

Circuit Court for Baltimore City
Case No.: 24-C-23-002821

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 186

September Term, 2024

IN THE MATTER OF THE PETITION OF
TANYA SCOTT

Beachley,
Zic,
Woodward, Patrick L.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Beachley, J.

Filed: June 3, 2025

*This is an unreported opinion. This opinion may not be cited as precedent within the rule of stare decisis. It may be cited for its persuasive value only if the citation conforms to Rule 1-104(a)(2)(B).

Appellant Tanya Scott served as a foster parent for the Baltimore City Department of Social Services (“DSS”) until November 2022, when DSS closed her home. DSS provided two reasons for the closure: (1) Ms. Scott had voluntarily requested that her home be closed, and (2) “An investigation of abuse/neglect allegations or a safety concern[.]” Ms. Scott appealed this decision to the Office of Administrative Hearings (“OAH”), seeking to have the second reason for closure rescinded. The Administrative Law Judge (“ALJ”) upheld DSS’s decision. Ms. Scott then sought judicial review in the circuit court, which affirmed the ALJ.

Ms. Scott timely noted an appeal to this Court. We distill two issues from her informal appellate brief:

1. Did the ALJ err in concluding that DSS followed the proper procedures and law in closing Ms. Scott’s home?
2. Was the ALJ’s decision supported by substantial evidence?

Finding no error, we affirm the judgment.

FACTUAL AND PROCEDURAL HISTORY

I. Legal Background

The General Assembly established the foster care program to temporarily place children who have been abused or neglected (or children subject to voluntary placement agreements). Md. Code (1984, 2019 Repl. Vol., 2024 Supp.), § 5-525 of the Family Law Article (“FL”). The Department of Human Services has adopted regulations to implement the foster care program, COMAR 07.02.11.01-.39; COMAR 07.02.25.01-.20; FL § 5-532,

and local departments of social services administer and supervise the foster care services provided within each county and Baltimore City.

The local departments approve individuals to become and continue as resource parents (also known as foster parents) based on the criteria set forth in COMAR 07.02.25.03 through .25.06. These criteria include not only requiring background checks and ensuring financial stability, COMAR 07.02.25.03, but also “characteristics” a resource parent must have. These characteristics include: the “ability to provide children in care a positive, nurturing, and trauma-informed environment;” a “[w]illingness to work cooperatively with the local department in[t]he best interest of the child in care;” “[t]he skills to promote the process of socialization through family life to enhance the child in care’s growth and learning;” and “[t]he ability to provide time free from the interference of other responsibilities and to give a child in care needed care, supervision, and attention.” COMAR 07.02.25.06B. The regulations further list the responsibilities of a resource parent once approved, including: “[p]rovid[ing] supervision and guidance appropriate to the child in care’s age and developmental level;” “[p]rovid[ing] daily essentials that are required for the health, comfort, and personal care of a child in care;” “promot[ing] the child in care’s self-esteem and positive self-image;” and “[i]nvolv[ing] the child in care in family activities[.]” COMAR 07.02.25.13A.

A local department may revoke foster home approval (referred to as “closing” the home) if a resource parent violates the regulations. COMAR 07.02.25.18C. If the resource parent disagrees with the local department’s decision, he or she may appeal the decision to

OAH. COMAR 07.02.25.20A. The OAH decision must be approved and finalized by the Department of Human Services, taking into account any exceptions to the decision. COMAR 07.01.04.17-.19. The final decision may be appealed to a circuit court on judicial review. In a subsequent appeal to this Court, we “bypass the judgment of the circuit court and look directly at the administrative decision.” *Salisbury Univ. v. Joseph M. Zimmer, Inc.*, 199 Md. App. 163, 166 (2011) (citing *White v. Workers’ Comp. Comm’n*, 161 Md. App. 483, 487 (2005)).

II. Factual History

Ms. Scott has two children, a son and a daughter, who were 17 years old and 14 years old, respectively, at the time of the events relevant to this case. Her son primarily lived with his father, but the daughter lived with Ms. Scott. Ms. Scott started fostering children in Baltimore City in 2015 or 2016. Her mother, Leola Myers, acted as a “backup” foster parent, caring for the children when Ms. Scott was unavailable due to work obligations.

