	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE POLICY	
	Chapter 17: Residential Licensing **Section 07:** License Revocations	
	Effective Date: January 1, 2023	**Version:** 2

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POLICY OVERVIEW

In the interest of child safety and well-being, a residential facility's license may be revoked if the facility does not follow regulations as mandated by statute, administrative rules, and/or the Indiana Department of Child Services (DCS).

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PROCEDURE

DCS may revoke a residential facility's license if sufficient grounds exist. See IC 31-27-3-31, IC 31-27-3-32, and IC 31-27-5-31 for additional information regarding sufficient grounds that constitute reasons for revocation of a license.

DCS will not allow a licensee to voluntarily relinquish the residential facility license once the revocation process has begun unless approved by the Deputy Director of Child Welfare Services or designee.

DCS will not place children in a residential facility whose license is on probationary status, placement hold, pending revocation, or has been revoked.

The Residential Licensing Specialist (RLS) will:

1. Ensure the RLS Supervisor is aware of concerns regarding the facility's license;
2. Discuss the concerns with the facility and request documentation from the facility (e.g., facility records, incident reports) regarding the concerns;
3. Consult with the Residential Licensing Unit (RLU) regarding the concerns with the facility's license;
4. Consult with the DCS legal team and the Deputy Director of Child Welfare Services or designee. After considering the advice of the DCS legal team, make a collective decision with the RLS Supervisor, RLU Manager, and the Deputy Director of Child Welfare Services or designee regarding the facility's license;

   Note: See policies 17.08 Referral Holds, 17.09 Termination of Residential Contract, and 17.13 Assessment for Negative Licensing Action for additional information regarding possible action that may be taken.

5. Complete the following upon a decision to revoke the facility's license:
   a. Notify the DCS Contracts Unit in the legal division of the decision to revoke the facility's license;

b. Draft a license revocation letter with support from the RLS Supervisor to notify the facility regarding the decision to revoke the facility's license. The letter should include:
   i. Notice that the residential license is being revoked effective 30 calendar days from receipt of the letter;
   ii. Reason for license revocation, including:
      (a) Citation of any specific statute or rule for which the residential facility is not in compliance,
      (b) General description of the circumstances constituting the noncompliance, and
      (c) other grounds for revocation, if applicable.

   iii. List of DCS youth placed at the facility;
   iv. Appropriate timeframe for transition of DCS youth from the residential facility;
   v. Steps and appropriate timeframe for transfer of child records (e.g., treatment plans, assessments, psychological reports, health/medical reports, educational records, discharge summaries);
   vi. Request for the facility to provide their acknowledgment of the license revocation as stated in the revocation letter (e.g., certified letter, email read receipt);
   vii. Notice of the right for the facility to request in writing an informal meeting with the Deputy Director of Child Welfare Services or designee within 10 business days of receipt of the letter;
   viii. Notice of the right for the facility to request an Administrative Appeal Hearing within 30 calendar days of receipt of letter; and
   ix. Notice of the civil and criminal penalties for operating a child care institution without a license.

c. Monitor the facility's progression throughout the revocation process,
d. Notify all Family Case Managers (FCMs)/Probation Officers (POs) with youth receiving treatment at the facility through DCS about the license revocation and request the FCM/PO notify the youth's parent, guardian, or custodian (if Termination of Parental Rights [TPR] has not occurred) of the subsequent transfer, and
e. Assist DCS local office staff with the transfer process as applicable (see policy 8.38 Placement Changes).

6. Staff with the RLS Supervisor throughout the license revocation process as needed; and
7. Upload the following to the case management system:
   a. Signed license revocation letter upon receipt from the Deputy Director of Child Welfare Services or designee,
   b. Supporting documentation with evidence of the violations (e.g., inspection notes, photographs, email communications, assessments), and
   c. Documentation regarding receipt of the license revocation letter (e.g., certified mail information, email receipt).

The RLS Supervisor will:

1. Ensure the RLU Manager is aware of the concerns with the facility's license and staff with the RLS and RLU Manager throughout the revocation process as needed;
2. Consult with the RLU, DCS Deputy Director of Child Welfare Services or designee, and DCS legal team. After considering the advice of the DCS legal team, make a collective decision with the RLS, RLU Manager, and the Deputy Director of Child Welfare Services or designee regarding the facility's license;
3. Assist the RLS in drafting the license revocation letter;

4. Submit the proposed license revocation letter to the RLU Manager for approval;
5. Monitor the facility's progression throughout the revocation process upon a decision to revoke the license as outlined in the license revocation letter (see above);
6. Assist the RLS with license revocation related tasks as needed and ensure all required tasks are completed; and
7. Close the facility's license in the case management system once all necessary actions for license revocation have been completed.

The RLU Manager will:

1. Provide notification to the DCS Deputy Director of Child Welfare Services or designee regarding the concerns discovered with the facility's license;
2. Request DCS legal consultation to determine next steps;
3. Consult with the RLU, DCS Deputy Director of Child Welfare Services or designee, and DCS legal team. After considering the advice of the DCS legal team, make a collective decision with the RLS, the RLS Supervisor, and the Deputy Director of Child Welfare Services or designee regarding the facility's license;
4. Review and submit the proposed license revocation letter to the DCS Deputy Director of Child Welfare Services or designee for approval;
5. Inform the following DCS Deputy Directors of the license revocation, who will then ensure the appropriate DCS staff are notified:
   a. Child Welfare Services,
   b. Field Operations,
   c. Juvenile Justice Initiatives and Support (JJIS), and
   d. General Counsel.

