAMES

1. Kinship Caregiver Licensing Standards

The licensing process allows kinship caregivers to provide permanency for a child who is a relative or kin through reunification, adoption, and custody and guardianship. All kinship caregivers for children in out-of-home care must be licensed based on the requirements in [COMAR 07.02.09](#), and the requirements outlined in this policy, whether or not the kinship caregiver chooses to receive the monthly care stipend.

- 1.1. All kinship caregivers receiving the monthly care stipend must be entered as a provider in the electronic system of record within five business days.
- 1.2. There are four main responsibilities when licensing a kinship caregiver:
 - a. Conduct a home visit at the kinship home;
 - b. Complete background clearances for all household members over the age of 18, including:
 - i. Child Protective Services (CPS) Clearances,
 - ii. State and National sex offender registry,
 - iii. Maryland Judiciary Case Search,
 - iv. State and Federal finger-print based criminal background clearances,
 - v. Out-of-state CPS clearances if a household member lived in another state within the last five years.
 - c. Complete the [Kinship Caregiver and Home Assessment](#); and
 - d. Review and complete The [Resource Parent and Kinship Caregiver Agreement](#).
- 1.3 After a kinship resource home is assessed, licensed, and approved in the electronic system of record, the LDSS must conduct and review the clearances in 1.2(b) when an individual household member turns 18 or individuals 18 years or older join the household. The LDSS must implement a process by which to ensure that necessary clearances are completed as household members turn 18 and reviewed on a monthly basis. Kinship caregivers are responsible for notifying the LDSS when someone joins their home while the kinship caregiver license is active. Should the assigned

worker observe new household members during required monthly visits they must notify the kinship caregiver's family worker. All clearances must be completed as soon as possible but no later than 30 days after an individual aged 18 years or older joins the household or a household member turns 18.

- 1.4 Written Consent: The LDSS is not required to have written consent from kin under consideration for placement before conducting CPS Clearances, searches of state and national sex offender registries, or a Maryland Judiciary Case Search. Oral consent is acceptable. A worker must document oral or written consent in the electronic system of record.
- 1.5 Citizenship Status: Kinship caregivers are not required to be United States citizens, permanent residents, or persons lawfully admitted for permanent residence. If a kinship caregiver has not been lawfully admitted to the United States for permanent residence they must have or obtain an Individual Taxpayer Identification Number (ITIN) to receive the monthly care stipend. If the kinship caregiver does not have an ITIN and does not obtain one they can be licensed as a kinship caregiver but will not be eligible to receive the monthly care stipend.

2. The Kinship Caregiver and Home Assessment

The LDSS must complete the [Kinship Caregiver and Home Assessment](#) for prospective kinship caregivers prior to or at the time of placement and with input from the kinship caregiver. This comprehensive assessment tool prepares a kinship caregiver's home for children in out-of-home care, while supporting and strengthening the family.

If the LDSS cannot complete the [Kinship Caregiver and Home Assessment](#) at the time of placement due to emergency circumstances or time constraints, the LDSS must:

- 2.1. Ensure there are no endangering health or safety concerns; and
- 2.2. Conduct a home visit within 5 calendar days from the day of placement, and complete the [Kinship Caregiver and Home Assessment](#).
- 2.3. The comprehensive assessment tool has three sections: Demographic Information, Kinship Caregiver Assessment, and Home Health and Fire Safety.
 - 2.3.1. Demographic Information: The LDSS gathers information about the kinship caregiver and other household members including minor children. The information collected in this section is used to enter the approved kinship caregivers as a provider in the electronic system of record.

2.3.2. Kinship Caregiver Assessment: Medical and Mental Health Assessment Criteria

Kinship caregivers and other household members are not required to complete a medical or mental health assessment to be licensed.

- a. If the LDSS has evidence that a kinship caregiver, or household member has a medical or mental health condition that poses a significant risk to the health or safety of the child-in-care that cannot be improved by a reasonable accommodation, the LDSS may request that the kinship caregiver or household member obtain a medical or mental health examination.
- b. The kinship caregiver should provide documentation from the examining healthcare provider stating that the medical or mental health condition is not likely to prevent the child-in-care from receiving care and attention in the home nor is the condition communicable, or harmful to the child-in-care.

