

Transmittal Sheet

Proposed Action on Regulations	
Date Filed with AELR Committee August 12, 2024	Date Filed with Division of State Documents
	Document Number 24-115-P
	Date of Publication in MD Register

1. Desired date of publication in Maryland Register: September 6, 2024

2. COMAR Codification

Title	Subtitle	Chapter	Regulation
07	02	25	00
07	02	25	01
07	02	25	02
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07	02	25	04
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07	02	25	9999

3. Promulgating Authority

Department of Human Services

4. Name of Regulations Coordinator

Daniel Cohen

Telephone Number

443-610-5619

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5. Name of Person to Call About this Document

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6. Check applicable items:

<input checked="" type="checkbox"/>	New Regulations
<input type="checkbox"/>	Amendments to Existing Regulations
<input checked="" type="checkbox"/>	Repeal of Existing Regulations
<input type="checkbox"/>	Recodification
<input type="checkbox"/>	Incorporation by Reference of Documents Requiring DSD Approval

7. Is there Emergency text that is identical to this Proposal:

Yes No

8. Incorporation by Reference

Incorporation by Reference (IBR) approval form(s) attached and 16 copies of documents proposed for incorporation submitted to DSD. (Submit 16 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 General Provisions Article, §3-302(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 July 29, 2024. A written copy of the approval is on file at this agency.

Name of Authorized Officer

Rafael Lopez

Title

Secretary

Telephone No.

(443) 938-0305

Date

July 29, 2024

Title 07

DEPARTMENT OF HUMAN SERVICES

Subtitle 02 SOCIAL SERVICES ADMINISTRATION

07.02.25 LDSS Resource Home Requirements

Authority: Human Services Article § 2-209

Notice of Proposed Action

[24-115-P]

The Department of Human Services proposes to repeal existing Regulations .01—.24 and adopt new Regulations .01—.20 under COMAR 07.02.25 LDSS Resource Home Requirements.

Statement of Purpose

The purpose of this action is to: (1) Establish the licensing requirements, rights, and responsibilities of resource parents and local departments; (2) Ensure that local departments place children with resource parents who will provide children in out-of-home care with safe, nurturing, and trauma-informed environments where their connections with family are supported and maintained; and (3) Provide a structured framework for resource parents to collaborate in parenting children in out-of-home care, offer mentorship to the children’s parents or guardians, and actively participate in the reunification and permanency planning process.

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 Daniel Cohen, Research Administrator, Department of Human Services, 25 S Charles Street, Baltimore, MD 21201, or call (443) 610-5619, or email to daniel.cohen@maryland.gov. Comments will be accepted through October 9, 2024. A public hearing has not been scheduled.

RAFAEL LOPEZ
Secretary

Economic Impact Statement Part C

A. Fiscal Year in which regulations will become effective: **FY 25**

B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?

No

C. If 'yes', state whether general, special (exact name), or federal funds will be used:

undefined

D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:

N/A

E. If these regulations have no economic impact under Part A, indicate reason briefly:

The updates made to this chapter do not include changes that would result in a financial impact.

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

The updates made to this chapter do not include changes that would result in a financial impact.

G. Small Business Worksheet:

1a. Intended Beneficiaries. Who are the intended beneficiaries of the proposed regulation? Are these intended beneficiaries primarily households or businesses?

The primary intended beneficiaries are resource parents and the youth in out-of-home who are placed with them.

1b. Intended Beneficiaries: Households. If households are the primary intended beneficiaries, will the proposal affect their income or purchasing power such that the volume or patterns of their consumer spending will change? If so, what directions of change would you anticipate? Will these expected spending changes have a disproportionate impact on small businesses? Can you descriptively identify the industries or types of business activities that are impacted?

The monthly care stipend that licensed resource parents receive for each child in out-of-home care placed in their home is not considered income, however, it is a supplement to their monthly spending so they can meet the children's needs.

1c. Intended Beneficiaries: Businesses. If businesses are the intended beneficiaries, identify the businesses by industry or by types of business activities. How will businesses be impacted? Are these Maryland establishments disproportionately small businesses? If so, how will these Maryland small businesses be affected? Can you identify or estimate the present number of small businesses affected? Can you estimate the present total payroll or total employment of small businesses affected?

N/A

2a. Other Direct or Indirect Impacts: Adverse. Businesses may not be the intended beneficiaries of the proposal. Instead, the proposal may direct or otherwise cause businesses to incur additional expenses of doing business in Maryland. Does this proposal require Maryland businesses to respond in such a fashion that they will incur additional work-time costs or monetary costs in order to comply?

Describe how Maryland establishments may be adversely affected. Will Maryland small businesses bear a disproportionate financial burden or suffer consequences that affect their ability to compete? Can you estimate the possible number of Maryland small businesses adversely affected? (Note that small business compliance costs in the area of regulation are the sum of out-of-pocket (cash) costs plus time costs — usually expressed as payroll, akin to calculations for legislative fiscal notes. Precise compliance costs may be difficult to estimate, but the general nature of procedures that businesses must accomplish to comply can be described.)

N/A

2b. Other Direct or Indirect Impacts: Positive. Maryland businesses may positively benefit by means other than or in addition to changed consumer spending patterns. How may Maryland businesses be positively impacted by this initiative? Will Maryland small businesses share proportionately or disproportionately in these gains? Can you estimate the possible number of Maryland small businesses positively affected?

N/A

3. Long-Term Impacts. There are instances where the longer run economic impact effect from regulations differ significantly from immediate impact. For example, regulations may impose immediate burdens on Maryland small businesses to comply, but the overall restructuring of the industry as a consequence of monitoring and compliance may provide offsetting benefits to the affected small businesses in subsequent years. Can you identify any long run economic impact effects on Maryland small businesses that over time (a) may compound or further aggravate the initial economic impact described above, or (b) may mitigate or offset the initial economic impact described above?

N/A

4. Estimates of Economic Impact. State Government Article, §2-1505.2 requires that an agency include estimates, as appropriate, directly relating to: (1) cost of providing goods and services; (2) effect on the work force; (3) effect on the cost of housing; (4) efficiency in production and marketing; (5) capital investment, taxation, competition, and economic development; and (6) consumer choice.

N/A

Title 07

MARYLAND DEPARTMENT OF HUMAN SERVICES

Subtitle 02 SOCIAL SERVICES ADMINISTRATION

Chapter 25 LDSS Resource Home Program Standards

Authority: Family Law Article, §5-501 et seq., Annotated Code of Maryland (Agency Note: Federal Regulatory Reference:42 U.S.C. §671, § 672, § 675; 45 CFR §1355.20, 45 CFR §1355.38, and 45 CFR §1356.21, §1356.22, §1356.30)

.01 Purpose.

