

CHILD PLACEMENT AGENCY LICENSURE

Title .07
Subtitle .05
Chapter .01

Title 07 DEPARTMENT OF HUMAN RESOURCES

Subtitle 05 SOCIAL SERVICES ADMINISTRATION— PRIVATE CHILD PLACEMENT AGENCIES

Chapter 01 License for Private Child Placement Agencies

Authority: Family Law Article, §§5-327(b) and 5-501—5-521, Annotated Code of Maryland. Agency Note ; Federal Regulatory Reference: 45 CFR §§228.13 and 228.42

.01 Purpose and Scope.

- A. The purpose of this subtitle is to protect children's health, safety, and well-being from the special risk arising from living outside their homes. When a conflict exists between the interests of a child and those of an adult, the child's interest takes precedence.
- B. The regulations established in this subtitle are the Administration's requirements for licensure of private child placement agencies to deliver services for the placement of children in foster care, treatment foster care, adoption, and independent living preparation programs.

.02 Definitions.

A. In this subtitle, the following terms have the meanings indicated.

B. Terms Defined.

- (1) "Administration" means the Social Services Administration of the Department of Human Resources.
- (2) "Agency" means a privately incorporated organization which is:
 - (a) Incorporated as a child placement agency; and
 - (b) Licensed by the Administration to receive children for placement into foster homes, adoptive homes, or independent living preparation arrangements.
- (3) "Case plan" means a written description of the child's needs and the services to be provided to meet those needs.
- (4) "Child" means an individual younger than 18 years old, except that a child already receiving care may continue to receive care until the end of the month in which the individual becomes 21 years old.

- (5) "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 before, during, and after the child is in foster or adoptive care; and
 - (d) Conduct home studies for adoptive and foster parents.
- (6) "Department" means the Department of Human Resources.
- (7) "Full time employee" means an agency employee who works for the agency at least 35 hours per week.
- (8) "Local department" means the:
 - (a) Department of social services in a county or Baltimore City; and
 - (b) Montgomery County Department of Health and Human Services.
- (9) Parent or Parents.
 - (a) "Parent" means the birth or adoptive mother or father of the child.
 - (b) "Parents" means the birth or adoptive mother and father of the child.
- (10) "Private residential child care program" means a program in a residential child care program as defined in COMAR 01.04.04.03B.

.03 Requirements for Licensure.

- A. Except as provided in §B of this regulation, a person may not operate an agency or engage in the placement of children without a license from the Administration.
- B. The following activities do not require a license as an agency:
 - (1) An individual placing a child with another individual related to the child by blood or marriage within four degrees of consanguinity or affinity according to the civil law rule, Family Law Article, §5-507(b), Annotated Code of Maryland;
 - (2) A child's parent or grandparent placing the child directly without the intervention of any other person except for the recipient of the child; or
 - (3) An attorney preparing adoption pleadings or performing any other normal function of the practice of law.
- C. To provide child placement services, an agency shall:
 - (1) Have an appropriate and current child placement agency license issued by the Administration;
 - (2) Comply with the regulations of this chapter; and

- (3) As applicable, comply with one or more of the following COMAR chapters:
 - (a) COMAR 07.02.21 Treatment Foster Care,
 - (b) COMAR 07.05.02 Private Foster Care, and
 - (c) COMAR 07.05.03 Private Adoption.
- D. The child placement agency license shall include the:
 - (1) Agency's identification as a licensed Maryland child placement agency;
 - (2) Name of the licensed agency;
 - (3) License number;
 - (4) Service or services the Administration authorizes the licensed agency to deliver;
 - (5) Address of the agency's office for which the license is issued;
 - (6) Effective date of the license;
 - (7) Expiration date of the license; and
 - (8) Signature of the Administration's executive director.

.04 Licensing Procedure.

- A. The president of the governing board of the organization that seeks licensure as a child placement agency shall apply to the Administration for a license.
- B. An application for an agency license shall include:
 - (1) The application form, signed by the governing board president and the chief administrator;
 - (2) The administrative file of the agency as described in Regulation .08B of this chapter;
 - (3) A detailed agency manual of operation based on this chapter;
 - (4) A detailed written service plan for the provided services based on one or more of the COMAR chapters cited in Regulation .03C(3) of this chapter;
 - (5) Written directions of the most efficient driving route from the Administration office to the agency office; and
 - (6) Additional documentation which the Administration may require.
- C. Application Process.
 - (1) The applicant shall request an application for licensure from the Administration and inform the Administration of the service the applicant plans to provide.
 - (2) The Administration may require the applicant to request a new application form if the applicant has not:

- (a) Returned the required application material within 1 year after receiving the application material; or
 - (b) Made a good faith effort to comply with the application procedure.
- (3) The applicant may withdraw the application at any time and the Administration shall acknowledge in writing the receipt of the withdrawal. The Administration may retain any materials or documentation supplied before the withdrawal.
- (4) Upon request, the Administration shall provide consultation to any person planning a child placement service.
- (5) When an applicant requests information regarding licensure, the Administration shall provide information regarding the:
- (a) Licensing process; and
 - (b) Requirements of the service the applicant wishes to provide.
- D. Interview and Inspection.
- (1) The agency's governing board shall designate the chief administrator to work with the Administration during the application process.
- (2) During the Administration's review of the application, the chief administrator shall, at the Administration's invitation:
- (a) Meet with the Administration to respond to questions;
 - (b) Clarify parts of the application document and service plan; and
 - (c) Arrange for the inspection of the agency office by the Administration.
- E. Decision on the Application.
- (1) The Administration shall examine the application including the service plan and, within 60 days of receipt of the completed application:
- (a) Issue a child placement agency license for a period of 2 years if the applicant meets the requirements for licensure; or
 - (b) Deny a child placement license if the applicant:
 - (i) Does not meet the licensure requirements, or
 - (ii) Knowingly provides false information.
- (2) If the Administration denies a child placement agency license, the Administration shall notify the applicant in writing stating the:
- (a) Reason for the denial;
 - (b) Specific regulations on which the Administration based its decision;
 - (c) Applicant's right to appeal the decision; and
 - (d) Process for the appeal.

