

Annotated Code of Maryland \_Family Law \_Title 5. Children \_Subtitle 5. Child Care; Foster Care \_Part II.  
Licensing of Child Care Facilities

MD Code, Family Law, T. 5, Subt. 5, Pt. II, Refs & Annos

MD Code, Family Law, § 5-506

§ 5-506. Rules and regulations; only one license required

Effective: April 8, 2008

**Intent**

(a) The General Assembly intends that:

(1) all children whose care is the responsibility of this State shall have similar protection in terms of health, safety, and quality of care; and

(2) the rules and regulations of agencies that are charged with child care shall be comparable.

**Regulations**

(b) In addition to other regulations adopted under this title, the Department may adopt regulations to carry out §§ 5-507, 5-508, 5-509, and 5-509.1 of this subtitle, which relate to the licensing of child placement agencies, child care homes, child care institutions, and residential educational facilities.

**Delegation of authority**

(c)(1) By regulation, the Department may delegate authority to child placement agencies to issue licenses or approve applicants for licenses under this subtitle.

(2) Any regulation adopted by the Department under this subsection shall provide for an appeal to an administrative appellate authority from a decision of a child placement agency.

**License from more than one State agency not required**

(d)(1) A child placement agency, child care home, child care institution, or residential educational facility may not be required to obtain a license from more than one State agency.

(2) Any State agency authorized to license child placement agencies, child care homes, child care institutions, or residential educational facilities may make cooperative arrangements with any other State agency to give effect to paragraph (1) of this subsection.

**Evaluation of services for out-of-home placements**

(e) The Department shall cooperate in planning and determining the cost of developing and implementing a system of evaluating the success of services to children in out-of-home placement.

MD Code, Family Law, § 5-507

§ 5-507. Child placement agency license

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**License required**

(a) Except as otherwise provided in this section, a person shall be licensed by the Administration as a child placement agency before the person may engage in the placement of minor children in homes or with individuals.

**Exceptions**

(b) A license is not required:

(1) for a person to place a child with an individual related to the child by blood or marriage within 4 degrees of consanguinity or affinity under the civil law rule;

(2) except as provided in § 5-3B-12 of this title, for a parent or grandparent of a child to place the child directly, without the intervention of any other person except the recipient of the child; or

(3) for a lawyer to prepare pleadings necessary to accomplish the adoption of a child or to perform any other function associated with the normal practice of law.

MD Code, Family Law, § 5-508

§ 5-508. Child care home license

Effective: October 1, 2007

**License required**

(a) Except as otherwise provided in this section, a person shall be licensed by the Administration as a child care home before the person may exercise care, custody, or control of a minor child.

**Exceptions**

(b) This section does not apply:

(1) to a parent of the child;

(2) to an individual related to the child by blood or marriage within five degrees of consanguinity or affinity under the civil law rule;

(3) to a guardian of the child;

(4) to a person who exercises temporary care, custody, or control over the child at the request of a parent or guardian of the child and who is not required otherwise to be licensed;

(5) to an individual with whom the child is placed in foster care by;

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(i) a child placement agency that is licensed under § 5-507 of this subtitle;

(ii) a local department;

(iii) the Department of Juvenile Services;

(iv) the Secretary of Health and Mental Hygiene; or

(v) a court of competent jurisdiction;

(6) to a person who has the care, custody, or control of the child through placement for adoption by a parent or grandparent of the child, if the requirements of § 5-3B-12 of this title are met;

(7) to an institution that has a child care institution license under this subtitle or under § 9-236 of the Human Services Article; or

(8) to an institution that is operated by an agency of this State or any political subdivision of this State.

MD Code, Family Law, § 5-509

§ 5-509. Child care institution license

Effective: October 1, 2007

**License required**

(a) Except as otherwise provided in this section, a person shall be licensed by the Administration as a child care institution before the person may operate an institution for the care, custody, or control of a minor child.

**Exceptions**

(b) This section does not apply:

(1) to an institution or facility that is operated by an agency of this State or any political subdivision of this State;

(2) to a child care home that has a license under this subtitle or under § 9-235 of the Human Services Article; or

(3) to an institution that accepts only children placed by the Department of Health and Mental Hygiene or the Department of Juvenile Services.

MD Code, Family Law, § 5-509.1

§ 5-509.1. Residential educational facility license

Effective: October 1, 2007

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**License required**

(a) Except as otherwise provided in subsection (b) of this section and subject to subsection (c) of this section, on or after January 1, 2000, a person shall be licensed by the Administration before the person may operate a residential educational facility.

**Exceptions**

(b) This section does not apply:

(1) to a child care home that has a license under this subtitle or under § 9-235 of the Human Services Article;

(2) to a child care institution that has a license under this subtitle or under § 9-236 of the Human Services Article;  
or

(3) to an institution that accepts only children placed by the Department of Health and Mental Hygiene or the Department of Juvenile Services.

