

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

Linda S. Spears
Commissioner

Voice: (617) 748-2000
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IN THE MATTER OF)
)
YC)
)
FH # 2017-0376)
)

FAIR HEARING DECISION

The Appellant in this Fair Hearing was YC (hereinafter "YC" or "Appellant"). The Appellant appealed the Department of Children and Families' (hereinafter "DCF" or "the Department") decision to support allegations of neglect pursuant to M.G.L. c. 119, §§51A and B, and the Department's decision pursuant to 110 CMR 7.113B to revoke her license to provide foster/adoptive care.

Procedural History

The Appellant became an approved, unrestricted foster parent in [REDACTED] in May 2013. On February 3, 2017, the Department received a 51A report filed by a mandated reporter alleging the neglect of foster children W and M (hereinafter "W" or "M" or "the children" or "foster children") by their foster mother, YC. The investigation was conducted and on March 2, 2017, the Department made the decision to support the allegation of the neglect of the children by YC. On March 8, 2017, the Appellant was informed in writing that the Department intended to remove the children and revoke her license to provide foster or adoptive foster care. On May 24, 2017, the Appellant's license to provide unrestricted foster was revoked. The Department sent written notice to the Appellant of its decision and of the Appellant's right to appeal.

The Fair Hearings was held on two (2) separate dates, June 13, 2017 and September 26, 2017, both at the Department's New Bedford Area Office. The record remained open at the conclusion of the hearing to allow the Appellants and the Department the opportunity to submit additional documentary evidence. The record was closed on October 10, 2017.

On June 13, 2017, the following individuals appeared at the Fair Hearing:

Jorge F. Ferreira	Fair Hearing Officer
JE	Appellant's Counsel
YC	Appellant
MC	Certified Spanish Interpreter

KL

DCF Special Investigator/Response Worker

On September 26, 2017, the following individuals appeared at the Fair Hearing:

Jorge F. Ferreira	Fair Hearing Officer
JE	Appellant's Counsel
YC	Appellant
CR	Certified Spanish Interpreter
MS	DCF Family Resource Worker

In accordance with 110 CMR 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:	Intake Report – Institutional Abuse, dated 2/3/17
Exhibit B:	Child Abuse/Neglect Non-Emergency Response, completed 3/2/17
Exhibit C:	DCF Removal Letter/Notice, dated 3/8/17
Exhibit D:	Family Resource License Renewal Study Summary, completed 5/24/17

For the Appellant:

Exhibit 1:	Appellant's Bank Records
Exhibit 2:	Character Reference Letter
Exhibit 3:	Character Reference Letter
Exhibit 4:	Character Reference Letter
Exhibit 5:	Letter from [REDACTED] School
Exhibit 6:	DCF Initial License Study, dated 5/20/13
Exhibit 7:	DCF Annual Reassessment, dated 6/9/14
Exhibit 8:	DCF Limited Reassessment, dated 6/4/15
Exhibit 9:	DCF License Renewal, dated 6/14/16
Exhibit 10:	DCF Annual Reassessment, dated 10/13/16
Exhibit 11:	DCF Family Resource Dictations

The Hearing Officer need not strictly follow the rules of evidence....Only evidence which is relevant and material may be admitted and form the basis of the decision. 110 CMR 10.21

The Appellant, through counsel, submitted a Memorandum which was reviewed by this Hearing Officer and taken into consideration, in rendering this decision.

Issue to be Decided

The first issue presented in this 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 response, the Department's decision or procedural action, in supporting the 51A report, violated applicable

statutory or regulatory requirements, or the Department's policies or procedures, and resulted in substantial prejudice to the Appellant. If there is no applicable statute, policy, regulation or procedure, the issue is whether the Department failed to act with a reasonable basis or in a reasonable manner, which resulted in substantial prejudice to the Appellant. For a decision to support a report of abuse or neglect, giving due weight to the clinical judgments of the Department social workers, the issue is whether there was reasonable cause to believe that a child had been abused or neglected and the actions or inactions by the parent(s)/caregiver(s) placed the child(ren) in danger or posed substantial risk to the child(ren)'s safety or well-being; or the person was responsible for the child(ren) being a victim of sexual exploitation or human trafficking. 110 CMR 10.05; DCF Protective Intake Policy #86-015, rev. 2/28/16