A. This chapter establishes the licensing requirements, rights, and responsibilities of resource parents and local departments.

B. The primary purposes of these regulations are to:

(1) Ensure that local departments place children with resource parents who will provide children in out-of-home care with safe, nurturing, and trauma-informed environments where their connections with family are supported and maintained; and

(2) Provide a structured framework for resource parents to collaborate in parenting children in out-of-home care, offer mentorship to the children's parents or guardians, and actively participate in the reunification and permanency planning process.

.02 Definitions.

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

- (1) "Abuse" means:
 - (a) Child abuse as defined in Family Law Article, §5-701, Annotated Code of Maryland; or
 - (b) Sexual abuse of a child as defined in Family Law Article, §5-701, Annotated Code of Maryland, whether or not a child sustains physical injuries.
- (2) "Administration" means the Social Services Administration of the Department of Human Services.
- (3) "Adoption" means 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.
- (4) "Applicant" means an individual applying to a local department to be a resource parent.
- (5) "Case plan" has the meaning stated in COMAR 07.02.11
- (6) "Child" means an individual under age 18.
- (7) "Child in care" means a child or young adult for whom the local department has responsibility for placement, care, custody, or guardianship.
- (8) "Child in care's family" means the child's birth family, adoptive family, or legal guardian.
- (9) "CPS" means the child protective services unit that responds to reports of suspected child abuse or neglect pursuant to Family Law Article §5-701 et. seq.
- (10) "Day" means a calendar day unless otherwise specified.
- (11) "Department" means the Department of Human Services.
- (12) "Family" means the basic family unit consisting of one or more adults and children related by blood, marriage, adoption, legal guardianship, or domestic partnership as that term is defined in Health General Article, §6-101, Annotated Code of Maryland.
- (13) Foster Care.
 - (a) "Foster care" means continuous 24-hour care and supportive services provided for a child a local department places in a resource home.
 - (b) "Foster care" includes:
 - (i) Services to the child's parents or legal guardians, family, and kin to achieve a safe, permanent placement for the child;
 - (ii) Services to the resource parents and monitoring of the child in the out-of-home placement; and
 - (iii) Post-placement services to the child and the child's caregiver to prevent placement disruption or re-entry into out-of-home placement.
- (14) "Household" means the home where the applicant or licensed resource parent lives.
- (15) "Household member" means an individual who lives in or is regularly present in a household.
- (16) "Kin" means an individual who is related to the child through blood, 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.
- (17) "LGBTIQA+2" means 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, sexuality, and psychological sex characteristics.
- (18) "Licensed" means approved by a local department as a resource parent and a resource for custody and guardianship or adoption of a child.
- (19) "Local department" means a department of social services in a county or Baltimore City or the Montgomery County Department of Health and Human Services.
- (20) "Local director" means the director of a local department.
- (21) "Monthly care stipend" means financial support that a local department provides to a resource parent to assist the resource parent with caring for a child in care and placed in the resource home.
- (22) "Neglect" means child neglect as defined in Family Law Article, §5-701, Annotated Code of Maryland
- (23) "Out-of-home care" means out-of-home placement and the monitoring of and services provided to a child in aftercare following a child's out-of-home placement.
- (24) "Out-of-home placement" means a living arrangement for a child in care, including foster care, kinship care, group care, or residential treatment care.
- (25) "Parent" means the legal mother or father of a child or young adult whose rights have not been terminated or a legal guardian other than a local department.
- (26) "Permanency plan" means a plan specifying where and with whom a child in care will live and the proposed legal relationship between the child and the temporary or permanent caregiver.
- (27) "Regularly present in the household" means visiting or staying in a home with sufficient frequency to make an individual a significant part of the household.
- (28) "Resource home" means the residence of an individual that a local department has licensed as a resource parent.

(29) "Resource parent" means an individual whom a local department licenses to provide 24-hour care for a child in care in the resource home.

(30) "Secondhand smoke" means a complex mixture of gasses and particles that includes:

(a) Sidestream smoke, that is, smoke from a burning cigarette, cigar, or pipe; and

(b) Exhaled mainstream smoke.

(31) "Sleeping arrangement" means the location where a child in care will sleep and the furniture provided for sleeping.

(32) "Worker" means a local department staff member assigned to work with and support a resource parent or a child in care.

(33) "Young adult" means an individual 18 or older but not yet 21.

.03 Requirements for Resource Parents and Household Members.

A. Applicants.

(1) An individual shall apply to become a licensed resource parent at the local department in the jurisdiction where the individual resides.

(2) A couple residing together and applying to be licensed resource parents shall each meet the requirements of this chapter.

(3) Any applicant, whether applying as a single resource parent or as part of a couple, shall be:

(a) A United States citizen or non-citizen lawfully admitted for permanent residence under the Immigration and Nationality Act; and

(b) At least 21 years old.

(4) If an applicant had a prior license, approval, or certification from another foster care or adoption agency, the local department shall obtain written confirmation from the previous agency that the applicant was in good standing.

(5) If an individual moves into a household to become part of a couple licensed to serve as resource parents, the individual shall meet all the requirements of this chapter, including meeting the preservice training requirements.

B. The local department shall have 120 days from the date the local department accepts the application to approve or deny the applicant for licensing.

C. Physical Examination for All Individuals Living in the Household.

(1) The applicant and all household members shall:

(a) Undergo an initial medical examination by a licensed health care practitioner; and

(b) Authorize the release of health information to the local department upon request.

(2) For all applicants and household members 18 years or older, the initial examination shall include an assessment for risk of tuberculosis, and, if indicated, the result of any tuberculosis test shall be provided to the local department.

(3) If an applicant or a member of the household has symptoms or a history of physical or mental health concerns, or a condition that may be contagious or injurious to the physical or emotional health of a child in care, the local department may:

(a) Require the individual to undergo additional medical or mental health examinations as specified by the local department;

(b) Require the individual to provide written documentation from the examining health care practitioner stating that the medical or mental health condition is not likely to prevent a child in care from receiving care and attention in the home and is not communicable, or harmful to a child in care; and

(c) Deny, suspend, or revoke a resource parent license if the local department does not receive the written documentation within a reasonable amount of time from the date of the request for documentation.

