

**Executive Office of Health and Human Services  
Department of Children and Families  
Central Administrative Office  
600 Washington Street, 6<sup>th</sup> Floor  
Boston, Massachusetts 02111**

**Linda S. Spears, Commissioner**

**Voice: (617) 748-2000**

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**IN THE MATTER OF: RL**

**Fair Hearing #20170537**

**FAIR HEARING DECISION**

Appellant, RL, appeals the decision of Cambridge and Family Children's Service, pursuant to 110 C.M.R. §7.113, to deny her and her home licensure as a pre-adoptive resource.

**Procedural History**

On or about April 3, 2017, Cambridge Family and Children's Service ("CFCS"), a Department of Children and Families' contracted agency, notified RL ("Appellant") in writing that it was denying her and her home licensure for foster/pre-adoptive care. CFCS also notified Appellant of her right to appeal said decision.

Appellant made a timely request for a Fair Hearing relative to the above referenced decision. The Fair Hearing was held over the course of two days, June 13, 2017 and September 12, 2017, at the offices of CFCS in Cambridge, Massachusetts. In addition to the Hearing Officer, the following persons appeared on June 13, 2017:<sup>1</sup>

LS            CFCS Adoption Social Worker  
SR            CFCS Adoption Supervisor, Director of Adoption Program  
RL            Appellant

In addition to the Hearing Officer, the following persons appeared on September 12, 2017:

LS            CFCS Adoption Social Worker  
SR            CFCS Adoption Supervisor, Director of Adoption Program

<sup>1</sup> Appellant requested a continuance on this date as she had only become aware of the Fair Hearing date a few days prior and reported not being prepared to go forward. Appellant had not received the Fair Hearing notice and was made aware of the Fair Hearing date during a court proceeding relative to the subject children. CFCS had no objection to a continuance. The continuance was granted.

RL	Appellant
TC	Witness
NW	Witness/Children's Attorney
CdL	Witness/Appellant's Daughter

The Fair Hearing was digitally recorded. In accordance with 110 C.M.R. §10.03, the Hearing Officer attests to impartiality in this matter, having no direct or indirect interest, personal involvement, or bias in this case. The record remained open until October 6, 2017 to afford the parties the opportunity to submit additional documentary evidence. The following exhibits were entered into the record for this Fair Hearing:

For CFCS:

Exhibit A	Kinship Adoption Homestudy
Exhibit B	Adoptive Family Resource Application
Exhibit C	Addendum to Application, 10/3/16
Exhibit D	Addendum to Application, 9/28/16
Exhibit E	Certificates of Adoption (2)
Exhibit F	Grievance and Appeal Policy
Exhibit G	Physical Requirements
Exhibit H	Authorization for Release of Information
Exhibit I	Personal References (3)
Exhibit J	Medical References (3)
Exhibit K	Mental Health Reference
Exhibit L	Educational References (2)
Exhibit M	Financial Statement
Exhibit N	Employment Verification
Exhibit O	Consents for Background Check (5)

For Appellant:

Exhibit 1	Fair Hearing Request with attached CFCS denial letter (1st page)
Exhibit 2	Curriculum Vitae, T.F.C, LMFT, LMHC
Exhibit 3	Dimock Street Rapid Response Request w/ Family Resource Application
Exhibit 4	Correspondence, CFCS to Appellant
Exhibit 5	Family resource approval
Exhibit 6	E-mail re visit
Exhibit 7	Correspondence, CFCS to references

The Hearing Officer need not strictly follow the rules of evidence...Only evidence which is relevant and material may be admitted and form the basis of the decision. 110 C.M.R. §10.21.

