

**THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES
DEPARTMENT OF CHILDREN AND FAMILIES
600 WASHINGTON STREET, 5TH FLOOR
BOSTON, MASSACHUSETTS 02111**

**Linda S. Spears
Commissioner**

**Voice: 617-748-2030
Fax: 617-748-2062**

IN THE MATTER OF)
)
 EPG & VG)
)
 FH # 2019-1412)
)
)

FAIR HEARING DECISION

The Appellants in this Fair Hearing were the foster parents, EPG and VG (hereinafter “EPG,” “VG” or “the Appellants”) for their grandson, G (hereinafter “G” or “the child”). The Appellants appealed the Department of Children and Families’ (hereinafter “DCF” or “the Department”) decision pursuant to 110 CMR 7.104, to revoke their license to provide pre-adoptive child-specific foster care.

Procedural History

On September 19, 2019, the Department notified the Appellants of their decision to remove G from their care. On September 20, 2019, a decision was made to revoke the Appellants’ license to provide child-specific foster care. The Department sent written notice to the Appellants of its decision and of the Appellants' right to appeal.

The Appellants made a timely request for a fair hearing pursuant to 110 CMR 10.06. The Fair Hearing was held on January 16, 2020, at the Department’s Lawrence Area Office. All witnesses were sworn in to testify under oath. The record remained open until January 31, 2020, to allow the Appellants the opportunity to submit additional documentary evidence, which was not received. The record closed on January 31, 2020.

The following persons appeared at the Fair Hearing:

| | |
|---------------|--|
| Lisa Henshall | Fair Hearing Officer |
| EPG | Appellant ¹ |
| JM | Family Resource Social Worker (“FRSW”) |

¹ Appellant EPG appeared on behalf of Appellant VG as he was unable to attend the Fair Hearing. (Fair Hearing Record)

SD
RG

Family Resource Supervisor ("FRS")
DCF Ongoing Supervisor ("OGS")

In accordance with 110 C.M.R. 10.03, the Administrative Hearing Officer attests to impartiality in this case, having had no direct or indirect interest, personal involvement or bias in this case.

The Fair Hearing was recorded pursuant to the Department regulations. 110 CMR 10.26

The following documentary evidence was entered into the record for this Fair Hearing:

For the Department:

Exhibit A: Removal Letter dated September 20, 2019
Exhibit B: License Denial Letter dated September 20, 2019
Exhibit C: Letter to the Appellants dated January 7, 2020
Exhibit D: Family Resource Limited Reassessment completed September 24, 2019
Exhibit E: Family Resource Kinship License Study completed July 30, 2019
Exhibit F: Family Resource Dictation June 3- December 23, 2019
Exhibit G: 51A Intake Report - Institutional Abuse dated September 6, 2019
Exhibit H: 51A Intake Report - Institutional Abuse dated September 19, 2019
Exhibit I: Child Abuse/Neglect Non-Emergency Response dated October 4, 2019
Exhibit J: 51A Intake Report dated September 19, 2019
Exhibit K: Child Abuse/Neglect Emergency Response dated September 26, 2019
Exhibit L: LBHS Psychiatric and Progress Notes
Exhibit M: LBHS Progress Notes

For the Appellant:

Exhibit 1: Fair Hearing Request Letter dated October 21, 2019

Issue to be Decided

The issue presented in this Fair Hearing is whether, based upon the evidence and the hearing record as a whole, and on the information available at the time of and subsequent to the Department's decision to deny the Appellants license to be a kinship or child-specific foster care resource is in conformity with the Department's policies and/or regulations and, if not, whether any regulatory violation resulted in substantial prejudice to Appellant. 110 CMR 10.05

Findings of Fact

1. On June 3, 2019, the Appellants filed an application to be studied as a kinship foster placement for their grandson G. G had been removed from his mother and her boyfriend due a domestic violence indicant in which the child was physically abuses. G's father (hereinafter "AM") was the Appellants son and he was "homeless and resides with friends." AM had supervised visits with G at the Appellants home. (Testimony of the FRS; Exhibit E; Testimony of Appellant EPG)