(4) All applicants who intend to accept placement of a child in care under the age of 1 shall provide proof of an up-to-date pertussis vaccination for themselves and for any household member 18 years or older.

(5) An individual who joins the household shall comply with the requirements of this section.

D. Background Clearances

(1) An applicant and any household member 18 years or older shall apply for a State and federal fingerprint-based criminal background clearance and provide sufficient information for a local department to conduct the clearances and searches in subsections 2 and 3.

(2) Review Clearance Results. For all applicants and household members 18 years or older, the local department shall review the results of:

(a) State and federal fingerprint based criminal background clearances;

(b) Child protective services clearances;

(c) Motor Vehicle Administration driving records;

(d) A search of the Maryland Judiciary Case Search; and

(e) A search of the Maryland and National Sex Offender registries.

(3) Out-of-State CPS Clearance. The local department shall request information from the state-maintained child abuse and neglect registry in any state in which an applicant or household member 18 years or older has lived within the prior 5 years to determine whether that individual has been found responsible for child abuse or neglect.

(4) A local department may not license or continue to license an individual as a resource parent if that individual or any household member 18 years or older 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 the 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.
- (5) A local department may not license or continue to license an individual as a resource parent if that individual or any household member 18 years or older has a felony conviction within the prior 5 years, involving:
- (a) Physical assault;
 - (b) Battery; or
 - (c) Drug-related offense.
- (6) Review of Charges.
- (a) A local department shall review charges, investigations, other convictions, or findings related to any other crimes of any applicant or adult household member to determine their possible effect on:
- (i) The safety of any child in care;
 - (ii) The ability of the local department to achieve its goals in providing services to any child in care; and
 - (iii) The applicant's ability to execute the responsibilities of a resource parent.
- (b) A local department may deny, suspend, or revoke a resource parent license based on this review.
- (7) Review of CPS History.
- (a) If the local department receives information that reveals a pending CPS investigation, the local department may not license an applicant until the investigation is completed.
- (b) The local department may not license or continue to license as a resource parent an individual if they or any household member has been indicated for child abuse or neglect, either in this state or in another state. Only a local director may grant an exception and shall do so in writing.
- (c) When assessing whether to grant an exception, the local director shall make a decision that is in children's best interest taking into account the following:
- (i) The nature and severity of the maltreatment that resulted in the finding;
 - (ii) The number of indicated findings;
 - (iii) Any factors that might indicate that the maltreatment was a one time incident including the circumstances surrounding the maltreatment and the number of years that have passed since the maltreatment; and
 - (iv) Any evidence that the applicant or household member has changed since the most recent maltreatment.
- (8) After a local department licenses a resource home, if an individual 18 years or older joins the household, or if any household member becomes 18, the local department shall review for those individuals the results of the following clearances:
- (a) State and federal fingerprint based criminal background clearances;
 - (b) In-state, and if applicable, out-of-state, child protective services clearances
 - (c) Motor Vehicle Administration driving records;
 - (d) Maryland Judiciary Case Search; and
 - (e) Maryland and National Sex Offender registries.
- E. Child Support Clearance. For applicants only, the local department shall review the result of a child support clearance.
- (1) If the applicant has a child support arrearage, the local department shall:
- (a) Provide the applicant with the opportunity to correct the arrearage; and
 - (b) Inform the applicant that they may either pay the arrearage in full or make payment arrangements with the Child Support Administration that are acceptable to the local department.
- (2) The local department may deny the application if the applicant cannot, within the 120 day application process, make:
- (a) Full payment; or
 - (b) Enter into a payment agreement.
- F. Financial Stability of Resource Parents.
- (1) A resource parent shall have sufficient income and financial stability to provide reasonable living conditions for their family group without depending on the monthly care stipend.
- (2) Except when a resource parent is participating in a DHS-sponsored program in which a stipend is provided to allow one or more parents to operate without external income resources, a resource parent shall have income or resources to make timely payments for shelter, food, utilities, clothing, and other household expenses prior to the addition of a child in care.
- (3) If a resource parent receives government assistance, the local department may not disqualify the resource parent solely on this basis.
- G. Transportation. A resource parent shall ensure that the child in care has legal and safe transportation to and from:
- (1) Medical, mental health, and dental appointments;
 - (2) School;
 - (3) Social events;
 - (4) Employment;
 - (5) Visits or activities with family and friends; and
 - (6) Events scheduled by the local department.
- H. Plans for Child Care and Alternative Supervision.

(1) If a resource parent requires child care services for a child in care while the resource parent is employed or in school:

(a) The resource parent shall discuss the child care plan with the local department and obtain local department approval for the plan; and

(b) The child care provider shall be certified by the Maryland State Department of Education Office of Child Care or approved by another agency that provides child care services consistent with the licensing standards of the Maryland Department of Education Office of Child Care, unless the local department approves a plan for informal child care.

(2) Nothing in this section precludes a resource parent from arranging appropriate child care on an occasional basis for a child in care.

.04 Requirements for Resource Homes.

A. Health and Safety.

(1) The worker shall assess the home using a home health and safety survey approved by the Administration to ensure that the home meets health and safety standards; and

(2) If a worker has concerns about the health and safety of the home, the worker may request that the local health department or other certified inspector inspect the home, which may include water and lead testing.

B. Fire Safety.

(1) The worker shall assess the home for fire safety using a fire safety survey approved by the Administration.

(2) The resource home shall have working smoke and carbon monoxide detectors.

(3) If a worker has concerns about fire safety, the worker may request that a fire marshal or other certified fire inspector complete an inspection of the home.

C. General Safety Requirements.

(1) Firearms and Ammunition.

(a) All firearms in the resource home shall be unloaded, stored in a locked storage area, and inaccessible to children.

(b) All ammunition shall be stored separately from the firearms in a locked storage area, inaccessible to children.

(c) The resource parent shall take all safety precautions to ensure that firearms are not used to injure children in the resource home.

(d) The worker shall obtain assurances from the applicant that no loaded firearms will be kept in the resource home unless required because a state, federal, or local law enforcement officer lives in the household and maintains and stores the firearms, in accordance with state, federal, and local law enforcement safety procedures.

(2) Potentially dangerous materials. A resource parent shall ensure that prescription and non-prescription medication, dangerous household supplies, tools, and any other potentially dangerous items are inaccessible to children.

(3) Window Coverings. A window covering installed before October 1, 2010, may not have unsecured cords, beads, ropes, or strings. Any window covering installed after October 1, 2010 shall be cordless.