In August of 2022, Ms. Scott had two foster children living with her: T.C. and S.C. Both were teen girls, slightly older than Ms. Scott’s daughter. T.C. and S.C. both had behavioral issues, such as coming home after curfew or spending the night with friends without informing Ms. Scott. Due to these issues, Ms. Scott asked that they be removed from her home and that her home be closed “indefinitely.” The children were removed from her home, but Ms. Scott later changed her mind about closing her home and asked DSS that her foster home be placed on hold.

DSS arranged a meeting on September 2, 2022, with Ms. Scott and Ms. Myers to discuss some of the issues that arose during T.C. and S.C.’s stay in Ms. Scott’s home and strategies to avoid problems in future placements. After this meeting, DSS determined that it would only place one female foster teen in Ms. Scott’s home at a time.

In October 2022, DSS inspected Ms. Scott’s home and placed a 14-year-old girl, D.B., in her care. On November 1, 2022, when a DSS caseworker took D.B. to a dentist appointment, D.B. made some complaints about her care in Ms. Scott’s home, including the house being dirty, Ms. Scott not keeping food in the house, and D.B.’s bedroom not having a working air conditioner. Additionally, D.B. stated that she and Ms. Scott’s daughter were required to stay at Ms. Myers’s house after school until 10:00 p.m. every weekday. The parties disagree as to when Ms. Scott was made aware of these complaints.

Initially, Ms. Scott drove both D.B. and her own daughter (who attended a different school) to school every morning. In early November, Ms. Scott asked D.B. to take the bus to school instead. The parties disagreed about the circumstances of this request, and whether D.B. was adequately prepared to take the bus (which involved making a transfer). On November 2, 2022, which was either the first or second day of D.B. taking the bus to school, D.B. contacted Taniya Sewell, a Family Services Worker at DSS, to advise that she was at a bus stop but was not sure if it was the correct one. At this point, D.B. was over a half hour late for school. D.B. complained that Ms. Scott did not tell her before that morning that she would be taking the bus, and did not ensure that D.B. could leave the house early enough to be on time for school. Ms. Sewell told D.B. to stay where she was

so that Ms. Sewell could pick her up and take her to school. However, before she could do so, Ms. Scott picked up D.B. and drove her to school. Ms. Myers took D.B. to her home after school that day, and Ms. Sewell removed D.B. from the home shortly thereafter.

On an unknown date, D.B. wrote a four-page handwritten letter to DSS concerning her experience in Ms. Scott’s care.¹ The letter read as follows:

I [D.B.] feel like my situation went from bad to worst[. I]t started off with there being no food in the [refrigerator] and the only way I will eat is if I go to her mother[’]s. She complains about me asking for food but there is no food so I have no choice but to ask for food. Another thing she needs to learn how to wipe her butt as being a wom[a]n[.] I am 14 years old and she is 51[.] Why do I know that I wipe myself and flush the toilet and she don’t.

New Topic!

She wakes me up after 6 going on 7 knowing I have to be at school at 7:45[.] She waited till this morning to tell me I have to take [the] bus[,] plus I did not know w[h]ere to go. I think its very rude to make me go to take the bus and not her daughter and her daughter is the reason why we are late everyday. Another topic is that the room looks very old the air [conditioner] does not work it only blows out hot air.

Continuing the Topic ←

The drawers are broken[.] The lamp light is not plugged in. Only on[e] socket work[s] on the left side of the bed. She is very rude and does not want anything if its not her way. We go to he[r] mother’s house everyday after school and she does not come get me and her daughter [until] after 10 or around. And she told me I can only see my aunt [on the] weekends.

¹ No witnesses testified to the exact date on which D.B. wrote the letter or when DSS received it. Nonchie Taylor, a Resource Home Worker at DSS, testified that the letter was written at “the end of October.” Marci Littman, the Resource Homes Program Manager, initially testified that the letter was written in “mid-October,” but later stated it was received by DSS on November 1, 2022. Based on the content of the letter and the testimony and documentary evidence concerning when Ms. Scott asked D.B. to take the bus to school, the letter appears to have been written on November 2.

Clothes!

When I first got into her home I did not have any clothes. So she went to [Forman] Mills but she told me I had a 60\$ budget[.] [A]ll I got was 2 pants and 2 sweatsuit outfits and she said that was enough and that was under 60\$. Another thing I only have two uniform shirts [and] 3 pants out of five days so they need to be washed in order to have uniform all week and she does not wash the clothes [until] last minute.