**Statement of the Issues**

The issue presented in this Fair Hearing is whether, based upon the evidence and the hearing record as a whole, the decision or procedural action of the Department of

Children and Families' contracted agency to deny Appellant foster/pre-adoptive care licensure violated applicable statutory or regulatory requirements, or the Department of Children and Families' policies or procedures, and resulted in substantial prejudice to the Appellant; if there is no applicable statute, policy, regulation or procedure, whether the contracted agency failed to act with a reasonable basis or in a reasonable manner which resulted in substantial prejudice to the Appellant. 110 C.M.R. §10.05

### Findings of Fact

On the basis of my assessment of all the evidence, I make the following factual findings:

1. Appellant served in the United States Army Reserve for approximately eight years. She earned an associates' degree in Early Childhood education and worked for three to four years as a lead classroom teacher of three and four year olds. In 2009, Appellant began working part time as a cake decorator at [REDACTED]. She is currently employed there full time. [Exhibit A]
2. Appellant is forty nine years old and the mother of eight children ranging in age from eight years old to thirty years old:
  - two biological children, Cl [REDACTED] and Cd [REDACTED];
  - adopted twins, P and O [REDACTED] and placed in her home in 1991 [REDACTED];
  - children through guardianship (since 2002), F [REDACTED] and N [REDACTED]; F and N are Appellant's nieces, the children of Appellant's brother;<sup>2</sup>
  - and adopted children (placed in or about January 2015 and adopted in March 2016), J [REDACTED] and Cz [REDACTED]; J and Cz are Appellant's nephews, the children of another brother.<sup>3</sup> [Exhibit A; Exhibit E]
3. N is the daughter of Appellant's brother and the mother of A, G, and Z. [Exhibit A]
4. Appellant is the maternal great aunt of A, G, and Z. [Exhibit A]
5. A [REDACTED], G [REDACTED], and Z [REDACTED] are children in the care and custody of the Department of Children and Families ("Department") and in a foster care placement. In February 2016, the goal for the children became adoption. Appellant expressed an interest in adopting A, G, and Z. [Exhibit A]
6. Prior to going into the care and custody of the Department in March 2015, A, G, and their mother lived sporadically with Appellant. [Exhibit A]

<sup>2</sup> Appellant's brother passed away in a motor vehicle accident.

<sup>3</sup> On January 20, 2015, the Department approved Appellant as a foster/pre-adoptive parent relative to J and Cz. [Exhibit 5]

7. In May 2016, Appellant submitted a Family Resource Application to the Department to become a placement resource for A, G, and Z. [Exhibit 3; Exhibit A]
8. In June 2016, the Department transferred management of the children's adoption case to CFCS, a Department contracted agency. Shortly thereafter, CFCS notified Appellant that her application was incomplete and sent her a new application to complete and submit. [Exhibit A]
9. On September 9, 2016, CFCS received an Adoptive Family Resource Application ("Application") from Appellant. In this Application, Appellant identified J (age fifteen) and Cz (age eight) as her only household members. [Exhibit B; Exhibit A]
10. On September 22, 2016, CFCS staff had a conversation with Appellant notifying her that her recently submitted application was incomplete. [Exhibit 4]
11. On or about September 23, 2016, CFCS notified Appellant in writing that her Application was not complete and that Appellant needed to submit the following by September 29, 2016 or CFCS would assume she was no longer interested in pursuing the adoption of the children:
  - her children's social security numbers;
  - the addresses for her personal references;
  - a third personal reference, including address;
  - the name and address of her primary care physician;
  - the name and address of her children's pediatrician;
  - the names of her children's teachers and the address of schools. [Exhibit 4]
12. On September 28, 2016, Appellant provided supplemental information via email to the CFCS adoption social worker relative to: J and Cz's primary care providers and schools; Appellant's primary care provider; and personal references. This information had been requested but not completed on her Application. Appellant indicated that she would supply J and Cz's social security numbers as soon as possible. Appellant requested that she be informed if she needed to provide any additional information. [Exhibit D; Exhibit B]
13. On October 3, 2016, Appellant supplied CFCS with J and Cz's social security numbers. [Exhibit C]
14. In November 2016, CFCS began the homestudy of Appellant. [Testimony of CFCS Adoption Worker]
15. On November 9, 2016, Appellant signed copies of CFCS' Grievance and Appeal Policy and Authorization for Release of Information. [Exhibit F; Exhibit H]
16. On November 22, 2016, parental rights relative to A, G, and Z were terminated. [Exhibit A]