(4) Sleeping and Living Areas. The resource home shall:

(a) Provide the child in care space for privacy, studying, and the storage of clothes, toys, and personal possessions; and

(b) Provide a safe sleeping arrangement for the child in care as follows:

(i) A sleeping arrangement may include a bunk bed, trundle bed, or another safe permanent arrangement the local department deems appropriate;

(ii) A child in care under two years old shall sleep in a crib or other secure bed that will ensure the child in care's safety;

(iii) Except for a child in care younger than two years, children in care of opposite genders may not sleep in the same room unless otherwise approved by the local department;

(iv) A child in care two years old or older may not share a bedroom with an adult unless otherwise approved by the local department; and

(v) A child in care may not share a bed with an adult or another child.

(5) Pets. A resource parent who has a pet in the home shall:

(a) Provide age-appropriate supervision when the child in care is interacting with the pet; and

(b) Keep the pet up to date on rabies vaccinations.

(6) Swimming Pools, Hot Tubs, Spas, Waterfront Properties, Fish or Duck Ponds, and Similar Bodies of Water.

(a) A resource parent shall provide supervision with regard to water safety appropriate for a child in care's age and ability.

(b) The resource home worker shall:

(i) Discuss requirements for barriers and safety mechanisms to ensure the safety of children in care; and

(ii) Inspect the pool, hot tub, spa, waterfront property, fish or duck pond, or similar body of water for safety compliance.

(c) A resource parent shall ensure that any swimming pool, fish or duck pond, or similar body of water at the resource home:

(i) Is maintained in a safe and sanitary condition; and

(ii) Complies with county zoning, building, or health codes or ordinances.

(d) With regard to an in-ground pool, the resource parent shall have the pool area enclosed by a fence at least four feet high with a gate that can be locked or have another safety mechanism to prevent access to the pool from the resource home;

(e) With regard to an above-ground swimming pool or hot tub, the resource parent shall have:

- (i) Retractable or removable ladders that shall be locked when not in use or stored away from the pool; and
- (ii) A pool with sides at least four feet above the ground at all points or fencing around a pool that is at least four feet high at all points;
- (f) All doors and gates that access a pool, hot tub, or spa shall have locks;
- (g) If a pool, hot tub, or spa has a deck area with a door, the door shall be locked;
- (h) All permanent steps to the pool, hot tub, or spa shall have a locked gate;
- (i) A pool, hot tub, or spa shall not have climbable objects on the exterior;
- (j) Hot tubs or spas shall be securely covered when not in use;
- (k) When there is waterfront property, a fish or duck pond, or a similar body of water at or near the resource home, the local department may require that the body of water or the resource home be fenced with a locked gate or have other safety mechanisms in place;
- (l) A resource parent shall have at least one individual currently trained in cardiopulmonary resuscitation (CPR) present at the resource home's swimming pool and water recreation area when being used by a child in care;
- (m) Upon consideration of the following, a local director may give a resource parent a written exemption from one or more provisions of this subsection if doing so does not violate zoning, building or safety codes, or related ordinances:
 - (i) The age, special needs, and swimming ability of the child in care placed in the resource home;
 - (ii) The proximity and location of the pool, hot tub, spa, or body of water to the resource home; and
 - (iii) Any other safety mechanism in place that ensures the safety of the child in care.

.05 Limitations on Resource Homes.

- A. *Restrictions.* A local department may not permit a resource parent it licenses to:
 - (1) Provide child care unless registered with the Maryland State Department of Education as a child care provider;
 - (2) Be approved to provide child or adult care by more than one agency unless the local director or designee gives approval in writing;
 - (3) Be licensed as both a child placement and an adult placement resource unless the Administration gives the resource parent written approval for the express purpose of allowing a child in care to transition to the care of the Maryland Developmental Disabilities Administration in the Maryland Department of Health.
 - (4) Be licensed by a private and public child placement agency concurrently;
 - (5) Independently accept a child for care from an individual or agency other than the agency that licensed the resource parent;
 - (6) Provide housing and care except to a child of a relative or friend on a temporary basis, and this child shall be counted as the resource parent's own child in the count of the children in the home;
 - (7) Care for an adult who has special medical or mental health needs unless the local department evaluates the situation and determines that this care does not interfere with the care of the child in care;
 - (8) Except as provided for in § B of this regulation, care for more than six children in the resource home, including those of the resource parent;
 - (9) Care for more than two children under the age of 2, including the resource parent's own children, unless approved by the local department.
- B. *Exception.* The local department may permit a resource parent to care for up to eight children, including the resource parent's children:
 - (1) When necessary to keep a sibling group together;
 - (2) In the case of an emergency placement of up to 90 days; or
 - (3) In appropriate circumstances, if the local director or designee has given written approval.
- C. *Resource parent licensed as a child care provider.* When a resource parent is licensed to provide child care, the resource parent:
 - (1) May not exceed the child capacity number stated on the certificate of registration issued by the Maryland State Department of Education Office of Child Care;
 - (2) Shall follow the age and child-to-adult ratio requirements outlined by the Maryland State Department of Education Office of Child Care; and
 - (3) Shall provide a signed copy of the dual license agreement between the resource parent, the Maryland State Department of Education Office of Child Care, and the local department.
- D. *Education.*
 - (1) *Homeschooling.* A resource parent:
 - (a) May not homeschool a child in care without court approval;
 - (b) Shall utilize a homeschool program approved by Maryland State Department of Education; and
 - (c) Shall provide homeschool progress reports at a frequency established by the local department or the court.
 - (2) *Private or Parochial Schooling.*
 - (a) A resource parent shall get approval from the local department or the child in care's parents or legal guardians before enrolling a child in care in a private or parochial school, unless otherwise ordered by the court.

(b) If a local department or the child in care's parents or guardians approve a child in care's enrollment in a private or parochial school, the local department:

(i) May not pay any costs for tuition, books, or any other costs associated with a child in care enrolled in an accredited private or parochial school; and

(ii) May not supplement the monthly care stipend to pay these costs.

(3) Enrollment. When a child who enters care is already enrolled in an accredited private or parochial school, the resource parent shall enroll the child in care in a public school unless the resource parent, with the permission of the local department or the child in care's parents or legal guardians, assumes financial responsibility for the child in care's continued enrollment in the private or parochial school or the parents or legal guardians continue to financially provide for the education.

.06 Resource Parent Standards.

A. A local department shall license a resource parent who can meet the complex needs of children in care while supporting reunification or other permanency plans.