.05 Conditions for Continuing Licensure.

A. Posting of License.

- (1) If an agency maintains more than one office location, the Administration shall issue a license for each office location.
- (2) The agency shall post the original license issued for an office location in a permanent, public place within the office.
- (3) If a license is lost, damaged, or stolen, the agency shall immediately request a replacement license from the Administration and, upon receipt, post the replacement license.

B. Agency Responsibilities.

- (1) The agency shall abide by the terms of its license and inform the Administration of any changes, including address change or change of chief administrator, which may affect its continuing eligibility for licensure.
- (2) Mid-License Period Report.
 - (a) The Administration shall send notification to the agency 60 days before the end of the first year of the license period that the due date for the agency's mid-license period report is the anniversary of the license issuance date.
 - (b) The mid-license period report shall include the:
 - (i) List of governing board members and officers as required in Regulation .08B(2) of this chapter;
 - (ii) Audit or audit review report for the last fiscal year as required in Regulations .06C(3) and .08B(10) of this chapter;
 - (iii) Operations budget for the current year as required in Regulations .06C(1) and .08B(10) of this chapter;
 - (iv) Verification of employee medical clearance as required in Regulation .08B(14) of this chapter; and
 - (v) Agency self-evaluation as required in Regulation .08B(26) of this chapter.

C. Return of License to the Administration. An agency's license immediately becomes null and void, and the agency shall return the license to the Administration, when the agency:

- (1) Is sold, leased, or discontinued;
- (2) Moves to a new location;
- (3) Has its license revoked;
- (4) Has its license renewal denied; or
- (5) Successfully completes its renewal process and is issued a new license.

- D. Valid License. A license is valid only for:
- (1) The agency to which it is issued and may not be subject to voluntary or involuntary sale, assignment, or other transfer; and
 - (2) The location for which it was originally issued.
- E. Investigation and Continuous Review.
- (1) The Administration shall investigate the premises, facilities, and policies of an agency licensed or proposed to be licensed:
 - (a) Before the issuance or renewal of any license;
 - (b) At the time of the mid-license period report;
 - (c) Before the suspension or revocation of any license; and
 - (d) In response to a complaint about the agency.
 - (2) Subject to the Administration's limitation of available funds and staffing, the Administration shall monitor each licensed agency by:
 - (a) Continuous reviews of the agency's records;
 - (b) On-site observations of the agency's direct work with children; and
 - (c) Periodic evaluations of the program and services.
 - (3) The agency or applicant shall allow the Administration to:
 - (a) Inspect all aspects of an agency governed by this subtitle; and
 - (b) Interview any agency employee, governing board member, or volunteer.
 - (4) The Administration shall conduct interviews and inspections in a manner which:
 - (a) Is least disruptive to the program;
 - (b) Is consistent with needs of the Administration; and
 - (c) Protects all confidentiality required by law or by the regulations in this chapter.
 - (5) The agency shall:
 - (a) Provide the Administration any written information required under this subtitle;
 - (b) Comply with all applicable federal, State, and local government laws, regulations, and standards; and
 - (c) Make available for inspection any information the Administration requires the agency to maintain to assist in determining the agency's compliance with this subtitle.
- F. Duration of License. A license is valid for 2 years from the date of issuance unless revoked or suspended.
- G. Renewal of License.

- (1) At least 120 days before the license expires, the Administration shall send a notice to the agency stating that:
 - (a) An agency shall reapply to the Administration and be redetermined eligible in order to continue as a licensed agency; and
 - (b) An agency's completed renewal application shall be on file at least 60 days before the expiration of the current license to enable the Administration to:
 - (i) Determine the agency's continued eligibility, and
 - (ii) If the agency is eligible, issue a new license in time to permit uninterrupted service.
- (2) If the agency files the completed renewal application as required in §G(1)(b) of this regulation and the Administration is unable to redetermine the agency's eligibility before the license expires, the Administration may extend the license expiration date for a period not to exceed 60 days from the filing date of the completed renewal application.

.06 Agency Purpose and Finances.

- A. The agency shall have a written statement of its child placement philosophy, purpose, and program that describes the agency's program policy goals and objectives. The statement shall be available to the Administration, referral sources, service recipients, and the public on request. The statement shall include:
 - (1) Criteria as appropriate for the respective services provided by the agency for the following:
 - (a) Age of children served,
 - (b) Sex of children served,
 - (c) Recruitment, selection, and training of agency staff,
 - (d) Fees for services,
 - (e) Child discipline policy, and
 - (f) Record maintenance and accessibility;
 - (2) A written description of the:
 - (a) Geographical area the agency serves or intends to serve, and
 - (b) Clients or potential clients of the services it provides or proposes to provide; and
 - (3) A written description of the office, with address, which shall be:
 - (a) Located within the State, and
 - (b) Easily accessible to the clientele, staff, and community by public and private transportation.

