

.37 CHILD PROTECTION

A. An individual who is responsible for providing care to a child:

- (1) Shall monitor the child for signs and symptoms of child abuse or neglect;**
- (2) Shall use procedures for disciplining the child that:**
 - (a) Are appropriate to the age and maturity of the child; and**
 - (b) Do not include the deliberate infliction in any manner of any type of physical pain or emotional harm including spanking, hitting, shaking or any other means of physical discipline, or shaming or ridiculing;**
- (3) If having reason to believe that a child in care has been:**
 - (a) Abused, shall report that belief directly to the protective services unit of the local department of social services or to a law enforcement agency, as required under Maryland law; or**
 - (b) Neglected, shall report that belief directly to the protective services unit of the local department of social services as required under Maryland law; and**
- (4) May not subject a child in care to abuse, neglect or injurious treatment as defined in Regulation .02B of this chapter.**

INTENT: Each person with child care responsibilities:

- Must monitor each child in care for any indication that he or she may be abused or neglected;
- Must only use discipline procedures that are appropriate to the child and do not cause harm or pain;
- Is forbidden to subject a child to abuse, neglect, or injurious treatment, or to allow the child to be subjected to abuse, neglect, or injurious treatment; and
- Must immediately report any suspicion of child abuse or neglect to the proper authorities.

INSPECTION REPORT ITEMS: "Child monitored for abuse/neglect"
"Abuse/neglect reported if suspected"
"Abuse/neglect/injurious treatment by provider"
"Appropriate discipline"

COMPLIANCE CRITERIA:

- Each day, you observe the appearance and behavior of each child for any indication of abuse or neglect (see "[Signs of Abuse and Neglect](#)").
- Suspected:
 - Abuse is reported immediately to Child Protective Services or police authorities;
 - Neglect is reported immediately to Child Protective Services;
- You have informed each substitute, the additional adult (if applicable), and all residents of the proper procedure for reporting suspected abuse or neglect.
- No child is subjected (or allowed to be subjected) to abuse, neglect, or injurious treatment by any person connected with the family day care home; and
- All child discipline techniques are appropriate and do not cause harm or pain.

ASSESSMENT METHOD: Observation to determine:

- If the provider/additional adult/substitute is monitoring children for abuse or neglect. Alternatively, discussion to determine if, how, and when the children are monitored.
- If the provider/additional adult/substitute knows proper abuse/neglect reporting procedures. If observation is not possible, discussion to determine if and how each of these persons knows the correct procedures.
- How each child is being treated.
- The nature and appropriateness of your discipline procedures. If observation is not possible, discussion to determine how the children are disciplined.

Notes:

- See Regulations .02B(1), .02B(14), .02 B(15), and .02B(16), respectively, for the definitions of “abuse”, “injurious treatment”, “mental injury”, and “neglect”.
- Maryland law:
 - Forbids corporal punishment of a child, in any form, by anyone other than the child’s parent or legal guardian.
 - Requires suspected child abuse or neglect to be reported as follows:
 - ◊ Suspected abuse must be reported immediately to the Child Protective Services unit in the local Department of Social Services (DSS) or to local police authorities.
 - ◊ Suspected neglect must be reported immediately to the Child Protective Services unit in the local DSS.

To reach the Child Protective Services unit by phone, dial the main number for the DSS and ask to be connected with Child Protective Services. The phone number of the DSS is listed in the telephone directory blue pages under “Maryland State Government, Department of Human Resources.” It is recommended that the DSS phone number be posted next to the provider’s telephone so that it is always readily available. (NOTE: For this purpose, the provider is encouraged to use the "[Posted Information](#)" form.)
- Your child discipline procedures must be:
 - Consistent with Regulation .37A(2), and
 - Followed by each person who has child care responsibilities.
- It is recommended that your child discipline procedures be set in writing and that these written procedures be made available to parents at the time they enroll their children in your child care program. You may also wish to consider including your child discipline procedures in the written agreement required by Regulation .41C (see corresponding [Section .41C](#) of this Manual).
- The Office may deny a registration application or suspend or revoke a registration if there is evidence that the applicant, provider, additional adult, substitute, or resident has subjected a child to abuse, neglect, or injurious treatment. Alternatively, the Office may require you to enter into a compliance agreement or impose other intermediate sanctions.

B. The requirements set forth in §A(3) and (4) of this regulation also apply to a resident of the family day care home.

INTENT: Each resident is subject to the same abuse/neglect reporting requirements and the same abuse/neglect/injurious treatment prohibitions as the provider.

Note: The Section A entries above under “Inspection Report Items”, “Compliance Criteria”, and “Assessment Method” that pertain to reporting abuse/neglect and to prohibitions against abuse, neglect, and injurious treatment also apply to each resident.

C. The provider or substitute shall permit the parent of a child in care to have access to the child at all times and to observe the areas of the home used for child care during the provider’s hours of operation.