**Certificate of approval needed for educational program**

(c) This section does not affect any requirement that a residential educational facility obtain a certificate of approval from the State Board of Education for its educational program.

**MD Code, Family Law, § 5-510**

**§ 5-510. Application for license**

To apply for a license under this subtitle, an applicant shall submit an application to the Administration on the form that the Administration requires.

**MD Code, Family Law, § 5-511**

**§ 5-511. Workers' Compensation Act; compliance required**

Before any license may be issued under this subtitle to an employer to engage in an activity in which the employer may employ a covered employee, as defined in § 9-101 of the Labor and Employment Article, the employer shall file with the Administration:

(1) a certificate of compliance with the Maryland Workers' Compensation Act;<sup>1</sup> or

(2) the number of a workers' compensation insurance policy or binder.

**MD Code, Family Law, § 5-512**

**§ 5-512. Reciprocity**

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If the other state extends the same recognition and reciprocal relations to licensees under this subtitle, the Administration may recognize and deal with a person licensed or recognized by any other state as being authorized to exercise care, custody, or control of minor children or to engage in the placement of minor children.

**MD Code, Family Law, § 5-513**

**§ 5-513. Action required on application for license**

Within 60 days after it receives the application, the Administration shall issue or deny a license under this subtitle and give notice of the action to the applicant.

**MD Code, Family Law, § 5-514**

**§ 5-514. Term of license**

A license issued under this subtitle is effective until the license is revoked or suspended under § 5-515 of this subtitle.

**MD Code, Family Law, § 5-515**

**§ 5-515. Suspension or revocation of license**

Subject to the hearing provisions of § 5-516 of this subtitle, if a licensee violates any provision of this subtitle or of a rule or regulation adopted under this subtitle, the Administration may:

- (1) suspend the license for a period not exceeding 1 year; or
- (2) revoke the license.

**MD Code, Family Law, § 5-516**

**§ 5-516. Hearing**

The Administration may not suspend or revoke a license under this subtitle unless the Administration gives to the licensee:

- (1) notice of the suspension or revocation at least 20 days before the suspension or revocation;
- (2) a statement of the grounds for the suspension or revocation; and
- (3) an opportunity to be heard.

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MD Code, Family Law, § 5-517

§ 5-517. Administrative review

A person authorized to make a placement who is aggrieved by a decision of a child placement agency that has a delegated authority to issue or approve a license under this subtitle may appeal the decision to the administrative appellate authority designated by regulation.

MD Code, Family Law, § 5-518

§ 5-518. Judicial review

**In general**

(a) A person aggrieved by a final decision of the highest administrative appellate authority in a contested case may take any further appeal as allowed by the Administrative Procedure Act.<sup>1</sup>

**Effect of appeal**

(b) If a further appeal is taken under this section:

(1) any criminal prosecution of the person for carrying on without a license an activity for which the person must be licensed under this subtitle shall be stayed pending the appeal;

(2) any injunction against the person for carrying on without a license an activity for which the person must be licensed under this subtitle shall be stayed pending the appeal; and

(3) the court has discretion as to the care, custody, or control of any child whose care, custody, or control is the responsibility of the person.

MD Code, Family Law, § 5-519

§ 5-519. Powers of Administration

**Investigations**

(a) In connection with the issuance, suspension, or revocation of a license under this subtitle, the Administration may investigate the policies, purposes, premises, and facilities of a licensee or an applicant for a license.

**Injunctions**

(b) The Director of the Administration may petition an equity court to enjoin the activities and operations of a person who seeks to carry on, without a license, the activities for which the person must be licensed under this subtitle. The petition shall be filed in the circuit court for the county in which the person is located or has a place of business.

MD Code, Family Law, § 5-520

Current through chapters effective June 1, 2014, of the 2014 Regular Session of the General Assembly.

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**§ 5-520. Duties of licensees**

**Religious affiliation**

(a) In placing a minor child for adoption or in giving the care, custody, or control of a minor child to any person, a licensee shall give preference to persons of the same religious belief as that of the child or the child's parents unless the parents specifically indicate a different choice.

**Medical history**

(b) A person authorized to place a minor child for adoption shall compile and make available to an adoptive parent a pertinent medical history of the child's natural parents, if possible.

**Limitation on content of medical history**

(c) A medical history compiled under this section may not disclose or permit disclosure of the names or identity of a child's natural parents.

**MD Code, Family Law, § 5-521**

**§ 5-521. Penalties**

A person who, in violation of any provision of this Part II of this subtitle, exercises care, custody, or control of a minor child unrelated by blood or marriage or makes a placement of a minor child unrelated by blood or marriage is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$500 or imprisonment not exceeding 1 year.

**MD Code, Family Law, § 5-522**

**§§ 5-522, 5-523. Reserved**

**MD Code, Family Law, § 5-523**

**§§ 5-522, 5-523. Reserved**