2. On June 4, 2019, G was discharged from the hospital and placed with the Appellants. Also residing in the home was the Appellants daughters V (hereinafter "V"), age 13 and D (hereinafter "D"), age 18. (Exhibit E; Testimony of the FRS)
3. "During the license study, there were concerns and issues raised regarding what was going actually going on in the home." V's therapist had referenced concerns about her behavior at school and that the Appellants had separated and V's behavior had improved. "There was a lot of tension in the home and that the parents argued a lot." The therapist was concerned as V had stopped attending therapy. The Department was unaware that the Appellants were separated and there was "concern of the resource not being truthful with the Department." (Testimony of the FRW; Exhibit F, pp. 5-6, 30-32)
4. Appellant EPG disputed what was reported by V's therapist. Appellant EPG argued that V's therapist terminated the service and that it was not because V stopped going. (Testimony of the Appellant EPG)²
5. The FRW spoke to Appellant EPG about the information they had received. Appellant EPG initially stated things were fine and she and Appellant VG were not separated. Later, clarifying that the two of them (EPG and VG) had been separated for six weeks. (Exhibit F, p. 7; Testimony of the FRS)
6. There were also concerns related to the family's DCF history. In 2006, the family became known to the Department due to allegations of physical abuse of AM by the Appellants. In 2007 and 2008, there was a supported 51A report for physical abuse of "J", Appellant EPG's son, by her. In 2009, there was a screened out 51A report for physical abuse of J by Appellant EPG. When asked, Appellant EPG disputed that she physically disciplined her children. When asked if she would do anything differently "she said she wouldn't." (Exhibit E; Exhibit F, p. 5; Testimony of the FRS)
7. On July 11, 2019, Appellant EPG gave the FRW the information for her therapist, RK (hereinafter "RK") and psychiatrist, AD (hereinafter "AD"). On July 15, 2019, the FRW faxed a medical reference form to them. As of July 26, 2019, neither provider had gotten back to the FRW. On July 31, 2019, RK responded that "she does not feel comfortable completing the 'medical reference form.'" Appellant EPG met with her "once every two months and does not have any concerns about her being a foster parent and thinks she will do a good job." (Exhibit F, pp. 18, 21, 22; Testimony of the FRS)
8. On July 30, 2019, the license home study was approved. G's needs were being met and it was a kinship resource and the goal was reunification. (Exhibit E; Testimony of the FRS; Exhibit 1)
9. On September 6, 2019, the father informed DCF that he and Appellant EPG had an argument which G was a part of. He gave G to his sister and he and Appellant EPG had a physical altercation. A subsequent 51A report was filed which alleged the neglect of G by Appellant EPG and was later unsupported. (Testimony of the FRS; Exhibit G; Testimony

² EPG was to submit evidence to support this but no such evidence was received by this Hearing Officer. (Fair Hearing Record)

of the Appellant EPG)