DSS attempted to arrange a meeting with Ms. Scott to discuss its concerns. However, on November 3, 2022, Ms. Scott again requested that her home be closed. DSS sent Ms. Scott a “Notice of Intended Action” on November 7, 2022, stating that Ms. Scott’s home would be closed on November 28, 2022. On the form notice, DSS checked two boxes indicating the reasons for closure: “You have requested that BCDSS close your resource home,” listing the date of the request as November 4, 2022, and “An investigation of abuse/neglect allegations or a safety concern has resulted in the closure of your resource home.”

III. OAH Hearing

Ms. Scott appealed DSS’s decision to OAH, and a hearing on the matter was held on January 24, 2023. Acknowledging that she requested to close her home, Ms. Scott’s primary argument before the ALJ was that DSS’s actions subsequent to the September 2 meeting were retaliatory and there was insufficient evidence to support the agency’s decision to close her home based on a safety concern.² Ms. Scott further argued that a CPS

² Much of the evidence at the hearing related to Ms. Scott’s allegation that DSS failed to reimburse her for certain costs, such as daycare and clothing. Because this evidence is not relevant to the present appeal, we shall not discuss it.

investigation was required before DSS could close her home as a resource home.

a. Testimony

i. Nonchie Taylor

Two witnesses testified in DSS’s case-in-chief: Ms. Taylor and Ms. Littman. Ms. Taylor described some of the complaints made by T.C., S.C., and other foster children in Ms. Scott’s care prior to D.B.’s placement. Some of the children complained that Ms. Scott would not allow them in her home if they were out past 1:00 a.m., that Ms. Scott would not bring the children home from Ms. Myers’s house until 8:00 p.m. or later, and that she would not allow the children to use the washer and dryer in the home. One of the children complained that Ms. Scott dropped her off at a laundromat but did not provide any instruction on how to use the machines. Ms. Taylor also noted that Ms. Scott’s work schedule interfered with her ability to take the children to routine doctor appointments. Ms. Taylor was one of the DSS workers at the September 2, 2022 meeting where these issues were discussed with Ms. Scott. After D.B. raised similar complaints in November 2022, Ms. Taylor, her supervisor, and the children’s worker “concurred that the home will be closed due to safety concerns.”

ii. Marci Littman

Ms. Littman testified that “there had been consistent concerns raised by [two] permanency workers through their experiences with the youth in Ms. Scott’s home.” Some of the issues raised at the September 2, 2022 meeting, at which Ms. Littman was also present, included “that Ms. Scott is just not in the home caring for the youth[,]” and that

children were “complaining about not being able to use the laundry facilities, but then not having clean clothes.” Ms. Littman observed that the concerns raised by D.B. were “the exact same issues” that had been discussed with Ms. Scott on September 2. One of her concerns when she made the decision to close Ms. Scott’s home was the consistent complaint by children in care that “they are not in a home where they’re being cared for or – or being taught or nurtured.” She was additionally concerned with the appearance of retaliation because Ms. Scott “refus[ed] to take [D.B.] to school” the morning after D.B. lodged a complaint about her. These concerns did not require an investigation by Child Protective Services, in part because D.B. was removed from the home, and were established through their repetition with different foster children with “different case worker[s].” The issue of Ms. Scott requiring the children to stay at Ms. Myers’s house until late in the evening was proven to Ms. Littman’s satisfaction “because [Ms. Myers] told us that and all of the youth had said that, but also [Ms. Scott] had asked for payment for daycare for [Ms. Myers] during that time period[.]” Ms. Littman stated that it was “not acceptable to have someone else providing care for the children during all of their waking hours” and that “a backup person is supposed to be for emergencies.”