- B. Before an agency is licensed for the first time it shall document that the governing board has access to funding necessary for a 6-month period of operation.
- C. The governing board shall document its annual review and approval of:
 - (1) A written budget which demonstrates its financial capability to operate for at least 12 months;
 - (2) Periodic accounting reports in compliance with applicable State law; and
 - (3) An annual report by an independent certified public accountant of an:
 - (a) Audit, or
 - (b) Audit review, if the Administration determines the size and source of the agency's finances do not require an audit.
- D. The agency shall:
 - (1) Have a financial structure which supports the services offered;
 - (2) Document that it is solvent and has sufficient funds to meet all requirements for licensure; and
 - (3) If it charges fees:
 - (a) Have a written policy:
 - (i) Stating the amount charged for services provided, and
 - (ii) Describing the conditions under which fees are waived or returned; and
 - (b) Make the fee policy available to the public.

.07 Agency Governing Board.

- A. Legal Status of Agency. The agency shall be incorporated under applicable law and maintain documents which identify its incorporation and administrative structure and staffing, including lines of authority.
- B. Governance. The agency shall have a governing board which has final responsibility for and authority over the policies, finances, and all related activities for implementing the agency's program. The governing board shall:
 - (1) Screen and select the agency's chief administrator in accordance with agency policy and Regulations .09, .14, and .15 of this chapter;
 - (2) Define in writing the role of the chief administrator;
 - (3) Require the chief administrator, or the chief administrator's designee authorized to act in the chief administrator's absence, to be accessible at all times to the agency staff and representatives of the Administration;
 - (4) Conduct an annual written evaluation of the chief administrator;

- (5) Ensure that the agency is housed, maintained, staffed, equipped, and funded to operate the programs effectively and solvently;
- (6) Consult with the Administration and receive its approval before changing the service program plan described in the current license application;
- (7) Notify the Administration of any change of:
 - (a) The chief administrator at least 48 hours in advance; and
 - (b) Address or phone number of the agency office at least 14 days before the change;
- (8) At least every 2 years, in consultation with the chief administrator, formulate or review the agency's written materials concerning:
 - (a) Current program and service policy, including short-term and long-term goals;
 - (b) Personnel practices and job descriptions;
 - (c) Fiscal management policy; and
 - (d) The program evaluation report;
- (9) Be responsible for:
 - (a) The fiscal soundness of the agency operation and undertake the review and approval of the:
 - (i) Agency's annual budget,
 - (ii) Periodic accounting reports, and
 - (iii) Annual audit or audit review completed by an independent certified public accountant; and
 - (b) Maintaining the agency's continual compliance with the:
 - (i) Provisions of the agency's charter,
 - (ii) Terms of all leases, contracts, or legal agreements to which the agency is a party, and
 - (iii) Relevant federal, State, and local laws and regulations governing the operation of the agency.

C. Composition and Organization of the Governing Board.

- (1) The responsibilities of the governing board of the agency shall be clearly defined in the agency bylaws.
- (2) The governing board shall:
 - (a) Be structured with a president elected from the governing board membership who presides at meetings to enable the governing board to discharge the responsibilities described in this regulation and Regulations .06, .08—.16, and any other applicable regulations of this chapter;

- (b) Adopt bylaws for its operation;
 - (c) Maintain written minutes of and records of attendance at all its meetings;
 - (d) Ensure that a quorum of its members meet at least quarterly;
 - (e) Include members, at least three of whom are Maryland residents:
 - (i) Who represent diverse community leadership,
 - (ii) Have knowledge of and belief in the program, and
 - (iii) Are able to contribute to the agency from their experience;
 - (f) Maintain a list of its membership with each member's:
 - (i) Phone number,
 - (ii) Address, and
 - (iii) Term of membership; and
 - (g) Have a plan for periodic change of the board's composition.
- (3) Agency employees, including the chief administrator, may not be voting members of the governing board.
- (4) An employee of any government organization which regulates or purchases services from the agency may not be a member of the governing board.
- (5) Members of the governing board may not contract with the agency to provide goods or services in return for money, goods, or services or in any other way benefit financially from the agency's operation.
- (6) The governing board of an agency applying for licensure or licensure renewal shall furnish references on its members in accordance with the requirements in Regulation .09 of this chapter.

.08 Agency Reporting Responsibilities.

A. Agency Emergencies.

- (1) The agency shall maintain and make available to the Administration a written plan detailing employee responsibilities for all emergencies which may affect the:
 - (a) Agency operation; or
 - (b) Health, safety, and well-being of children in care or receiving adoption services.
- (2) The agency shall notify the Administration by phone immediately, and in writing within 48 hours of the occurrence, of the following emergencies:
 - (a) Death of a child in foster care or receiving adoption services;

- (b) Accident, assault, illness, or psychiatric episode of a child which requires hospitalization or emergency medical care;
- (c) Suspected incident of child abuse or neglect, including mental injury;
- (d) Illegal activity leading to the incarceration of a child, parent, foster parent, guardian, or adoptive parent; or
- (e) Other occurrences which may affect the health, safety, or well-being of children in care or receiving adoption services.

B. Administrative File. The agency shall maintain and furnish to the Administration, on request, the following information and documents appropriate for the service or services provided:

- (1) Legal structure including the charter, articles of incorporation, by-laws, or other legal basis for the agency's existence;
- (2) Structure and composition of the governing board with names, addresses, phone numbers, terms of membership, and names and terms of officers;
- (3) Organizational chart of the agency showing functions and names of the current employees;
- (4) Names and positions of individuals authorized to sign agreements and to submit official documentation to the Administration;
- (5) The written statement of the agency's purpose;
- (6) Agreements or contracts relating to the agency's provision of a required service through a cooperative or subcontracted arrangement with an incorporated body, organization, or individual;
- (7) Verification of the agency's insurance coverage;
- (8) Procedures for notifying appropriate parties of changes in the agency's policy, programs, chief administrator, or other factors affecting services or licensure;
- (9) Statement of compliance with nondiscrimination according to COMAR 07.01.03;
- (10) Operating budget for the current year and the independent certified audit or audit review report of the preceding year;
- (11) List of employees with position, titles, and qualifications;
- (12) Personnel policies and procedures, including definitions of jobs, qualifications, salaries, work hours, vacation and sick leave, and termination and grievance procedures;
- (13) A master resource list of all social, health, and other service providers which the agency uses;
- (14) Staff health reports;
- (15) Verification of compliance with unemployment and workers' compensation laws;