10. On September 17, 2019, the FRW received therapy and progress notes from RK and psychiatrist AD.³ According to the notes, there were a lot of marital issues going on. Appellant EPG had reported being raped by her husband, Appellant VG, "recently." She was referred for supportive services and encouraged to report this to the police. There was also reference made to Appellant EPG seeking guardianship of G when the goal was clearly reunification with his mother, which she was "not in favor of." (Testimony of the FRS; Exhibit F. p. 28; Exhibits L & M)
11. It was undisputed that Appellant EPG was not in agreement with the goal of reunification and the Department was aware of this prior to approving the home. (Testimony of the Appellant EPG; Testimony of the FRW)
12. Appellant EPG did not dispute that she spoke of an incident that occurred between she and her husband (VG) but that it was her therapist who had labeled it as "rape." Appellant EPG became upset and did not want to speak about this further. (Testimony of the Appellant EPG) It remains unclear when the incident occurred.
13. In the progress notes, it stated that in July 2019, Appellant EPG spoke of being disappointed that AM did not visit with his son. Apparently AM had come to the house but did not visit with G because he was out drinking with her husband (Appellant VG) and a fight ensued and AM and his girlfriend ended up leaving. (Testimony of the FRS; Exhibits L & F)
14. Also in the notes, in March of 2019, V had disclosed that her father (Appellant VG) had "raped" her. Appellant EPG believed this was a "prank" and got the child into counseling. (Testimony of the Appellant EPG; Testimony of the FRS; Exhibits L & F)
15. The Appellants did not notify the Department of any of these issues and were not forthcoming. (Fair Hearing Record) The Department had an agreement with all foster parents that they need to inform DCF of who resided in their home and to work cooperatively with the Department. (Testimony of the FRS)
16. On September 17, 2019, an internal meeting was held and it was determined that an Area Clinical Review (ACR) should be held. On September 19, 2019, an ACR was convened and it was determined that two 51A reports were to be filed regarding the incidents that were referred to in the therapist progress notes.⁴ In addition, a limited re-evaluation was necessary. At that time, it was determined that G was at imminent risk in the Appellants home due to all the concerns and the uncertainty about what was going on in the home. Subsequently G was removed from the home. (Exhibit A; Testimony of the FRS;

³ When the FRW and FRS received this medical information they contacted the DCF Northeast Regional Counsel, TM. They were advised that since this information was received and released and DCF was in possession of it that it could not be ignored as it went to the well-being of the child and what was going on in a licensed DCF foster home. (Testimony of the FRS)

⁴ Both of the 51A reports were screened in and investigated by the DCF Special Investigation Unit (SIU) and unsupported. (Testimony of Appellant EPG; Exhibits I & K)

Exhibits H & J)

17. On September 20, 2019, the FRW contacted RK and informed her that they had received Appellant EPG's progress notes. RK indicated she had not sent them. RK believed G should remain with Appellant EPG and did not support the goal of reunification. Appellant VG was no longer residing in the home. RK was aware of V's disclosure of sexual abuse by her father and had not filed a 51A report as "the school investigated this and knew she made it up." (Exhibit F, pp. 28-29; Exhibits L & M)
18. On September 20, 2019, the Appellants were notified in writing of the Department's decision to remove G and to revoke their license. (Exhibit A & B; Exhibit F)
19. On September 24, 2019, the Department completed the Family Resource Limited Assessment and the outcome of the license renewal was that the Department would revoke the Appellants child-specific foster care license 110 CMR 7.104 1 (a) (d) (f) (h) (i) (k) (m) (q) (c), 2 & 7.105 (14). (Testimony of the FRS; Exhibit B; Exhibit D; Exhibit F, p. 28)
20. On October 30, 2019, G was reunified with his mother. (Fair Hearing Record)
21. I find that the Department's decision to revoke the Appellants license to provide child-specific kinship foster care for G was made in compliance with its regulations. (110 CMR 7.113 (a); 110 CMR 7.113 (b))

Applicable Standards

110 CMR 7.101: Out-of-Home Placements

(1) All out-of-home placement decisions shall be made in the best interests of the child, based upon safety of the child's individual needs. Placement decisions should be made in a manner conducive to permanency planning and the safe and timely return of children to their homes or their placement into a new permanent setting. The following factors shall be taken into consideration:

(d) the child's individual needs including those related to his/her physical, mental, and emotional well-being and the capacity of the prospective foster or adoptive parents to meet those needs;

(2) The Department shall consider, consistent with the best interests of the child, the following placement resources:

(a) placement with kinship family;

Every reasonable effort should be made to place a child in accordance with 110 CMR 7.101(2).

(3) When considering a relative or extended family member or any individual chosen by parent(s) to be utilized to provide substitute care for a child, the Department shall require that the relative or extended family member or individual chosen by parent(s) meet the Department's requirements for child - specific placements, as set forth at 110 CMR 7.108.

