



## INDIANA DEPARTMENT OF CHILD SERVICES

### CHILD WELFARE POLICY

#### Chapter 12: Foster Family Home Licensing

#### Section 21: Foster Family Home Licensing Revocations

**Effective Date:** November 1, 2023

**Version:** 9

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#### POLICY OVERVIEW

When a foster family home (FFH) has failed to meet the foster care licensing requirements or qualifications (as set out in Indiana Code [IC], Indiana Administrative Code [IAC], and/or Indiana Department of Child Services [DCS] policies) and/or is unable to ensure the safety and well-being of a child, revocation of the FFH license may be recommended.

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#### PROCEDURE

The licensing worker will recommend revocation of a FFH license in situations that may include but are not limited to the following:

1. The FFH licensee or the licensee'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);
2. There has been a substantiation of Child Abuse and/or Neglect (CA/N) against the FFH licensee or a member of the licensee's household;

**Note:** If a revocation is based on a report of CA/N that was substantiated prior to October 15, 2006, the Regional Manager (RM) or designee must review the appropriateness of the substantiation determination prior to the licensing worker requesting the revocation. The FFH licensee may also request this review at any time in the process. The Child Care Worker Assessment Review (CCWAR) process as discussed in policy 2.03 Child Care Worker Assessment Review Process should be followed for all requests.

3. The FFH licensee made false statements on the FFH application or the records required for licensure;
4. The FFH licensee does not show sufficient financial stability to maintain the FFH without the assistance of a per diem;
5. The licensee failed to meet the terms of corrective licensing action developed with the licensing worker (see policy 12.17 Corrective Licensing Actions);
6. Any other information obtained through the state-approved FFH licensing study related to:
  - a. The current home environment, and/or
  - b. The FFH licensee's ability to provide for the child's safety, well-being, and permanency.

DCS will not allow an FFH licensee to voluntarily relinquish the FFH license or transfer to another Licensed Child Placing Agency (LCPA) or DCS local office once the revocation process has begun, unless approved by the Central Office Foster Care Licensing Team.

**Note:** Children shall not be placed in an FFH whose license is on probationary status, placement hold, pending revocation, or has been revoked without prior written approval from the RM.

For a revocation recommendation, the licensing worker will:

1. Consult with other staff and/or the Central Office Foster Care Licensing Team, as needed, to arrive at a recommendation to revoke the FFH license;
2. Develop a written revocation recommendation letter, within 60 calendar days of identification of noncompliance, containing the following:
  - a. Any specific statute or rule with which the FFH has not complied,
  - b. A general description of the circumstances which constitute the noncompliance or other grounds for a revocation recommendation, and
  - c. Documentation supporting the recommendation to revoke the FFH license.
3. Ensure each revocation recommendation letter is signed by the licensing worker, licensing supervisor, and the DCS Foster Care Division Manager (DM) or designee, if applicable;
4. Ensure the FFH is aware of the revocation recommendation and has a basic understanding of the process that will occur prior to the licensing worker submitting the recommendation for review;
5. Upload the following information into the case management system in a file or attachment labeled "recommendation":
  - a. Revocation recommendation letter,
  - b. Documentation supporting the recommendation to revoke (e.g., case management system contact notes, e-mail communications, background check information, and assessment information); and

**Note:** The Licensing Agency should make the FFH file readily available in the case management system to the Central Office Foster Care Licensing Team, when requested, throughout the revocation process.

- c. The Foster Home Revocation or Denial Due Process Verification form if the revocation is based on substantiated CA/N.

**Note:** LCPA workers may contact the Central Office Foster Care Licensing Team for guidance if the recommendation to revoke is based on substantiated CA/N.

6. Submit the revocation recommendation in the case management system to the Central Office Foster Care Licensing Team for review and an approval determination; and
7. Ensure any DCS or agency staff responsible for placement of a child is notified of the concerns and recommendation to revoke the FFH license if there are children currently placed in the home.

The Central Office Foster Care Licensing Team will review the recommendation within 30 calendar days of receipt of the recommendation to revoke and determine if the recommendation may be supported.

If the Central Office Foster Care Licensing Team agrees with the recommendation to revoke the FFH license, the Central Office Foster Care Licensing Team will:

1. Send a certified letter to the FFH licensee advising:
  - a. The FFH license will be revoked effective 30 calendar days from receipt of the letter,
  - b. The nature of the allegations of noncompliance with IC, IAC, or other FFH requirements,
  - c. The right to request an informal meeting with the Local Office Director (LOD) or designee within 10 business days of receipt of the letter,

**Note:** DCS management involved in staffing the revocation should not complete the informal meeting with the foster family. If the FFH is licensed by an LCPA, an LCPA representative must attend the informal meeting.

