

 INDIANA DEPARTMENT OF CHILD SERVICES	<b>INDIANA DEPARTMENT OF CHILD SERVICES</b> <b>CHILD WELFARE POLICY</b>	
	<b>Chapter 12:</b> Foster Family Home Licensing	<b>Effective Date:</b> July 1, 2020
	<b>Section 18:</b> License Denials	<b>Version:</b> 7

## STATEMENTS OF PURPOSE

The Indiana Department of Child Services (DCS) and its licensing workers<sup>1</sup> should not recommend licensing a foster home if there are any concerns about placing a child in the home. The licensing worker will recommend denial of a foster family home initial or relicensure application if:

1. The applicant or the applicant's household members, employees, or volunteers who are required to have background checks do not pass the background checks. See policies [13.09 Conducting Background Checks for Foster Home Licensing](#) and [13.10 Evaluating Background Checks for Foster Family Licensing](#) for more information on the background check requirements;
2. The applicant made false statements on the application or the records required for licensure or relicensure; or
3. The applicant failed to meet any other foster care licensing requirements as set out in [Indiana Statute](#) or [Indiana Administrative Code](#).

If a denial is based on a report of abuse or neglect that was substantiated prior to October 15, 2006, the Regional Manager (RM) or designee must review the appropriateness of the substantiation prior to the licensing worker requesting the denial. The applicant may also request this review at any time in the process. See policy [2.03 Child Care Worker Assessment Review Process](#).

DCS will not allow an applicant to voluntarily withdraw or transfer their foster home license application to another licensing entity once a denial recommendation has been made.

### Code References

1. [IC 31-27-4-5: Apply for licenses; criminal history checks](#)
2. [IC 31-27-4-6: Grounds for denial of license applications; waiver](#)
3. [IC 31-27-4-13: Denial of license; notice; administrative hearing upon written request](#)
4. [IC 31-27-4-16: Duration of license; limitations; renewal](#)
5. [465 IAC 2-1.5: Licensing of Foster Family Homes for Children](#)
6. [465 IAC 3-2-2: Administrative review procedure for child care workers and licensed foster parents](#)
7. [465 IAC 3-3: Administrative Hearings](#)

<sup>1</sup> The licensing worker refers to the DCS Regional Foster Care Specialist (RFCS) or the Licensed Child Placing Agency worker

## PROCEDURE

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

1. Information found in all background checks. See policy [13.10 Evaluating Background Checks for Foster Family Licensing](#); and
2. Any other information obtained through the state-approved foster family home licensing study related to:
  - a. The current home environment, and
  - b. The ability of the prospective foster parent to provide for the child's safety, well-being, and permanency.

**Note:** A denial recommendation may be made upon receipt of information supporting a denial. A complete written home study is not required if a denial is recommended.

For all denials, the licensing worker will:

1. Develop a denial recommendation letter, within 90 days of the decision to deny, containing the following:
  - a. Any specific statute or rule with which the foster family home is not in compliance,
  - b. A general description of the circumstances which constitute the non-compliance or other grounds for denial, and
  - c. Documentation supporting the decision.
2. Ensure each denial recommendation letter is signed by the following persons:
  - a. The RM, RFCS Supervisor, and the DCS licensing worker (for DCS Licensed Foster Family Homes), or
  - b. Licensed Child Placing Agency (LCPA) licensing worker, LCPA Director, or designee (for LCPA Licensed Foster Family Homes).
3. Upload the following information into the case management system:
  - a. Denial recommendation letter,
  - b. Supporting documentation that provides evidence of non-compliance (e.g., case management system contact notes, e-mail communications, background check information, and assessment information),
  - c. The Foster Home Revocation or Denial Due Process Verification form if the denial is based on substantiated abuse or neglect.
4. Submit the denial request in the case management system to the Central Office Foster Care Licensing Unit for approval;
5. Ensure the applicant is aware of the denial recommendation and has a basic understanding of the process that will occur; and
6. Ensure any DCS or agency staff responsible for placement of a child is notified of the concerns and resulting recommendation to deny the renewal of the license if there are children currently placed in the home.

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

1. Send a certified letter, within 60 days of the recommendation, to the applicant advising the individual of; and

- a. The fact the application for a new foster family home license, or renewal of the current license, is being denied effective 30 days from receipt of the letter,
  - b. The nature of the allegations of non-compliance with Indiana Code, Indiana Administrative Code, or other foster parent requirements,
  - c. The right to appeal the decision within 30 days of receipt of the letter (see [Related Information](#)),
  - d. The statutory authority of DCS to license resource family homes, and
  - e. The civil and criminal penalties for operating a foster family home without a license.
2. Send a copy of the certified letter denying the license to the licensing worker for his or her file.

If Central Office disagrees with the recommendation to deny a license, the Central Office Licensing Unit will return the recommendation to the recommending agency with guidance on next steps. The recommending agency will follow up based upon the guidance received from Central Office.

If the denial is based on a substantiated report of abuse or neglect that was approved prior to October 15, 2006, the RM (or designee) for the region where the assessment took place will, prior to sending the request for denial to Central Office, complete a file review of the substantiated assessment.

#### **PRACTICE GUIDANCE**

N/A

#### **FORMS AND TOOLS**

1. [Foster Home License Revocation or Denial Due Process Verification \(SF 55232\)](#)
2. [Request for Administrative Hearing Foster Home License Denial or Revocation \(SF 55227\)](#)

#### **RELATED INFORMATION**

##### **Denial Appeals**

If the foster family home appeals the license denial and requests an Administrative Appeal Hearing as provided in [IC 31-27-4-13](#) and [465 IAC 3-3](#) (also see Indiana Office of Administrative Law Proceedings (OALP) Policies):

1. DCS Hearings and Appeals will review the [Request for Administrative Hearing Foster Home License Denial or Revocation \(SF 55227\)](#) and the denial letter and forward any complete and timely request to OALP;
2. An Administrative Law Judge (ALJ) assigned by the OALP will schedule the hearing date and any prehearing conferences;
3. The OALP staff will notify the assigned DCS attorney, the foster family home, and any attorney representing the license applicant for purposes of the appeal, of the date, time, and location of the scheduled hearing;
4. A DCS attorney will represent DCS during the hearing;
5. After the ALJ issues the Proposed Finding of Fact and Conclusions of Law, the DCS Office of General Counsel (OGC) will automatically conduct a Final Agency Authority review of the case and the ALJ's Proposed Finding of Fact and

Conclusions of Law and issue a decision upholding, denying, or remanding the decision to deny the application for foster home license. The DCS Final Agency Authority may also consider his or her experience and training in the relevant subject matter; and

**Note:** The DCS Final Agency Authority may schedule status conferences or briefing deadlines during his or her review, however, failure to attend these status conferences or respond to briefing deadlines will not result a dismissal of the case or a failure of the Final Agency Authority to issue a decision on the case.

6. OALP and the parties will be notified of the decision, including any right to seek judicial review as provided in [IC 4-21.5-5](#).