110 CMR 7.104: Standards for Approval as Foster/Pre-Adoptive Parent

In order to be approved as a foster/pre-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 with experience a safe, supportive, nurturing and stable family environment which is free from abuse or neglect;
 - (d) to promote the physical, mental, and emotional well-being of a child placed in his or her care;
 - (f) to manage the stressful situations which are frequently associated with the placement of a child in substitute care, such as the temporary nature of such placement, the integration of a child in crisis into the foster/adoptive family, and the potential return of the child to his/her family;
 - (h) to accept and support the child's relationship with his/her parents, siblings and other family members and with the Department;
 - (i) to assist a child in handling his/her situations such as removal from the home of their parent(s), placement in a new home environment, placement in a new school (when applicable), visits with parents and siblings, and possible return to the home of the parent(s) or placement in other substitute care;
 - (k) to work with the Department and the foster child's parents in implementing the child's service plan in order to meet development goals and outcomes;
 - (m) to draw upon community and professional resources as needed;
 - (q) to assume and carry out all other responsibilities of a foster/pre-adoptive parent as detailed in the standard written agreement between the Department and foster/pre-adoptive parents.
- (2) A foster/pre-adoptive parent applicant or any member of her/his household must be free of any physical, mental or emotional illness or handicap which, in the judgment of the Department, would impair his or her ability to assume and carry out the responsibilities of a foster/pre-adoptive parent. However, no illness or handicap in and of itself shall disqualify an individual from becoming a foster/pre-adoptive parent.

110 CMR 7.105: Standards for Licensure of Foster/pre-adoptive homes

In order to be licensed as a foster/pre-adoptive parent, a foster/pre-adoptive parent must live in a home that meets the requirements of 102 CMR 5.10(4) and the following requirements:

- (14) The home may not have any household member, frequent visitor or alternative caretaker, who would, in the judgment of the Department, pose a threat of abuse or neglect to foster children placed in the home, or who would impede or prevent the provision of adequate foster care in the foster home.

110 CMR 7.108: Kinship or Child-Specific Placements

Kinship or child-specific placements may occur when a specific child is to be placed into a specific home, and that home is not available for other foster children.

- (2) Non-Emergency Placements. Where the Department does not deem an emergency placement to be necessary, the Department shall conduct an initial eligibility screening of the proposed caregivers in accordance with 110 CMR 7.100(3) and (4). If as a result of the initial eligibility screening the proposed caregivers are determined to be ineligible, that determination shall be final, and there shall be no right of appeal. See 110 CMR 7.100(7). If the proposed caregivers are determined to be eligible, they shall submit a completed foster/pre-adoptive application to the Department, and the Department shall complete a foster/pre-adoptive assessment within 40 working days after receiving the completed application.

If the assessment reveals compliance with the standards set forth at 110 CMR 7.100, 7.104 and 7.105, the applicant shall be approved as a kinship or child-specific placement for the child(ren) named in the foster/pre-adoptive application, and the child(ren) may be placed in the home. The kinship or child-specific placement parent(s) shall be notified in writing, of the outcome of the comprehensive assessment, within ten working days after completion of the comprehensive assessment. Applicants may appeal the denial of a foster/pre-adoptive application via the Department's fair hearing process, set forth at 110 CMR 10.00 et seq.

7.113A: Limited Reassessments

In addition to the annual reassessment or license study, the Department may perform a limited re-assessment of the foster/pre-adoptive parent and/or foster/pre-adoptive home at other times.

(1) The Department shall conduct a limited reassessment whenever the Department: (a) investigates and supports a report of abuse or neglect under G.L. c. 119, § 51B and the foster/pre-adoptive parent or other household member is identified as responsible for abuse or neglect; or (b) learns that a foster/pre-adoptive parent has moved to a new residence; or (c) learns that corporal punishment has been used on a foster/pre-adoptive child placed in the home; or (d) removes a foster/pre-adoptive child from the foster/pre-adoptive home on an emergency basis.