The second and last issue for resolution is whether the Department's decision to revoke the Appellant's license to be a foster/adoptive 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. At the time of the filing of the subject 51A report, W was seven (7) years old and M was (13) thirteen years old. The children were in the custody of the Department of Children and Families. The children were placed in the Appellant's DCF approved foster home in [REDACTED]. (Exhibit A; Exhibit B, pp. 1-4)
2. The Appellant was the foster mother of the children; therefore she was deemed a "caregiver" pursuant to Departmental regulation. 110 CMR §2.00; DCF Protective Intake Policy #86-015, rev. 2/28/16
3. Aside from being a foster parent, the Appellant had previous involvement with the Department due to reports that were filed alleging neglect in September 2016 and December 2016. Both reports were unsupported at the conclusion of the investigations. (Exhibit B, p. 2)
4. Since 2013, the Appellant's home was an approved unrestricted foster home. During the four (4) years of providing foster care the Appellant had positive reassessments of her home. However, there were also concerns that highlighted poor communication with the Department's Family Resource Worker. (Exhibit 6; Exhibit 7; Exhibit 8; Exhibit 9; Exhibit 10)
5. The children had been placed in the Appellant's home for two (2) years, since 2015, during a non-emergency response. (Exhibit B, p. 3; Exhibit D, p. 3)
6. On February 3, 2017, the Department received a report pursuant to M.G.L. c. 119, § 51A filed by a mandated reporter alleging the neglect of M and W by the Appellant, YC, a foster parent. According to the reporter, the children disclosed to their therapeutic mentor that the Appellant had allowed them to visit their biological mother and other family members over Thanksgiving break. The reporter stated this was concerning

because the biological mother was not complying with her service plan tasks and her level of sobriety was unknown. Additionally, the children's mother had not attended scheduled visits over the past two (2) years. The children further stated that their uncle picked them up and took them to [REDACTED] to have Thanksgiving dinner. (Exhibit A, p. 3)

7. Extended screening of the report revealed that the children had behaviorally regressed and were not doing well. It was also alleged that the Appellant made M delete pictures from a cell phone regarding the visit so that no one would know. The ongoing DCF Social Worker reported that the children were not allowed any unsupervised time with their mother due to her substance abuse issues as well as their father's. (Exhibit A, p. 4)
8. The DCF Family Resource Worker reported the Appellant was "more on the level of a teenager." She added there were constant issues with the Appellant and the Department tried to work with her. She also stated she never gave the Appellant permission to allow the children to visit their mother unsupervised in [REDACTED] (Exhibit A, p. 5)
9. The 51A report was screened in and assigned for non-emergency response, pursuant to MGL c.119, §51B. The allegations of neglect of the children by the Appellant were supported. The allegations were supported because both children disclosed during the DCF response that they visited their mother and family during Thanksgiving and the Appellant was aware of it. They reported they were there for a couple of hours where they baked a cake and watched football on TV. The therapeutic mentor reported the children were consistent with their disclosure. (Exhibit B, p. 9)
10. When interviewed, the Appellant reported how the children's uncle had permission to take the children out in the community. She also relayed that her Family Resource Worker never told her "no" when they discussed whether to allow the children to go to [REDACTED] for Thanksgiving. The Appellant denied she allowed the children to go to [REDACTED] (Exhibit B, p. 3)
11. The Appellant acknowledged she allowed the children's grandmother and uncle to come over her home for Thanksgiving but never left them alone with the children. The Appellant was adamant she did not have any knowledge that the children saw their mother. (Exhibit B, pp. 3 & 5; Testimony of the Appellant)
12. When interviewed separately, M and W initially denied seeing their mother over Thanksgiving break. The children observed that the Appellant was able to hear their disclosures. Once reassured that the Appellant was not listening, both children disclosed independently and consistently that they saw their mother and family over Thanksgiving and had dinner with them. They reported their uncle drove them to [REDACTED] to see their mother and that the Appellant wanted them to say that the uncle and grandmother had come over for dinner. (Exhibit B, p. 4; Testimony of the DCF Special Investigator)
13. W disclosed that visits with his mother often occur at the DCF Office and added that he saved cake for the Appellant after returning from [REDACTED] who reminded him not to

say anything regarding his visit with his mother in [REDACTED]. (Exhibit B, p. 4)