Ms. Littman testified that, if Ms. Scott had not requested that her home be closed, there “absolutely” would have been another meeting to discuss the concerns, but that DSS would have “move[d] forward with closing her home . . . unless there [was] something that Ms. Scott sa[id] to negate our concerns[.]” Ms. Scott’s “home was closed due to the safety concern of not providing appropriate care to our youth.” Ms. Littman stated that it was

important that DSS document both reasons for the home being closed “[b]ecause she was not exiting in good standing. . . . If she wanted to come back to be a foster parent, . . . I do not want it to reflect that she left our agency in good standing and, therefore, would be able to come back and resume her position as foster parent.”

iii. Tanya Scott

Ms. Scott testified to the events surrounding S.C., T.C., and D.B.’s removal from her care and DSS’s decision to close her home. She stated that she had several discussions with DSS workers about S.C.’s behavioral issues, including refusing to come home at night, skipping school, and using cannabis. Concerning the laundry issue, Ms. Scott indicated that she preferred to do all the laundry herself because she had three teenagers in her household. T.C. once damaged Ms. Scott’s washing machine when she tried to use it herself, causing a flood. Ms. Scott testified that she “told T.C. we would have to go to the laundromat. . . . I stayed with her. I said to her, I’m going to help you put it in and you have to stay here with your clothes,” but T.C. did not want to stay at the laundromat. Ms. Scott stated that she ultimately asked to have T.C. removed from her home “because she was staying out past her curfew . . . and not inform[ing] me.”

Ms. Scott testified that D.B. frequently rode the bus to various places around the city, including to her aunt’s house and to football games with friends, and that she had “previously caught the bus to school before she came to [Ms. Scott’s] house . . . on a regular basis.” Ms. Scott was initially driving D.B. to school because the principal requested that she do so to avoid D.B. getting in fights. However, during the last week of October, D.B.

transferred to a different school and was given a bus pass for November. Continuing to drive both D.B. and her daughter to school was not feasible because it resulted in D.B. frequently being late for school. On November 2, 2022, Ms. Scott told D.B. she needed to start taking the bus to school.³ The bus route to D.B.’s school required her to make one transfer, so on the first day of taking the bus, Ms. Scott drove D.B. to the bus stop where the transfer would take place. Because D.B. was able to get to school on November 2 from the transfer point, Ms. Scott wanted D.B. to make the full trip on November 3, catching the first bus from a stop one block from Ms. Scott’s house. D.B. left Ms. Scott’s house on November 3 at 7:45 a.m. When Ms. Scott left her house to take her daughter to school, she drove past D.B. waiting at the bus stop and told her to get in the car. Ms. Scott testified that D.B. told her she had called Ms. Sewell, and D.B. was upset but Ms. Scott did not know why. Ms. Scott then drove D.B. to school and texted Ms. Sewell to let her know she had done so.

After D.B. was removed from her home, Ms. Scott spoke with Ms. Myers about whether to continue being a foster parent. Ms. Myers stated that she did not want to be a backup caregiver anymore because “she [did] not approve of how she was treated or spoken to by the DSS worker.” After this conversation, Ms. Scott sent messages to several people at DSS letting them know she wanted to close her home. Ms. Scott testified that she “did not know of any concerns made by the foster team until after [D.B.] was removed” from

³ The dates Ms. Scott provides for these events do not match the dates in the documentary evidence or Ms. Littman’s testimony. Ms. Taylor did not provide specific dates for the events surrounding D.B.’s removal from Ms. Scott’s home.

her home, and therefore asking D.B. to take the bus was not retaliation.

b. Documentary Evidence

Both DSS and Ms. Scott presented documentary evidence, including emails, contact notes, and summaries of meetings.

In an email on August 10, 2022, Ms. Scott requested that S.C. be removed from her care because S.C. stayed overnight at friends' houses without permission, did not attend school, failed summer school, discussed dropping out of high school, and stated that she needed more money than the \$160 per month allowance Ms. Scott provided. In a follow-up email the next day, Ms. Scott also expressed a concern that S.C. was spending time late at night with a boy and had a key to the house, posing a potential safety risk to the other children if S.C. brought other people into the home.

On August 16, 2022, Ms. Scott emailed various individuals at DSS about problems she was having with T.C., including her failure to return home the night of August 15, and stated, "For the many reasons including safety and security that I listed and shared today and prior, this placement has ended and my home is closed indefinitely." On August 22, 2022, Ms. Scott sent another email indicating that she had shared her concerns with another individual, who suggested that Ms. Scott place her home on hold for a time rather than close it.

A report from the September 2, 2022 staffing meeting listed DSS's concerns as "1. Childcare/Curfew, 2. Take foster teens to wellness appointments, 3. Life Skills activities[,] 4. Monthly allowance." According to the report, the outcome of the meeting was that Ms.