(2) The Department may conduct a limited reassessment whenever the Department; (a) removes a foster child from a foster of the foster/pre-adoptive parent, the foster/pre-adoptive home, or both; 2. the reason(s) for performing the limited re-assessment; and 3. the steps which the Department intends to take in order to complete the limited re-assessment. A copy of the written notice shall be entered in the foster/pre-adoptive parent file. (b) Within 30 days after the written notice has been given, the Department shall perform and complete the limited re-assessment of the foster/pre-adoptive parent and/or foster/preadoptive home. The limited re-assessment may consist of one or more of the steps described under 110 CMR 7.113(1) and in the Department's Family Resource Policy. (c) The Department shall prepare a written report of findings and conclusions made as a result of the completed limited re-assessment. A copy shall be entered in the foster/preadoptive parent file. The foster/pre-adoptive parent may receive a copy upon request. (d) At the conclusion of the limited re-assessment, the Department shall reach one of the decisions in 110 CMR 7.113(4)(c). (e) The Department may combine an annual reassessment or Licensed renewal study with a limited reassessment if the annual reassessment or license renewal study is due within three months of the commencement of the limited reassessment.

If the reassessments are combined, all steps in the annual reassessment or license renewal study will be conducted./pre-adoptive home on a non-emergency basis, whether the foster/pre-adoptive home is an unrestricted licensed home or a kinship or child-specific home; or 110 CMR: DEPARTMENT OF CHILDREN AND FAMILIES 7.113A (b) learns of any circumstance which could affect the foster/pre-adoptive parent's provision of, or ability to provide, adequate foster care; or (c) learns of any circumstance which would cause the Department to impose or remove any restrictions or limitations on the identity or characteristics of children to be placed or already placed in the foster/pre-adoptive home; or (d) learns of any circumstance which would cause the Department to increase or decrease the maximum number of children who may be placed in the foster/pre-adoptive home; (e) learns of additional household members or pets/animals; (f) screens out or unsupports a report of child abuse or neglect on the foster/pre-adoptive family or supports a report of child abuse or neglect on a child residing in the home where the individual responsible for the abuse or neglect is not a household member; or (g)

learns of any possible violations of Department foster/pre-adoptive parent of home standards or of the Foster/Pre-adoptive Parent Agreement. (3) In conducting the limited reassessment the Department will follow the following procedure: (a) The Department shall give written notice to the foster/pre-adoptive parent as soon as possible. Such written notice shall include at least the following information: 1. the fact that the Department intends to perform a limited re-assessment

7.113B: License Revocation

(1) Except as provided otherwise in 110 CMR 7.100 et seq., whenever the Department reaches a decision to revoke a license, it shall give written notice to the foster/pre-adoptive parent. The written notice shall include at least the following information: (a) notice that the Department will no longer place any foster children in the home; (b) notice that agreement(s) between the Department and the foster/pre-adoptive home is terminated and that the license should be returned to the Department; (c) the reason(s) for the license revocation; and (d) if applicable, notice of the foster/pre-adoptive parent's right to appeal and the procedures for taking such appeal. A copy of the written notice shall be entered in the foster/pre-adoptive parent file. (2) If the decision to revoke the license is concurrent with a decision to remove one or more children from the foster/pre-adoptive home, the written notice required under 110 CMR 7.00 may be modified as necessary and combined with the written notice of the decision to remove the foster children from the foster/pre-adoptive home as required under 110 CMR 7.116.

110 CMR 7.113: Reassessment and License Renewal of Foster/Pre-Adoptive Parents and Foster/Pre-Adoptive Homes

(1) The Department shall annually re-assess foster/pre-adoptive parents and foster/pre-adoptive homes whether unrestricted, kinship or other child-specific, in accordance with the procedure set forth in 110 CMR 7.113(1)(a). Every two years a license renewal will be conducted in place of the annual reassessment.

