

	<b>INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL</b>	
	<b>Chapter 12:</b> Foster Family Home Licensing	<b>Effective Date:</b> March 1, 2007
	<b>Section 25:</b> Foster Family Homes Operating Without a License	<b>Version:</b> 1

<b>POLICY</b>	<b>OLD POLICY: 613.3, 613.31, 613.32</b>
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The Indiana Department of Child Services (DCS) shall assess any home that there is reason to believe is being used for foster care without a license in circumstances where a license is required.

A licensee who fails to submit a timely application for relicensure is considered a resource family home operating without a license.

DCS will comply with a court order to place children in unlicensed resource homes. These homes must submit an immediate application for licensure. See separate policies, [12.8 Receipt of Application](#) and [12.29 Conducting Background Checks for Foster Family Home Licensing](#).

Code Reference

1. [IC 31-27-4-15: Investigation of unlicensed premises](#)
2. [IC 31-27-4-34: Investigation of unlicensed home reports; enforcement](#)

<b>PROCEDURE</b>
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Upon notification that the resource family home<sup>1</sup> is operating without a license or operating with an expired license, the licensing worker will:

1. Communicate with and assess the unlicensed resource family home;
2. Determine if the home is still conducting activity that requires state licensing;
3. Send the Central Office Licensing Unit Manager a written report of the investigation and determination that licensing is required for this service provider;
4. Notify the unlicensed resource family home by sending the [Initial Letter to Unlicensed Foster Family Home](#) of the following:
  - a. The necessary requirements for licensing, and
  - b. The penalties for operating without a license.
5. Notify all workers responsible for supervision of children in the home to remove the children immediately;
6. Document the following in the licensing file if the home has previously been licensed and has ceased operating without a license upon investigation:
  - a. The license has expired,
  - b. The service provider has not requested an application for relicensure, and
  - c. The service provider has ceased all activity which requires licensing.
7. Open and maintain an investigation file if no licensing file exists.

<sup>1</sup> Resource family homes do not include relatives who are denied licensure, choose to voluntarily withdraw their application or who do not complete the licensing or relicensure requirements.

Upon receipt of the report from the licensing worker, Central Office Licensing Unit Manager will:

1. Send a [Cease and Desist Letter](#) to the home if home is still operating without a license; and
2. Send a written [Notification to Visit Unlicensed Home](#) to the licensing worker advising of the date the:
  - a. [Cease and Desist Letter](#) was sent to the resource family home,
  - b. Resource family home is to comply with requests, and
  - c. Licensing worker needs to determine if the resource family home is still operating.

Within two (2) weeks of receiving the [Notification to Visit Unlicensed Home](#), the licensing worker will notify the Central Office Licensing Unit Manager by sending written verification of the home's current circumstances. Circumstances may include the home:

1. Continuing to operate without filing an application for licensure;
2. Failing to complete the application procedure within 30 days; and/or
3. Ceasing to operate.

If the unlicensed home has not ceased operation, the Central Office Licensing Unit Manager will send a [Final Notice to Unlicensed Foster Family Home](#) to the home and the licensing worker.

This will include:

1. Legal citations of DCS' authority to license a home
2. The Attorney General, DCS Local Office Attorney, or the local prosecuting attorney's authority to file suit against the service provider; and
3. Any applicable civil and criminal penalties.

The licensing worker will:

1. Inspect the home 30 days after mailing of the [Cease and Desist Letter](#); and
2. Notify the Central Office Licensing Unit Manager in writing if the home has not ceased operation.

If the home has not ceased operating upon the final home inspection, Central Office Licensing Unit Manager will:

1. Refer the case to the Attorney General or DCS Local Office Attorney and to the local county prosecutor for criminal and civil action;
2. Include a copy of the decision resulting from any hearing held regarding the status of the license, as well as a request to proceed against the service provider;
3. Proceed to pursue the closure of the home through appropriate legal action; and
4. Be prepared to appear and testify at any proceeding used to close the home.

## **PRACTICE GUIDANCE**

N/A

## **FORMS AND TOOLS**

1. [Sample Initial Letter to Unlicensed Foster Family Home](#)
2. [Sample Cease and Desist Letter](#)
3. [Sample Notification to Visit Unlicensed Home](#)
4. [Sample Final Notice to Unlicensed Foster Family Home](#)

## RELATED INFORMATION

When a child is placed in a relative home, a foster home application must be processed for the relative. However, this does not mean the relative will complete the application process and become licensed.

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