B. A resource parent shall have the following characteristics:

(1) Knowledge of and ability to provide children in care a positive, nurturing, and trauma-informed environment;

(2) Willingness to work cooperatively with the local department in:

(a) The best interest of the child in care;

(b) Establishing a supportive relationship with the parents or legal guardians and other family members of the child in care;

(c) Supporting the permanency plan established by the local department and the courts;

(d) Supporting the goals established in the case plan;

(e) Being available to local department staff for communication and home visits; and

(f) Ensuring that the requirements of this Chapter are met.

(3) Maturity and personality characteristics that:

(a) Help the child in care understand placement in out-of-home care and the child in care's own feelings about the placement; and

(b) Help maintain the child in care's family connections through regular and consistent family contact as required by the local department.

(4) The capacity to value, understand, respect, and support individuals from different racial, ethnic, religious, cultural heritage, socio-economic backgrounds, sexual orientation, and gender identity and expression from that of the resource parent;

(5) The capacity to understand that it is in the best interest of a child in care, of multiracial parentage to have multiracial experiences;

(6) The skills to promote the process of socialization through family life to enhance the child in care's growth and learning;

(7) The suitability in age and physical stamina to meet the demands of the care of growing children;

(8) The emotional capacity to handle life's stresses and adapt to change and difficult situations;

(9) The willingness to support and encourage a child in care's educational progress and take an active role by attending school conferences and similar activities whenever possible; and

(10) The ability to provide time free from the interference of other responsibilities and to give a child in care needed care, supervision, and attention

.07 Resource Parent Training.

A. Pre-service Training.

(1) Each resource parent applicant shall complete a pre-service training program approved by the Administration. This training shall cover the following:

(a) Role and relationships between local department personnel, the resource parent, the child in care's parents or legal guardians, and the child in care;

(b) Developmental needs of children in out-of-home care;

(c) Attachment, separation, grief, and loss;

(d) Trauma-related behaviors and trauma-informed parenting;

(e) Confidentiality;

(f) Behavior management;

(g) Reasonable and prudent parenting;

(h) Co-parenting with parents and legal guardians;

(i) Supporting a child in care's relationship with their parents or legal guardian;

(j) Maintaining a child in care's connections;

(k) Reunification and permanency plans;

(l) Effective communication;

(m) Conflict resolution;

(n) Cultural and religious differences between the resource parent and the child in care's family

(o) Issues faced by individuals who identify as LGBTQIA+2;

(p) Caring for children in care with medical, mental health, and behavioral needs;

(q) Recognizing and responding to signs of depression, anxiety, and other mental health conditions;

(r) Administration and storage of medications;

- (s) *Recognizing and reporting signs of child abuse and neglect; and*
- (t) *Services available for children in care and resource parents.*
- (2) *The local department may consider another nationally recognized pre-service training program completed within the prior 3 years as meeting the pre-service training requirement.*
- (3) *If a resource parent applicant completes the pre-service training, the training is valid for three years from the date of completion.*
- (4) *Resource parents who relocate to Maryland and have had an active resource home license in another state within the prior 3 years may be exempt from pre-service training requirements at the discretion of the local department.*

B. Continuing Training.

- (1) *Each resource parent shall complete at least 10 hours of training approved by the local department annually, including two hours of behavior management training, every two years.*
- (2) *The training may cover the areas listed in §A of this regulation and any additional topics as needed.*
- C. *CPR & First Aid Training. Prior to a local department licensing a resource parent and at two-year intervals thereafter, each resource parent shall complete cardiopulmonary resuscitation (CPR) and first aid training.*

.08 Home Study.

A. *Consideration. The local department shall prioritize initiating a home study on the basis of the applicant's flexibility in the children they can parent and the needs of children in out-of-home care.*

B. Local department assessment.

- (1) *The home study process shall provide an opportunity for a local department to study and assess an applicant's potential for resource parenting; and*
- (2) *The local department shall use a home study framework approved by the Administration.*

C. *Self-assessment. The home study process shall include an opportunity for the applicant to assess their potential for resource parenting.*

D. *A home study shall provide in-depth information about out-of-home care, reunification, and adoption to an applicant, including:*

- (1) *The differences between foster parenting, parenting one's own child, and adoption of a child;*
- (2) *The reasons children enter out-of-home care;*
- (3) *The needs and challenges of children in need of out-of-home care and adoption, including medical, mental health, behavioral, educational, and social needs;*
- (4) *The needs and expectations of parents, or legal guardians and their rights, and responsibilities, including visitation;*
- (5) *The importance of family and kinship connections including the priority of placing children with family or kin whenever available;*
- (6) *The role and responsibilities of resource parents to the child in care, the child in care's parents, kin or legal guardians, the local department, and the resource parent's own family;*
- (7) *The role and responsibilities of the local department to the resource family, the child in care, and the child in care's family and kin;*
- (8) *The Administration's behavior management, confidentiality, and reasonable and prudent parenting policies;*
- (9) *The impact foster care and adoption may have on the applicant's own family;*
- (10) *The impact that separation and placement may have on the child in care, the child in care's family, and the resource family;*
- (11) *The nature and purpose of the permanency plan, the case plan, and the service agreement;*
- (12) *The requirements for licensing a resource parent;*
- (13) *Understanding that the priorities of a permanency plan may change throughout the life of the case;*
- (14) *The option to be considered as an adoptive home for children who have a permanency plan of adoption by a non-relative;*
- (15) *The legal, technical, procedural, financial, medical, and educational aspects of foster care;*
- (16) *An overview of the Citizens Review Board for Children and other review processes and the resource parents' role in these processes; and*
- (17) *The requirement that each resource parent applicant attend and complete the pre-service and continuing training and any additional training required by the Administration.*

E. Resource Home Study Process.

(1) *Initiation of Application. The applicant shall:*

- (a) *Sign a resource parent application and, as applicable, the consent to release confidential information forms;*
- (b) *Complete resource home application materials;*
- (c) *Participate in home study interviews; and*
- (d) *Complete other tasks as requested by the local department.*

(2) *Visits.*

- (a) *The worker shall conduct at least three visits with the applicant, one of which may be conducted by videoconference.*
- (b) *The visits in the applicant's home shall include:*
 - (i) *A discussion with all household members; and*

(ii) An inspection of the home.

(3) References.

(a) The worker shall obtain three personal written references.

(i) One of the references shall be by a relative; and

(ii) Two of the references shall be by non-relatives;

(b) The worker shall conduct interviews with each reference:

(i) Two of the interviews, shall be in-person or by video conference; and

(ii) The third interview may be conducted by telephone.