17. On November 30, 2016, CFCS received an Educational Reference relative to J. J was an outstanding student with perfect attendance who earned high honors, completed all assignments, and was highly engaged and productive every day in class. J's teachers nominated him to be one of three students for the prestigious Harvard Crimson summer program. His ninth grade physics teacher and robotics coach had had little communication with Appellant (other than to register J for the robotics team) but felt that J must have strong, loving support at home to be doing so well in his first year of high school. [Exhibit L]
18. In December 2016, CFCS conducted the first visit to Appellant's home as part of the licensing homestudy. [Testimony of Adoption Social Worker]
19. During the course of the homestudy, Cz and A, independently of each other, reported that Cd lived in the basement of Appellant's home in [REDACTED]. Appellant initially reported that Cd lived with her sister Cl in [REDACTED]. Cd reported that she was living in Dorchester. CFCS staff asked to view Appellant's basement. Appellant allowed access one week after the request. There was a bedroom furnished with a queen bed and a half bathroom in the basement. [Exhibit A; Testimony of Adoption Supervisor]
20. On December 9, 2016, CFCS received a Medical Reference for Appellant which indicated no concerns about Appellant's ability to provide adoptive care for a child. [Exhibit J]
21. In early December 2016, N was killed in a car accident. [Exhibit B]
22. On December 9, 2016, CFCS agreed to allow A, G, and Z to spend one overnight (12/12/16 to 12/13/16) at Appellant's home so that they could attend funeral services for their mother, N. Part of this agreement included the stipulation that A, G, and Z would be in Appellant's care at all times during the visit. [Exhibit 6]
23. After A, G, and Z's overnight visit with Appellant, the children reported to their foster mother, their intensive foster care social worker, and their adoption social worker on separate occasions that Cz had hurt G during the visit. A reported that Cz had tried to hurt G with "knives" in his back. G reported that Cz had tried to hurt him with "nail clippers." Both children reported that this happened upstairs with no adults present. They also reported that Cz gave G a bloody nose by pushing him. Appellant denied that these events happened but reported that she believed Cz might be feeling "territorial." A, G, and Z continued to report that they were afraid of Cz. [Exhibit A]
24. On December 15, 2016, CFCS received Appellant's Employment Verification Form. [Exhibit N]
25. On or about December 20, 2016, CFCS wrote Appellant to inform her that they had not yet received all of her references, i.e. Cz's mental health, medical, and school references; J's medical reference; her three personal references; and her financial

statement. CFCS stated that they needed the references by January 6, 2016 in order to complete the homestudy process. [Exhibit 4]

