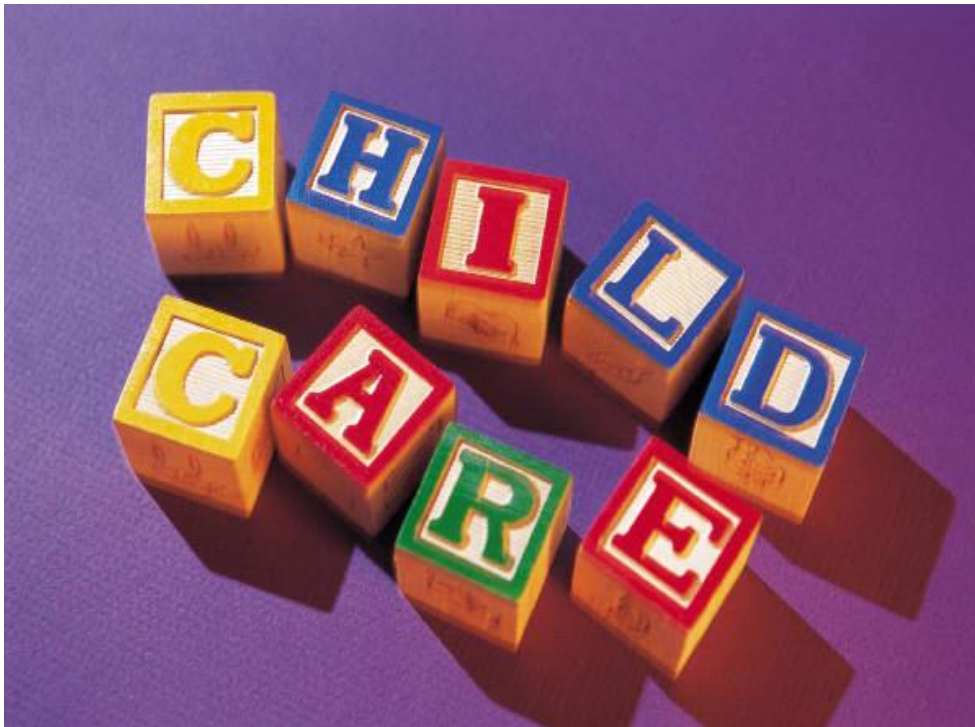


Dual Licensure of Foster Homes, and Family Child Care or Large Family Child Care Homes

Maryland State Department of Education
Division of Early Childhood Development
Office of Child Care

Resource Guide



2015

Replaces Circular Letter #97-04 Dual Licensure of Foster Homes, Family Child Care and Large Family Child Care Homes
(September 2, 1997)

Dual Licensure of Foster Homes, and Family Child Care or Large Family Child Care Homes

The purpose of this document is to establish a policy for the dual licensure of foster care homes approved by the local departments of social services and family child care and large family child care homes registered by the Maryland State Department of Education, Office of Child Care.

BACKGROUND:

A committee consisting of representatives from SSA, OCC, and the Attorney General's Office was established to discuss problems encountered in dual licensing and to develop appropriate solutions. Existing regulations and policies do not prohibit dual licensure, except for treatment foster care licensed under COMAR 07.02.25. The committee recommended mutual agreement between the director of a local department of social services and the OCC regional manager as prerequisite to dual licensure. The SSA and OCC agreed to require joint staffing by appropriate local department and regional office staff to review cases of dual licensure at the time of reconsideration and license or registration continuance and to review all future applications for dual licensure.

REQUIRED ACTION: Review, on a case-by-case basis, all homes that are currently registered as family child care and large family child care homes and also approved by local departments of social services to provide foster care and all future requests for dual licensure to ensure compliance with regulations and policies. Reviews may be conducted at jointly staffed face-to-face meetings or teleconferences.

DEFINITIONS:

"Family child care" means that care given to a child under 13 years of age or to a developmentally disabled person under 21 years of age in place of parental care for less than 24 hours a day, in a residence other than the child's residence, for which the provider is paid in cash or in kind.

"Large Family Homes" means a child care home approved by the office to operate with a maximum child care capacity of 9 to 12 children.

