



## INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE POLICY

**Chapter 17:** Residential Licensing

**Section 06:** Residential Licensing Denials

**Effective Date:** November 1, 2023

**Version:** 2

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### POLICY OVERVIEW

Child health, safety, and well-being are key factors when ensuring treatment continuity and quality of care. Indiana Administrative Code (IAC) specifies the requirements to operate a licensed residential facility. When the facility is unable to meet the requirements of the license, the facility's license may be denied.

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### PROCEDURE

The Indiana Department of Child Services (DCS) has the authority to deny an applicant's initial and/or renewed residential license. Upon receipt of the submitted Application for License to Operate a Children's Group Home (GH), Child Care Institution (CCI), or a Private Secure Facility (PSF) Indiana Code (IC) 31-27-3 or 31-27-5 (Application) form for a residential license, the DCS Residential Licensing Unit (RLU) will:

1. Follow the initial licensing process as outlined in policy 17.01 Initial Licensing Process;
2. Consult with the DCS legal team and/or the Deputy Director of Child Welfare Services or designee, as necessary;
3. Make a determination to deny an applicant's residential license when:
  - a. The applicant fails to meet the requirements of the license, as outlined in IC 31-27-3-5,
  - b. The applicant does not demonstrate an adequate level of competency of service provision for DCS, and/or
  - c. The Application is outside of the scope of DCS residential licensing authority.
4. Send a residential licensing denial letter and a Request for Administrative Hearing – Residential License Denial or Revocation form via certified mail to the applicant, stating the Application has been denied and provide all reasons for the denial.

**Note:** An administrative hearing, held by the Office of Administrative Law Proceedings (OALP), concerning the denial of the license will be provided upon written request by the applicant. The request must be made not more than 30 calendar days after the applicant's receipt of the written denial notice.

The DCS legal team and the Deputy Director of Child Welfare Services or designee will provide consultation to the DCS RLU, upon request.

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## RELEVANT INFORMATION

### Definitions

N/A

### Forms and Tools

- [Application for License to Operate a Children's Group Home \(GH\), Child Care Institution \(CCI\), or a Private Secure Facility \(PSF\) Indiana Code \(IC\) 31-27-3 or 31-27-5 \(SF45158\)](#)
- [Request for Administrative Hearing – Residential License Denial or Revocation \(SF 57115\)](#)

### Related Policies

- [17.01 Initial Licensing Process](#)

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## LEGAL REFERENCES

- [IC 31-27-3: Chapter 3. Regulation of Child Caring Institutions](#)
- [IC 31-27-3-5: Grounds for denial of license application; waiver](#)
- [IC 31-27-5: Chapter 5. Regulation of Group Homes](#)

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## PRACTICE GUIDANCE- DCS POLICY 17.06

*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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