Scott would be approved to care for one female foster teen between 13 and 16 years old. Additionally, Ms. Scott was required to “ensure[] that the foster teen’s wellness appointments are met, establish[] an age-appropriate curfew, assist with life-skills and inform[] Resource Homes’ worker, Ms. Taylor[,] of any changes in placement, immediately.” A staffing tool prepared on September 7, 2022, as a “follow up” to the September 2 meeting noted that, in addition to Ms. Scott ensuring the child attend wellness appointments, “[a]n age appropriate curfew will be established and must be maintained, and life skills modeling must be established and practiced.”

Two contact notes authored by Ms. Sewell indicated that, on November 1, 2022, Ms. Sewell picked up D.B. from school to take her to a dentist appointment. On the way to the appointment, D.B. reported that “the home was dirty”; “the air conditioner in her room doesn’t work”; after school, Ms. Scott regularly picks her up from Ms. Myers’s house after 10:00 p.m.; and “on the weekends there is nothing to eat in the fridge.” Additionally, D.B. stated that, while she was at her aunt’s house on October 31, 2022, D.B. “played a joke on Ms. [Scott] and her reply back to her was nasty and she did not understand why.” Later that day, Ms. Scott called Ms. Sewell because “she received a call from her resource worker of a complaint and was wondering if [Ms. Sewell] knew of it.”

The second contact note recounted the events of November 2, 2022. Ms. Sewell indicated that she received a text message from Ms. Scott at 8:29 a.m. stating that D.B. was taking the bus to school. Ms. Sewell responded by voicing her concerns about the child being late for school, which began at 7:45 a.m., and about D.B. being made to catch the

bus “the morning after a complaint was made against the foster parent.” Ms. Sewell asked “has she caught the bus to school before[?]” and Ms. Scott replied “she is on the 59 stop.” D.B. called Ms. Sewell from a stranger’s phone immediately after this text exchange and recounted the following information:

She stated [that] the foster parent woke her and her daughter up at 6:50 a.m. After she woke up[,] Ms. Scott was using the bathroom in the basement that was meant for [D.B.] to use. [D.B.] stated she then asked Ms. Scott for her laundry since she does not let her wash her own clothing. The bus that [D.B.] should catch for school would come at 7:26. By the time [D.B.] received her uniforms it was 7:40 and now she had to catch the next bus. [D.B.] then stated the next bus came close to 8 a.m. [D.B.] ask[ed] Ms. Tanya why she could not take her to school since she was driving her daughter and Ms. Tanya ignored her and proceeded to tell her she had to get out of the house to catch the bus.

Ms. Sewell told D.B. to stay where she was so Ms. Sewell could pick her up. Ms. Sewell then called Ms. Scott and informed her “that putting the child on the bus the day after she complained of how she was being treated in the home was a form of retaliation[,]” which Ms. Scott denied. Ms. Scott stated ““as her foster parent, it is not my job to take her to school, just my daughter[.]” [Ms. Sewell] reminded Ms. Scott that her job as a foster parent was to treat all foster children in her home as if they were her own. [Ms. Sewell] then informed Ms. Scott that she has to disconnect the call because her comment was disgraceful as a foster parent.” When Ms. Sewell arrived at the location where she asked D.B. to wait, D.B. was not there. Shortly thereafter, D.B. called Ms. Sewell again, explaining that Ms. Scott had picked her up and driven her to school. D.B. stated that, while in Ms. Scott’s car, she “repeatedly asked Ms. Tanya to call [Ms. Sewell] and she refused and was yelling at her.” Ms. Sewell told D.B. that D.B. “will be leaving the foster home by the end of the

day.” D.B. indicated that she felt safe going to Ms. Myers’s house after school, so Ms. Sewell arranged to meet her there after a new placement had been arranged.

At 9:12 a.m. on November 2, 2022, Ms. Scott sent an email to Ms. Sewell’s supervisors as well as several other DSS workers to complain about Ms. Sewell’s comments, stating “Today I was called horrible and disgraceful by Tynisha Sewell because I told my foster child she needed to catch the bus to school and I could not purchase her a lunch. So she would need to eat the school lunch at school.” Eight minutes later, Ms. Sewell replied:

Ms. Tonya I will not indulge in your lies. You were called out regarding your retaliation on the foster child living in your home. There was a complaint made against you yesterday and this morning you told the child she has to catch the bus to school at 7am, when you have been taking her since she moved into your home. You also stated on our phone call this morning, that you will no longer buy her lunch for school, she can eat school lunch. “I was buying her sandwiches and salads, I’m not doing that anymore.” . . .