(c) The worker shall obtain a written reference from a school staff member or homeschool monitor for each school-aged child in the applicant's home.

F. Recommendation of Resource Home for Licensing.

(1) A local department shall notify an applicant in writing, within 120 days of the date that the local department accepts the application, of its decision to approve or deny licensure.

(2) An applicant aggrieved by a decision may file an appeal according to Regulation .20 of this chapter.

(3) An individual licensed under this Chapter as a resource parent is dually licensed for both foster care and adoption.

.09 Denial of License.

A. The local department may deny an application if:

(1) The applicant, a household member, or the home in which the child in care will be placed fails to meet the requirements of this chapter;

(2) The local department's evaluation of the application materials reveals that the applicant knowingly reported false information;

(3) The local department, another department, or a private child placement agency has previously denied or revoked a license of the applicant as a resource home, kinship home, or adoptive resource unless the local department is satisfied that the condition that was the basis for the denial or revocation has been corrected;

(4) The applicant prevents the local department from completing its responsibilities for licensure;

(5) An evaluation of criminal records or child abuse or neglect records of the applicant or a household member indicates behavior harmful to a child in care; or

(6) Based on substantial, credible evidence, the local department concludes that the applicant cannot provide for the health, safety, or welfare of the children in care because of abuse of alcohol or other controlled dangerous substances, mental health concerns, or any other condition that creates reasonable doubt as to the applicant's ability to provide foster care.

.10 Reconsideration of a Resource Home.

A. A local department shall:

(1) Conduct an annual reconsideration of each resource parent and resource home that includes at least one home visit to determine continuing compliance with this chapter.

(2) Provide written notice to the resource parent of an upcoming annual reconsideration at least 60 days prior to the reconsideration due date;

(3) Conduct a review of the resource home record and interview the worker for each child in care placed in the resource home in preparation for the reconsideration;

(4) Conduct an inspection of the resource home and complete a home health and safety survey and fire safety survey;

(5) Review and obtain an updated signed copy of the resource parent and kinship caregiver agreement;

(6) Obtain written verification of each resource parent's income, if applicable;

(7) Obtain written verification of an updated medical examination every 2 years from the date of licensure for all household members or when there are indications of serious health problems;

(8) Obtain proof of updated rabies vaccinations for any pets, if applicable; and

(9) Update the CPS, Motor Vehicle Administration, Maryland Judiciary Case Search, and Maryland and National sex offender registry clearances for the resource parent and household members 18 years or older, and a child support clearance for the resource parent.

B. A new household member who will take on the role of a resource parent shall complete:

(1) An application to be a resource parent;

(2) All other forms required of a resource parent;

(3) Clearances required of a new resource parent; and

(4) Preservice training;

C. A worker may discuss the following with the resource parents:

(1) Composition of the resource family;

(2) The relationship of the resource parents with each other, with their own children, and with the children in care;

(3) Satisfactions and difficulties of resource parenting;

(4) The family's social and recreational activities, and household responsibilities;

(5) Methods of behavior management;

(6) The resource parents relationship with the child in care's parents and family;

(7) The results of any clearances, as appropriate;

(8) The resource parent's child care plan;

(9) The resource parent's involvement in meeting the child in care's education and health care needs;

(10) Any preferences for children in care placed in the resource home in the future in terms of number, age, or gender; and

(11) The child in care's permanency plan.

D. The worker shall complete the annual reconsideration and share the status of the license with the resource parent, in writing within 30 days of the reconsideration date.

E. Major Changes.

(1) Resource parents shall notify the local department of major changes in their lives that may affect their ability to care for children in care, including:

(a) Illness or death of a household member;

(b) Marital problems or significant conflict in the household;

(c) A move to a new residence;

(d) Suspected abuse or neglect in the home; and

(e) Changes in the family composition due to individuals leaving or joining the household, marriage, separation, divorce, or another occurrence.

(2) The local department shall discuss each major change and determine whether to complete a reconsideration.

(3) If the resource parent moves to a new residence, the local department shall assess the home by completing:

(a) A fire safety survey; and

(b) A home health and safety survey.

.11 Local Department Responsibility to Resource Parents.

A local department shall:

(1) Provide pre-service and continuing training opportunities;

(2) Help resource parents understand their rights and responsibilities;

(3) Consistent with regulation .12A of this chapter, provide the resource parents with all known information that is available about the child in care and the reason the child in care entered out-of-home care;

(4) Advise the resource parents about medical requirements regarding children in care;

(5) Provide resource parents with a health passport for each child in care placed in the resource home;

(6) Maintain regular contact with the resource parent and the child in care in the resource home;

(7) Provide appropriate supportive services that will enable the resource parents to meet the unique needs of the child in care;

(8) Respond as soon as possible or provide appropriate crisis response contacts for crisis situations that may arise from the child in care's placement in the resource home;

(9) Upon placement, initiate a monthly care stipend for the resource parents and explain the initial clothing allowance and how to obtain payment or reimbursement for allowable expenditures made to meet the child in care's needs, including child care;

(10) Inform the resource parents of any requirements in the service plan that would directly affect a child in care;

(11) Inform the resource parents of the child in care's permanency plan, including family finding efforts, and keep the resource parents updated as to the progress of that plan and give the resource parents the ability to provide input as to the plan;

(12) Obtain the agreement of resource parents to any visitation plan that involves the use of the resource parents' home or requires the resource parents to transport the child in care, with attempts made to balance the resource parents' right to privacy with the right of the parents to visit the child in care; and

(13) Assist the resource parents in preparation for the separation of the child in care from out-of-home care.

.12 Rights of a Resource Parent.

A. *Information About a Child in Care.* Prior to a local department placing a child in care in a resource home, and upon learning new information, the worker shall provide the resource parent with all known information about the child in care's medical, mental health, behavioral, educational, social, and emotional background, including the reason the child in care came into care and any change in the case plan. Information about the child in care's family that may be privileged or confidential may not be disclosed.

B. *Monthly Care Stipend.* Upon placement, the resource parent has a right to a timely monthly care stipend, an initial clothing allowance if this is the child in care's first placement, and timely reimbursement for allowable expenditures made to meet the child in care's needs, including child care.