- (16) Definition and description of agency services, including client eligibility requirements and a description of the geographic area in which services are provided;
- (17) Written policy describing grievance procedures for service applicants, adoptees, adoptive parents, and foster parents;
- (18) Child management and discipline plan;
- (19) Current copies of agency publicity and brochures;
- (20) Child abuse and neglect policy and documentation of the required criminal background checks and child abuse clearances as required in Regulation .09 of this chapter;
- (21) Plans for recruitment of foster and adoptive parents as required in COMAR 07.05.02.04 and 07.05.03.08;
- (22) Plans for employee orientation and continuing training as required in Regulation .16 of this chapter;
- (23) Agency's plan for emergencies as required in §A of this regulation;
- (24) Foster parent data as required in COMAR 07.05.02.18G;
- (25) Adoption data as required in COMAR 07.05.03.19;
- (26) Agency's annual written self-evaluation, which the chief administrator develops in consultation with agency employees and the agency's governing board to include:
 - (a) Analysis of program effectiveness in relation to stated purposes and goals of the program,
 - (b) Staffing patterns, average caseload size, and the agency's evaluation of them,
 - (c) Staff turnover rate,
 - (d) Analysis of statistics required in COMAR 07.05.02.18 and 07.05.03.19, and
 - (e) Plans for remedying identified weaknesses in the program; and
- (27) Additional items that may be required by the Administration.

.09 Screening Employees, Volunteers, and Governing Board Members.

- A. Before agency employment or approval as a volunteer or governing board member, any applying employee, volunteer, or governing board member who is in close proximity to children as part of the authorized function of the position is subject to a:
 - (1) State and federal criminal background investigation; and
 - (2) Review of child abuse and neglect records from the local department in the jurisdiction where the applicant resides.

- B. The applying employee, volunteer, or governing board member shall be rejected if:
- (1) The applicant refuses to consent to a required criminal background investigation and child protective services clearance;
 - (2) The applicant has an indicated child abuse or neglect finding; or
 - (3) A criminal background check reveals that an applicant has had a felony conviction for:
 - (a) Child abuse or neglect, spousal abuse, any crime against children, rape, sexual assault, or homicide; or
 - (b) Physical assault, battery, or a drug-related offense in the 5 years before the application date.
- C. If the applicant has a pending child abuse or neglect investigation, the agency may not proceed with the application. The agency may decide to proceed with the application after the investigation is completed.
- D. Before hiring staff or approving volunteers and board members, the agency shall:
- (1) Obtain written references with documented supporting telephone or personal interviews from four unrelated individuals and present and former employers; and
 - (2) Determine from the references and interviews if there is any known reason why the individual should not or is not able to perform assigned duties and assume appropriate responsibilities.

.10 Agency Administrative Requirements.

- A. The agency shall provide suitable office space in Maryland which provides:
- (1) Office and reception areas which:
 - (a) Provide comfort, privacy, and convenience for clients and staff, and
 - (b) Are used exclusively as an office and reception area for the agency;
 - (2) Areas for confidential interviewing with parents and children;
 - (3) As appropriate, children's playroom or lounge for adolescents; and
 - (4) Storage areas for personnel and client records which provide controlled access, retrieval, and confidentiality.
- B. To assure that staff is supported adequately with equipment, the agency shall:
- (1) Maintain appropriate equipment in good working condition for the operation of the office and the functioning of employees;
 - (2) Provide office furnishings which are easy to maintain, clean, safe, and comfortable; and

- (3) Maintain locked file cabinets with limited access for confidential personnel, adoption, and foster care records.
- C. To assure adequate transportation for children, the agency shall:
- (1) If needed, assist clients in arranging transportation necessary for implementing the child's service plan;
 - (2) Provide transportation equipped with appropriate safety seats for infants and toddlers; and
 - (3) Assure that vehicles are in safe condition and operated in conformity with all applicable motor vehicle laws.
- D. Bonding Coverage.
- (1) An agency which accepts prepayment of public funds, directly or indirectly, shall maintain adequate bonding as determined by State law or contract.
 - (2) All individuals authorized to sign checks or manage funds shall be bonded at the agency's expense.
- E. Vehicle Insurance. The agency shall:
- (1) Have insurance or document that insurance is carried which covers liability to children or third parties arising through the use of an agency or private vehicle, by any of the agency's staff or agents on agency business on or off the agency premises;
 - (2) Carry a minimum of :
 - (a) Bodily injury insurance at \$100,000 for each individual,
 - (b) Bodily injury insurance at \$300,000 for each accident, and
 - (c) Property damage liability insurance at \$25,000 for each accident; or
 - (3) If the vehicle is owned privately, document that the private owner carries the minimum insurance amounts in §E(2) of this regulation.

.11 Record Maintenance, Security, Retention, and Disposition.