14. The DCF Investigator interviewed another foster child, K, who had been in the Appellant's home for three (3) weeks. K denied having any knowledge that W and M went to see their mother but confirmed that their uncle and grandmother did come over for dinner one time. (Exhibit B, pp. 4-5)
15. The children were reported to be healthy and up to date with their medical care. (Exhibit B, p. 5)
16. K's daycare provider reported that K had seen his own mother at the Appellant's home. (Exhibit B, p. 6)
17. When interviewed, the DCF Family Resource Social Worker reported that the Appellant said some inappropriate things to the children in the past and there were constant issues with the Appellant. (Exhibit B, p. 6; Testimony of the DCF Family Resource Worker)
18. The DCF Family Resource Social Worker never gave permission for the children to have dinner and a visit with their mother and family at [REDACTED] during Thanksgiving. (Exhibit B, p. 6)
19. The DCF Ongoing Social Worker for the mother of the children reported that they are not allowed to have unsupervised visits with their mother or father due to substance abuse issues by the parents. He also reported their mother never called for supervised visits and that it was his impression that mother was being allowed to see the children unsupervised. (Exhibit B, p. 7)
20. Both children disclosed that the Appellant knew they saw their mother and father and had shown a photo to their therapeutic mentor, which the Appellant asked them to destroy. Both children reported the Appellant wanted them to lie to the DCF Special Investigator regarding their unauthorized visit with their family. (Exhibit B, p. 6)
21. The children's therapeutic mentor informed the DCF Special Investigator they had begun to display regressive behaviors, especially W who was wetting himself. This began to occur since the unsupervised visitation with their mother occurred. He also reported the Appellant blamed the children for the incident and stated that they were "sneaky" although in reality she was aware of what happened. (Exhibit B, pp. 7-8)
22. Family Resource Dictation presented as evidence from January 2013 – April 2017 noted that the Appellant was doing an excellent job with the children under her care. While there were some noted struggles, she was noted to go above and beyond with extra-curricular activities and food when it came to the care of the children and her re-evaluations passed with noted improvements most years. (Exhibit 1; Exhibit 11)
23. The Appellant was described as an excellent daycare provider, foster parent and parent, devoted to the care and well-being of children. (Exhibit 2, Exhibit 3; Exhibit 4; Exhibit 5)

24. The DCF Family Resource Worker testified she had regular conversations with the Appellant during scheduled home visits about her ability to deal with children as she wanted to have as many as allowed. (Testimony of the DCF Family Resource Worker)
25. The Appellant maintained that communication with the Department deteriorated over time despite completing the re-evaluations. The Appellant felt she was being discriminated against because she was from the [REDACTED] (Testimony of the Appellant)
26. In response to the 51A report and the subsequent support of the 51B report, it was decided to remove W, M and K from the Appellant's unrestricted foster home. The Appellant was provided with written notice confirming their removal on March 8, 2017 pursuant to 110 CMR 7.116 (2) (Exhibit C, p. 7)
27. The Department completed a Family Resource License Renewal, as required by its regulations. 110 CMR 7.113A (a)(d); 7.116 The License Renewal documented the Department's concerns regarding the Appellant's difficulty in balancing being a foster parent and a license child care provider. The evaluation also noted ongoing struggles with the Appellant implementing consequences and limitations on older children and the Department having to make various accommodations over the past four (4) years in order to maintain her foster care license to provide substitute care. The re-evaluation concluded to revoke the Appellant's license due to the 51B report conclusion and the ongoing difficulties as a foster parent. (Exhibit B, pp. 5-6)
28. After review of the credible evidence presented by both parties, I find that the Appellant failed to provide M and W with minimally adequate care and supervision by allowing them to have unsupervised visitation with their mother and father. The Department's decision to support the allegation of neglect of the children by the Appellant was based on reasonable cause and made in compliance with its regulations. (110 CMR 2.00, 4.32; DCF Protective Intake Policy #86-015, rev. 2/28/16)
29. I further find that the Department's decision to revoke the Appellants' license to provide foster/pre-adoptive care was made in compliance with its regulations. (110 CMR 7.113 (a); 110 CMR 7.113 (b); 110 CMR 7.104)

Applicable Standards

A "support" finding of abuse or neglect means that there is reasonable cause to believe that a child(ren) was abused and/or neglected; and the actions or inactions by the parent(s)/caregiver(s) placed the child(ren) in danger or pose substantial risk to the child(ren)'s safety or well-being; or the person was responsible for the child(ren) being a victim of sexual exploitation or human trafficking. DCF Protective Intake Policy #86-015, rev. 2/28/16

"Reasonable cause to believe" means a collection of facts, knowledge or observations which tend to support or are consistent with the allegations, and when viewed in light of the surrounding

circumstances and credibility of persons providing information, would lead one to conclude that a child has been abused or neglected. 110 CMR 4.32(2) Factors to consider include, but are not limited to, the following: direct disclosure by the child(ren) or caretaker; physical evidence of injury or harm; observable behavioral indicators; corroboration by collaterals (e.g. professionals, credible family members); and the social worker's and supervisor's clinical base of knowledge. 110 CMR 4.32(2)

