

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL	
	Chapter 12: Foster Family Home Licensing	Effective Date: October 1, 2008
	Section 18: License Denials	Version: 2

POLICY

Licensing workers should not recommend licensing a resource home if there are any concerns about placing a child in the home. The licensing worker **will** recommend denial of a resource family home initial or relicensure application if the applicant, household members, the applicant's employee, or volunteer who has regular and continuous direct contact with children supervised by the applicant has:

1. Disqualifying criminal history identified by the Indiana Department Child Services (DCS) Central Office Background Check Unit;
2. A conviction for a felony and all requests for a disqualification exemption have been denied;
3. Made false statements on the application or the records required for licensure or relicensure;
4. Failed to meet requirements of the Indiana licensing law and rules, federal regulations, or county housing and residential code requirements;
5. **[NEW]** Been named as a perpetrator in a substantiated report of Child Abuse and/or Neglect (CA/N). See separate policy, [12.23 Investigation for Negative Licensing Action](#);
6. Any individuals living in the home, other than the applicant or DCS wards, have criminal history;
7. **[NEW]** Any individuals living in the home, other than the licensee or DCS wards, have Child Protection Services (CPS) history;
8. The home fails to meet state and fire health codes;
9. There were concerns identified regarding the applicant or household members during pre-service training, home visits, in reference letters, or during other interaction with applicant or household members during the licensing process; or
10. The applicant or household members violate DCS policies applicable to licensed resource family homes.

[NEW] Note: The applicant may request in writing within 30 days of receipt of denial, to the DCS Local Office Director and Regional Manager that their substantiated finding be formally reviewed and redetermined. If the DCS local office which substantiated the report decides to overturn the substantiation, the applicant may be licensed.

Any home that has been previously licensed whose application for relicensure has been denied may be operating a resource family home without a license if there are children still in the home. See separate policy, [12.25 Foster Family Homes Operating Without a License](#).

Applicant or licensee applying to provide care for relative children who are denied a foster family home license may be considered as an unlicensed relative placement resource. Critical decision making skills should be utilized when assessing the appropriateness of the unlicensed relative placement.

Code References

1. [IC 31-27-4-5: Applying for license; criminal history checks](#)
2. [IC 31-27-4-6: Grounds for denial of license applications](#)
3. [IC 31-27-4-13: Denial of license](#)
4. [IC 31-27-4-16: Duration of license; limitations; renewal](#)
5. [465 IAC 2-1: Licensing of Boarding Homes for Children](#)

PROCEDURE

The licensing worker will consult with other DCS staff or agency as needed to arrive at a written recommendation about the appropriateness of granting the license based on:

1. Information yielded on all background checks. See separate policy, [12.30 Evaluation of Background Checks for Foster Family Home Licensing](#);
2. The current home environment;
3. The ability of the proposed resource parent to provide for the child's safety and well-being;
4. The severity of the offense;
5. Evidence of the person's rehabilitation; and
6. If there is a child living in the applicant's home who has behavioral issues (violence, sexual offender, etc), the soundness of the proposed safety plan to protect the foster children.

For all denials, the licensing worker will:

1. Enter the denial request and reason for denial into ICWIS and submit to the Central Office Licensing Unit for approval
2. Develop a denial recommendation letter containing the following:
 - a. Any specific statute or rule with which the foster family home is not in compliance, and
 - b. A general description, in letter form, of the elements which constitute the non-compliance or other grounds for denial referencing the documentation or observations supporting the decision (Refer to 'Related Information' for sample language relating to denial on based on a background check).
3. Send a hard copy of the denial recommendation letter to the Central Office Licensing Unit Manager; and
4. **[NEW]** Each denial recommendation letter must be signed by the following persons:
 - a. DCS Local Office Director,
 - b. DCS Local Office Attorney, or
 - c. LCPA Director or designee.

Upon receipt and **agreement** with the recommendation to deny, the Central Office Licensing Unit Manager will:

1. Forward the recommendation to the DCS Director or designee for review;
2. Send a certified letter to the applicant advising the individuals of:
 - a. The fact that the application for a foster family home license is being denied effective upon the receipt of the letter,
 - b. The nature of the allegation(s) of non-compliance,
 - c. The right to appeal the decision within 30 days of receipt of the letter,
 - d. The statutory authority of DCS to license resource family homes, and

- e. The civil and criminal penalties for operating without a license.
3. Send a copy of the certified letter denying the license to the licensing worker for their files.

Upon receipt and **disagreement** with the recommendation to deny a license, the Central Office Licensing Unit Manager will return the recommendation to the recommending agency. The recommending agency will follow-up as appropriate.

PRACTICE GUIDANCE

N/A

FORMS AND TOOLS

N/A

RELATED INFORMATION

Denial Appeals

If the resource family home appeals, the DCS Local Office Attorney will be required to represent the DCS local office or LCPA at all Administrative Appeal Hearings. Hearings and appeal staff will schedule and notify the resource family home of the hearing.