- A. The agency shall:
- (1) Maintain records necessary for the proper and efficient operation of the agency program which shall be:
 - (a) Legible; and
 - (b) Signed and dated by the individual making the record entry;
 - (2) Develop written policies and procedures regarding record maintenance, security, confidentiality in handling, disclosure, and destruction which shall include:

- (a) Clearly defined criteria which govern the types of information that are safeguarded and the conditions under which the information may be released, including a client's:
 - (i) Name and address,
 - (ii) Services received,
 - (iii) Information related to social and economic conditions or circumstances,
 - (iv) Agency evaluations, and
 - (v) Medical data;
- (b) Availability, upon request, of information to the child or the child's parent or legal custodian, if the information released does not contain material which violates the privacy rights of another individual or material required to be withheld from release according to State law or by order of a court;
- (c) Maintaining indefinitely and in locked storage, case records on foster and adoptive children and their birth and adoptive families;
- (d) Retaining financial records and other documents for:
 - (i) 5 years after the client's termination from service, or
 - (ii) Until the resolution of any audit findings or claims involving the records in compliance with applicable State laws or contractual agreements;
- (e) Destroying records in a manner to preserve confidentiality;
- (f) Making all records available to inspection, review, or audit by authorized State or federal personnel or by other authorized individuals whose official duties require inspection, review, or audit of the records;
- (g) Transferring of case records to the receiving agency when a child in care or receiving adoption services is transferred to a different privately licensed or public State agency; and
- (h) Reviewing the case record maintenance system for:
 - (i) Ensuring that children's records are kept current and accurate, and
 - (ii) Documenting the name of the individual and the purpose for and date of access to the record.

B. Without the voluntary, written consent of the parent or guardian or pursuant to a court order, the agency may not release any information about a child in care or receiving adoption services except to:

- (1) The child;
- (2) The child's parent or guardian;
- (3) The court;

- (4) A representative of the agency which holds custody of the child; or
 - (5) An authorized public official in the performance of official business.
- C. If client names are deleted and other identifying information is disguised or deleted, the agency may use material from case records for teaching, research purposes, accreditation review, or enhancement of the governing board's understanding and knowledge of the agency's services.
- D. If the agency corporation dissolves, the agency shall deposit all records with the Administration for disposition or retention as required by law.

.12 Child Abuse and Neglect.

- A. Written Policy. The agency shall have a written policy conforming with State law of the procedures to be followed in any incident of suspected child abuse or neglect by an employee, volunteer, or board member. The written policy shall require that:
- (1) The agency send the chief administrator or a designee to the team meetings when the local department requests the agency to participate on the multidisciplinary case consulting team to investigate a report of suspected abuse or neglect in the agency and to help formulate a corrective action plan;
 - (2) The agency conspicuously post in its administrative office the telephone number supplied by the local department for reporting child abuse and child neglect;
 - (3) Unless limited by the local department's case plan for the child, the agency notify the child's parent or legal custodian of any report of child abuse or neglect in the agency;
 - (4) Agency employees, volunteers, or governing board members who suspect child abuse or neglect report the incident to the:
 - (a) Local department or local law enforcement agency, and
 - (b) Chief administrator or, if the individual suspected of child abuse or neglect is the chief administrator, president of the governing board;
 - (5) The agency may not prevent the employee, volunteer, or board member from reporting the incident;
 - (6) The agency protect the individual from dismissal or any other reprisal for making the report;
 - (7) As needed, the agency enable the individual to provide testimony in court or participate in the investigation without loss of leave, pay, or other benefits; and
 - (8) Within 48 hours of the incident or its discovery, a written report be sent to the Administration by:
 - (a) The agency's chief administrator, or

- (b) If the chief administrator is the suspected perpetrator, the president of the governing board.
- B. Requirements for Employees, Volunteers, and Board Members. Before appointment to the agency, each employee, volunteer, or board member shall:
 - (1) Read a statement of what constitutes child abuse or neglect;
 - (2) Sign a statement acknowledging that:
 - (a) The individual shall report to the local department or local law enforcement agency any incident of suspected child abuse or neglect;
 - (b) The agency requires as a condition of appointment that the individual:
 - (i) Report to the chief administrator or president of the governing board any incident of suspected child abuse or neglect,
 - (ii) Cooperate in any investigation or review, and
 - (iii) Give formal testimony if required.
- C. Requirements of the Chief Administrator or Governing Board President. When the chief administrator or governing board president learns of a report of suspected child abuse or neglect by any agency individual, the chief administrator or president of the governing board shall immediately isolate the individual from all children in the agency's care or receiving adoption services.
- D. Local Department Finding of Child Abuse or Neglect. If a local department investigation of child abuse or neglect results in a finding of indicated child abuse or neglect, the chief administrator or, if the finding results from an investigation of the chief administrator, the president of the governing board:
 - (1) May dismiss the employee, volunteer, or board member from all duties; and
 - (2) Shall isolate the agency individual from all children in the agency's care or receiving adoption services.

.13 Personnel Policies and Practices.

- A. The agency shall have comprehensive written personnel policies and practices conducive to recruitment, retention, training, supervision, and evaluation of all employees. These policies and practices shall include the following:
 - (1) Written job descriptions and titles for each position defining the qualifications, including health requirements, duties, and lines of authority;
 - (2) Salary scales and provision for salary increases;
 - (3) A description of employee benefits, including provision for paid annual leave, sick leave, holidays, and any other special leaves or benefits;
 - (4) Provisions which encourage professional growth through supervision, orientation, in-service training, and employee development;

- (5) At least an annual evaluation of the work and performance of each employee that includes employee participation in the evaluation process;
- (6) Termination procedures for resignation, retirement, or discharge;
- (7) A grievance procedure for employees;
- (8) At least annual review and possible revision of the personnel policies and practices with employee participation;
- (9) Written confidentiality procedures for maintaining personnel records;
- (10) A 5-year retention of personnel files after termination for employees who leave the agency; and
- (11) Maintenance of a non-discriminatory environment consistent with the State's fair employment practices.