6. Ensure the Indiana Department of Health (IDOH) and Indiana Department of Homeland Security (IDHS) (i.e., Indiana State Fire Marshal) are notified of the residential license revocation; and
7. Monitor and support the RLU throughout the license revocation process as needed.

The DCS Deputy Director of Child Welfare Services or designee will:

1. Review documentation regarding the concerns discovered with the facility's license and discuss next steps with the RLU Manager;
2. Participate in consultation with the RLU and DCS legal team. After considering the advice of the DCS legal team, make a collective decision with the RLS, RLS Supervisor, and RLU Manager regarding the facility's license;
3. Review and provide the license revocation letter to the DCS Director for final approval upon a decision to revoke the facility's license;
4. Sign and send the license revocation letter to the facility via email and certified mail upon approval from the DCS Director; and

   Note: The Request for Administrative Hearing Residential License Denial or Revocation form must be attached to the license revocation letter when sent to the facility.

5. Ensure the RLU receives a copy of the signed license revocation letter.

The DCS legal team will:

1. Consult with the RLU and the Deputy Director of Child Welfare Services or designee and review documentation to advise whether sufficient grounds exist for license revocation;
2. Consult with the RLU and DCS Deputy Director of Child Welfare Services or designee to provide legal advice to guide and inform their decision regarding the facility's license;

3. Continue communication with the RLU throughout the revocation process; and
4. Provide legal advice for compliance with statutory and administrative processes and requirements.

Revocation Appeals

If the residential facility appeals the license revocation and requests an Administrative Appeal Hearing as provided in IC 31-27-3-20 and 465 IAC 3-3, DCS will ensure:

1. DCS Hearings and Appeals reviews the Request for Administrative Hearing Residential License Denial or Revocation form and the license revocation letter, and forward any complete and timely request to the Indiana Office of Administrative Law Proceedings (OALP);
2. An OALP Administrative Law Judge (ALJ) (also referred to as an Administrative Hearing Officer) assigned by OALP will schedule the hearing date and any prehearing conferences;
3. The OALP staff will notify the following of the date, time, and location of the scheduled hearing:
   a. Assigned DCS attorney,
   b. The facility seeking the appeal, and
   c. Any attorney representing the facility for purposes of the appeal.

4. A DCS attorney will represent DCS during the hearing;
5. After the OALP ALJ issues Proposed Findings of Fact and Conclusions of Law, the DCS Final Agency Authority (FAA) will:
   a. Automatically conduct an FAA review of the case and the OALP ALJ's Proposed Findings of Fact and Conclusions of Law, and
   b. Issue a decision upholding, denying, or remanding the decision to revoke or deny the residential license.

   Note: The DCS FAA's experience and training in the relevant subject matter may be considered. 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.

If the licensee does not appeal or is unsuccessful in the appeal and the facility has not ceased operation, the RLU will notify the prosecuting attorney in the county where the facility is located and the Indiana Attorney General regarding the illegal operation.

If the licensee is successful on appeal, the RLU will ensure the license is effective in the case management system.

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RELEVANT INFORMATION

Definitions

Final Agency Authority

The final agency authority (also known as ultimate authority) is the director or the director's designee.

Forms and Tools

- Request for Administrative Hearing Residential License Denial or Revocation (SF 57115)

Related Policies

- 8.38 Placement Changes
- 17.08 Referral Holds
- 17.09 Termination of Residential Contract
- 17.13 Assessment for Negative Licensing Action

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LEGAL REFERENCES

- IC 4-21.5-5 Judicial Review
- IC 31-9-2-16.7: “Child caring institution”
- IC 31-9-2-48.5: “Group home”
- IC 31-9-2-76.3: “Licensee”
- IC 31-9-2-115: “Secure private facility”
- IC 31-9-2-131.3: “Ultimate authority of the department”
- IC 31-27-3-1: License required for operation (Child Caring Institutions [CCI])
- IC 31-27-3-20 Administrative hearings
- IC 31-27-3-27: Notice (CCI)
- IC 31-27-3-31: Grounds for revocation of license; waiver (CCI)
- IC 31-27-3-32 Compliance with rules; disciplinary sanctions; revocation of license
- IC 31-27-5-1: Group home operation; necessity for license; number of children and location of home
- IC 31-27-5-27: Notice (Group Home [GH])
- IC 31-27-5-31: Grounds for revocation of license; waiver (GH)
- 465 IAC 2-9 Child’s Homes and Child Caring Institutions (CCI)
- 465 IAC 2-9-15: “License” defined (Children's Homes and CCI)
- 465 IAC 2-11 Private Secure Facilities
- 465 IAC 2-12 Child’s Homes and Child Caring Institutions Defined as Group Homes
- 465 IAC 3-3-3 Request for hearing

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PRACTICE GUIDANCE- DCS POLICY 17.07

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.

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