2.3.3. **Kinship Caregiver Assessment: Financial, CPR/First Aid**

- a. Financial questions: These questions are related to the kinship caregiver's ability to meet their current financial obligations. The LDSS must not require the kinship caregiver to provide financial documentation. These questions are a guide to determine if the kinship caregiver would benefit from support in addition to the monthly care stipend.
- b. CPR and First-Aid: Pre-service and continuing training to include CPR and first aid training are not required for the kinship licensing process. Training is available to kinship caregivers and can be recommended based on the child and kinship caregiver's needs.

2.3.4. **Home Health and Fire Safety Assessment:** This section must be completed at the time of initial licensure, at each annual review, and when a kinship caregiver moves to a new residence. Inspections by the fire and health department are not required, but an inspection may be requested on a case by case basis if serious concerns are reported or observed. The following areas must be assessed:

- a. Smoke Detectors: The kinship home must have operable smoke detectors that are hard wired or have a ten year lithium battery. Smoke detectors must be installed in each sleeping area, outside of sleeping areas, and on each level of the home.
- b. Carbon Monoxide Detectors: The kinship home must have at least one operable carbon monoxide detector. If the home has gas appliances, gas or wood fireplaces, wood stoves, oil heat, or an attached garage, the

home must have at least one carbon monoxide detector on each level of the home and outside of sleeping areas.

- c. Firearms: Unless required because a state, federal, or local law enforcement officer lives in the household and maintains and stores their service-issued firearm(s) in accordance with state, federal, and local law enforcement safety procedures, all firearms in the kinship resource home must be unloaded, stored in a locked storage area, and inaccessible to children. All ammunition must be stored separately from the firearms in a locked storage area, inaccessible to children. When a firearm and ammunition are being transported from the place of storage to a location outside of the kinship resource home, they must be kept inaccessible to the child(ren) to the extent possible.

The kinship caregiver is responsible for taking all safety precautions to ensure that firearms are not used to injure children in the kinship resource home. The worker must obtain assurances from the kinship caregivers that no loaded firearms will be kept in the kinship resource home. These assurances must be documented in the electronic system of record.

- d. Smoke Free Environment: The kinship caregiver must provide an environment free from exposure to secondhand smoke for children-in-care. The kinship caregiver may not smoke in a vehicle while transporting the child in out-of-home care.
- e. Window Coverings: [MD Annotated Code, Family Law §5-505](#), requires that any window covering installed before October 1, 2010 must not have exposed or unsecured cords, beads, ropes or strings. Window coverings installed on or after October 1, 2010 must be cordless.
- f. The LDSS caseworker must review window covering safety with the kinship caregiver, assess the home and ensure that all windowing cover safety requirements are met. If the kinship home has window coverings with looped or single cords, ropes, chains, or beads the kinship caregiver must ensure that the cord is secured (i.e. clamping, cleating, tying the cord, using a tie down device) and is out of reach of children. The LDSS caseworker must assess the home and ensure that all windowing cover safety requirements have been met.
- g. Water Safety: If the kinship caregiver has a swimming pool, hot tub, spa, waterfront property, fish or duck pond, or a similar body of water, the LDSS may require one or more safety mechanisms. Safety mechanisms may include but are not limited to: door alarms, window alarms, pool alarms, motion activated cameras, and automatic pool covers.

2.3.5. Correcting Safety Issues

If one or more safety issues are identified during the licensing process, a plan including timeframes for completion will be developed to help the kinship caregiver correct the issues.

- a. Corrective plans must be developed and the identified issues must be corrected no later than the identified timeframe. Timeframes for correction must not exceed 60 days from the date the [Kinship Caregiver and Home Assessment](#) is completed.
- b. When appropriate, the LDSS must provide auxiliary aids or services (i.e. purchasing smoke detectors, appropriate window coverings, a bed, and assisting the kinship caregiver in connecting with a community partner who can address the identified concern, etc.)
- c. The LDSS must conduct a follow-up inspection to determine whether the kinship caregiver addressed the concerns or if additional support is needed.
- d. The LDSS must evaluate whether the child-in-care can remain safely in the home while the kinship caregiver is addressing the concerns.

2.3.6. Sleeping Space

Sleeping space requirements in kinship homes are intended to be flexible, while prioritizing safety. LDSS staff must assess whether the home has a safe sleeping space with bedding for each child.

