

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL	
	Chapter 12: Foster Family Home Licensing	Effective Date: October 1, 2008
	Section 21: Revocations	Version: 2

POLICY

The licensing worker will recommend revocation of a resource family home license if the licensee, **[NEW]** household member, the licensee's employee, or volunteer who has regular and continuous direct contact with children supervised by the licensee has:

1. Disqualifying criminal history identified by the Department of Child Services (DCS) Central Office Background Check Unit. See separate policy, [12.29 Evaluation of Background Checks for Foster Family Home Licensing](#);
2. A conviction for a felony and all request for disqualification exemption have been denied;
3. Made false statements on the application or the records required for licensure;
4. Failed to meet requirements of the Indiana licensing laws and rules, federal regulations, or county housing and residential code requirements; or
5. **[NEW]** Been named as a perpetrator in a substantiated report of child abuse or neglect. See separate policy, [12.23 Investigation for Negative Licensing Action](#).

The licensing worker will submit revocation requests to the DCS Local Office Director who **may** consider revoking a resource family home license if:

1. Any individuals living in the home, other than the licensee or DCS wards, have disqualifying criminal history;
2. Any individuals living in the home, other than the licensee or DCS wards has Child Protection Services (CPS) history;
3. **[NEW]** The home fails to meet state fire and health codes;
4. The licensee or household members violate DCS policies applicable to licensed resource family homes; or
5. The licensee fails to meet the terms of the probationary corrective action plan within 12 months.

DCS will not allow a licensee to voluntarily relinquish their foster care license or transfer to another Licensed Child Placing Agency (LCPA) once the revocation process has begun.

DCS will not place children in a resource family home whose license is pending revocation or has been revoked.

An indicated finding is not a basis for revocation.

Code References

1. [465 IAC 2-1: Licensing of Boarding Homes for Children](#)
2. [470 IAC 1-4: Administrative Appeals](#)
3. [IC 31-27-4-22: Notice of enforcement actions; informal meetings](#)
4. [IC 31-27-4-23: Administrative hearings](#)
5. [IC 31-27-4-24: Procedure for administrative hearings](#)
6. [IC 31-27-4-25: Issuance of decisions](#)

7. [IC 31-27-4-30: Notice](#)
8. [IC 31-27-4-32: Grounds for revocation of license](#)
9. [IC 31-27-4-33: Compliance with rules; disciplinary sanctions; revocation of license](#)

[NEW] PROCEDURE

If a licensed individual has 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](#)) then:

1. A recommendation to revoke must be submitted by the licensing worker to the DCS Local Office Director;
2. Ensure any Child Abuse Prevention and Treatment Act (CAPTA) appeals are complete prior to applying for a waiver. See separate policy, [2.5 Administrative Appeal Hearings](#);
3. The DCS Local Office Director will review and submit the recommendation to the waiver review team within five (5) days of receipt;
4. The waiver review team will review the recommendation and determine whether to grant a waiver allowing the applicant to receive a license (see separate policy, [12.19 Waiver](#)) and notify the Central Office Licensing Unit Manager of the determination.

Note: Every substantiation of a licensee must be reviewed by the waiver review team before a license will be given.

If the recommendation to revoke is approved, the Central Office Licensing Unit Manager will:

1. Forward the recommendation to the DCS Central Office Legal Department for review;
2. Send a certified revocation letter to the resource family home when the decision is made to revoke the license. The revocation letter should include the following:
 - a. The effective date of the license revocation,
 - b. The allegation(s) of non-compliance,
 - c. The right to request, within 10 days after receipt of the certified notice, an informal meeting with the DCS Local Office Director of the county in which the home is located,
 - d. The right to appeal the decision within 30 days of receipt of the letter,
 - e. The statutory authority of DCS to issue and revoke licenses, and
 - f. Civil and criminal penalties for operating a resource family home without a license.
3. Send a copy of the revocation letter to licensing worker for their files;
4. Each revocation letter must be signed by the following persons for an LCPA home:
 - a. DCS Local Office Director,
 - b. DCS Local Office Attorney, or
 - c. The LCPA Director or their designee.

Note: Each revocation letter must be signed by the DCS Local Office Director and DCS Local Office Attorney for a DCS licensed home.

5. Instruct Family Case Manager (FCM) to remove all the children under the care and supervision of DCS and notify any other local DCS offices with children in the home that the children are being removed.

As a result of an approved recommendation to revoke the resource family home license, the DCS Office of General Counsel will:

1. Notify any other agency responsible for supervision of the child in the home that the license has been revoked; and
2. Notify the prosecuting attorney in the county where the home is located and the Attorney General of Indiana if the home does not cease operation.

If the resource family home appeals, the Office of General Counsel will be required to represent the DCS local office or LCPA at all Administrative Appeal Hearings.

If the resource family home appeals, hearing and appeal staff will schedule and notify the following of the hearing:

1. DCS Local Office Attorney;
2. Central Office Licensing Unit Manager; and
3. Resource family home.

If the recommendation to revoke a resource family home license is denied and/or the waiver is granted, the Central Office Licensing Unit Manager will:

1. Send notification of the denial to the licensing agency; and
2. Require the licensing agency to discuss and address areas of concern with the resource family home.

If the licensee does not appeal, or upon the final decision approving the revocation through the administrative hearing process and the home has not ceased operation, the Central Office Licensing Unit Manger will:

1. Notify the prosecuting attorney in the county where the home is located and the Indiana Attorney General regarding the illegal operation; and
2. Notify any other agency responsible for supervision of children in the home that the license has been revoked.

PRACTICE GUIDANCE

N/A

FORMS AND TOOLS

N/A

[NEW] RELATED INFORMATION

If the DCS local office staff question the substantiation determination based on previous substantiation history, the licensing file will need to be reviewed by the Regional Manager.