



## INDIANA DEPARTMENT OF CHILD SERVICES

### CHILD WELFARE POLICY

#### Chapter 18: Licensing of Child Placing Agencies

#### Section 05: 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 Child Placing Agency's (CPA) license may be revoked if the CPA 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 CPA's license if sufficient grounds exist. See IC 31-27-6-28 and IC 31-27-6-29 for additional information regarding sufficient grounds for revocation of a license.

The Licensing Specialist will:

1. Ensure the Licensed Child Placing Agency (LCPA) Licensing Manager is aware of concerns regarding the CPA's license;
2. Discuss the concerns with the CPA and request documentation from the CPA regarding the concerns (e.g., agency records, incident reports);
3. Consult with LCPA Licensing Unit regarding the concerns with the CPA'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 LCPA Licensing Manager and the Deputy Director of Child Welfare Services or designee regarding the CPA's license;

**Note:** See policies 18.06 Referral Holds, 18.07 Contract Termination, and 18.15 Review for Licensing Action for additional information regarding possible action that may be taken.

5. Complete the following upon a decision to revoke the CPA's license:
  - a. Notify the DCS Contracts Unit in the legal division of the decision to revoke the LCPA's license;
  - b. Draft a license revocation letter with support from the LCPA Licensing Manager to notify the CPA regarding the decision to revoke the CPA's license. The letter should include:
    - i. Notice that the CPA 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 CPA 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 children and/or probation youth placed in homes licensed through the CPA;
  - iv. Appropriate timeframe for transition of:
    - (a) Children from the foster home licenses,
    - (b) Foster home license applications, and/or
    - (c) Ongoing adoption processes.
  - v. Steps and appropriate timeframe for transfer of CPA records;
  - vi. Request for the CPA 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 CPA 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 CPA 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 CPA without a license.
- c. Monitor the CPA's progression throughout the revocation process,
- d. Notify all Family Case Managers (FCMs) and/or Probation Officers (POs) with children placed with the CPA through DCS about the license revocation and request the FCM/PO notify the child's parent, guardian, or custodian (if Termination of Parental Rights [TPR] has not occurred) of the subsequent transfer, and
- e. Assist the DCS Foster Care Unit and other LCPAs with the transfer process as applicable (see policy 8.38 Placement Changes).

6. Staff with the LCPA Licensing Manager 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 communication, assessments), and
  - c. Documentation regarding receipt of the license revocation letter (e.g., certified mail information, email receipt).

The LCPA Licensing Manager will:

1. Staff with the Licensing Specialist throughout the revocation process as needed;
2. Provide notification to the DCS Deputy Director of Child Welfare Services or designee and the DCS Central Office Foster Care Unit regarding the concerns discovered with the CPA's license;
3. Request DCS legal consultation to determine next steps;
4. Consult with the 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 Licensing Specialist and Deputy Director of Child Welfare Services or designee regarding the CPA's license;
5. Assist the Licensing Specialist in drafting the license revocation letter;
6. Review and submit the proposed license revocation letter to the DCS Deputy Director of Child Welfare Services or designee for approval;

7. Monitor the CPA's progression throughout the revocation process upon a decision to revoke the CPA's license as outlined in the license revocation letter (see above);
8. Assist the Licensing Specialist with license revocation related tasks as needed and ensure all required tasks are completed; and
9. Close the CPA's license in the case management system once all necessary actions for license revocation have been completed.
10. 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.
11. Monitor and support the LCPA Licensing Unit 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 CPA's license and discuss next steps with the LCPA Licensing Manager;
2. Participate in consultation with the LCPA Licensing Unit and DCS legal team. After considering the advice of the DCS legal team, make a collective decision with the Licensing Specialist and LCPA Licensing Manager regarding the CPA's license;
3. Review and provide the license revocation letter (outlined above) to the DCS Director for final approval upon a decision to revoke the CPA's license;
4. Sign and send the license revocation letter to the CPA 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 CPA.

5. Ensure the LCPA Licensing Unit receives a copy of the signed license revocation letter.

The DCS legal team will:

1. Consult with the LCPA Licensing Unit 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 LCPA Licensing Unit and DCS Deputy Director of Child Welfare Services or designee to provide legal advice to guide and inform their decision regarding the CPA's license;
3. Continue communication with the LCPA Licensing Unit throughout the revocation process; and
4. Provide legal advice for compliance with statutory and administrative processes and requirements.

### **Revocation Appeals**

If the CPA appeals the license revocation and requests an Administrative Appeal Hearing as provided in IC 31-27-6-17 and 465 IAC 3-3, DCS will ensure:

1. DCS Hearings and Appeals will review 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 CPA seeking the appeal, and
  - c. Any attorney representing the CPA 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 CPA's 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 CPA has not ceased operation, the LCPA Licensing Unit will notify the prosecuting attorney in the county where the CPA is located and the Indiana Attorney General regarding the illegal operation.

If the licensee is successful on appeal, the LCPA Licensing Unit 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

- [18.06 Referral Holds](#)
- 18.07 Contract Termination – Coming Soon
- 18.15 Review for Licensing Action – Coming Soon

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## LEGAL REFERENCES

- [IC 31-9-2-131.3: "Ultimate authority of the department"](#)
- [IC 31-27-6-17: Administrative hearings](#)
- [IC 31-27-6-24: Notice](#)
- [IC 31-27-6-28: Grounds for revocation of license; waiver](#)
- [IC 31-27-6-29: Compliance with rules; disciplinary sanctions; revocation of license](#)
- [465 IAC 2-2-1: Definition of child placing agency or business of placing children](#)
- [465 IAC 3-3-3: Request for hearing](#)

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## PRACTICE GUIDANCE – DCS POLICY 18.05

*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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