

MARYLAND REGISTER

**Proposed Action on Regulations**

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| <b>Transmittal Sheet</b><br><br><b>PROPOSED<br/>OR REPROPOSED</b><br><br><b>Actions on Regulations</b> | <b>Date Filed with AELR<br/>Committee</b> | <b>TO BE COMPLETED BY<br/>DSD</b>              |
|  | 10/30/2014                                | Date Filed with Division of<br>State Documents |
|  |   | Document Number                                |
|  |   | Date of Publication in MD<br>Register          |
|  |   |  |

**1. Desired date of publication in Maryland Register: 12/1/2014**

**2. COMAR Codification**

**Title Subtitle Chapter Regulation**

07 01 06 02-.06

**3. Name of Promulgating Authority**

Department of Human Resources

**4. Name of Regulations Coordinator**

Andrea Shuck

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**5. Name of Person to Call About this Document**

George Randall

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**6. Check applicable items:**

- New Regulations
  - Amendments to Existing Regulations
    - Date when existing text was downloaded from COMAR online: April 29, 2014.
  - Repeal of Existing Regulations
  - Recodification
  - Incorporation by Reference of Documents Requiring DSD Approval
  - Reproposal of Substantively Different Text:
    - : Md. R
    - (vol.) (issue) (page nos) (date)
- Under Maryland Register docket no.: --P.

**7. Is there emergency text which is identical to this proposal:**

- Yes  No

**8. Incorporation by Reference**

Check if applicable: Incorporation by Reference (IBR) approval form(s) attached and 18 copies of documents proposed for incorporation submitted to DSD. (Submit 18 paper copies of IBR document to DSD and one copy to AELR.)

**9. Public Body - Open Meeting**

- OPTIONAL - If promulgating authority is a public body, check to include a sentence in the Notice of Proposed Action that proposed action was considered at an open meeting held pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.
- OPTIONAL - If promulgating authority is a public body, check to include a paragraph that final action will be considered at an open meeting.

**10. Children's Environmental Health and Protection**

Check if the system should send a copy of the proposal to the Children's Environmental Health and Protection Advisory Council.

**11. Certificate of Authorized Officer**

I certify that the attached document is in compliance with the Administrative Procedure Act. I also certify that the attached text has been approved for legality by Kathy Crosby, Assistant Attorney General, (telephone #410-767-7726) on October 7, 2014. A written copy of the approval is on file at this agency.

**Name of Authorized Officer**

Ted Dallas

**Title**

Secretary

**Telephone No.**

410-767-7193

**Date**

October 29, 2014

**Title 07**  
**DEPARTMENT OF HUMAN RESOURCES**

**Subtitle 01 OFFICE OF THE SECRETARY**

**07.01.06 Citizens Review Board for Children**

Authority: Family Law, §§5-535 – 5-547, Annotated Code of Maryland; Social Security Act, Title IV B and E; 42 U.S.C §[§422] and 675

**Notice of Proposed Action**

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The Secretary of the Department of Human Resources proposes to amend Regulations .02-.06 under COMAR 07.01.06 Citizens Review Board for Children.

**Statement of Purpose**

The purpose of this action is to amend the existing regulations to comply with the current criteria for reviewing cases of children who are in out-of-home placements in Maryland.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

The proposed action has no economic impact.

**Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Andrea Shuck, Regulations Coordinator, Department of Human Resources, 311 West Saratoga Street, Room 249, Baltimore, MD 21201, or call 410-767-2149, or email to [andrea.shuck@maryland.gov](mailto:andrea.shuck@maryland.gov), or fax to 410-333-0637. Comments will be accepted through January 2, 2014. A public hearing has not been scheduled.

**Economic Impact Statement Part C**

- A. Fiscal Year in which regulations will become effective: FY 2015
- B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?
- Yes
- C. If 'yes', state whether general, special (exact name), or federal funds will be used:  
19% Federal Funds (Title IV E) and 81% General funds.
- D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:
- E. If these regulations have no economic impact under Part A, indicate reason briefly:
- F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.
- G. Small Business Worksheet:

**Attached Document:**

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**.02 Definitions.**

- A. (text unchanged)
- B. Terms Defined.
- (1) – (4) (text unchanged)
- (5) "Client Information System/[Foster Care and Adoption Child Tracking System]*Maryland Children's Electronic Social Services Information Exchange*(CIS/[FACTS]*CHESSIE*)" means a component of the Department's Client Information System.
- (6) – (22) (text unchanged)
- (23) "residential treatment" means continuous 24-hour care and supportive services for a minor child placed in a facility that provides formal programs of basic care, social work, and health care services [as defined in COMAR 01.04.04].
- (24) – (27) (text unchanged)
- (28) "Termination of parental rights (TPR)" means the court has:
- (a) Legally terminated the [parent's] *parents'* rights and responsibilities for the child; and
- (b) (text unchanged)
- (29) Time-Limited Family Reunification Services.
- (a) (text unchanged)
- (b) "Time-Limited family reunification services" include the following services mandated by 42 U.S.C. §629a:
- (i) – (iv) (text unchanged)
- (v) Services designed to provide temporary child care [include respite care to families in crises]; and
- (vi) (text unchanged)

(30) “Waiver of reunification services” means an order by the court waiving the requirements that reasonable efforts be made to reunite the child with the child’s parent or guardian as specified in Courts Judicial Proceedings Article, §3-812[.1], Annotated Code of Maryland.