"[A] presentation of facts which create a suspicion of child abuse is sufficient to trigger the requirements of §51A." Care and Protection of Robert, 408 Mass. 52, 63 (1990) This same reasonable cause standard of proof applies to decisions to support allegations under §51B. Id. at 64; M.G.L. c. 119, §51B "Reasonable cause" implies a relatively low standard of proof which, in the context of 51B, serves a threshold function in determining whether there is a need for further assessment and/or intervention. Id. at 64

"Neglect" is defined as failure by a caregiver, either deliberately or through negligence or inability, to take those actions necessary to provide a child with minimally adequate food, clothing, shelter, medical care, supervision, emotional stability and growth, or other essential care; malnutrition; or failure to thrive. Neglect cannot result solely from inadequate economic resources or be due solely to the existence of a handicapping condition. 110 CMR 2.00; DCF Protective Intake Policy #86-015, rev. 2/28/16

A "caregiver" means a child's (a) parent, (b) stepparent, (c) guardian, (d) any household member entrusted with responsibility for a child's health or welfare; and (e) any other person entrusted with responsibility for a child's health or welfare whether in the child's home, a relative's home, a school setting, a child care setting (including babysitting), a foster home, a group care facility, or any other comparable setting. As such, the term "caregiver" includes, but is not limited to school teachers, babysitters, school bus drivers and camp counselors. The "caregiver" definition should be construed broadly and inclusively to encompass any person who at the time in question is entrusted with a degree of responsibility for the child. This specifically includes a caregiver who is a child such as a babysitter under age 18. 110 CMR 2.00; DCF Protective Intake Policy #86-015, rev. 2/28/16

"Danger" is defined as a condition in which a caregiver's actions or behaviors have resulted in harm to a child or may result in harm to a child in the immediate future. DCF Protective Intake Policy #86-015, rev. 2/28/2016

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 CMR 10.05

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, or (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, or (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; or (d) if the challenged decision is a supported report of abuse or neglect, that the Department has not demonstrated there is reasonable cause to believe that a child was abused or neglected and the actions or inactions by the parent(s)/caregiver(s) placed the child(ren) in danger or posed substantial risk to the child(ren)'s safety or well-being; or the person was responsible for the child(ren) being a victim of sexual exploitation or human trafficking. 110 CMR 10.23; DCF Protective Intake Policy #86-015, rev. 2/28/16

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;

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; ...

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

...(1)(c) Within ten days of completing the re-assessment, the Department shall reach one of the following decisions, shall notify the foster/pre-adoptive parents and shall enter a copy of the notification in the foster/pre-adoptive parent file:

...5. The foster/pre-adoptive parent and/or foster/pre-adoptive home will not be reapproved, and all foster children residing in the home shall be removed.

...(4) Whenever the Department has revoked or not renewed a license for a licensed foster/pre-adoptive parent(s), as a result of an annual or limited re-assessment, the Department shall remove all children from the foster/pre-adoptive home, unless the Department determines that it is in the

child(ren)'s best interest to remain in the foster/pre-adoptive home. ...

7.113A: Limited Reassessments

... (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
(d) removes a foster/pre-adoptive child from the foster/pre-adoptive home on an emergency basis.

Analysis

The Appellant, through counsel, disputed the Department's decision that the children were neglected and that she was substantially prejudiced by the Department's revocation of her license to provide foster care, which had also impacted her child care license. The Appellant argued she was a not caregiver pursuant to the Department's regulations and policy. The Appellant argued that at the time in question of the alleged incident; i.e. when the children were exposed to their parents, they were in the physical care and under the direct supervision of their biological Uncle and the Appellant had been granted permission by the Department to allow the children to go with their Uncle in the community. The Appellant argued that it was during one of these visits that the children saw their family. She further argued that she had no control to supervise or control who the children saw outside of her home as she was merely a foster parent with legal custody of the children and did not have the ability to approve or deny visitation with the Uncle.

The Appellant further argued that she often received positive reports while a foster parent and worked with the Department to address any behavioral problems with the children. She argued the annual re-evaluations of her home always concluded in a positive note as well as the home visits. (Fair Hearing Record) The Appellant denied knowing that the children had seen their parents and family during Thanksgiving in [REDACTED]. The Appellant argued that the children's disclosures were inconsistent to the DCF Special Investigator and how during the course of the interview, their disclosures changed three (3) times and therefore they were not credible reporters of facts. The Appellant argued the Department did not abide by their own regulations and did not interview other possible collaterals, such as the uncle, grandmother and the Appellant's oldest child. She reported their information could have detracted from the conclusion to support the allegation. Finally, the Appellant argued that her native language is Spanish and that she was interviewed in English. She argued that an interpreter should have been arranged as certain words are not always communicated effectively, despite some understanding of English on her part. Moreover, the Appellant argued she had been significantly prejudiced by the Department's decision to support the allegation of neglect and the decision to revoke her license.