26. On December 23, 2016, CFCS received a Mental Health Reference relative to Cz. The clinician who had been working with Cz since July 2016 had no concerns about Appellant's ability to provide foster or adoptive care. The clinician described Appellant as an amazing advocate for Cz who was inspirational in her commitment to caring for her children. The clinician noted that Cz had thrived remarkably since being in Appellant's care. [Exhibit K]
27. On January 10, 2017, CFCS received a Medical Reference relative to Cz which indicated that Cz was in excellent health and had no emotional or behavioral difficulties. Cz had undergone a physical examination that day. His previous physical examination had been in April 2015. [Exhibit J]
28. On or about January 10, 2017, CFCS received an Educational Reference relative to Cz. Cz was working on grade level (second grade) but needed to do homework assignments. His teacher had not had communication with Appellant and did not think Appellant provided Cz with help with homework or class projects. Appellant did not attend teacher conferences. [Exhibit L]
29. Cz had a therapist and a therapeutic mentor. Cz was not involved in any extracurricular activities. [Exhibit A]
30. On January 17, 2017, CFCS received a Personal Reference from Appellant's daughter, Cl. This reference indicated that Appellant had great parenting and leadership skills and was more than suitable to be an adoptive parent as she successfully raised her biological and adopted children. [Exhibit I]
31. On January 18, 2017, CFCS received a Personal Reference for Appellant from a woman who had gone to high school with Appellant's daughter, Cl. This reference described Appellant as "everyones mother" (sic) and as a calm, mellow person with a lot of patience. [Exhibit I]
32. On or about January 19, 2017, CFCS reminded Appellant in writing that the following references were still outstanding: J's medical reference; one personal reference; her financial statement; and CORI forms for household members/frequent visitors for your daughters. CFCS stated that they needed the references as soon as possible in order to complete the homestudy process. [Exhibit 4]
33. On January 20, 2017, CFCS received a Personal Reference from Appellant's niece, F.<sup>4</sup> This reference indicated that Appellant worked well under pressure, was able to think clearly in challenging situations, and had always made sure F was loved and appreciated. [Exhibit I]

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<sup>4</sup> F is one of the nieces of whom Appellant had been the guardian.

34. On February 6, 2017, CFCS received Appellant's Financial Statement. [Exhibit M]
35. On or about February 6, 2017, CFCS notified Appellant in writing that J's medical reference and the CORI form for Appellant's daughter, Cd, were still outstanding. CFCS stated that if it did not receive the two outstanding documents by February 17, 2017, CFCS would be unable to approve Appellant as an adoptive resource. [Exhibit 4]
36. In February 2017, Cd submitted an undated Consent for Background Record Check form to CFCS. Cd identified Appellant's address as Cd's address on the form. [Exhibit O; Exhibit A]
37. On February 10, 2017, CFCS received a Medical Reference relative to J. J was reported to have asthma and to have no emotional or behavioral issues. J underwent a physical examination that day. His previous physical examination had been in September 2015. [Exhibit J]
38. A, G, and Z experienced a great deal of instability while in the care of N, as well as exposure to domestic violence. Since entering foster care, they experienced multiple placements and separations from caregivers. G has had emotional behavioral challenges in school. A has struggled since the death of N, requiring emergency psychiatric screening and a partial hospitalization program. [Exhibit A]
39. A, G, and Z require intensive support from a skilled caregiver who can serve as a strong advocate and maintain supportive therapeutic services and appointments for the children now and as they grow older. [Exhibit A]
40. On March 31, 2017, CFCS decided not to approve Appellant as an adoptive resource for A, G, and Z. [Exhibit A]
41. On or about April 3, 2017, CFCS informed Appellant of its decision not to license her home as an adoptive resource for A, G, and Z. [Exhibit 1; Exhibit 4]
42. CFCS' April 3, 2017 letter to Appellant indicated CFCS was not licensing Appellant's home due to Appellant's failure to meet specific standards which included: 110 CMR 7.104 §1(a), (b), (c), (d), and (g). *See* below. In addition, Appellant had not responded to CFCS' requests to interview all household members and all required references had not been received. [Exhibit 4; Exhibit 1]
43. CFCS questioned Appellant's ability to provide A, G, and Z with a safe, supportive, and nurturing home environment. While acknowledging that Appellant had many strengths, CFCS identified the following concerns relative to Appellant's ability to become an adoptive resource for A, G, and Z:
  - Appellant's motivation to adopt the children - Appellant's lack of commitment to completing the homestudy process in a timely manner and participation in

infrequent visitation with A, G, and Z raised concerns relative her motivation to adopt them;

