



REVISED

Nancy S. Grasmick  
State Superintendent of Schools

200 West Baltimore Street • Baltimore, MD 21201 • 410-767-0100 • 410-333-6442 TTY/TDD

MEMORANDUM

**TO:** Members of the Maryland State Board of Education

**FROM:** Nancy S. Grasmick *Nancy*

**DATE:** February 24, 2009

**SUBJECT:** COMAR 13A.08.05 (AMEND)  
Informal Kinship Care  
**PERMISSION TO PUBLISH**

**PURPOSE:**

To obtain permission to publish COMAR 13A.08.05, *Informal Kinship Care*, (ATTACHMENT D).

**BACKGROUND/HISTORICAL PERSPECTIVE:**

In its 2002 session, the Maryland General Assembly amended § 7-101 of the Education Article, Annotated Code of Maryland, to address the enrollment in school of children receiving informal kinship care. Informal kinship care means a living arrangement in which a relative of a child, who is not in the care, custody, or guardianship of the local department of social services, provides for the care and custody of the child due to a serious family hardship. The relative verifies the informal kinship care relationship through a sworn affidavit in a specified format.

As originally enacted, the law allowed children who were Maryland residents to attend public schools in the counties where the children were living with relatives providing informal kinship care. The law addressed only those children who were living with relatives in counties different from the ones where the children were domiciled with their parents or legal guardians. It did not address school enrollment for children living with a relative in the same county.

To fix this gap in the law, in its 2008 session, the Maryland General Assembly amended §7-101 to allow for school enrollment of children in informal kinship care who are living with a relative in the same county in which the child is domiciled with the parent or legal guardian, but in a different school attendance zone within that county. §7-101 (c)(2)(i)(2) not only effects the change above but also amends the form of the affidavit used to verify the informal kinship care relationship.

**EXECUTIVE SUMMARY:**

COMAR 13A.08.05 contains directions for implementing State regulations for informal kinship care. The proposed amendment aligns the COMAR provisions with the new requirements of 7-101. The draft regulation was shared with the 24 local superintendents of schools on September 5, 2008 and October 3, 2008 for review and comment. No comments were received.

**ACTION:**

Request permission to publish COMAR 13A.08.05, *Informal Kinship Care*.

Maryland Register Issue Date	April 10, 2009
Hearing	N/A
30-Day Open Comment Ends	May 11, 2009
Adoption	May 27-28, 2009

NSG:JM:crt  
Attachments

Informal Kinship Care/AmendedRegulation/PUBLISH-February, 2009.

13A.08.05.02

**.02 General Provisions.**

A. A county superintendent shall allow a child who is a Maryland resident to attend a public school in a county or school attendance area other than the county or school attendance area where the child is domiciled with the child's parent or legal guardian if:

(1) The child lives with a relative providing informal kinship care in the county or school attendance area; and

(2) The relative verifies the informal kinship care relationship through a sworn affidavit in the form and as specified in Regulations .04—.06 of this chapter.

B.—(H.)

13A.08.05.04

**.04 Affidavit Requirement.**

A. (text unchanged)

B. The affidavit shall include:

(1)—(8) text unchanged

(9) Notice that if fraud or misrepresentation is discovered during an audit, the county superintendent shall remove the child from the public school or county public school system roll;

(10) (text unchanged)

(11) (text unchanged)

13A.08.05.05

**.05 Affidavit Form.**

A. The affidavit shall be in the following form:

I, the undersigned, am 18 years old or older and competent to testify to the facts and matters set forth in this statement.

\_\_\_\_\_ (name of child), whose date of birth is \_\_\_\_\_, is living with me because of the following serious family hardship: (check each that is applicable)

\_\_\_\_\_ death of father/mother/legal guardian

\_\_\_\_\_ serious illness of father/mother/legal guardian

\_\_\_\_\_ drug addiction of father/mother/legal guardian

\_\_\_\_\_ incarceration of father/mother/legal guardian

\_\_\_\_\_ abandonment by father/mother/legal guardian

\_\_\_\_\_ assignment of a parent or legal guardian of a child to active military duty

The name and last known address of the child's parent(s) or legal guardian is:

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My kinship relation to the child is \_\_\_\_\_

My address is

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Street

Apt. No.

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City

State

Zip Code

I assumed informal kinship care of this child for 24 hours a day and 7 days a week on  
\_\_\_\_\_ (day/month/year).

The name and address of the last school that the child attended is:

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The county superintendent may verify the facts contained in the foregoing affidavit and conduct an audit on a case-by-case basis after the child has been enrolled in the county public school system. If the county superintendent discovers fraud or misrepresentation, the child shall be removed from the public school or county public school system roll.

I solemnly affirm under the penalties of perjury that the contents of the foregoing statement are true to the best of my knowledge, information, and belief.

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Signature of affiant

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(Day/month/year)

Any person who willfully makes a material misrepresentation in this affidavit shall be subject to a penalty payable to the county for three times the prorated share of tuition for the time the child fraudulently attends a public school in the county.

B. Each local school system shall:

- (1) Make affidavit forms, with attached instructions, available free of charge at the offices of each county board of education; and
- (2) Advise inquirers that affidavit forms are also available at the local department of social services and the local area agency on aging.

# IMPACT STATEMENTS

## *Part A*

(check one option)

### Estimate of Economic Impact

The proposed action has no economic impact.

or

The proposed action has an economic impact. Complete the following form in its entirety.

#### I. Summary of Economic Impact.

#### II. Types of Economic Impacts.

Revenue (R+/R-)

Expenditure (E+/E-) Magnitude

A. On issuing agency:

B. On other State agencies:

C. On local governments:

Benefit (+)

Cost (-) Magnitude

D. On regulated industries or trade groups:

E. On other industries or trade groups:

F. Direct and indirect effects on public:

#### III. Assumptions. (Identified by Impact Letter and Number from Section II.)

**Part B**  
(check one option)

**Economic Impact on Small Businesses**

- The proposed action has minimal or no economic impact on small businesses.
- or
- The proposed action has a meaningful economic impact on small businesses. An analysis of this economic impact follows.

**Impact on Individuals with Disabilities**  
(Check one option)

- The proposed action has no impact on individuals with disabilities.
- or
- The proposed action has an impact on individuals with disabilities as follows:

*Part C*

**(For legislative use only; not for publication.)**

- A. Fiscal Year in which regulations will become effective: **FY09**
- B. Does the budget for fiscal year in which regulations become effective contain funds to implement the regulations?
- Yes  No
- C. If "yes," state whether general, special (exact name), or federal funds will be used:
- D. If "no," identify the source(s) of funds necessary for implementation of these regulations:
- No funds required.
- E. If these regulations have no economic impact under Part A, indicate reason briefly:
- The proposed action has no fiscal impact.
- F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

### Comparison to Federal Standards

(Check one option)

There is no corresponding federal standard to this proposed regulation.

or

There is a corresponding federal standard to this proposed regulation, but the proposed regulation is not more restrictive or stringent.

or

In compliance with Executive Order 01.01.1996.03, this proposed regulation is more restrictive or stringent than corresponding federal standards as follows:

- (1) Regulation citation and manner in which it is more restrictive than the applicable federal standard:
- (2) Benefit to the public health, safety or welfare, or the environment:
- (3) Analysis of additional burden or cost on the regulated person:
- (4) Justification for the need for more restrictive standards: