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**TITLE 465 DEPARTMENT OF CHILD SERVICES**

LSA Document #04-316

To: Honorable R. Michael Young, Chairman  
Administrative Rules Oversight Committee  
c/o Ms. Sarah Burkman

From: Charlene Burkett-Sims, Director  
Hendricks County Department of Child Services / Division of Family Resources

By: Erin M. McQueen, Staff Attorney  
Office of General Counsel  
Family and Social Services Administration

Re: LSA Document #04-316 - Residential Licensing rules (Child Caring Institutions/Emergency Shelter Care/Group Homes/Emergency Shelter Group Homes) amendments

Date: August 31, 2005

On behalf of the Department of Child Services formerly the Indiana Family and Social Services Administration, Division of Family and Children, I am submitting this notice to the Administrative Rules Oversight Committee in compliance with IC 4-22-2-25, because the department has determined there is a possibility that the promulgation of the captioned rule may not be completed within one year after publication of the notice of intent to adopt a rule.

The department (at the time the division of family and children) published its notice of intent to adopt a rule for the captioned document on January 1, 2005 (28 IR 1199). Nothing further was published on the rule amendments after the new administration took over in January 2005 to determine whether the new administration wanted to proceed with the rule amendments. The department of child services was created by executive order #05-15 and then by S.E.A. 529. The residential licensing section of the former division of family and children is now part of the department of child services. The department of child services, as new agency, has been organizing and hiring key staff members since January 2005. As part of the organization of the new agency, the department of child services has been reviewing policies and rules, among other things, and deciding on how the new agency wanted to proceed.

It has been determined that the department of child services wants to proceed with LSA Document #04-316, however, given the time that has already passed since the publication of the notice of intent, it is unlikely that the rule process can be completed within one year after the publication of the notice of intent to adopt a rule.

The proposed rule amendments still need to be published and a public hearing held. After consideration of public comments to the proposed rule amendments, the department will need to adopt the rule. Then the rule must be submitted to the Attorney General's office. Pursuant to IC 4-22-2-32, the Attorney General has forty-five days to complete his review of a rule. Then the Governor has fifteen (15) days and may take thirty (30) days to approve or disapprove the rule pursuant to IC 4-22-2-34. For these reasons, it is very likely that the rule will not be approved by the governor within one year of the date of publication of the notice of intent. The agency expects that the rule can be approved by the governor by June 30, 2006, although it is possible that the rule process could be completed before June 30, 2006.

This notice setting forth the expected date of approval of LSA Document # 04-316 by June 30, 2006 is being submitted in a timely manner. September 7, 2005 is the two hundred fiftieth day after publication of the notice of intent to adopt a rule.