**.03 State Board Responsibilities.**

A. The State Board shall:

- (1) – (3) (text unchanged)
- (4) [Provide] *Review policies pertinent to training of the* [to] local boards;
- (5) Review *policies pertinent to* [and coordinate] the activities of the local boards;
- (6) [Write] *Review* and distribute the annual report;
- (7) Make recommendations to the General Assembly, the Department, the Administration, and other relevant [body] *entities* concerning:
  - (a) – (b) (text unchanged)
  - (8) (text unchanged)

B. (text unchanged)

**.04 Local Board Responsibilities.**

A. The local board shall develop and adhere to local plans for citizen reviews which shall:

(1) Be developed through discussions with the local director and other partners as are mutually agreed upon by the local [boards] *board* and local department;

(2) – (3) (text unchanged)

B. [Schedule of Citizen Reviews.

(1)] The local board shall schedule and conduct timely citizen reviews for children in out-of-home placements *as follows*:

[(a) At least once:

- (i) During the first 12 months after a child enters out-of-home placement,
- (ii) Between the 15th and 24th month in out-of-home placement, and
- (iii) Within the 25th to 30th months in out-of-home placement; and

(b) Every 6 months after the 30th month, when:

- (i) A child is in permanent care;
- (ii) The court has ceased the review, and
- (iii) The local plan specifies that the review occurs.

(2) After the 30th month, when a child is not in permanent care, the local board shall have discretion to review the child’s case at least every 6 months.]

(1) *A full review shall be conducted at the request of a court, local department, local board or interested party;*

(2) *A follow-up review shall be conducted:*

- (a) *During follow-up case reviews held during the last 3 months of the current fiscal year; and*
- (b) *For a case in which the local board identifies barriers to adequate progress.*

(3) *A targeted review shall be conducted:*

(a) *For reunification cases, under the following circumstances:*

(i) *If a permanency plan has been established, for children 10 years of age or older that have been in care 12 months or longer; and*

(ii) *If a permanency plan was recently changed, for children 10 years of age or older;*

(b) *For adoption cases, under the following circumstances:*

(i) *If an existing adoption plan is in place, for children in care for over 12 months; and*

(ii) *In all cases where an adoption plan has been changed; and*

(c) *For Another Planned Permanency Living Arrangement (APPLA) cases:*

(i) *If an existing APPLA plan is in place, for children in care for 12 months or longer who are 16 years of age and younger;*

(ii) *For youth aging out of care between 17 and 20 years of age; and*

(iii) *If an APPLA plan has been newly established, for children in care for 12 months or longer.*

[(3)] (4) (text unchanged)

C. The local board shall review cases from the entire out-of-home population according to the local plan which:

(1) (text unchanged)

(2) Shall provide citizen reviews for [100 percent of the] children in foster care, group care, and residential treatment centers;

(3) [May provide for a citizen review of a sample of at least 10 percent of the unpaid kinship care population; and

(4)] Shall review siblings together [, notwithstanding the:] *when feasible*.

[(a) Time frames of §B of this regulation, and

(b) Provisions on reviews of kinship care in §C(3) of this regulation.]

D. – G. (text unchanged)

H. The local board shall advocate for removal of conditions or practices that are barriers to permanent placements, safety, and *the* well-being of children in out-of-home care.

**.05 Procedures for Conducting the Citizen Review of Out-of-Home Placement.**

- A. – B. (text unchanged)
- C. Regarding a waiver of reunification services, the local board shall:
  - (1) (text unchanged)
  - (2) Find whether the requirements of Courts and Judicial Proceedings Article, §3-812[.1], Annotated Code of Maryland, and exceptions, apply; and
  - (3) (text unchanged)
- D. – I. (text unchanged)

**.06 Responsibilities of the Local Department.**

- The local department shall:
- A. Promptly and accurately enter all required data into CIS/[FACTS]CHESSIE;
  - B. Submit the names and addresses of interested individuals to CRBC at least [3 weeks] *20 working days* before the review;
  - C. [Notify the local board's staff assistant,] *Submit a current court order and report to CRBC* at least 20 working days before the scheduled review, of any interagency or intercounty involvement;
  - D. *Submit a current signed service agreement to CRBC* [the child's case plan] at least [1 week] *20 working days* before the local review board meeting;
  - E. – I. (text unchanged)
  - J. Provide *appropriate* space for the review meeting; and
  - K. (text unchanged)