- d. The right to appeal the decision within 30 calendar days of receipt of the letter,

**Note:** An informal meeting with the LOD or designee does not affect the 30-day deadline for appeal.

- e. The statutory authority of DCS to license FFH, and
- f. The civil and criminal penalties for operating an FFH without a license.

2. Send a copy of the certified letter revoking the FFH license to the licensing worker for the case file; and
3. Enter the revocation effective date in the case management system 30 calendar days after the date the foster parent received the revocation letter or when the Administrative Appeal process is completed, if applicable.

If the Central Office Foster Care Licensing Team disagrees with the recommendation to revoke a license, the Central Office Foster Care Licensing Team will return the recommendation to the recommending agency with guidance on next steps. The Central Office Foster Care Licensing Team will provide guidance to the recommending agency regarding how to proceed.

If the FFH appeals the revocation 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 form and the revocation letter and forward any complete and timely requests to OALP;
2. An Administrative Law Judge (ALJ) (also sometimes referred to as Administrative Hearing Officer) assigned by the OALP will schedule the hearing date and any prehearing conferences;
3. The OALP staff will notify the assigned DCS attorney, the FFH, and any attorney representing the FFH (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. The DCS Final Agency Authority (FAA) will automatically conduct a Final Agency Review of the case and the ALJ's Proposed Finding of Fact and Conclusions of Law after the ALJ issues the Proposed Finding of Fact and Conclusions of Law, and the DCS FAA will issue a decision upholding the revocation, reversing the revocation, or remanding the decision back to OALP for further proceedings. The DCS FAA shall

utilize their experience and training in the relevant subject matter when conducting their review; and

**Note:** The DCS FAA may schedule status conferences or briefing deadlines during the review, however, failure to attend these status conferences or respond to briefing deadlines will not result in a dismissal of the case or a failure of the FAA 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.

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## RELEVANT INFORMATION

### Definitions

#### Administrative Law Judge (ALJ)

ALJ refers to an individual who presides over an administrative hearing.

#### Final Agency Action

Final agency action means, with respect to an administrative action taken by the department, the issuance of an order by the ultimate authority of the department that:

1. Disposes of all issues for all parties to an administrative proceeding regarding the action after the parties to the administrative proceeding have exhausted all administrative remedies concerning the action; and
2. Is designated as a final order by the ultimate authority of the department.

#### Final Agency Authority (FAA)

For purposes of an administrative proceeding regarding an action taken by the department, the director or the director's designee is the FAA (referred to in Indiana Code as the ultimate authority) of DCS. A designee of the director must be:

1. A Deputy Director of DCS; or
2. An individual who:
  - a. Is an attorney in good standing who is admitted to the practice of law in Indiana; and
  - b. Is an employee of DCS, except as otherwise allowed under state and federal law.

#### Licensing Worker

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

### Forms and Tools

- [Foster Home Revocation or Denial Due Process Verification \(SF 55232\)](#)
- [Indiana Office of Administrative Law Proceedings \(OALP\) Policies](#)
- [Request for Administrative Hearing Foster Home License Denial or Revocation \(SF 55227\)](#)

### Related Policies

- [2.03 Child Care Worker Assessment Review Process](#)
- [2.05 Administrative Appeal Hearings](#)
- [12.17 Corrective Licensing Action](#)
- [13.09 Conducting Background Checks for Foster Home Licensing](#)

- [13.10 Evaluating Background Checks for Foster Family Licensing](#)

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## **LEGAL REFERENCES**

- [IC 4-21.5-5: Chapter 5. Judicial Review](#)
- [IC 31-27-4-13: Denial of license; notice; administrative hearing upon written request](#)
- [IC 31-27-4-22: Notice of enforcement actions; informal meetings](#)
- [IC 31-27-4-23: Administrative hearings](#)
- [IC 31-27-4-24: Procedure for administrative hearings](#)
- [IC 31-27-4-30: Notice](#)
- [IC 31-27-4-32: Grounds for revocation of license; waiver](#)
- [IC 31-27-4-33: Compliance with rules; disciplinary sanctions; revocations of license](#)
- [465 IAC 2-1.5: Licensing of Foster Family Homes for Children](#)
- [465 IAC 3-2-2: Administrative review procedure for child care workers and licensed foster parents](#)
- [465 IAC 3-3: Administrative Hearings](#)
- [470 IAC 1-4: Administrative Appeals](#)
- [42 USC 12102: Definition of disability](#)

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## PRACTICE GUIDANCE- DCS POLICY 12.21

*Practice Guidance is designed to assist DCS staff with thoughtful and practical direction on how to effectively integrate tools and social work practice into daily case management in an effort to achieve positive family and child outcomes. Practice Guidance is separate from Policy.*

N/A

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