- a. For children under 12 months, the safe sleep space must be free of blankets, crib bumpers, pillows, stuffed animals, and similar items. Bedding options include a bassinet, crib, pack and play, or Native American cradle board.
- b. For children 12 months and older (based on age and development), sleeping options include but are not limited to a crib, pack and play, bed, bunk bed, trundle bed, sleeper sofa, or futon. An air mattress, cot, or couch may be used temporarily until children have a permanent bed.
 - i. The LDSS will assist if the kinship caregiver needs assistance obtaining sleeping options.
- c. When necessary, children may sleep in the same room as the kinship caregiver as long as the child has their own designated crib, bed, bunk bed, trundle bed, sleeper sofa, futon etc.
- d. Children may sleep in the same room regardless of sex assigned at birth when determined to be appropriate by the LDSS. When children of the opposite sex must share a bedroom, the LDSS will take into account the children's age, abilities, and history when determining what is appropriate. LDSS Staff will consider the following factors when making these decisions:

- i. The needs of children who identify as LGBTQIA2+.
- ii. Children with past sexual trauma or sexualized behaviors may need their own sleeping space.
- iii. Flexibility for cultural or community standards, medical considerations, or to support healing from trauma.
- iv. Flexibility for families with limited living space. Rooms other than bedrooms can be sleeping spaces. There are no square footage requirements for kinship caregivers.

2.3.7. Number of Children in the Kinship Resource Home

There is no limit on the number of children that can reside in a kinship home. When assessing the kinship home, the LDSS will assess the impact that the total number of children may have on the kinship caregiver's ability to provide for the child-in-care's physical, medical, mental health and educational needs.

2.3.8. Monthly Care Stipend

The monthly care stipend begins on the date the child is placed in the kinship home, whether or not the licensing process is completed.

- a. The monthly care stipend is paid at the same rate as that paid for a child living in a non-kin resource home.
- b. A child placed in a kinship home is eligible for the monthly care stipend at the regular rate, the intermediate rate, or the intermediate rate with the difficulty of care stipend.
- c. A kinship caregiver is eligible to receive the emergency care rate for a maximum of 60 days or until adjudication, whichever comes first.
- d. The monthly care stipend will be determined based on the child's needs.

2.3.9. Respite Care

Kinship caregivers may utilize informal respite care providers approved by the LDSS or a licensed resource family. Kinship caregivers may not provide respite care for non-kin children in out-of-home care.

2.3.10. Child Care

If a kinship caregiver provides informal child care for children not living in the home, the LDSS must assess the impact that providing child care may have on their ability to provide for the physical, medical, mental health and educational needs of the child-in-care.

If a kinship caregiver has an in-home daycare licensed by the Maryland State Department of Education's Office of Child Care (OCC), the LDSS must assist

the kinship caregiver in notifying the OCC of their intent to be a licensed kinship caregiver.

If a kinship caregiver requires child care services for a child-in-care while the kinship caregiver is employed or in school, the kinship caregiver must discuss the child care plan with the LDSS and obtain LDSS approval for the plan. The child care provider must be certified by the Office of Child Care (OCC) or approved by another agency that provides child care services consistent with the OCC's licensing standards, unless the LDSS approves a plan for informal child care.

Kinship caregivers may arrange child care on an occasional basis for a child-in-care. The LDSS may not run background clearances on these individuals.

2.3.11. Education

Kinship caregivers may not homeschool children-in-care without court approval. If approval is granted by the courts, the kinship caregiver must utilize a homeschool program approved by the Maryland State Department of Education. The kinship caregiver will be required to provide homeschool progress reports at a frequency established by the LDSS or the court. Additionally:

- a. Prior to enrolling a child-in-care in a private or parochial school the kinship caregiver must have approval from the LDSS or the parent(s) or guardian of a child-in-care unless otherwise ordered by the court.
- b. The LDSS may not pay any costs for tuition, books, or any other costs associated with the private or parochial school. The LDSS may not supplement the monthly care stipend to pay these costs.
- c. If a child enters out-of-home care and is already enrolled in a private or parochial school, the kinship caregiver must enroll the child in a public school unless the kinship caregiver has permission from the educational surrogate or whoever holds educational rights, and assumes financial responsibility for the child's continued enrollment in the private or parochial school or the parent(s) or guardian continues to financially provide for the education.

