

	<b>INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL</b>	
	<b>Chapter 12: Foster Family Home Licensing</b>	<b>Effective Date: 3/1/07</b>
	<b>Section 18: License Denials</b>	<b>Version: 1</b>

<b>POLICY</b>	<b>OLD POLICY: 613.1</b>
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The licensing worker **shall** recommend revocation of a foster family home initial or relicensure application if the applicant or 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 DCS Central Office Background Check Unit based upon the results of the Federal Bureau of Investigation transcript or the fingerprint based Indiana criminal history check
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 Indiana State Department of Health (ISDH) requirements

The licensing worker **may** recommend denial of a foster family home initial or relicensure application if:

1. A substantiated report of child abuse or neglect has occurred naming the applicant, a household member, or the applicant's employee or volunteer who has regular and continuous direct contact with children supervised by the applicant, as the perpetrator
2. Any individuals living in the home, other than the applicant, have criminal, or juvenile history
3. The home is determined to be unsuitable for children
4. There were concerns identified regarding the applicant during pre-service training
5. The applicant or household members violate DCS policies applicable to licensed foster family homes

Any home that has been previously licensed whose application for relicensure has been denied may be operating a foster family home without a license if there are children still in the home. Refer to separate policy, Chapter 12, Foster Family Homes Operating Without a License.

Applicant/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

IC 31-27-4-5: Applying for license

IC 31-27-4-6: Grounds for denial of license applications

IC 31-27-4-13: Denial of license

IC 31-27-4-16: Duration of license; limitations; renewal

465 IAC 2-1: Licensing of Boarding Homes for Children

## PROCEDURE

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

1. Information yielded on all background checks. Refer to separate policy, Chapter 12, Evaluation of Background Checks for Foster Family Home Licensing
2. The current home environment
3. The ability of the proposed foster parent to provide for the child's safety and well-being
4. The severity of the offense
5. Evidence of the person's rehabilitation
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

If a family has applied for a license through a LCPA, the licensing and DCS Central Office Background Check Unit worker will work in conjunction with the family in considering the criteria as outlined above.

For all denials, the licensing worker will:

1. Enter the denial request and reason for denial into CWIS 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
  - 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 or based on a background check)
3. Send a hard copy of the denial recommendation letter to the Central Office Licensing Unit Manager. Each denial recommendation letter must be signed by the local DCS office Director, the local DCS on-call attorney and, if applicable, the LCPA director or designee. Emails will not be accepted

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 and determine if the action also needs to be reviewed by a Central Office DCS attorney
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 and the documentation in support of the allegation(s)
  - c. The right to appeal the decision within 30 days of receipt of the letter
  - d. The statutory authority of DCS to license foster family homes and 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

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

### General

Licensing workers should not recommend licensing a foster home if there are any concerns about placing a child in the home.

### Denial Appeals

If the foster family home appeals, the local DCS legal counsel will be required to represent the local office or LCPA at all Administrative Appeal Hearings. Hearings and Appeal staff will schedule and notify the foster family home of the hearing.

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