INTENT: Whenever your home is in operation, parents must have access to their children and to the areas of the home that are approved for care. Parents do not need to notify you in advance of a visit to your home during operating hours.

INSPECTION REPORT ITEM: “Parental access always”

COMPLIANCE CRITERIA: Without prior notification, parents have free access to their children and to the approved care areas at all times during operating hours.

ASSESSMENT METHOD: Observation to determine if parents have free access. If observation is not possible, discussion to determine if, when, and where parents have access.

D. The provider or substitute shall notify the Office within 24 hours of:

- (1) **The death of a child if the child died:**
 - (a) **While in care of the provider or substitute; or**
 - (b) **Of a contagious disease; and**

- (2) **Any injury to a child that occurs while the child is at the family day care home in the care or the provider or substitute which results in the child's:**
- (a) **Being treated by a medical professional,**
 - (b) **Being admitted to a hospital, or**
 - (c) **Death.**

INTENT: The Regional Office must be notified of a child's serious injury or illness, or death while in care, within one working day of its occurrence.

INSPECTION REPORT ITEM: "Report, document injury/death"

COMPLIANCE CRITERIA: Each serious incident involving a child's health is reported to the Regional Office within 24 hours.

ASSESSMENT METHOD: Comparison of serious incident report(s) received from you with entries you made into children's records regarding the date, time, and nature of each serious incident.

E. The provider or substitute shall:

- (1) **Report immediately to the child's parent any serious injury or accident;**
- (2) **Report any nonserious injury or accident to the child's parent on the same day it occurs; and**
- (3) **Record each injury and accident in the child's inventory.**

INTENT: You must notify parents of any injuries or accidents involving their children so that they can seek proper medical attention as necessary. You must also maintain a record of each child injury and accident to help parents in providing appropriate details to the child's physician and to provide information to your liability insurance carrier in case the parents file a liability claim.

INSPECTION REPORT ITEM: "Report, document injury/death"

COMPLIANCE CRITERIA:

- The provider notifies the parent:
 - Immediately if the injury or accident is serious, or
 - By the end of the same day if the injury or accident is not serious.
- Each injury or accident involving a child is recorded in the child's file.

ASSESSMENT METHOD: Review of children's files to determine whether there is documentation of if and when parental notification occurred.

F. Release of Child.

- (1) **Except as indicated in §F(2) of this regulation, the provider or substitute shall release a child only to the child's parent or to another individual if directed by the parent and if the identity of the individual is verified by the provider or substitute.**
- (2) **In case of the death, disappearance, incapacity, or sudden unavailability of the parent or individual designated to pick up the child, or when requested by Protective Services, the provider or substitute may release the child to a Protective Services worker.**

INTENT: In order to protect children from harm (and yourself from liability), you may not release a child to anyone except the child's parent or legal guardian, an identified person who has been explicitly named by the parent, or an identified Child Protection Services worker.

INSPECTION REPORT ITEM: "Child release to authorized persons"

COMPLIANCE CRITERIA: You have a policy to ensure that each child is released only to:

- The child's parent or legal guardian,
- A person identified as being someone authorized by the parent or guardian to pick the child up, as stated on the child's "Emergency Form" (DHR/CCA [1214](#)) or in a special written authorization for a specific date or situation (see "Notes" below), or
- An identified Child Protection Services worker.

ASSESSMENT METHOD: Discussion to determine if:

- There is a child release policy,

- Each substitute and additional adult, if appropriate, is aware of the policy, and
- The policy is routinely followed.

Notes:

- The “Emergency Form” is intended to provide the names and contact information for persons who are routinely authorized to pick the child up if the parent or guardian is unavailable. However, a parent may want to have the child picked up from your home by someone else as part of a special occasion or activity (for example, an out-of-town relative who has arrived for a visit, or a car pool driver for an afterschool sports practice). In this type of situation, you may release the child only if:
 - The parent has specified to you in writing what the purpose of the special arrangement is, who is expected to pick the child up, and when the pick up will occur, and
 - You are able to verify the identity of the person who arrives for the child.
- If a parent or legal guardian who seems to be intoxicated shows up to pick up the child, you have no right to deny the person access to the child or to prevent the person from taking the child. However, you do have the right to contact Child Protective Services immediately to express concern about the apparent condition of the person and the possible risk to the child. The following are some other courses of action you may wish to consider:
 - If the person seems so intoxicated that the child would be placed at risk of serious and immediate harm by being released to the person, you can call the police. Likewise, if the person poses a threat to you or any of the other children, you can call the police and request immediate assistance. If possible and prudent, you can then try to stall the person until the police arrive.
 - If there is another parent or authorized adult noted on the child’s “Emergency Form”, you may try to contact that person to explain the situation and request the person’s assistance.
 - If the person plans to drive the child home, you might suggest using an alternative means of transportation (for example, calling a taxi).

However, you must remember that the intoxicated parent or legal guardian has the right to remove the child, and that you should not take any action that will put yourself or any other child in danger.