B. The agency shall maintain a personnel file for each employee, which includes:

- (1) The application for employment, including a record of previous employment and any known disciplinary actions;
- (2) A record of the results of screening as required by Regulation .09 of this chapter;
- (3) References as required by Regulation .09D of this chapter;
- (4) Medical information required in §C of this regulation and documentation of any medical problems of the employee;
- (5) Applicable professional credentials or certifications;
- (6) Annual performance evaluations;
- (7) Training record and conferences attended;
- (8) The employee's starting and termination dates; and
- (9) Reason for termination.

C. Medical Information.

- (1) The agency shall obtain a physician's report before an individual's employment or volunteer appointment and every 2 years thereafter for an employee, governing board member, or volunteer who may be in close or frequent contact with children in care or receiving adoption services.
- (2) The individual's medical report shall include a clearance for tuberculosis, communicable diseases, and any mental health challenges that would preclude working with children.
- (3) If a medical report documents a potential medical threat to children in care, the chief administrator or president of the governing board shall take appropriate action to protect the children.

.14 Employee Qualifications.

- A. Before offering employment, the agency shall verify the potential employee's personal qualifications pursuant to this regulation and Regulations .09 and .13 of this chapter.
- B. Specific Position Qualifications. The agency shall employ a chief administrator and a sufficient number of qualified employees to perform administrative, supervisory, placement, supportive, and professional services to meet the needs of the population to be served.
- C. Qualifications of Specific Positions.
 - (1) The chief administrator of an agency shall:
 - (a) Unless continually employed as a chief administrator in compliance with COMAR 07.02.13 before the effective date of this chapter, be:
 - (i) State licensed as a certified social worker,
 - (ii) State licensed as a psychologist,
 - (iii) State licensed as a physician, practicing as a psychiatrist, or
 - (iv) If a chief administrator of an agency which only provides adoption services in compliance with COMAR 07.05.03 and this chapter, a member of the Maryland Bar;
 - (b) Have 4 years direct experience in child welfare;
 - (c) Have the physical, mental, and emotional capabilities to administer the agency; and
 - (d) Be a full-time employee of the agency.
 - (2) The director of child placement services shall:
 - (a) Have a master's degree in social work from an accredited school of social work;
 - (b) Have at least 2 years experience in child placement; and
 - (c) Be State licensed as a graduate or certified social worker.
 - (3) A child placement supervisor shall:
 - (a) Have a master's degree from an accredited school of social work; and
 - (b) Be State licensed as a graduate or certified social worker.
 - (4) A child placement worker shall:
 - (a) Have a master's degree from an accredited school of social work, and be State licensed as a graduate social worker; or
 - (b) Be State licensed as a social work associate and supervised by a State licensed graduate or certified social worker.

.15 Employee Responsibilities.

- A. An agency shall employ a chief administrator whose responsibilities include:
- (1) Management of the agency's total program;
 - (2) Representation of the agency in the community;
 - (3) Delegation of appropriate responsibilities to other staff;
 - (4) Recruitment and employment of qualified staff;
 - (5) Supervision, training, and termination of staff;
 - (6) Assistance to the governing board in implementing its responsibilities by:
 - (a) Interpreting the needs of the children,
 - (b) Making recommendations for needed policy changes,
 - (c) Assisting in the periodic evaluations of the agency's services,
 - (d) Preparing the annual budget for approval, and
 - (e) Providing information regarding financial needs.
- B. The child placement director is responsible for directing, monitoring, and evaluating the child placement service program of the agency.
- C. The child placement supervisor is responsible for supervising, monitoring, and evaluating the work and progress of the child placement staff.
- D. The child placement worker's responsibilities include:
- (1) Collecting and evaluating information for the child's placement, assessment of the child's needs, progress, and discharge planning;
 - (2) Providing case management services to the child and the child's family while the agency is responsible for the child;
 - (3) Representing the child and the program in liaison relationships with family, school, juvenile court, or other social and community services;
 - (4) Maintaining the case record on each child;
 - (5) Making appropriate information available to substitute caregivers and cooperating community agencies; and
 - (6) Completing adoption and foster home studies.
- E. Support Services Staff. Individuals may be employed to provide support services and shall perform tasks to support the professional staff and the purpose and goals of the agency in an ethical manner to protect confidentiality requirements.
- F. Secretarial and Clerical Staff. The agency shall employ a sufficient number of staff to perform secretarial and clerical duties, including maintenance of records, correspondence, and bookkeeping, and train the individuals in the goals of the agency and confidentiality requirements.

G. Staffing Pattern Requirements.

- (1) The child placement supervisor shall be responsible for not more than 6 child placement workers.
- (2) The volume of the caseload assigned to each child placement worker shall allow for the worker to make all required contacts with the birth family, children in care, foster families, adoptive families, and involved professionals.

.16 Employee Orientation, Training, and Development.

A. The agency shall have a written plan for the orientation, continuing training, and development of all employees.

B. The agency shall ensure that:

- (1) Excluding activities related to supervision of an employee's routine tasks, supervisors and child placement workers receive at least 20 hours of training activities during each full year of employment;
- (2) Supervisors and child placement workers receive appropriate training in the following areas:
 - (a) The agency's administrative procedures and overall program goals,
 - (b) Casework skills development in interviewing, case planning, case management, and case review,
 - (c) Principles and practices of child placement and child care,
 - (d) Understanding of children's emotional needs and problems that affect or inhibit their growth,
 - (e) Family relationships and the impact of separation,
 - (f) Recognition, prevention, and treatment of substance abuse,
 - (g) Identification and reporting of child abuse or neglect,
 - (h) Principles and practices of supervision, and
 - (i) State requirements for child placement agencies;
- (3) The chief administrator annually receives at least 10 hours of training in one or more of the following areas:
 - (a) Principles and practices of administration,
 - (b) Budget preparation,
 - (c) Agency accountability,
 - (d) State requirements for child placement agencies,
 - (e) Organizational development, and

- (f) Principles and practices of child placement and child care.