C. *Notice of court hearings and meetings.* Except for meetings covered by attorney-client privilege, or meetings when confidential information about the parents or legal guardians is discussed, the worker shall advise the resource parent of:

(1) The date and time of, and when applicable, right to participate in, family team decision meetings and educational or mental health team meetings regarding a child in care placed in the resource home;

(2) Unless waived for good cause, at least 10 days before scheduled court proceedings, the date and time of any scheduled court hearing;

(3) The right to be heard at court hearings;

(4) Recommendations the local department will make in court regarding the child in care's permanency plan, placement, or visitation; and

(5) Decisions made by the local department and court regarding a child in care placed in the resource home.

D. Advance notice of removal. Except as waived by court order or when the local department determines that a child in care is at imminent risk of harm, the local department shall give the resource parent reasonable written notice of plans to remove the child in care from the resource home.

E. A resource parent has the right to liability insurance coverage for certain damages in accordance with Regulation .19 of this chapter.

.13 Responsibilities of a Resource Parent.

A. Responsibilities to a Child in Care. A resource parent shall:

(1) Participate in the child in care's physical health, mental health, and dental health care, including documenting every healthcare visit in the child in care's health passport and advising the child in care's worker;

(2) Participate in the child in care's educational process;

(3) Provide supervision and guidance appropriate to the child in care's age and developmental level;

(4) Provide daily essentials that are required for the health, comfort, and personal care of a child in care;

(5) Help the child in care cope with any anxiety of being away from the child in care's family or guardians, and promote the child in care's self-esteem and positive self-image;

(6) Respect the child in care and the child in care's family and kin;

(7) Whenever possible engage and partner with the child in care's family and kin;

(8) Be sensitive to and respect the child in care's individual needs, tastes, and values, and support the child in care's religious beliefs, cultural customs, sexual orientation, and gender identity and expression;

(9) Involve the child in care in family activities;

(10) Establish clear expectations for and limits on behavior;

(11) Provide or arrange transportation to appointments, extracurricular activities, employment, and social, and cultural events;

(12) Support the child in care in understanding their permanency plan and any move from the resource home;

(13) Provide an environment free from exposure to secondhand smoke for a child in care;

(14) Protect confidential information regarding a child in care and their family;

B. Responsibilities to a Child in Care's Family. A resource parent shall:

(1) Assist the local department in maintaining and improving the child in care's relationship with the child in care's family and support this relationship by helping with family visits, which may include visits in the resource home;

(2) Maintain an attitude of respect and understanding towards the child in care's family;

(3) Provide regular updates and information about the child in care's life; and

(4) Serve as a role model for the child in care's family.

C. Responsibilities to the Local Department. A resource parent shall:

(1) Participate in required training;

(2) Work as a team member in assessing a child in care's strengths and needs, and implementing the child in care's case plan;

(3) Update the local department on the child in care's development and adjustment;

(4) Attend case reviews and meetings as requested by the local department;

(5) Immediately notify the local department of changes within the resource family, such as:

(a) Employment and child care arrangements;

(b) Composition of the household;

(c) Address, telephone number, and email address;

(d) Health status; and

(e) Stressful conditions that may affect the child in care.

(6) Provide at least 30 days notice when requesting a child in care be moved except in circumstances that immediately affect the child in care or resource family's health or safety;

(7) Report any suspected incident of child physical or sexual abuse or neglect to the local department as soon as the incident becomes known to the resource parent;

(8) Notify the local department if a child in care runs away or otherwise cannot be located; and

(9) Notify the local department of any criminal charges, investigations, or findings related to any crime committed or alleged to have been committed by a household member.

.14 Behavioral Management of Children in Care.

A. The local department shall provide resource parents with developmentally appropriate and trauma-informed resources to manage the behaviors of children in care, including behavior management methods, and connect the resource parent with community programs to address concerning behaviors.

B. Resource parents shall establish clear expectations for behavior and understand and manage challenging behaviors in a trauma-informed manner, rewarding good behavior.

C. Only a resource parent or other adult caregiver approved by the local department and known to the child in care may discipline a child in care.

D. Resource parents may only physically restrain a child in care to protect the child in care from self-injury or from injuring others.

E. Prohibited punishments include:

- (1) Using corporal punishment that includes spanking, shaking, physical hitting, or any other type of physical punishment, no matter how inflicted;
- (2) Requiring physical exercises such as running laps or performing pushups;
- (3) Forcing a child in care to assume or hold an uncomfortable position such as squatting or bending, or to repeat physical movements;
- (4) Confining a child in care in a locked room;
- (5) Using mechanical or chemical restraints;
- (6) Denying essential program services, such as not taking a child in care to a planned appointment for educational, psychiatric, or psychological services;
- (7) Withholding visitation or communication with the child in care's family or kin;
- (8) Withholding meals, clothing, or bedding, or disrupting a child in care's sleep;
- (9) Making remarks that belittle or ridicule a child in care or a child in care's family; and
- (10) Threatening to have a child in care removed from the resource home.

.15 Investigations of Abuse or Neglect in Resource Homes.

A. Initial Notification. If the local department receives a report of suspected abuse or neglect and initiates an investigation, the local department shall:

- (1) Notify the resource parent that a report of abuse or neglect has been made; and
- (2) Notify the parents or legal guardians of any children in care living in the resource home and the children in care's attorney.

B. Investigation.

- (1) The CPS unit of a local department shall respond to the report of abuse or neglect as required by COMAR 07.02.07.
- (2) An allegation of abuse or neglect in a resource home does not require the automatic removal of children in care placed in the resource home.
- (3) The local department shall assess and determine whether it is in the best interests of any children in care placed in the resource home to remain in the resource home pending completion of the investigation.
- (4) A local department staff member shall visit the resource home at least weekly as long as any children in care remain in the home until the local department makes a decision about the continued licensure of the resource home.
- (5) A local department shall not place additional children in care in the resource home for care or respite care pending the outcome of the investigation and a decision by the local director or designee as to the continued licensure of the resource home.
- (6) The worker and resource parent may take any necessary actions to ensure the safety of the alleged victim pending completion of the investigation, but shall not create a safety plan for children in care.

C. Continued Licensure of Resource Home.

- (1) Within 5 business days of completing the investigation, the local department shall determine whether the resource parent, household members, and resource home still meet the standards for a license and make a recommendation to the local director as to the continued licensure of the resource parent.
- (2) Within 5 business days after receiving the recommendation of the staff, the local director shall render a written decision as to the continued licensure of the resource parent and whether any children in care removed from the resource home may be returned.
- (3) The local department shall provide the written decision to the parents or guardians of any children in care living in the resource home, the attorneys for those children in care, and the resource parent.
- (4) A copy of the local director's decision shall be forwarded to the Administration and uploaded into the electronic system of record of the resource parent and any children in care placed in the resource home when the alleged abuse or neglect occurred.

