

	<b>INDIANA DEPARTMENT OF CHILD SERVICES</b> <b>CHILD WELFARE POLICY</b>	
	<b>Chapter 12:</b> Foster Family Home Licensing <b>Section 18:</b> Foster Family Home Licensing Denials	
	<b>Effective Date:</b> November 1, 2023	<b>Version:</b> 9

- [Procedure](#)
- [Definitions](#)

- [Forms and Tools](#)
- [Related Policies](#)

- [Legal References](#)
- [Practice Guidance](#)

## POLICY OVERVIEW

When a foster family home (FFH) applicant has failed to meet the foster care licensing requirements or qualifications (as set out in Indiana Code [IC], Indiana Administrative Code [IAC], and/or Indiana Department of Child Services [DCS] policies) and/or is unable to ensure the safety and well-being of a child, denial of the FFH initial licensure or relicensure application may be recommended.

[Back to Top](#)

## PROCEDURE

Licensing workers should not recommend licensing a FFH if there are any concerns about placing a child with the family. A recommendation for denial cannot be made without a signed Application for Foster Family Home License form. A complete written home study is not required if a denial is being recommended; however, additional supporting documentation may be needed.

**Note:** A license must not be denied due to a disability and reasonable accommodations should be made.

The licensing worker will recommend denial of a FFH initial licensure or relicensure application in situations that may include but are not limited to the following:

1. The applicant or the applicant's household members, employees, or volunteers who are required to have background checks do not pass the background checks (see policies 13.09 Conducting Background Checks for Foster Home Licensing and 13.10 Evaluating Background Checks for Foster Family Licensing);
2. There has been a substantiation of Child Abuse and/or Neglect (CA/N) against the licensee or a member of the licensee's household;

**Note:** If a denial is based on a report of CA/N that was substantiated prior to October 15, 2006, the Regional Manager (RM) or designee must review the appropriateness of the substantiation prior to the licensing worker requesting the denial. The applicant may also request this review at any time in the process (see policy 2.03 Child Care Worker Assessment Review Process).

3. The applicant made false statements on the application or the records required for licensure or relicensure;

4. The applicant does not show sufficient financial stability to maintain the applicant's household without the assistance of a per diem;
5. The applicant fails to complete or respond to required initial licensure or relicensure documentation within a timely manner; or
6. Any other information obtained through the state-approved FFH licensing study related to:
  - a. The current home environment, and/or
  - b. The prospective foster parent's ability to provide for the child's safety, well-being, and permanency.

DCS will not allow a licensee to voluntarily relinquish the FFH Application or transfer to another Licensed Child Placing Agency (LCPA) or DCS local office once the denial process has begun, unless approved by the Central Office Foster Care Licensing Team.

For a denial recommendation, the licensing worker will:

1. Consult with other staff and/or the Central Office Foster Care Licensing Team, as needed, to arrive at a recommendation to deny;
2. Develop a written denial recommendation letter, within 60 calendar days of the identified noncompliance. The letter should contain the following:
  - a. Any specific statute or rule with which the FFH has not complied,
  - b. A general description of the circumstances which constitute the noncompliance or other grounds for a denial recommendation, and
  - c. Documentation supporting the recommendation to deny.
3. Ensure each denial recommendation letter is signed by the licensing worker, licensing supervisor, and the DCS Foster Care Division Manager (DM) or designee, if applicable;
4. Ensure the applicant is aware of the denial recommendation and has a basic understanding of the process that will occur prior to the licensing worker submitting the recommendation for review;
5. Upload the following information into the case management system in a file or attachment labeled "recommendation":
  - a. Denial recommendation letter,
  - b. Documentation supporting the recommendation to deny (e.g., case management system contact notes, e-mail communications, background check information, and assessment information), and

**Note:** The Licensing Agency should make FFH files readily available in the case management system to the Central Office Foster Care Licensing Team, when requested, throughout the denial process.

- c. The Foster Home Revocation or Denial Due Process Verification form if the denial is based on substantiated CA/N.

**Note:** Licensed Child Placing Agency (LCPA) workers can contact the Central Office Foster Care Licensing Team for guidance if the denial recommendation is based on substantiated CA/N.

6. Submit the denial recommendation in the case management system to the Central Office Foster Care Licensing Team for review and approval determination; and

7. Ensure any DCS or agency staff responsible for placement of a child is notified of the concerns and recommendation to deny the FFH license if there are children currently placed in the home.

The Central Office Foster Care Licensing Team will review the recommendation to deny within 30 calendar days of receipt of the recommendation and determine if the recommendation may be supported.