.17 Contractual, Professional, Volunteer, and Student Services.

- A. Contractual Services. An individual employed by the agency who is not a full-time employee shall be bound by the provisions of a contract with the agency to provide specific, ethical, consistent, and appropriate services. A contractual employee shall be:
- (1) Approved by the chief administrator;
 - (2) Supervised by appropriate agency staff;
 - (3) Identified to the public as an employee of the agency when providing contractual services for the agency;
 - (4) Obligated to adhere to agency policies;
 - (5) Committed to the goals and objectives of the agency;
 - (6) Required to comply with all agency confidentiality requirements;
 - (7) Subject to all requirements in Regulations .09 and .13 of this chapter; and
 - (8) Included in the list of employees provided to the Administration before the agency's relicensure.
- B. Professional Services.
- (1) The agency shall, with the concurrence and support of a child's parent or legal custodian, obtain or document the attempt to obtain professional services that are not available within the agency as required by the child's individual case plan. The agency shall ensure that any professional providing a direct service to a child in care:
 - (a) Communicates with agency staff regarding the services provided; and
 - (b) Be made aware of the relevant aspects of the child's case plan.
 - (2) The agency shall document that all professionals providing services to the agency, whether working directly with children in care or providing consultation to employees of the agency:
 - (a) Are qualified, and certified or licensed as appropriate to the Profession; and
 - (b) Have met the requirements of Regulation .09 of this chapter.
- C. Volunteers. An agency may use volunteers to perform tasks and duties in the agency and shall:
- (1) Develop a written plan for the use of volunteers which includes:
 - (a) A description of duties and responsibilities for volunteers,
 - (b) The philosophy, goals, and objectives of the agency,

- (c) The needs of the children in care and their families,
 - (d) The personnel policies of the agency, and
 - (e) The confidentiality requirements of the agency;
- (2) Require personal references, criminal background investigations, and health checks as required in Regulation .09 of this chapter;
 - (3) Designate an employee to supervise and evaluate volunteers;
 - (4) Except for those employees who have a contractual agreement to work without pay, ensure that volunteers not be assigned to fill a staff position required by the agency's service program plan;
 - (5) Keep records on the hours and activities of regular volunteers;
 - (6) Provide each volunteer with a copy of the program plan for volunteers described in §C(1) of this regulation;
 - (7) If the volunteer works directly with a child, ensure that the volunteer is briefed on the child's special needs and goals; and
 - (8) Develop a plan for the orientation and training of volunteers based on §C(1) of this regulation.
- D. Student Services. An agency which accepts students for field placements or internships shall:
- (1) Develop a written plan describing the tasks and functions available to the student and the school;
 - (2) Require personal references, health checks, and criminal background investigations as required in Regulation .09 of this chapter;
 - (3) Designate a qualified employee to supervise and evaluate the student, and serve as liaison with the student's school;
 - (4) Develop a plan for orientation and training of the student in the philosophy of the agency, needs of the children in care and their families, and confidentiality requirements;
 - (5) Provide an opportunity for the student to participate in developing and implementing case plans for the children and families with whom the student works directly; and
 - (6) Assure the school and the Administration that the student is not assigned to fill a staff position required by the agency's service program plan.

.18 Sanctions.

- A. The Administration may impose sanctions on an agency to ensure compliance with this chapter and, as appropriate, with COMAR 07.02.21, 07.05.02, and 07.05.03.

- B. Sanctions are restrictions imposed on an agency by the Administration and may include:
- (1) Closing the agency intake process;
 - (2) Suspending new applications to the agency;
 - (3) Limiting:
 - (a) Authority of the agency's chief administrator,
 - (b) Authority of the agency's governing board,
 - (c) Activity of agency employees, or
 - (d) Distribution of agency publicity; or
 - (4) Any other actions which the Administration deems appropriate.
- C. The Administration may not impose sanctions for longer than 60 days except as provided in §E of this regulation.
- D. The Administration shall:
- (1) At least 20 days before the imposition of a sanction, give the agency a written notice which includes:
 - (a) The effective date of the sanction,
 - (b) Identification of the applicable violated regulations and the nature of the violation,
 - (c) A description of each sanction,
 - (d) Information about the agency's responsibility to submit a written correction plan to the Administration, and
 - (e) A statement describing the agency's right to a hearing before the imposition of the sanction;
 - (2) Before to the sanction effective date, consult regarding the required correction plan with:
 - (a) The agency's chief administrator,
 - (b) The agency's governing board, and
 - (c) Any appropriate agency employee;
 - (3) Review the agency's correction plan by the sanction effective date;
 - (4) Impose additional sanctions or suspend the license if the agency:
 - (a) Fails to submit a correction plan to the Administration by the specified date, or
 - (b) Submits an unacceptable correction plan; and
 - (5) If the agency fails to implement the approved correction plan:

- (a) Suspend the agency's license, or
 - (b) Revoke the agency's license.
- E. The Administration may:
 - (1) Upon written request by the agency and for good cause, extend the time by not longer than:
 - (a) 10 days when the agency shall submit its correction plan, or
 - (b) 30 days during which the agency shall implement the correction plan; and
 - (2) Continue sanctions during the extension period.
- F. The agency shall:
 - (1) Submit a correction plan to the Administration for approval at least 5 days before the effective date of the sanction;
 - (2) If approved by the Administration, submit a correction plan on an extended schedule; and
 - (3) Implement the correction plan within the sanction period imposed by the Administration.