(2) The Department may, six months after a foster/pre-adoptive home is first licensed, conduct a review of the foster/pre-adoptive home whether unrestricted, kinship or child-specific. The review held under 110 CMR §7.113(2) may include, but not be limited to, the procedures set forth in 110 CMR §7.113(1). At the conclusion of the review the Department shall reach one of the decisions set forth in 110 CMR §7.113(1)(d). The Department shall send written notice to the foster/pre-adoptive parent of the outcome of the review.

110 CMR10.05

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 CMR10.23

To prevail, an Appellant must show based upon all of the evidence presented at the hearing, by a preponderance of the evidence that: (a) the Department's or Provider's decision was not in conformity with the Department's policies and/or regulations and/or statutes and/or case law and resulted in substantial prejudice to the Appellant, (b) the Department's or Provider's procedural actions were not in conformity with the Department's policies and/or regulations, and resulted in substantial prejudice to the aggrieved party, (c) if there is no applicable policy, regulation or

procedure, that the Department or Provider acted without a reasonable basis or in an unreasonable manner which resulted in substantial prejudice to the aggrieved party.

Analysis

To prevail, the Appellants must show by a preponderance of the evidence that the Department's decisions to revoke their license to provide kinship foster care was not in conformity with the Department's policies and/or regulations and resulted in substantial prejudice to the Appellants. If there is no applicable policy, regulation or procedure, the Appellants must show by a preponderance of the evidence that the Department acted without a reasonable basis or in an unreasonable manner, which resulted in substantial prejudice to the Appellants. 110 CMR 10.23

Except as otherwise provided in its regulations at 110 CMR 7.100 et seq., whenever the Department makes the decision to revoke a license, it must give written notice to the foster/pre-adoptive parent as outlined in 110 CMR 7.113B. In the instant case, the Department sent the Appellants the requisite written notification outlining its concerns and relevant regulations as reasons for the revocation. The concerns noted in the Findings of Fact related to those regulations cited by the Department in its revocation letter, namely 110 CMR 7.104(1) and 7.105. As such, the Department's procedural action in closing the Appellant's foster home was done in conformity with its policies and/or regulations and did not result in substantial prejudice to the Appellants.

Amongst other qualifications, in order to be licensed as a foster or pre-adoptive parent an applicant must demonstrate, to the Department's satisfaction, the ability to assure a safe, supportive, nurturing and stable environment for a child in their care and to carry out responsibilities as detailed in the written agreement between the Department and the foster parent. 110 CMR 7.104; 110 CMR 7.105

All Department placement decisions must be made in the best interests of a child. The Department must take into consideration the individual needs of the child in question as well as the capacity of a foster parent to meet those needs. See, 110 CMR 7.101 (1) (d). A key element in the success of a foster child thriving in an identified foster home is the ability of the pre-adoptive parent and the Department to work constructively together. It is of critical importance in the Department's work with families that the agency and the foster parent have an open and honest exchange of information so that collective decisions in the best interest of the child are made. That being said, it is the Department that has custody of the child and unequivocally has the primary responsibility for every aspect of the child's life until she/he is returned home, legally adopted or becomes an adult. The decision to revoke the license of the Appellants to provide kinship foster care was not based on an isolated incident; rather it was based on a review of the home and an assessment of the caregiver charged with ensuring the whole health of children. The children the Department are entrusted to care for are among the most vulnerable of the Commonwealth, and the Department must make licensure decisions based on the totality of the circumstances, which was done in this matter.

The Appellants contested the Department's decision to revoke their child-specific foster care license. Appellant EPG represented Appellant VG at the hearing as he was unable to attend. Appellant EPG felt that the progress notes the Department reviewed were "misconstrued." However, when Appellant EPG signed the medical releases for DCF she was unaware that the progress notes were going to be shared.⁵ Further, G was "perfectly safe" in their home. With respect to communication with the Department, Appellant EPG argued that they did not realize there had to be such "full disclosure." The Appellants were trying to work things out and did not think this was something that needed to be shared with the Department. Appellant EPG was not in agreement with Department's goal to reunify the child with his mother due to the neglect and abuse that the child had suffered. She described her home as a "safe haven" for her child. Appellant EPG was distraught about her medical record being shared with the Department which she argued violated "her HIPPA." Appellant EPG described herself as a "very private person" and that her family was very private. She had tried her best to protect her household. At the time of the hearing, Appellant EPG's relationship with all of her children was good and her relationship with Appellant VG was "okay." Appellant EPG was not "open to becoming an open book" and working with DCF. However, she indicated now had a better understanding of what she was supposed to be doing, as her focus was on caring for G.

