	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL	
	Chapter 12: Foster Family Home Licensing	**Effective Date:** April 1, 2013
	Section 21: Revocations	**Version:** 3

POLICY

[REVISED] The Indiana Department of Child Services (DCS) and its licensing workers[1] will recommend revocation of a foster family home license if:

1. The licensee or the licensee's household members, employees, or volunteers who are required to have background checks do not pass the background checks. See separate policies, 12.29 Conducting Background Checks for Foster Family Home Licensing and 12.30 Evaluation of Background Checks for Foster Family Home Licensing for more information on the background check requirements;
2. The licensee made false statements on the application or the records required for licensure or re-licensure;
3. The licensee failed to meet any other foster care licensing requirements as set out in Indiana Statute or Indiana Administrative Code; or
4. The licensee failed to meet the terms of progressive discipline[2] developed with the licensing worker.

[NEW] If a revocation is based on a report of abuse or neglect that was substantiated prior to October 15, 2006, the Local Office Director (LOD) or Regional Manager (RM) should review the appropriateness of the substantiation determination prior to the licensing worker requesting the revocation. The applicant can also request this review at any time in the process. See separate policy 2.3 Child Care Workers Assessment Review Process.

DCS will not allow a licensee to voluntarily relinquish their foster home license or transfer to another Licensed Child Placing Agency (LCPA) once the revocation process has begun unless approved by the Central Office Foster Care Licensing Unit.

[REVISED] DCS will not place children in a foster family home whose license is on probationary status, placement hold, pending revocation or has been revoked.

Code References

1. 465 IAC 2-1.5: Licensing of Foster Family 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

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

[2] Progressive discipline is a process of improving the performance of a foster home. It may include, but is not limited to guiding discussion, education, team meetings, developing a working agreement, safety planning, a corrective action plan, a placement hold, and probation with or without a placement hold. See Separate Policy 12.17 Probationary Status.

6. IC 31-27-4-30: Notice
7. IC 31-27-4-32: Grounds for revocation of license
8. IC 31-27-4-33: Compliance with rules; disciplinary sanctions; revocation of license

PROCEDURE

[NEW] To arrive at a written recommendation regarding revocation of a license the licensing worker should consult with other DCS staff or LCPA staff, as applicable, based on:

1. Information found in all background checks. See separate policy, 12.30 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 and well-being.

[REVISED] For all revocations, the licensing worker will:

1. Develop a revocation 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 revocation.
   c. Documentation supporting the decision.

2. Ensure each revocation recommendation letter is signed by the applicable group:
   a. DCS Licensed Foster Family Homes: DCS Local Office Director (LOD), DCS Local Office Attorney, DCS Supervisor, and
      DCS licensing worker, or
   b. LCPA Licensed Foster Family Homes: LCPA licensing worker, LCPA Director or Designee.

3. Provide a hard copy of the revocation recommendation letter and supporting documents to the Central Office Foster Care Licensing Unit, including a Child Abuse Prevention and Treatment Act (CAPTA) Verification form if the revocation is based on a substantiation; and
4. Enter the revocation request and reason for revocation into the Management Gateway for Indiana's Kids (MaGIK) and submit to the Central Office Foster Care Licensing Unit for approval. Ensure the revocation recommendation letter is also uploaded into MaGIK.

[REVISED] Upon receipt and **agreement** with the recommendation to revoke, the Central Office Foster Care Licensing Unit will:

1. Send a certified letter to the foster family home advising the individuals of:
   a. The fact that the license for a foster family home is being revoked effective 30 days from receipt of the letter,
   b. The nature of the allegation(s) of non-compliance,
   c. The right to request an informal meeting with the LOD in the county where the home is located within 10 business days of receipt of the letter (if the home is licensed by an LCPA, an LCPA representative must attend the informal meeting),
   d. The right to appeal the decision within 30 days of receipt of the letter,
   e. The statutory authority of DCS to license foster family homes, and
   f. The civil and criminal penalties for operating a Foster Family Home without a license.

2. Send a copy of the certified letter revoking the license to the licensing worker for his/her file.

[REVISED] As a result of an approved recommendation to revoke the foster family home license, the Central Office Foster Care Licensing Unit will:

1. Notify any other agency responsible for supervision of the child in the home that the license has been revoked; and
2. Enter the revocation effective date in MaGIK 30 days after the date the foster parent received the revocation letter or when the Administrative Appeal process was completed, if applicable.

[REVISED] If the foster family home appeals:

1. The DCS Local Office Attorney will represent the DCS's interests at all Administrative Appeal Hearings; and
2. Hearing and Appeals staff will schedule and notify the following of the hearing:
   a. DCS Local Office Attorney,
   b. Central Office Foster Care Licensing Unit,
   c. LOD, and
   d. Foster family home.

[REVISED] If the recommendation to revoke a foster family home license is denied, the Central Office Foster Care Licensing Unit 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 foster family home.

If the licensee does not appeal or is not successful in his or her appeal and the home has not ceased operation, the Central Office Foster Care Licensing Unit 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.

[NEW] If the licensee is successful on appeal the Central Office Foster Care Licensing Unit will:

1. Notify the licensing agency of the decision and direct them to reinstate the license; and
2. Ensure the license is effective in MaGIK.

PRACTICE GUIDANCE

N/A

FORMS AND TOOLS

N/A

RELATED INFORMATION

N/A