This Hearing Officer was not persuaded by the Appellants' argument. The Department had shown that the Appellant allowed the Uncle to take the children to see their mother and family over a holiday. The Department showed that the Appellant had knowledge of the latter and had a history of loose boundaries in allowing foster children with unsupervised contact or unplanned contact with their family, despite some protective concerns. (Fair Hearing Record) The salient

facts are undeniable. Both M and W disclosed that the Appellant knew they went to see their mother and father and had shown a photo to their therapeutic mentor, which the Appellant asked them to destroy. Both children disclosed that the Appellant wanted them to lie to the DCF Special Investigator regarding their unauthorized visit with their family. The children's therapeutic mentor informed the DCF Special Investigator the children displayed regressive behaviors once these unauthorized visits were allowed, especially W who was wetting himself. The therapeutic mentor corroborated that the Appellant blamed the children for the incident and reported that they were "sneaky" when in reality the Appellant was aware of what happened. (Fair Hearing Record) For these reasons, and as stated in Finding # 2, the Department had reasonable cause to believe and sufficient evidence to support that the Appellant was a "caregiver" pursuant to the Department's regulations and policy and neglected W and M (*see definition*) by failing to provide them with minimally adequate supervision; that the Appellant's actions placed the children in danger or posed a substantial risk to their safety and well-being. 110 CMR 2.00; DCF Protective Intake Policy #86-015, rev. 02/28/2016

Additionally, the Appellant complained that the DCF Family Resource Worker attempted to engage in Ex-Parte Communication with this Hearing Officer. She argued that the DCF Family Resource Worker remained with the Hearing Officer at the conclusion of the hearing to offer her opinion on the Appellant's testimony. While the DCF Family Resource Worker did try to offer her opinion in an Ex-Parte fashion, this Hearing Officer redirected her that such conversation was not permissible as it was not part of record.

A foster/pre-adoptive parent must demonstrate, to the Department's satisfaction, the ability to assure a safe, supportive, nurturing and stable environment for a child in their care. The Family Resource License Renewal conducted by the Department considered the supported allegations that the Appellant neglected the children and used clinical considerations when assessing the decision to revoke the Appellants' license to provide foster/pre-adoptive care. The Department had justifiable concerns regarding the lack of supervision by allowing unsupervised/unauthorized visitation as supported by a 51B report and the children's disclosures. A review of all the information presented demonstrated that the Department's determination was made with a reasonable clinical basis.

All Department placement decisions ultimately 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 was 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 was the Department that had custody of the children and unequivocally had the primary responsibility for every aspect of the children's life until they are returned home, legally adopted or become adults.

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. The applicants or household members must be free of physical or emotional impediment or handicap which would impair their ability to carry out the responsibility of a foster or pre-adoptive parent. An applicant or household member must have a record free of criminal conduct which would bear upon their ability to carry out their duties. Finally, an applicant shall maintain a household that has sufficient income, financial security and stability and meets physical standards as established by Department regulation. 110 CMR 7.104, 7.105 The annual reassessment that was conducted by the Department in lieu of a limited reassessment after the support decision clearly indicated that the Appellant met the criteria but had ongoing struggles with setting limits, poor communication and often challenged professional opinions when it came to the care of the children, specifically in regards to visitation with their biological family. (Fair Hearing Record)


The Appellant presented no evidence that questioned the clinical experience and judgment of the Department staff involved in the instant matter and/or no compelling reason to find that the Department acted unreasonably and/or abused its discretion in making its decision. Based on the evidence, it was reasonable for the Department to revoke their license to provide substitute care.

Conclusion and Order

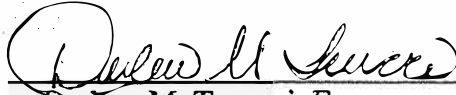
The Department's decision to support the 51A reports of neglect of M and W by the Appellant YC is **AFFIRMED**.

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 Appellant wishes to appeal this decision, she may do so by filing a complaint in the Superior Court for Suffolk County, or in the county in which she lives, within thirty (30) days of the receipt of the decision. (See, G.L., c. 30A, §14.) In the event of an appeal, the Hearing Officer reserves the right to supplement the findings.


Jorge F. Ferreira,
Administrative Hearing Officer

Date: 4/25/18


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