2.3.12. Resource Parent and Kinship Parent Agreement

The [Resource Parent and Kinship Parent Agreement](#) was developed to ensure that policies and important information are communicated to kinship caregivers through in a single, one comprehensive document. The LDSS must review the agreement with the kinship caregiver and obtain their initials and signature acknowledging that the kinship caregiver understands the information outlined in the agreement and that they

intend to follow the agreement while they have a child-in-care in their home. This agreement must be completed prior to or at the time of placement. If the LDSS cannot complete the agreement at the time of placement, due to emergency circumstances or time constraints, the LDSS must conduct a home visit within 5 calendar days from the day of placement.

2.3.13. Behavior Management

Kinship caregivers agree to refrain from the following prohibited punishments:

- a. Using corporal punishment that includes spanking, shaking, hitting, or any other physical punishment, no matter how inflicted;
- b. Requiring physical exercises such as running laps or performing pushups;
- c. Forcing a child to assume or hold an uncomfortable position such as squatting or bending, or to repeat physical movements;
- d. Confining a child in a locked room;
- e. Using physical, mechanical or chemical restraints;
- f. Denying essential program services, such as not taking a child to a planned appointment for educational, psychiatric, or psychological services;
- g. Withholding visitation or communication with the child's family or kin;
- h. Withholding meals, clothing, or bedding, or disrupting a child's sleep;
- i. Making remarks that belittle or ridicule a child or a child's family;
- j. Threatening to have a child removed from the home.

Only kinship caregivers, and other adult caregivers approved by the LDSS and known to the children may discipline children-in-care. Children may only be physically restrained to the degree necessary to protect the child from self-injury or from injuring others. It is the caregiver's responsibility to communicate behavioral concerns with the Department.

If the LDSS is made aware that violations of the behavior management policy have occurred in a kinship resource home the LDSS must assess for safety, and determine if the child can remain in the kinship resource home. The LDSS will educate the family around allowed permissible behavior management techniques, and connect the kinship caregiver to training and supportive resource opportunities when appropriate.

2.3.14. Confidentiality

Kinship caregivers are required to protect confidential information about children-in-care and their families. Confidentiality applies even when the children are no longer in their care.

- a. Kinship caregivers may not share, release, or discuss confidential information verbally or in writing unless they have permission to share.
- b. Kinship caregivers may share, release, or discuss confidential information with professionals who are bound by similar confidentiality standards and are providing mental health, dental and medical care and treatment to a child in care and who are bound by similar confidentiality standards.
- c. If the kinship caregiver is unsure about the requirements around confidentiality they must be advised to consult with the LDSS.

Confidential information includes, but is not limited to:

- a. The child's background, the reason they came into care, and their permanency plan.
- b. The child's family, including their identity, and their current circumstances.
- c. The child's physical or mental health.
- d. Any information known because of the position as resource parent or kinship caregiver.

If the LDSS is made aware that violations of the confidentiality policy have occurred in a kinship resource home the LDSS must educate the family on the expectations related to confidentiality, and connect the kinship caregiver to training and supportive resource opportunities when appropriate.

2.3.15. Reasonable and Prudent Parent Standard

The LDSS must explain that kinship caregivers are responsible for using the reasonable and prudent parent standard in making age and developmentally appropriate decisions regarding activities, dating, and overnights with friends for children-in-care. The reasonable and prudent parent standard is characterized by careful and sensible parental decisions that maintain the child's health, safety, and best interest while at the same time encouraging their emotional and developmental growth. Caregivers must consider the child's maturity, safety, and normalcy in making such decisions. If caregivers are unsure or unclear about making a decision, they must be advised to consult with the LDSS.

2.3.16. Investigation of Abuse or Neglect in Kinship Resource Homes

If the LDSS receives a report of suspected abuse or neglect by the kinship caregiver and initiates an investigation, the LDSS's CPS unit must respond to the report of abuse or neglect as required by Title 07 DEPARTMENT OF HUMAN SERVICES Subtitle 02 SOCIAL SERVICES ADMINISTRATION Chapter 07 Child Protective Services. The LDSS must also:

- a. Notify the kinship caregiver, the parent(s) or guardians of any all children-in-care living in the kinship resource home, and the children-in-care's attorney(s) that allegations of abuse or neglect are being investigated;
- b. Assess and determine whether it is in the children-in-care's best interest to remain in the kinship resource home pending the completion of the investigation. Abuse or neglect allegations in a kinship resource home do not require the automatic removal of children placed in the kinship home;
- c. Visit the kinship resource home at least weekly for as long as any children-in-care remain in the home while the LDSS decides whether to continue the child-in-care's placement with the kinship caregiver;
- d. Not place additional children in the home for placement or respite care pending the outcome of the investigation. The worker and kinship caregiver may take any necessary actions to ensure the safety of an alleged victim's safety pending completion of the investigation, but must not create a safety plan for children-in-care.
- e. Within 5 business days of completing the investigation, determine whether the kinship caregiver, household members, and kinship resource home continue to meet licensing standards and make a recommendation to the LDSS director regarding continued licensure.
- f. Within 5 business days after receiving the staff recommendation, the LDSS director must render a written decision as to the kinship caregiver's continued licensure and whether any children-in-care removed from the kinship resource home may return. The LDSS must provide the written decision to the children-in-care's parent(s) or guardians, the child/children's attorneys, and the kinship caregiver.

2.3.17. Denial of Licensure

2.3.17.1 Reasons for denial

The LDSS must not license any home in which an adult in the household has a felony conviction for:

- a. child abuse or neglect;
- b. spousal abuse;

- c. a crime against a child or children, including child pornography;
- d. a crime of violence as enumerated in Criminal Law Article, § 14-101, Annotated Code of Maryland, including rape, sexual assault, or homicide, but not including other physical assault or battery; or
- e. human trafficking; or
- f. has had a felony conviction in the prior 5 years for physical assault; battery; or a drug-related offense.¹

Additionally, the LDSS may decline to license a kinship caregiver if:

- g. The LDSS determines that the kinship caregiver knowingly reported false information having a substantial bearing on the licensing of the home;
- h. The kinship caregiver, an adult household member or the kinship resource home cannot or will not meet the requirements outlined in COMAR 07.02.09.
- i. The LDSS has previously denied or revoked the kinship caregiver's license, unless the LDSS is satisfied that the kinship caregiver corrected the condition that was the basis for the denial or revocation.
- j. The kinship caregiver prevents the LDSS from completing its licensing responsibilities;
- k. An evaluation of criminal convictions other than those identified in COMAR 07.02.09 indicates behavior harmful to children, taking into consideration all relevant factors, including the relationship of the crime to the capacity to safely care for children.
- l. The LDSS concludes a kinship caregiver cannot provide for the child-in-care's physical, medical, mental health, and educational needs because a kinship caregiver or adult household member's history of child abuse and neglect findings; substance or alcohol misuse; physical or mental health conditions; or a condition or combination of conditions that cannot be improved.

All kinship caregivers have the right to appeal when they are denied a kinship caregiver license as outlined in COMAR 07.02.09.13

2.3.17.2 Secondary Review for Denial

After denying a license to a prospective kinship caregiver, a secondary review must be conducted. The procedures for conducting the secondary review will be released as guidance by the Administration.

¹ COMAR 07.02.09.05

2.3.18. Closing a Kinship Resource Home and Revoking a Kinship Caregiver's License

A LDSS may close a kinship resource home and revoke a kinship caregiver license for the following reasons:

- a. The child-in-care for whom the kinship caregiver was caring no longer lives in the home and is not expected to return within 6 months;
- b. The kinship caregiver asked the LDSS to remove the child-in-care from their home;
- c. On-going conditions or a combination of conditions that cannot be improved and prevent the kinship caregiver from providing for the child-in-care's physical, medical, mental health, and educational needs; and
- d. Misconduct in the kinship resource home, indicated abuse or neglect of a child-in-care, or other conditions that cannot be improved and pose an immediate threat to the health or safety of a child-in-care.

The LDSS must provide written notice of the decision to close the home and revoke the kinship caregiver's license. The notice must include:

- e. The action the LDSS will take;
- f. The grounds for the action; and
- g. The kinship caregiver's appeal rights.

The LDSS must immediately remove children-in-care placed in the kinship providers home when they make the decision to revoke the license. The LDSS must not wait until the license is revoked to remove children-in-care.

Once a kinship caregivers license is revoked, a LDSS may not restore a kinship caregiver's license unless:

- h. The LDSS determines that the kinship caregiver's license was not revoked due to non-compliance with regulation and the kinship caregiver completes a new kinship caregiver licensing process;
- i. There is an appeal hearing decision in favor of the kinship caregiver; or
- j. The LDSS director provides written approval for the kinship caregiver to go through the licensing process again.