- Appellant's honesty and transparency - i.e. with respect to whether CI lived in Appellant's home;
- Appellant's lack of attention to the medical and mental health needs of J and Cz – since placement with Appellant, J and Cz had not had timely yearly physical examinations; Appellant scheduled examinations for them for the purpose of obtaining the required medical references; in the Fall of 2015, Cz's school had recommended outpatient therapy for Cz; Appellant did not follow through with this until July 2016; there were concerns relative to Appellant's ability to ensure that J, Cz, A, G, and Z receive needed medical, educational, and/or therapeutic care consistently;
- Appellant's judgment and ability to prioritize the children's emotional well-being - prior to the scheduled plan for Appellant to inform A, G, and Z of N's death, Appellant appeared on news and published the children's photos, creating the risk that the children would learn of their mother's death from friends, teachers, neighbors, or classmates without any preparation or support; in addition, a Go Fund Me page was created requesting \$100,000 to pay for funeral expenses and college costs for A, G, and Z naming Appellant as the individual to receive the funds; the children's pictures were posted on the Go Fund Me page; despite repeated requests from CFCS, the pictures were not removed until June 2017;
- Appellant's lack of recall or awareness of notable information pertaining to her children - Appellant was not able to correctly identify the date or year in which her two daughters were adopted, the date of J and Cz's adoptions, J's age, the correct spelling of Cz's name, whether Cz had an IEP, where Cd and/or CI lived, and what Cd and/or CI's fields of study were;
- the adequacy of Appellant's support network - Appellant identified her adult children and the children's foster parents (whom she had only recently met) as supports; Appellant did not identify any close friends or other relatives as supports;
- CFCS' inability to verify that no members of Appellant's household had engaged in criminal activity which would place the children at risk - as Cd did not confirm her presence in Appellant's home until the end of the homestudy process, Cd's criminal background check results had not been received at the completion of the homestudy; in addition, there were over 30 police responses to Appellant's address between 1999 and 2015, most of which occurred between 2005 and 2015, and in which members of Appellant's family are identified both as victims and as offenders;
- the number of unsupported allegations filed against Appellant relative to her care of O, N, and Cz – there have been five unsupported allegations of physical abuse and/or neglect filed against Appellant; during the most recent investigation in 2015, the investigator documented being opposed to the placement of A, G, and Z with Appellant as Appellant had “her hands full with [J] and [Cz] and needs to put forth her time and effort meeting all of their needs;”



- A and G's expression of fear of Cz hurting them – while A and G have been willing to visit Appellant outside of her home, they have expressed reluctance, and, at times, refusal to visit Appellant's home; and
  - the failure of Cd to complete the required homestudy interview and submit the required medical reference. [Exhibit A; Testimony of Adoption Social Worker; Testimony of Adoption Supervisor]
44. Appellant filed a timely appeal of CFCS' decision to deny her licensure. [Exhibit 1]
  45. Although there were initially some issues, Appellant's home met the required physical standards for licensure as set forth by Department regulations and policies. [Exhibit A; Testimony of Adoption Supervisor]
  46. Appellant wants to adopt A, G, and Z and keep her niece and nephews within their immediate family. [Exhibit A; Testimony of Appellant]
  47. Cd reported living with her significant other from 2015 through 2016, but staying with Appellant whenever Appellant needed help. Cd did not explain why she listed Appellant's address as her own on the Consent for Background Record Check form. [Testimony of CdL]
  48. There is sufficient evidence to indicate that Cd spent a substantial amount of time in Appellant's home and that Appellant was not forthcoming in providing this information to CFCS in a timely manner. [Fair Hearing record]
  49. After the completion of Appellant's homestudy by CFCS, the Care and Protection attorney representing A, G, and Z hired a permanency planning expert to review the homestudy and observe supervised visits between Appellant and A, G, and Z. The expert observed two visits during which Cz was present and noted warm interactions among all the family members. CFCS had restricted Cz's presence at visits fearing it would be too traumatic for G. [Testimony of Adoption Supervisor; Testimony of TC]
  50. The children's Care and Protection attorney was in favor of A, G, and Z being placed in Appellant's home. [Testimony of NW]
  51. As of the date of the Fair Hearing, CFCS was in the process of conducting a homestudy of one of Appellant's daughters as a placement for A, G, and Z. [Testimony of Adoption Supervisor]
  52. The decision of CFCS to deny Appellant licensure as a pre-adoptive resource for A, G, and Z made in conformity with Department policies and regulations and with a reasonable clinical basis. *See*, 110 C.M.R. §7.104 (1); *See also* Analysis below.

