

.46 EMERGENCY SUSPENSION

- A. The Office may immediately suspend the certificate of registration for a period of not more than 45 calendar days upon finding that a child’s health, safety, or welfare imperatively requires emergency action.**

INTENT: Upon determining that there is imminent danger to the children in care, CCA may close your home immediately.

Note:

- Emergency suspensions are generally used in cases of child abuse or injurious treatment, criminal involvement, gross overcapacity or lack of supervision, violation of a non-access agreement, failure to provide access to the day care home during operating hours, or accidental injury to a child in care.
- Emergency suspensions may also be used during outbreaks of certain communicable diseases, environmental hazard cases such as failed septic systems, and other instances where children’s safety is immediately threatened and there is no alternative to immediate closure.

- B. The Office shall hand-deliver a written notice to the provider informing the provider of the emergency suspension, giving the reasons for the action, and notifying the provider of the right to request, within 30 days of the delivery of the notice, a hearing before the Secretary’s designee;**

INTENT: In accordance with due process requirements, the Office must notify you about the reason(s) for the suspension, your right to appeal the suspension, and how to exercise that right.

Note:

For information on the appeals process, refer to [“Requesting an Appeal”](#) and [“COMAR 07.04.03, Administrative Hearings – Family Day Care Homes.”](#)

- C. When the certificate of registration is to be suspended immediately:**

- (1) The Office shall repossess the certificate of registration;**
- (2) The provider shall stop providing child care immediately;**
- (3) The Office shall notify the parents of the children in care of the suspension and make every reasonable effort to assist the parents of the children in making other child care arrangements.**

INTENT: Due to the urgency of the situation, the Office must ensure that you cease care immediately. To minimize disruption to the families of children in care, the Office shall assist parents to find alternate care arrangements.

Note:

- Emergency suspensions take effect immediately upon delivery of the emergency suspension notice to you and may last for up to 45 calendar days.
- The Regional Office will make every effort to promptly notify the parents of children in care about the home’s emergency closure and to assist them, if necessary, in finding alternate care.

- D. If a hearing is requested by the provider, the Secretary’s designee shall hold a hearing within 7 calendar days of the date of the request.**

INTENT: You have the right to a timely hearing of an appeal.

- E. Within 7 calendar days of the hearing, a decision concerning the emergency suspension shall be made by the Secretary’s designee.**

INTENT: You have the right to a timely decision of the appeal.

F. If the decision does not uphold the emergency suspension, the provider may resume providing child care.

INTENT: If the suspension is overturned, the Office must immediately reinstate your registration.

G. By the end of the suspension period, the Office shall:

- (1) Reinstate the certificate of registration and return it to the provider; or**
- (2) Revoke the certificate of registration.**

INTENT: At or before the expiration of the suspension, the Office shall either permit you to re-open your home or move to revoke your registration.