

.08 DENIAL OF THE REGISTRATION CERTIFICATE

A. The Office may deny a certificate of registration if:

- (1) The applicant, a resident, any substitute designated on the application form, or the home in which child care is to be provided fails to meet the requirements of these regulations;**
- (2) An evaluation of the application by the Office reveals that the applicant reported false information;**
- (3) The applicant has a documented history of serious or repeated regulatory violations of these or other regulations of any state concerning the care of children or adults which demonstrates an inability to provide for the health or safety of children;**
- (4) The applicant has had a certificate of registration denied or revoked before the date on the application being considered unless the Office is satisfied that the condition that was the basis for the denial or revocation has been corrected;**
- (5) The applicant prevents the Office from completing its responsibilities for registration;**
- (6) Upon evaluating the physical condition of the home and surrounding premises, the Office finds conditions that are unsafe or unhealthy;**
- (7) An evaluation of the medical report or other information about the applicant or a resident indicates that the physical or mental health of the applicant or resident may pose a risk to children;**
- (8) An evaluation of the criminal record of the applicant, a paid substitute, or of a person living in the home reveals that an applicant, the substitute, or a resident in the home reveals that the individual has a criminal conviction, probation before judgement, not criminally responsible disposition, or is awaiting a hearing for a criminal charge that indicates behavior harmful to children.**
- (9) An evaluation of the information provided in records of abuse and neglect of children and adults reveals that the applicant, any substitute designated on the application form, or a resident is identified as responsible for abuse or neglect of children or adults, or is currently under investigation for alleged acts of child abuse or neglect;**
- (10) Based on an evaluation of the character references received, the interview with the applicant, or other pertinent information, the Office finds evidence that raises reasonable doubt that the applicant can provide for the welfare of children in care; or**
- (11) The applicant is:**
 - (a) Providing treatment foster care to a child in other than a preadoptive capacity, and**
 - (b) Filing a first application for registration as a family day care provider.**

INTENT: Under Maryland law, CCA's primary mission is to protect the health, safety, and well-being of each child in care. For this reason, CCA may disapprove a registration application if any part of the application has been falsified or if the CCA has substantial reason to believe that you, a condition in your home, or a person connected with your home may present a risk of harm to any child in care. Except under certain circumstances, a treatment foster parent may not be approved as a family child care provider.

Notes:

- Reporting false Information: This includes falsification of any required documentation. As

a basis for denial, this is generally used in combination with another basis, such as an unreported criminal history, a history of licensing violations, or a child abuse history.

- Previous regulatory history: A license or certificate for foster care, domiciliary care, or any other type of care has been revoked or suspended, and your compliance history as a caregiver shows an inability to provide for the health or safety of children.
- Refusal to comply: Examples include refusal to complete a required orientation session, submit required application documents, allow an inspection of your home to take place, apply for criminal background checks, or abide by the requirements of a compliance agreement.
- Denial or revocation of a child care license or registration: Generally, if the revocation resulted from chronic overcapacity, serious lack of supervision, neglect or abuse, the Regional Office will not approve another registration.
- Physical or mental health issues: The medical evaluation indicates that you are physically or mentally incapable of providing child care. Or observation of and/or interviews with you demonstrate that you are physically or mentally incapable of providing appropriate care or supervision (e.g., you have difficulty moving around, are unable to lift small children, admit to chronic intoxication or severe emotional disturbance).
- Criminal history: If the criminal background check (State or FBI) completed for you, a resident, or any person who has or will have child care responsibilities reveals a conviction, pending charge, probation before judgment, or not criminally responsible disposition for certain acts or attempted acts, which include but are not limited to the following:
 - Murder,
 - Sexual offense of any kind (including prostitution and indecent exposure),
 - Assault,
 - Child abuse,
 - Child pornography,
 - Abduction or kidnapping of a child,
 - Manufacturing, distributing, or dispensing a controlled dangerous substance, or
 - Hiring, soliciting, engaging, or using a minor to manufacture, distribute, or delivering a controlled dangerous substance; or
 - Other violent crimes against persons,
 - Possession of a controlled dangerous substance or controlled paraphernalia,
 - Alcohol-related offenses,
 - Domestic violence, or
 - Property crimes.
- Child abuse and neglect:
 - The Regional Office carefully evaluates each report of indicated abuse or neglect to determine:
 - ◇ The seriousness of the abuse or neglect,
 - ◇ Whether it was committed by you or by someone else in the home,
 - ◇ Whether it indicates a potential risk to children in care, and
 - ◇ Whether the offender has undergone any rehabilitation.
 - The presence, by itself, of abuse or neglect charges does not automatically disqualify you from receiving a registration.
- Character references: If any character reference is unfavorable, the Regional Office shall investigate your fitness to provide child care and may use the unfavorable reference as a basis for denial.
- Dual Licensure: Because of the degree of supervision that a child in treatment foster care typically needs, a caregiver who is a treatment foster care parent is not permitted to become registered as a family day care provider. However, an exception is made where each treatment foster care child in the home will be adopted by the caregiver.

B. If the Office denies an application, the Office shall notify the applicant in writing of the denial stating:

- (1) The reason for denial;**
- (2) The specific regulation with which the applicant has failed to comply that is the**

basis for the denial;

(3) That the applicant is entitled to a fair hearing; and

(4) The procedure to be used if the applicant wishes to request a hearing to appeal the decision of the Office.

INTENT: Under Maryland law, the Office must comply with due process requirements if it decides to deny an application. This means that the Office must inform you why the decision to deny was made, what your appeal rights are, and how those rights may be exercised.

Notes:

- See the "[Requesting an Appeal](#)" procedure for the steps involved in appealing the denial of an application. Also, see the "Request for Hearing" form (DHR/CCA [1281](#)).
- See "[COMAR 07.04.03, Administrative Hearings - Family Day Care Homes](#)" for requirements pertaining to the appeal hearing process under the Office of Administrative Hearings (OAH).

C. If an evaluation of criminal records or records of child abuse and neglect of children or adults reveals that a substitute designated by the applicant may pose a risk to the children in care, the Office, instead of denying the registration certificate, may require the provider to designate another substitute.

INTENT: To facilitate the approval of your registration when you meet all registration requirements except for having an acceptable substitute, the Regional Office may direct you to select another person to serve as the substitute.