

Martin O'Malley
Governor

Anthony Brown
Lt. Governor

Theodore Dallas
Interim Secretary

DATE: March 24, 2011

TO: Directors, Local Departments of Social Services
Assistant Directors, Local Departments of Social Services

FROM: Carnitra D. White, Executive Director 

RE: CPS findings in Resource Home and Kinship Homes

The Office of Legislative Audits brings to our attention areas of our practice which are out of compliance with the law. During the last audit, they found resource and kinship homes in which there resides an individual who was found responsible for indicated abuse or neglect as the result of a CPS investigation either prior to or during the placements. There was no evidence that a local director made an exception to approve the use of these homes.

SSA has been requested to establish procedures to monitor such situations to ensure that children are not placed in homes where such CPS findings have been made. SSA has put in place a process to monitor this using the MDCHESSE system. A dropdown box will be available later in the year to allow the local department to indicate that a local director has reviewed and approved an exception to allow the use of such a home.

Policy SSA 10-20 outlines changes to the guidelines set forth in COMAR 07.02.25.05 - **Technical Requirements for Foster Home Approval**, including changes which require local departments to obtain CPS information from any other state in which an applicant has lived within the last five years. CPS records should be requested and reviewed early in the approval process for a resource home, or before making an emergency kin placement. If there is an indicated or unsubstantiated CPS finding regarding a potential resource parent or kinship caregiver and all other requirements of the approval process have been met, the local director should be given the information from the CPS finding and asked to make a decision as to whether s/he chooses to make an exception in the individual case presented. In making this decision s/he will be guided by:

- The seriousness of the incident
- How long ago the incident occurred
- Whether the alleged maltreater is still in the home
- Any other reports

- Whether the finding was indicated or unsubstantiated
- The quality and thoroughness of the investigation
- Circumstances surrounding the incident
- Any previous involvement of the family with child welfare services
- Whether or not the parent had the opportunity to appeal the finding
- Any findings from Judicial Case Search

If the incident which led to the indicated finding occurred before April of 1999 in the State of Maryland, the appeal process available was legally insufficient. Before denying an application, the applicant should be given an opportunity to appeal the CPS findings to the Office of Administrative Hearings. For assistance, contact your department's CPS Appeals Coordinator. If a decision is made to make an exception, the director must put that statement in writing and sign it. This paper should be filed in the paper record, and attached to the home study documentation, as well as noted in the contact notes in the Resource Home record in CHESSIE.

If after a resource home has been approved, or a child has been placed in a kin home there are instances in which CPS allegations are made, COMAR 07.02.25.15 outlines steps to be taken by the local department. Under such circumstances, the local department shall conduct a complete review of the home, and make a recommendation to the director as to whether the department should continue to use the home. The director shall then put the decision in writing and sign it.

This information should be available:

- in the paper records of the Resource Home;
- in the record of any children who were in the home at the time of the alleged incident;
- In the contact notes in the Resource Home record in MDCHESSIE; and
- A copy shall be sent to the Resource Development Unit in SSA.

If you have any questions, please contact Patricia Molineaux at 410-767-7195.