



## INSPECTOR GENERAL REPORT

2009-07-0129

October 16, 2009

### GARY DAYCARE PROVIDER

*Inspector General Staff Attorney Kristi Shute, after an investigation by Special Agent Darrell Boehmer, reports as follows:*

On June 25, 2009, the Family and Social Services Administration (“FSSA”) notified the Office of the Inspector General (“OIG”) of its concern regarding a possible child neglect case. Specifically, an FSSA Investigator filed a neglect complaint with the Department of Child Services (“DCS”) which involved possible unsafe conditions at the Heaven’s Creations Daycare (“Daycare”) in Gary, Lake County, Indiana. The FSSA Investigator discovered that bricks were falling off the exterior of the building which housed the Daycare and that the roof was sloping. In addition, the children were being fed in the basement and were apparently not being properly supervised.

Initially, the FSSA Investigator went to Gary City Hall and learned that the Daycare Operator did not have a business license at the Daycare’s location. Gary City Building Officials agreed to inspect the building to ensure the building that housed the Daycare was in compliance with building and fire department

regulations. Gary City Officials closed the facility after the inspection.

After notifying Gary City Officials of the Daycare's condition, the FSSA Investigator filed a complaint of neglect with DCS to advise it that the conditions were posing a risk to children at the Daycare. The DCS Supervisor responded that it was the building department's responsibility to investigate the building's conditions. The DCS Supervisor also stated that the situation did not fall under abuse or neglect, which is what DCS is authorized to investigate.

Our review of the applicable law appears to reveal that the City of Gary and the Indiana Department of Homeland Security ("IDHS") are responsible for the inspection of buildings to ensure compliance with safety requirements and building permits.

The OIG is responsible for addressing fraud, waste, abuse, and wrongdoing in agencies. IC 4-2-7-2(b). The OIG is also charged to recommend policies and carry out other activities designed to deter, detect, and eradicate fraud, waste, abuse, mismanagement, and misconduct in state government. IC 4-2-7-3(2).

Based upon this investigation and the above authorities, the OIG makes the following recommendation.

#### Recommendation

The OIG is cognizant that the duties and assertions of law made by the above agencies may be correct. The OIG, however, makes the recommendation

that leadership in DCS and IDHS confer on this topic and address the jurisdiction of each agency in these types of cases. If legislation or other action is necessary to improve or prevent such a situation in the future, the OIG remains willing to assist in seeking those results.

Conclusion

For purposes of this investigation, and because the Daycare was closed and the building condemned, this case is closed subject to the above recommendation.

Dated this 16th day of October, 2009.

APPROVED BY:



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David O. Thomas, Inspector General