## Applicable Standards

DCF Policy #2006-01, Effective: 02/06/2006, Revised: 07/08/2008

### **Family Resource Policy**

#### **Definitions**

**HOUSEHOLD MEMBER:** Any individual, regardless of age, who resides, or spends substantial time at the home. This may include, but is not limited to, ... relatives ... and/or other individuals who spend overnights in the home.

#### **Initial Eligibility Screening Procedures**

3. **Background Records Checks.** Using information obtained during the initial home visit(s), the child's Social Worker (for potential kinship or child-specific family) or FRW (for the potential unrestricted family) initiates background record checks, including CORI checks, on all household members age 14 years and older...and obtains any necessary approvals....

#### **License Study Procedures**

4. **License Study.** The FRW completes the License Study which includes: ...

- At least one interview with each household member as appropriate to her/his age and verbal capacity, including an individual interview with each applicant.
- Review of written references as follows:
  - 1 **medical** reference for each household member

#### 110 C.M.R. §7.106E

##### **Department Contracted Foster/Adoptive Parents**

The Department may utilize foster or adoptive care agencies licensed under the laws of the Commonwealth to provide foster/pre-adoptive services to children in Department care or custody. When it does so, the contracted foster/pre-adoptive homes must comply with the standards set forth at 110 CMR 7.100(3) and (4), 7.103 and 7.104....

#### 110 C.M.R. §7.103

##### **Application To Become a Foster Parent/Pre-Adoptive Parent**

Whenever an individual who has contacted the Department for the purpose of applying to be an unrestricted, kinship or child-specific foster or pre-adoptive parent has been deemed eligible ... the following procedures shall be observed:

- (3) Application forms shall require at least the following information and consent:
- (b) the name, date of birth, social security number, sex and relationship to the applicant of all household members;

#### 110 C.M.R. §7.104

##### **Standards for Licensure as Foster/Pre-Adoptive Parent**

In order to be licensed as a foster/adoptive parent, a foster/pre-adoptive parent applicant must meet the following requirements:

- (1) A foster/pre-adoptive parent applicant must demonstrate, to the satisfaction of the Department the ability:
- (a) to assure that a child placed in his or her care will experience a safe, supportive, nurturing and stable family environment which is free from abuse or neglect;

- (b) to assure that a child placed in his or her care will be provide with adequate food, clothing, shelter, supervision, and other essential care at all times;
- (c) to assure that a child placed in his or her care will be provided with routine and emergency medical and dental care;
- (d) to promote the physical, mental, and emotional well-being of a child placed in his or her care, including supporting and respecting a child's sexual orientation or gender identity;
- (g) to respect and be bound by the same standards of confidentiality as the Department and its employees;

**110 C.M.R. §10.05**

A Fair Hearing shall address (1) whether the Department's or provider's decision was not in conformity with its policies and/or regulations and resulted in substantial prejudice to the aggrieved party;.... In making a determination on these questions, the Fair Hearing Officer shall not recommend reversal of the clinical decision made by a trained social worker if there is reasonable basis for the questioned decision.

**110 C.M.R. §10.23**

To prevail, the aggrieved party must show by a preponderance of the evidence that (1) the Department's or provider's decision was not in conformity with the Department's policies and/or regulations and resulted in substantial prejudice to the aggrieved party....

**Analysis**

Considering all of the evidence, I uphold the decision of CFCS to deny Appellant RL a foster/pre-adoptive resource license.

