

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL	
	Chapter 12: Foster Family Home Licensing	Effective Date: February 1, 2014
	Section 18: License Denials	Version: 5

POLICY

The Indiana Department of Child Services (DCS) and its licensing workers¹ 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 separate policies, [13.9 Conducting Background Checks for Foster Home Licensing](#) and [13.10 Evaluation of Background Checks for Foster Family Home 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 DCS Local Office Director (LOD) or Regional Manager (RM) should review the substantiation prior to the licensing worker requesting the denial. The applicant can also request this review at any time in the process.

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](#)

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 separate policy, [13.10 Evaluation of Background Checks for Foster Family Home Licensing](#);
2. The current home environment; and
3. The ability of the prospective foster parent to provide for the child's safety, well-being, and permanency.

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

For all denials, the licensing worker will:

1. 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 of the circumstances, which constitute the non-compliance or other grounds for denial, referencing the documentation or observations supporting the decision.
2. Ensure each denial recommendation letter is signed by the following persons:
 - a. **[REVISED]** DCS LOD and DCS licensing worker (for DCS Licensed Foster Family Homes), or
 - b. LCPA licensing worker, LCPA Director or designee (for LCPA Licensed Foster Family Homes).
3. Provide a hard copy of the denial recommendation letter and supporting documents to the Central Office Licensing Unit, including a [Foster Home Revocation or Denial Due Process Verification \(SF 55232\)](#) if the denial is based on a substantiation which occurred on or after October 15, 2006; and
4. Enter the denial request and reason for denial into the Management Gateway for Indiana's Kids (MaGIK) and submit to the Central Office Licensing Unit for approval. Ensure the denial recommendation letter is also uploaded into MaGIK.

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

1. 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.
2. Send a copy of the certified letter denying the license to the licensing worker for their 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 on the guidance from Central Office.

If the denial is based on a substantiated report of abuse or neglect that occurred prior to October 15, 2006, the LOD or RM where the assessment took place must review the substantiation prior to the request for denial being sent to Central Office.

PRACTICE GUIDANCE

N/A

FORMS AND TOOLS

[Foster Home Revocation or Denial Due Process Verification \(SF 55232\)](#)

RELATED INFORMATION

Denial Appeals

If the foster 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 local office attorney and the foster family home of the hearing date.

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