"Foster family care" means 24-hour substitute care provided for a child in a foster home approved by a local department of social services.

“Treatment foster care” means a 24-hour substitute care program, operated by a licensed child placement agency or local department of social services for children with serious emotional, behavioral, medical, or psychological conditions.

PROCEDURES:

1. A provider of a foster care treatment home licensed under COMAR Chapter 25 will not be considered for dual licensure.
2. It is preferred that individuals not be considered for dual licensure until they have been licensed as foster parents or family or large family child care providers for at least one year.
3. The agency receiving an application will conduct a CIS/AMF clearance. If the applicant is currently licensed/registered as a family or large family child care home or foster care home, written notification of receipt of the application and a assigned consent form to release information will be forwarded to the appropriate agency. Notifications and requests for information must be addressed to the OCC regional manager of local department of social services director or designee.
4. At the time of initial application, reconsideration, and registration continuance, documentation required for licensure/registration and requested by either agency shall be shared.
5. OCC and local department staff must jointly consider the provider’s length of time in service, compliance record, health issues, approved capacity, number of children currently in care, ability to perform both services simultaneously, etc. The decision to recommend approval or denial of the application will be made jointly by OCC and local department staff.
6. A written response approving or denying the application must be sent to the applicant within 30 calendar days of the date of the decision by the agency that received the application.
7. If the application is denied, the applicant must be informed of the basis for the denial and advised of appeal rights.
8. Upon approval of an application, a Dual License Agreement will be developed at a conference attended by the provider and OCC and local department staff assigned to the case. The Agreement (see page 5 for sample) must state the number of children that may be cared for in both services, ages, limitations, expectations, etc.

9. Each agency shall inform the other agency of changes and share information gathered from home visits, inspections, complaints, enforcement actions, voluntary closings, medicals, criminal background checks, etc.
10. Each agency must immediately notify the other of an allegation of child physical/sexual abuse or neglect.

For technical assistance you may contact Paula Johnson, Chief, Licensing Branch via email at paulad.johnson@maryland.gov or via phone at 410-569-8071.

SAMPLE DUAL LICENSE AGREEMENT

This Dual License Agreement (hereinafter "Agreement") is entered into this _____ day of _____, 20____, by and between (**PROVIDER'S FULL NAME**), (hereinafter "Provider") of (**FULL ADDRESS INCLUDING ZIPCODE**) the Office of Child Care (hereinafter "OCC"), represented by (**REGIONAL MANAGER'S FULL NAME**), Regional Manager for (**REGION'S NUMBER AND COUNTY**), and the (**COUNTY**) Department of Social Services, (hereinafter "DSS"), represented by (**NAME OF DSS REPRESENTATIVE**).

The undersigned parties agree as follows:

The Provider is approved by the OCC and the DSS to provide family child care and foster care. In consideration of this approval, the Provider agrees to the following:

1. CAPACITY

- a. (**Number and ages**) children permitted in family child care.
- b. (**Number and ages**) children permitted in foster care.
- c. (**Other**)

2. EXPECTATIONS

3. LIMITATIONS

In consideration of this approval, the OCC and DSS agree to:

- 1. Provide technical assistance to the Provider upon the Provider's request; and
- 2. Conduct unannounced monitoring visits as deemed necessary to determine compliance with COMAR 13A.15 and 13A.18 Family Child Care and Large Family

Child Care Home Regulations, COMAR 07.02.11 Foster Care, and COMAR 07.02.25 LDSS Foster Home Requirements and the terms and conditions of this agreement.

Failure to adhere to the terms and conditions of this Agreement may result in, but may not be limited to, the denial of the application and/or the revocation of the family child care certificate of registration and foster care license, the imposition of intermediate sanctions, the emergency suspension of the certificate of registration or foster care license, civil penalties, and/or any other legal remedy applicable by law and regulations.

The undersigned parties attest that they have the authority to enter into the Agreement and consent to the terms and conditions herein.

Signature of Provider

Date

Address

Signature of Regional Manager

Date

Address

Signature of DSS Representative & Title

Date

Address