This Hearing Officer does not doubt that Appellant is sincere in her request to provide a home with family for her niece, Z, and nephews, A and G. In the past, Appellant took guardianship of her two nieces who are now adults and adopted two of her nephews who continue to live with her. Nevertheless, CFCS raised numerous concerns relative to Appellant's ability to be an appropriate pre-adoptive placement for A, G, and Z. Some of the concerns identified may in and of themselves not been sufficient to deny Appellant licensure of her home. For example, this Hearing Officer notes that the end of the homestudy period took place during winter holidays and snowstorms and at a time when Appellant and her family were grieving the death of N, the mother of A, G, and Z. This may account for some of the delay in ensuring that the required references were received by CFCS. Nevertheless, when the identified concerns are taken as the whole, it was reasonable for the Department to question whether it was appropriate for Appellant to assume the responsibility for three additional children in her home.

Notably, Appellant did not ensure that J and Cz had yearly physical exam and did not take them for their physicals until January and February 2017 when she had to do so in order to obtain the required medical references for her homestudy. Although J and Cz


were healthy and there is no evidence that a delay in their physical exams was detrimental to their well-being, the question of whether Appellant would be able to manage the needs of three additional children in her home is relevant. Of concern also is Appellant's inconsistent reporting of where her daughter, Cd, lived. Cz and A reported that Cd lived in Appellant's basement. Although A was not living in Appellant's home and may not have known of the actual amount of time Cd spent in the home, Cz did live there and would have known whether Cd spent a lot of time there. Cd identified Appellant's address as her home address in February 2017 and testified that, at times, she lived with Appellant when Appellant needed her. Appellant identified Cd as one of her supports. The totality of the evidence indicates that Cd spent a substantial amount of time at Appellant's home and would be considered a household member pursuant to Department policy. Therefore, Appellant was required to provide CFCS with Cd's information in a timely manner so that CFCS could assess her during the homestudy period. Her failure to do so resulted in an incomplete homestudy and raised reasonable questions as to Appellant's ability to work openly and collaboratively with CFCS were her niece and nephews to be placed in her home.

The burden is on Appellant to show, by a preponderance of the evidence, that CFCS's decision to deny her licensure was not in conformity with Department regulations and/or policy. A Fair Hearing officer must defer to the clinical judgment of a trained social worker if there is a reasonable basis for the questioned decision. 110 C.M.R. §10.05. This Fair Hearing Officer has no reason to doubt the clinical experience and judgment of the CFCS staff involved in the instant matter. Taking all of the concerns raised into consideration, I do not find the information offered by Appellant to be compelling to the degree to find that CFCS acted unreasonably and/or abused its discretion in making its decision in this matter. Based upon a review of the evidence presented at the Fair Hearing, including testimony from the witnesses and documents submitted by both parties, I find the decision to deny Appellant licensure was made in conformity with Department policies and regulations and was supported by sound clinical judgment. There was a reasonable basis for the Department's decision.

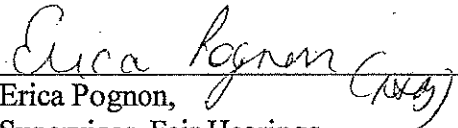
### Conclusion and Order

The decision of CFCS to deny Appellant RL licensure as a pre-adoptive resource was made in conformity with Department policies and regulations and with a reasonable basis. Therefore, the decision of CFCS is **AFFIRMED**.

This is the final administrative decision of the Department. If Appellant wishes to appeal this decision, she may do so by filing a complaint in the Superior Court for the county of Suffolk or for the county in which Appellant lives within thirty (30) days of the receipt of this decision. (See, M.G.L. c.30A, §14). In the event of an appeal, the Hearing Officer reserves the right to supplement the findings.

  
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Antonia Chronis,  
Administrative Hearing Officer

2/13/18  
Date

  
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Erica Pogon,  
Supervisor, Fair Hearings