

## .42 COMPLAINTS

### The Office shall investigate:

**A. Both written and oral complaints that relate to a potential violation of a regulation, including anonymous complaints; and**

INTENT: As the agency responsible for regulating family day care programs and assessing their compliance with child care regulations, the Office must investigate all complaints of regulatory violations. Any person may file a complaint, and the complaint may be verbal or written.

**B. Complaints of unregistered family day care.**

INTENT: Unless exempt by Maryland law from having to become registered, a person who provides unregistered family day care is violating the law. The Office is responsible for investigating all complaints of unregistered care to determine if a violation has been committed.

General Notes: Complaints alleging a violation of child care licensing laws or regulations are handled in the following manner:

- The Regional Office accepts complaints that are filed in person, verbally by telephone, or in writing by letter, fax, or e-mail.
- A complainant does not need to identify him/herself. Anonymous complaints are accepted as a matter of public policy.
- At the time it is received at the Regional Office, each complaint is classified as “Priority One” or “Priority Two”, based on the seriousness of the complaint allegations.
  - Investigation of Priority 1 complaints must be initiated within one (1) business day.
  - Investigation of Priority 2 complaints must be initiated within ten (10) business days.
- Complaints are recorded by the Regional Office on a “Complaint Intake” form. These documents are considered confidential. A provider is permitted to review an Intake form completed for a complaint filed against that provider (although all Child Protective Services-related material, if any, must first be redacted by the Regional Office). However, the Intake form may not be released to anyone else unless explicitly authorized by the CCA Executive Director.
- Regional Office complaint investigations are recorded on the following forms:
  - For complaints involving registered providers, a “Family Child Care Inspection Report” is used.
  - For complaints involving alleged unregistered care, an “Investigation of Unregistered Care” form is used. This form also directs the caregiver who is providing unregistered care to cease and desist.
- After the investigation of the complaint is finished, the complaint and the investigation findings are summarized on a “Record of Complaint” form, which is placed in your licensing file. Unless it involves child abuse or neglect, the summary of a confirmed complaint may be released to:
  - The person making the complaint,
  - A parent whose child was enrolled in your child care program, or
  - A parent or business that currently uses (or is considering using) your child care program.
- To investigate allegations of unregistered care that involve serious risk to child health or safety, the Regional Office may obtain the assistance of local police authorities, Child Protective Services, local fire, zoning, and health authorities, and the State’s Attorney’s Office.
- If a caregiver is determined to be providing unregistered care, the Office may issue a civil citation (see [Section .49](#) of this Manual), obtain an injunction, or file criminal misdemeanor charges (see [Section .48](#) of this Manual) against the person. Factors used by the Office in making this decision include, but are not limited to:
  - The caregiver has previously been directed to cease providing unregistered care.
  - Large numbers of children and/or infants are found to be in care.
  - An alleged child abuser is in the household.
  - The caregiver has had a family day care registration revoked or has surrendered a registration while an enforcement action was pending.