.16 Resource Parent License On Hold.

A. A licensed resource parent may choose to suspend acceptance of children in care for up to 1 year and still maintain licensed status.

B. During the period in which the license is on hold, the resource parent is not required to undergo an annual reconsideration. At the point that the resource parent wishes to accept children in care, the local department shall complete a reconsideration.

C. The local department shall close the resource home if the resource parent does not wish to accept children in care at the end of the 1-year period.

D. The local department shall give a resource parent 30 days written notice that includes the intended action to close the resource home and the resource parent's right to appeal the local department's decision.

.17 Relicensing a Closed Resource Home.

A. If former resource parents request that their home be relicensed within three years of being closed in good standing, the local department shall conduct a reconsideration as required under Regulation .10 of this chapter and require that:

- (1) Each resource parent and household members 18 years or older apply for new state and federal fingerprint-based criminal background clearance and CPS clearances;
- (2) Each resource parent completes 10 hours of in-service training, including 2 hours of behavioral management training; and

(3) Each resource parent completes CPR and first aid training, if it has been more than two years since last completed.

B. If former resource parents have been closed for more than three years, the resource parents may apply to be relicensed and shall meet all the requirements outlined in this chapter.

.18 Resource Home Closure, Suspension, and Revocation.

A. Closure of a Resource Home.

(1) A local department may close a resource home for one or more of the following reasons:

(a) The local department has not placed any children in the resource home in the previous 2 years; or

(b) The characteristics of the children the resource parent is willing to accept for care in the resource home are not consistent with the characteristics of the children in care or entering care.

(2) The local department shall give a resource parent 30 days written notice that includes the intended action to close the home and the resource parent's right to appeal the local department's decision.

B. Suspension.

(1) After receiving a complaint indicating possible violations of the resource home regulations, a local department shall assess to determine compliance with applicable regulations and discuss the possible violations with the resource parent.

(2) A local department may suspend a resource parent license for a period not exceeding 60 days for a violation of these regulations.

(3) Except in situations that permit an emergency suspension, the local department shall provide 20 days advance notice of a suspension and send the resource parent:

(a) Notice that includes the intended action;

(b) A statement of the grounds and specific regulations violated; and

(c) A statement describing the resource parent's right to appeal the decision of the local department.

(4) When a resource parent license is suspended, the local department may not place any new children in care in the resource home.

(a) Children in care may remain in the home only if:

(i) The suspension was caused by a violation of these regulations that does not threaten the health and safety of the children in care;

(ii) The local department agrees that the reason for the suspension can be corrected within 60 days from the date of the suspension; or

(iii) The resource parent files an appeal within 20 days of the local department's notice.

(b) If the resource parent does not correct the reason for the suspension, the local department shall remove the children from the home within 60 days of the date of suspension.

(5) The local department shall restore the resource parent's license status or revoke the license by the end of the suspension period.

C. Revocation.

(1) The local department may revoke a license for any violation of these regulations.

(2) Except in situations that permit an emergency revocation the local department shall provide 20 days advance notice of a revocation.

(a) The local department shall send the resource parents;

(i) Notice that includes the intended action;

(ii) A statement of the grounds and specific regulations violated; and

(iii) A statement describing the resource parent's right to appeal the decision of the local department.

(3) If the resource parents do not appeal an intended revocation within 20 days, the local department shall immediately remove the children from the home.

D. Emergency Suspension or Revocation.

(1) If the local department finds evidence of gross incompetence or gross misconduct in the resource home or other action or condition that poses an immediate threat to the children's health and safety, the local department shall, without giving 20 days notice, suspend or revoke the resource parent license.

(2) The local department shall send the resource parents;

(a) Notice that includes the intended emergency revocation or suspension;

(b) A statement of the grounds and specific regulations violated; and

(c) A statement about the resource parent's right to appeal the local department's decision.

(3) If the local department decides to issue a notice of an emergency revocation or suspension, the local department shall immediately remove the children.

(4) Once suspended or revoked on an emergency basis, the local department shall not restore the resource parent's license unless:

(a) The resource parent has received a favorable appeal hearing decision; or

(b) The local director has given written approval for the reinstatement.

.19 Liability Insurance and Reimbursement for Loss to Resource Parents.

A. The Administration shall provide liability insurance for resource parents who care for children under certain conditions.

B. The insurance shall cover the following:

(1) Bodily injury and property damage that a child in care causes to a person or the property of a person other than a resource parent; and

(2) Actions against a resource parent by a natural parent for any accident to the child.

C. Reimbursement

(1) Subject to the provisions of this section, the Department shall reimburse a resource parent for costs of bodily injury or property damage that the child in care causes to the resource parent and that insurance does not cover.

(2) Before reimbursement under this subsection, the Department shall be satisfied that the actions of the resource parent did not contribute substantially to the bodily injury or property damage sustained.

(3) Reimbursement under this subsection shall be made for all costs to a maximum amount of \$5,000. All payments in excess of \$2,000 require the approval of the Board of Public Works.

D. The Department shall advise the resource parent of this coverage and that it will not cover claims related to:

(1) Injury or damage to which the resource parent substantially contributed;

(2) Injury or damage covered by the resource parent's insurance;

(3) Claims of alienation of affection;

(4) Accidents involving vehicles that are licensed or intended for road use;

(5) Claims exceeding \$5000.00; and

(6) Injury or damage that was otherwise covered by insurance.

.20 Appeal Procedure.

A. Appeal rights. A resource parent aggrieved by a local department's decision to deny, suspend, or revoke a license may appeal under COMAR 07.01.04.

B. Exclusive jurisdiction of courts. A resource parent may not use these procedures to appeal a court's decision or a decision only a court can make.

C. Expedited appeal. A resource parent who intends to adopt a child in care whom the local department placed in the resource home may appeal a local department's decision to remove the child in care by advising the local department within 30 days of the removal.

(1) The local department shall notify the Office of Administrative Hearings of the appeal; and

(2) The Office of Administrative Hearings shall hold a hearing and issue a decision within 45 days of receiving the request.

D. Additional hearing rights under COMAR 07.02.26. If a local department removes a child from a resource home because of a child protective services finding, the local department shall advise the resource parents of the rights of the alleged maltreater to request a hearing under COMAR 07.02.26 to challenge that finding.