.19 Suspension.

- A. The Administration may suspend an agency's license for a violation of regulations in this chapter and, as appropriate, COMAR 07.02.21, 07.05.02, and 07.05.03.
- B. Suspension of an agency license requires that the agency cease all services and that all children in the agency's care be placed in other settings by:
 - (1) Referring agencies;
 - (2) The children's legal guardian; or
 - (3) The children's parents.
- C. The Administration may not suspend a license for longer than 60 days except as provided in §E of this regulation.
- D. The Administration shall:
 - (1) Before the suspension effective date, consult regarding the correction plan with the agency's:
 - (a) Chief administrator;
 - (b) Governing board; and
 - (c) Any other appropriate agency employee;
 - (2) Except as set forth in Regulation .21 of this chapter, at least 20 days before a license is suspended, give:

- (a) The agency notice of the intended suspension which shall include:
 - (i) A statement of the regulation violated and the nature of the violation,
 - (ii) The effective date and terms of the suspension,
 - (iii) Information about the agency's responsibility to submit a correction plan to the Administration, and
 - (iv) A statement describing the agency's right to an appeal hearing before the suspension effective date; and
 - (b) Written notification of the suspension to the following parties:
 - (i) All adults receiving services from the agency,
 - (ii) All local departments,
 - (iii) The Governor's Office for Children, Youth, and Families,
 - (iv) The Department of Juvenile Justice,
 - (v) The Department of Health and Mental Hygiene,
 - (vi) The Department of Education, and
 - (vii) All affected agencies, courts, organizations, and individuals known to the Administration;
 - (3) Review the correction plan by the suspension effective date;
 - (4) Inform the agency in writing if the correction plan is or is not approved;
 - (5) Restore the license if the agency fulfills the conditions of the approved correction plan during the suspension period; and
 - (6) Send the agency a notice of revocation if the agency fails to:
 - (a) Submit an approved correction plan; or
 - (b) Comply with the provisions of an approved correction plan during the suspension period.
- E. The Administration may:
- (1) Upon written request of the agency and for good cause, extend the time by 15 days when the agency shall implement its correction plan; and
 - (2) Continue to hold the license in suspension during the extension period.
- F. The agency shall:
- (1) Unless it files an appeal by the suspension effective date:
 - (a) Relinquish care of the children in the program, and
 - (b) Cease services to all adults and children;

- (2) Submit a correction plan to the Administration at least 10 days before the suspension effective date; and
- (3) Implement the correction plan within the suspension period.

.20 Revocation.

- A. The Administration may revoke a license for a violation of regulations in this chapter or COMAR 07.02.21, 07.05.02, and 07.05.03.
- B. Except as set forth in Regulation .21 of this chapter, at least 20 days before a license is revoked, the Administration shall give:
 - (1) The agency notice of the intended revocation which shall include:
 - (a) A statement of the regulation violated and the nature of the violation,
 - (b) The effective date of the revocation, and
 - (c) A statement describing the agency's right to an appeal hearing before the revocation; and
 - (2) Written notice about the revocation to the parties listed in Regulation .19D(2)(b).
- C. Unless the agency files an appeal by the effective revocation date, the agency shall:
 - (1) Relinquish care of the children in the program; and
 - (2) Cease services to all children and adults.

.21 Emergency Action.

- A. If the Administration finds evidence of an agency's incompetence, misconduct, financial mismanagement, pervasive child neglect or abuse, or other conditions which pose an immediate threat to children's health and safety, the Administration shall:
 - (1) Without giving prior notice, suspend or revoke any license it has issued to the agency;
 - (2) Upon delivery of the letter of suspension or revocation, order all children in placement be removed by:
 - (a) The referring agency,
 - (b) The children's legal guardian, or
 - (c) The children's parents;
 - (3) Order the agency to cease services to all children and adults;
 - (4) Order the agency not to admit additional children for care or services;
 - (5) In a letter of suspension or revocation, provide the agency with:
 - (a) Notice of the action taken,

- (b) The grounds for the action, and
 - (c) A description of the agency's appeal rights; and
- (6) Inform the parties listed in Regulation .19D(2)(b) about the suspension or revocation.
- B. Once an agency license has been suspended or revoked on an emergency basis, the license may not be restored unless:
 - (1) There is a hearing decision favorable to the agency; or
 - (2) The agency re-applies for a license and the Administration issues the license.

.22 Court Action.

If the agency does not terminate or alter services to children and adults as required by Regulations .18—.21 of this chapter, the Administration shall file with the State's attorney for the jurisdiction in which the agency is located, a report of the Administration's actions and justification that criminal action be taken pursuant to Family Law Article, §5-521, Annotated Code of Maryland.

.23 Appeal Hearings.

- A. An applicant or agency has a right to an appeal hearing under the contested case provisions of the Maryland Administrative Procedure Act, State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland, when:
 - (1) An application for a license is denied;
 - (2) An application for renewal of a license is denied;
 - (3) The agency is notified that the Administration intends to impose sanctions or suspend or revoke the license; and
 - (4) The agency is subject to emergency action described in Regulation .21 of this chapter.
- B. If pursuing an appeal hearing, an agency shall submit a request for a hearing under this regulation within 20 days after receipt of the Administration's decision.
- C. Unless the Administration takes emergency action against an agency as provided in Regulation .21 of this chapter, the agency may:
 - (1) Retain in its care those children already in placement pending the request for an appeal hearing;
 - (2) Continue services to those adults and children already receiving services; and
 - (3) Accept new client applications for care and services if individually approved by the Administration.

Administrative History

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