2.3.19. Review of a Kinship Resource Home
The LDSS must complete an annual review of each kinship caregiver and the kinship resource home using the Kinship Caregiver Annual Review.²

During the annual review, the LDSS must:

- a. Conduct at least one home visit to determine continued compliance with the requirements outlined in COMAR 07.02.09.
- b. Meet with the kinship caregiver to discuss the prior year and the kinship caregiver's concerns and needs.
- c. Update child protective services clearances, state and national sex offender registry clearances, and conduct an updated Maryland Judiciary Case Search for the kinship caregiver and all household members 18 years or older.
- d. Review and renew the [Resource Parent and Kinship Caregiver Agreement](#) and obtain signatures.
- e. Complete Section 3 of the [Kinship Caregiver and Home Assessment](#) entitled, Home Health and Fire Safety.
- f. Notify the kinship caregiver in writing within 30 days of completing the kinship caregiver's license status review.

Reviews may also be completed when there are significant changes in the kinship caregiver's lives or household.

2.3.20. New Kinship Caregivers in a Licensed Home

LDSS staff must conduct a kinship caregiver assessment with any new kinship caregiver who was not previously assessed as required by COMAR 07.02.09.03. The LDSS staff must require a new kinship caregiver to apply within 5 business days for a state and federal fingerprint-based criminal background clearance. The LDSS may require a new kinship caregiver to have a medical or mental health examination if requested by the LDSS in accordance with section 2.3.2 of this policy and for a reason set forth in COMAR 07.02.09.03E.

² COMAR 07.02.09.06,

2.3.21. Liability Insurance and Reimbursement for Loss to Kinship Caregivers

The Administration provides liability insurance for kinship caregivers who care for children under certain conditions. The insurance covers:

- a. Bodily injury and property damage that a child-in-care causes to a person or the person's property other than a kinship caregiver; and
- b. Actions against a kinship caregiver by a parent for any accident to the child.

The process for reimbursement is described in [SSA #12-1](#).

LDSS staff must advise the kinship caregiver that reimbursement is available for the kinship caregiver's bodily injury or property damage caused by a child-in-care but reimbursement is not available for:

- a. Injury or damage for which the kinship caregiver substantially contributed;
- b. Injury or damage covered by the kinship caregiver's insurance;
- c. Claims of alienation of affection;
- d. Accidents involving vehicles that are licensed or intended for road use; and
- e. Claims exceeding \$5,000.

2.3.22. Interstate Compact for the Placement of Children (ICPC)

If a LDSS receives a request from another state or jurisdiction to conduct an ICPC home study for identified kin, the LDSS must follow the requirements outlined in COMAR 07.02.09 and this policy to complete the home study using the [Kinship Home Study](#) template approved by the Administration. The LDSS has 60 days to complete the home study. It is the requesting state or jurisdiction's responsibility to determine if they will be providing a monthly care stipend once the caregiver is licensed. If a LDSS sends an ICPC request for a relative home study to another state, the state receiving the request will follow their licensing requirements to assess the proposed caregiver.

DOCUMENTATION

LDSS staff must use the forms outlined in this policy to ensure that the requirements of this policy and COMAR 07.02.09 are completed, documented, and uploaded in the electronic system of record.

The kinship caregiver must receive a copy of the agreement and all signed documents for their records.

COMPLIANCE

All DHS staff, including all LDSS staff performing work on behalf of DHS, are required to comply with this policy. Failure to comply with this policy may subject an employee to disciplinary action.

FORMS AND ATTACHMENTS

All PDF forms can be filled out using adobe acrobat.

- [Initial Checklist for Kinship Caregiver Licensing](#)
- [Kinship Caregiver and Home Assessment](#)
- [Resource Parent and Kinship Parent Agreement](#)
- [Family Home License](#)
- [Emergency Phone Number List](#)
- [Annual Review Notice Letter](#)
- [Kinship Caregiver Annual Review](#)
- [Annual Review Approval Letter](#)
- [Notice of Denial of License - Intended Action Letter](#)
- [Notice of Licensure Revocation - Intended Action Letter](#)
- [Kinship Home Study](#)

RELATED INFORMATION

Questions related to the Kin Licensure process can be sent to SSA staff at dlkinfirst_dhs@maryland.gov.

For additional guidance on CJAMS procedures, please see the [CJAMS Child Welfare How-To-Guides](#).