A thorough review of the evidence in this matter reflected that Appellant EPG was committed to provide care for G. Nonetheless, the Appellants failed to meet the minimal standards of care to continue to be a licensed child-specific placement. There had been concerns about the family's history with DCF due to issues of physical abuse with AM and his brother J. The Department learned that the Appellants were no longer residing together and were having marital issues. This information was not relayed to the Department by the Appellants and when Appellant EPG was initially asked about this, her first response was to deny it. It was later discovered, by progress notes inadvertently sent to the DCF FRW, that Appellant EPG had reported being recently raped by Appellant VG. In addition, the Appellant's daughter, V, had disclosed that her father, Appellant VG had raped her. Appellant EPG took the child to counseling but it was discontinued after four (4) appointments. V was said to be doing better since her father was no longer residing in the home. This incident was later investigated and unsupported however, it was never brought to the Department's attention and was not investigated until the Department learned about it. There was information in the progress notes that AM was coming to the home to see G but was drinking with Appellant VG and showing little interest in his son. Another incident reported by AM was that he and Appellant EPG had an argument which became physical and G was present. At the time of the ACR there were two DCF investigations pending which were later unsupported. Further, Appellant EPG was not in agreement with the plan for reunification of G with his mother but did not relay this information to the DCF FRW. The goal was to reunify G with his mother and the goal was identified to the Appellants. Ultimately, an ACR was held and a decision was made that the child G was at imminent risk as the Appellants were not being forthcoming and the Department was unclear as to what was going on within the home. The child was removed from the Appellants home and placed in an alternate foster home until he was reunified with his mother. A limited re-evaluation home study was completed and their child specific kinship license was revoked. The evidence supports the Department's clinical decision to revoke the Appellants' child-specific foster care license.

⁵ It remains unclear why the behavioral service agency forwarded Appellant EPG's progress notes to the Department. (Fair Hearing Record)

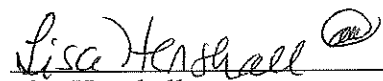
A Fair Hearing Officer must defer to the clinical judgment of a trained social worker if there is a reasonable basis for the questioned decision. 110 CMR 10.05. This Fair Hearing Officer has no reason to doubt the clinical experience and judgment of the Department staff involved in the instant matter. The Appellants did not offer any information sufficient to find that the Department acted unreasonably and/or abused its discretion in making its decision. Based upon a review of the evidence presented at the Fair Hearing, including testimony from all witnesses and documents submitted, the Department's decision to revoke Appellant's license as a child specific kinship foster home was made in conformity with its policies and regulations and was supported by sound clinical judgment.

The Department's decision was made in conformity with its policies and regulations and did not result in substantial prejudice to the Appellants. This Hearing Officer did not find the information offered, by the Appellant EPG, compelling to the degree to find that the Department abused its discretion in its decision to revoke the Appellants child-specific license.

Conclusion

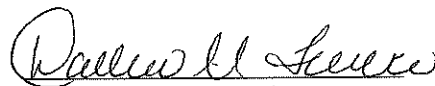
The Department's decision to revoke the Appellants' license to provide foster/pre-adoptive care was made in conformity with Department regulations and with a reasonable basis. Therefore, the Department's decision is **AFFIRMED**.

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



Lisa Henshall
Administrative Hearing Officer

7/10/2020
Date



Darlene M. Tonucci, Esq.
Supervisor, Fair Hearing Unit