Also on the call you stated “as a foster parent I don’t have to take the foster child to school only my child[.]” . . .

This youth has reported to me yesterday, which I also discussed with you yesterday how rude you are to her and your response was “well she is rude and nasty to me[.]”

Ms. Scott sent an email to several DSS employees, including Ms. Sewell, Ms. Taylor, and Ms. Littman, on the evening of November 3, 2022, stating “I am making the decision to close my home permanently.” In the email, Ms. Scott stated that Ms. Myers “was made to feel insubordinate and in her words, verbally attacked” during her interactions with Ms. Sewell on November 2, 2022. Ms. Littman responded the next day, saying “we will close your resource home effective immediately.” Ms. Scott then asked

that Ms. Littman “indicate or have it documented that it was my choice to close my home[.]” Ms. Littman stated, “we will indicate that it was one of the reasons that we closed your home. The other reason is due to the concerns that we have around the care that several children have reported receiving when placed in your home.” Ms. Littman offered to arrange a meeting with Ms. Scott to discuss those concerns.

c. ALJ’s Proposed Decision

On January 24, 2023, the ALJ conducted a hearing. The ALJ issued a proposed decision on February 21, 2023, finding that “[t]he record clearly establishes that between August 2022 and November 2022, [DSS] became increasingly more concerned about the level of care [Ms. Scott] was providing the foster children that were placed in her resource home.” The ALJ noted that the purpose of the September 2, 2022 meeting was to discuss the issues that arose in August 2022, “and attempt to agree on a pathway forward so that [Ms. Scott] could adequately address [DSS’s] concerns.” “As a corrective measure,” DSS reduced the number of foster children Ms. Scott could have in her home from two to one, thus providing Ms. Scott “an opportunity to demonstrate her ability to provide proper care.” “Approximately one month later, once D.B. was placed in [Ms. Scott’s] resource home, the issues not only continued but escalated to the point that D.B. contacted Ms. Sewell on November [2], 2022, from a stranger’s phone, in distress.” The ALJ additionally stated:

Further, I find [DSS’s] evidence credible. I do not believe that it was a coincidence that [D.B.] complained to Ms. Sewell about the cleanliness of the resource home, lack of food, and lack of support from [Ms. Scott], and the very next day, [Ms. Scott] decided to make D.B. ride public transportation to school and denied her money for lunch. It is difficult to comprehend how [Ms. Scott] thinks that making statements like “as her

foster parent, it is not my job to take her to school just my daughter,” and “I was buying her sandwiches and salads, I’m not doing that anymore” does not support Ms. Sewell’s concern that [Ms. Scott] was retaliating against D.B.

Concerning the lack of a CPS investigation, the ALJ noted:

During her testimony, Ms. Littman explained that there can be safety concerns that don’t rise to the level of CPS involvement and are handled by [DSS] through corrective actions. After attempting a corrective action and receiving another complaint similar in nature to those giving rise to the need for the September 2, 2022 staffing, [DSS] determined that [Ms. Scott’s] resource home should be closed. [DSS] was concerned with the safety of the children placed with [Ms. Scott] because [Ms. Scott] was not providing appropriate care. I find that [DSS] had ample evidence to determine that continuing to place children in [Ms. Scott’s] resource home could pose a safety concern.

Ms. Scott filed exceptions to the Proposed Decision, and on May 30, 2023, the Maryland Department of Human Services Secretary’s Designee issued a Final Agency Decision adopting and affirming the ALJ’s Proposed Decision. Ms. Scott thereafter sought judicial review in the Circuit Court for Baltimore City, which affirmed the agency’s decision.

Ms. Scott noted this timely appeal.

DISCUSSION

Ms. Scott argues that DSS did not follow proper procedures, including conducting a CPS investigation, before deciding to close her home, and that DSS failed to prove that she “committed wrongdoing that will not allow Tanya Scott to properly care” for foster children. We shall discuss each of these arguments in turn.

I. *ALJ Did Not Err in Determining that DSS Was Not Required to Find a CPS Violation as a Predicate to Close Ms. Scott’s Home*

Ms. Scott first argues that DSS “should have performed a child protective service investigation that would prove that Ms. Scott did perform actions against the children living in her home.” In her view, DSS cannot close her home for foster care absent a CPS investigation for child abuse or neglect. DSS responds that “[t]here is no legal basis for the contention that closing a resource home requires an investigation by [CPS].” We agree with DSS.