If the Central Office Foster Care Licensing Team agrees with the recommendation to deny the application, the Central Office Foster Care Licensing Team will:

1. Send a certified letter to the FFH applicant advising the individual of the following:
  - a. The application for a new FFH license or renewal of the current license is being denied, effective 30 calendar days from receipt of the letter,
  - b. The nature of the allegations of noncompliance with IC, IAC, or other FFH requirements,
  - c. The right to appeal the decision within 30 calendar days of receipt of the letter,
  - d. The statutory authority of DCS to license FFH, and
  - e. The civil and criminal penalties for operating an FFH without a license.
2. Send a copy of the certified letter denying the application for initial licensure or relicensure to the licensing worker for the case file; and
3. Enter the denial effective date in the case management system 30 calendar days after the date the foster parent received the denial letter or when the Administrative Appeal process is completed, if applicable.

If the Central Office Foster Care Licensing Team disagrees with the recommendation to deny an application for FFH licensure, the Central Office Foster Care Licensing Team will return the recommendation to the recommending agency with guidance on next steps.

The recommending agency will proceed based upon the guidance received from DCS Central Office Foster Care Licensing Team.

If the FFH applicant appeals the denial of the application and requests an Administrative Appeal Hearing, as provided in IC 31-27-4-13 and 465 IAC 3-3 (also see Indiana Office of Administrative Law Proceedings [OALP] Policies):

1. DCS Hearings and Appeals will review the Request for Administrative Hearing Foster Home License Denial or Revocation form and the revocation letter and forward any complete and timely requests to OALP;
2. An Administrative Law Judge (ALJ) (also sometimes referred to as Administrative Hearing Officer) assigned by the OALP will schedule the hearing date and any prehearing conferences;
3. The OALP staff will notify the assigned DCS attorney, the FFH applicant, and any attorney representing the FFH applicant (for purposes of the appeal) of the date, time, and location of the scheduled hearing;
4. A DCS attorney will represent DCS during the hearing;
5. The DCS Final Agency Authority (FAA) will automatically conduct a Final Agency Review of the case and the ALJ's Proposed Finding of Fact and Conclusions of Law after the ALJ issues the Proposed Finding of Fact and Conclusions of Law, and the DCS FAA will issue a decision upholding, denying, or remanding the decision to deny the application for FFH license. The DCS FAA shall utilize their experience and training in the relevant subject matter when conducting the review; and

**Note:** 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.

[Back to Top](#)

## RELEVANT INFORMATION

### Definitions

#### Administrative Law Judge

ALJ refers to an individual who presides over an administrative hearing.

#### Final Agency Action

Final agency action means, with respect to an administrative action taken by the department, the issuance of an order by the ultimate authority of department that:

1. Disposes of all issues for all parties to an administrative proceeding regarding the action after the parties to the administrative proceeding have exhausted all administrative remedies concerning the action; and
2. Is designated as a final order by the ultimate authority of department.

#### Final Agency Authority (FAA)

For purposes of an administrative proceeding regarding an action taken by the department, the director or the director's designee is the FAA (referred to in IC as the ultimate authority) of DCS. A designee of the director must be:

1. A Deputy Director of DCS; or
2. An individual who:
  - a. Is an attorney in good standing who is admitted to the practice of law in Indiana; and
  - b. Is an employee of DCS, except as otherwise allowed under state and federal law.

#### Licensing Worker

The licensing worker refers to the DCS Regional Foster Care Specialist (RFCS) or the Licensed Child Placing Agency (LCPA) worker.

### Forms and Tools

- [Application for Foster Family Home License \(SF 10100\)](#)
- [Application for Foster Family Home License \(Spanish Version\) \(SF 57197\)](#)
- [Foster Home License Revocation or Denial Due Process Verification \(SF 55232\)](#)
- [Indiana Administrative Code](#)
- [Indiana Office of Administrative Law Proceedings \(OALP\) Policies](#)
- [Indiana Statute](#)
- [Request for Administrative Hearing Foster Home License Denial or Revocation \(SF 55227\)](#)

### Related Policies

- [2.03 Child Care Worker Assessment Review Process](#)
- [2.05 Administrative Appeal Hearings](#)
- [13.09 Conducting Background Checks for Foster Home Licensing](#)

- [13.10 Evaluating Background Checks for Foster Family Licensing](#)

[Back to Top](#)

## LEGAL REFERENCES

- [IC 4-21.5-5: Chapter 5. Judicial Review](#)
- [IC 31-27-4-5: Apply for licenses; criminal history checks](#)
- [IC 31-27-4-6: Grounds for denial of license applications; waiver](#)
- [IC 31-27-4-13: Denial of license; notice; administrative hearing upon written request](#)
- [IC 31-27-4-16: Duration of license; limitations; renewal](#)
- [465 IAC 2-1.5: Licensing of Foster Family Homes for Children](#)
- [465 IAC 3-2-2: Administrative review procedure for child care workers and licensed foster parents](#)
- [465 IAC 3-3: Administrative Hearings](#)
- [42 USC 12102: Definition of disability](#)

[Back to Top](#)

## **PRACTICE GUIDANCE- DCS POLICY 12.18**

*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

[Back to Top](#)