The foster home program regulations specify the procedures to be followed before suspending or closing a foster home. “After receiving a complaint indicating possible violations of the resource home regulations, a local department shall assess to determine compliance with applicable regulations and discuss the possible violations with the resource parent.” COMAR 07.02.25.18B(1). “The local department may revoke a license for any violation of these regulations.” COMAR 07.02.25.18C(1). If the local department determines that a violation has occurred and seeks to revoke a resource parent’s license (thus closing the resource home), “the local department shall provide 20 days advance notice of revocation.” COMAR 07.02.25.18C(2). Additionally,

- (a) The local department shall send the resource parents[:]
 - (i) Notice that includes the intended action;
 - (ii) A statement of the grounds and specific regulations violated; and
 - (iii) A statement describing the resource parent’s right to appeal the decision of the local department.

COMAR 07.02.25.18C(2)(a).

To be sure, a CPS investigation is mandated where the local department suspects abuse or neglect. COMAR 07.02.25.15. But a violation of the regulations for reasons other than suspected abuse or neglect only requires that the local department “assess to determine compliance with applicable regulations.” COMAR 07.02.25.18B(1).

Ms. Littman described her procedure for determining whether to close Ms. Scott’s home. She stated that the type of concerns raised concerning Ms. Scott were “not something that we would have come running out to investigate,” especially because D.B. had been removed from the home. Instead, these issues would be discussed in meetings. Ms. Littman reviewed the reports written by the workers who were in regular contact with Ms. Scott and the foster children, summaries of various meetings with Ms. Scott (as well as her own recollection of the September 2, 2022 meeting), D.B.’s letter, and emails exchanged with Ms. Scott. Based on her review of that information, Ms. Littman determined that the concerns that were discussed in the September 2 meeting continued to occur. Similar to the complaints made prior to the meeting, D.B. complained about not being able to use the washer and dryer in Ms. Scott’s home and about being made to stay at Ms. Myers’s house until late in the evening. Ms. Littman also noted the similarity between the incident where Ms. Scott left T.C. at a laundromat without any instruction or guidance on how to use the machines and Ms. Scott making D.B. take the bus to school without ensuring that D.B. knew which bus stop to go to. Ms. Littman additionally compared the concern during the September 2 meeting about Ms. Scott not taking the children to their wellness appointments and her statement that it was not her responsibility

to take D.B. to school. The appearance of retaliation against D.B. for making a complaint further supported Ms. Littman’s determination to close Ms. Scott’s home. This assessment led Ms. Littman to decide on November 3, 2022, to “put Ms. Scott’s home on hold and set up a meeting to give her an opportunity to respond.” Prior to Ms. Littman being able to communicate this decision to Ms. Scott, Ms. Scott asked for her home to be closed. Ms. Littman then gave Ms. Scott an opportunity to discuss the issues in a meeting, which Ms. Scott declined.

The ALJ credited this testimony and properly rejected Ms. Scott’s argument that only CPS violations can serve as a basis to close her home for foster care. We see nothing in the regulations that mandates a CPS investigation prior to closing a resource home, and Ms. Scott does not direct us to any law to support her argument.

To the extent that Ms. Scott argues that she was denied procedural due process, we note that DSS issued a notice of intended action to Ms. Scott, informing her that, 21 days after the notice was issued, DSS would be closing her home. DSS thus provided Ms. Scott at least 20 days’ notice of the intended action. In the notice, DSS stated the grounds for the closure and attached to the notice were instructions on how to appeal the decision. Thus, DSS met all procedural requirements prior to closing Ms. Scott’s home.⁴

II. *Substantial Evidence Supports the ALJ’s Determination*

Although not well articulated, Ms. Scott appears to argue that the ALJ lacked

⁴ The only procedure DSS arguably did not follow was the requirement that it inform Ms. Scott of “the specific regulations violated.” COMAR 07.02.25.18C(2)(a)(ii). Ms. Scott has not raised this argument on appeal, and we therefore decline to address it.

substantial evidence to uphold DSS’s decision. This argument is largely based on Ms. Scott’s first argument. She reasons that, because DSS admits “Ms. Scott had not performed an act that would lead to a [c]hild protective [s]ervice investigation[,] . . . there was no reason to uphold closure of the home.”

The foster care program regulations allow the local department to close a resource home based on any violation of the regulations. Although Ms. Scott’s actions did not amount to abuse or neglect, which would require a CPS investigation, the testimony of the DSS witnesses as well as the documentary evidence support a conclusion that Ms. Scott failed to comply with regulations relating to the safety of foster children in her care.

That Ms. Scott required D.B. to take the bus to school the morning after D.B. made a complaint against her suggests retaliation. Although Ms. Scott argues that she did not know about D.B.’s complaints at that time, an email in evidence authored by Ms. Sewell indicates that Ms. Sewell had discussed the complaint with Ms. Scott on November 1, 2022. Such retaliation is contrary to the requirement that foster parents have the “ability to provide children in care a positive, nurturing, and trauma-informed environment[,]” COMAR 07.02.25.06B(1), and that the foster parents “promote the child in care’s self-esteem and positive self-image[,]” COMAR 07.02.25.13A(5). Additionally, failing to ensure that D.B. knew where to catch the bus and what route to take violated the requirement that a foster parent “[p]rovide supervision and guidance appropriate to the child in care’s age and developmental level[,]” COMAR 07.02.25.13A(3). Ms. Scott violated the same standard when she failed to ensure that T.C. knew how to use the washing

machine and dryer before leaving her at the laundromat.

Furthermore, Ms. Littman’s primary concern regarding Ms. Scott’s care of foster children was her lack of presence in the children’s lives. A foster parent must have “[t]he skills to promote the process of socialization through family life to enhance the child in care’s growth and learning[,]” “[t]he ability to provide time free from the interference of other responsibilities and to give a child in care needed care, supervision, and attention[,]” COMAR 07.02.25.06B(6), (10), and is required to “[p]rovide supervision and guidance” and “[i]nvolve the child in care in family activities[,]” COMAR 07.02.25.13A(3), (9). By leaving the children with Ms. Myers every school day until late in the evening, Ms. Scott failed to satisfy these regulatory standards required of a foster parent. As noted by Ms. Littman, where

resource parents are not available . . . to care for children between the hours of when they wake up and when they go to bed at night then . . . the job of parenting that foster child is not happening by the resource provider. . . . At no time are you, as the foster parent, involved in giving care for that child.

This issue was discussed with Ms. Scott at the September 2, 2022 meeting, and the evidence supports a finding that Ms. Scott did not change her work schedule or childcare arrangement to ensure that she had “[t]he ability to provide time free from the interference of other responsibilities and to give a child in care needed care, supervision, and attention.” COMAR 07.02.25.06B. This inability to supervise and care for the foster child creates a safety concern in a population of children who, as Ms. Taylor and Ms. Littman explained, are being separated from their families, “have extreme behaviors sometimes,” and “need somebody in their lives consistently every day.” As previously noted, the ALJ credited

this testimony, which in turn serves as the basis for substantial evidence to support the administrative decision.⁵

We conclude that DSS complied with the procedures applicable to closing Ms. Scott’s home for foster placement, and that substantial evidence supported the ALJ’s conclusion that DSS’s decision to close Ms. Scott’s home due to a safety concern was appropriate. We therefore affirm.

**JUDGMENT OF THE CIRCUIT COURT
FOR BALTIMORE CITY AFFIRMED.
COSTS TO BE PAID BY APPELLANT.**

⁵ In its brief, DSS asserts that “Ms. Scott contends that the ALJ erred by considering hearsay from Nonchie Taylor and Marci Littman.” We perceive no such appellate argument. Although Ms. Scott alleges that DSS “provid[ed] hearsay and false statements in court,” she fails to articulate which statements she claims were improperly considered and who purportedly made them. *See Ubom v. SunTrust Bank*, 198 Md. App. 278, 285 n. 4 (2011) (noting that failure to reference pages in the record to which an argument refers is grounds for dismissal and that this Court is “not required to ferret out from the record factual support favorable to” a party’s argument (quoting *Vandegrift v. State*, 82 Md. App. 617, 633 (1990))). Furthermore, in an administrative hearing, “[e]vidence may not be excluded solely on the basis that it is hearsay.” Md. Code (1984, 2021 Repl. Vol.), § 10-213(c) of the State Government Article.