



---

**PRELIMINARY DRAFT**  
**No. 3523**

**PREPARED BY**  
**LEGISLATIVE SERVICES AGENCY**  
**2006 GENERAL ASSEMBLY**

---

DIGEST

**Citations Affected:** IC 12-17.4.

**Synopsis:** Department of child services license suspensions. Removes the department of child services' power to suspend certain licenses. Repeals references to suspension powers.

**Effective:** July 1, 2006.



---

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 12-17.4-2-1 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. The ~~division~~  
3 **department of child services** shall perform the following duties:

4 (1) Administer the licensing and monitoring of child caring  
5 institutions, foster family homes, group homes, and child placing  
6 agencies in accordance with this article.

7 (2) Ensure that a criminal history background check of the  
8 applicant is completed before issuing a license.

9 (3) Provide for the issuance, denial, ~~suspension~~, and revocation of  
10 licenses.

11 (4) Cooperate with governing bodies of child caring institutions,  
12 foster family homes, group homes, and child placing agencies and  
13 their staffs to improve standards of child care.

14 (5) Prepare at least biannually a directory of licensees, except for  
15 foster family homes, with a description of the program capacity  
16 and type of children served that will be distributed to the  
17 legislature, licensees, and other interested parties as a public  
18 document.

19 (6) Deposit all license application fees collected under section 2  
20 of this chapter in the child care fund.

21 SECTION 2. IC 12-17.4-3-11, AS AMENDED BY P.L.234-2005,  
22 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
23 JULY 1, 2006]: Sec. 11. (a) A license for a child caring institution  
24 expires four (4) years after the date of issuance, unless the license is  
25 revoked, modified to a probationary ~~or suspended~~ status, or voluntarily  
26 returned.

27 (b) A license issued under this chapter:

28 (1) is not transferable;

29 (2) applies only to the licensee and the location stated in the  
30 application; and

31 (3) remains the property of the ~~division~~ **department of child**



1 **services.**

2 (c) When a licensee submits a timely application for renewal, the  
3 current license shall remain in effect until the ~~division~~ **department of**  
4 **child services** issues a license or denies the application.

5 (d) A current license must be publicly displayed.

6 SECTION 3. IC 12-17.4-3-25 IS AMENDED TO READ AS  
7 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 25. (a) After a license  
8 is revoked, ~~or suspended~~, the ~~division~~ **department of child services**  
9 shall notify in writing each person responsible for each child in care to  
10 ensure that those children are removed.

11 (b) The written notice shall be sent to the last known address of the  
12 person responsible for the child in care and shall state that the license  
13 of the child caring institution has been revoked. ~~or suspended~~.

14 SECTION 4. IC 12-17.4-3-30 IS AMENDED TO READ AS  
15 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 30. (a) A licensee shall  
16 operate a child caring institution in compliance with the rules  
17 established under this article and is subject to the disciplinary sanctions  
18 under subsection (b) if the ~~division~~ **department of child services** finds  
19 that the licensee has violated this article or a rule adopted under this  
20 article.

21 (b) After complying with the procedural provisions in sections 17  
22 through 20 of this chapter, the ~~division~~ **department of child services**  
23 may ~~impose any of the following sanctions~~ **revoke the license** when  
24 the ~~division~~ **department of child services** finds that a licensee has  
25 committed a violation under subsection (a).

26 ~~(1) Suspend the license for not more than six (6) months.~~

27 ~~(2) Revoke the license.~~

28 SECTION 5. IC 12-17.4-4-14, AS AMENDED BY P.L.234-2005,  
29 SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
30 JULY 1, 2006]: Sec. 14. (a) A license for a foster family home expires  
31 four (4) years after the date of issuance, unless the license is revoked,  
32 modified to a probationary ~~or suspended~~ status, or voluntarily returned.

33 (b) A license issued under this chapter:

34 (1) is not transferable;

35 (2) applies only to the licensee and the location stated in the  
36 application; and

37 (3) remains the property of the ~~division~~ **department of child**  
38 **services.**

39 (c) A foster family home shall have the foster family home's license  
40 available for inspection.

41 (d) If a licensee submits a timely application for renewal, the current  
42 license shall remain in effect until the ~~division~~ **department of child**  
43 **services** issues a license or denies the application.

44 SECTION 6. IC 12-17.4-4-29 IS AMENDED TO READ AS  
45 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 29. (a) After a license  
46 is revoked, ~~or suspended~~, the ~~division~~ **department of child services**



1 shall notify in writing each person responsible for each child in care,  
2 to ensure that the children are removed.

3 (b) The written notice shall be sent to the last known address of the  
4 person responsible for the child in care and must state that the license  
5 of the foster family home has been revoked. ~~or suspended.~~

6 SECTION 7. IC 12-17.4-4-32 IS AMENDED TO READ AS  
7 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 32. (a) A licensee shall  
8 operate a foster family home in compliance with the rules established  
9 under this article and is subject to the disciplinary sanctions under  
10 subsection (b) if the ~~division~~ **department of child services** finds that  
11 the licensee has violated this article or a rule adopted under this article.

12 (b) After complying with the procedural provisions in sections 21  
13 through 24 of this chapter, the ~~division~~ **department of child services**  
14 may ~~impose the following sanctions~~ **revoke the license** when the  
15 ~~division~~ **department of child services** finds that a licensee has  
16 committed a violation under subsection (a).

17 (1) ~~Suspend the license for not more than six (6) months.~~

18 (2) ~~Revoke the license.~~

19 However, the ~~division~~ **department of child services** shall permanently  
20 revoke the license of a licensee who has been convicted of any of the  
21 felonies described in section 11(a)(1) through 11(a)(19) of this chapter.  
22 The ~~division~~ **department of child services** may permanently revoke  
23 the license of a person who has been convicted of a felony that is not  
24 described in section 11(a)(1) through 11(a)(19) of this chapter.

25 SECTION 8. IC 12-17.4-5-11, AS AMENDED BY P.L.234-2005,  
26 SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
27 JULY 1, 2006]: Sec. 11. (a) A license for a group home expires four (4)  
28 years after the date of issuance, unless the license is revoked, modified  
29 to a probationary ~~or suspended~~ status, or voluntarily returned.

30 (b) A license issued under this chapter:

31 (1) is not transferable;

32 (2) applies only to the licensee and the location stated in the  
33 application; and

34 (3) remains the property of the ~~division~~ **department of child**  
35 **services.**

36 (c) A current license shall be publicly displayed.

37 (d) If a licensee submits a timely application for renewal, the current  
38 license remains in effect until the ~~division~~ **department of child**  
39 **services** issues a license or denies the application.

40 SECTION 9. IC 12-17.4-5-25 IS AMENDED TO READ AS  
41 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 25. (a) After a license  
42 is revoked, ~~or suspended~~, the ~~division~~ **department of child services**  
43 shall notify in writing each person responsible for each child in care to  
44 ensure that the children are removed.

45 (b) The written notice shall be sent to the last known address of the  
46 person responsible for the child in care and shall state that the license



1 of the group home has been revoked. ~~or suspended.~~

2 SECTION 10. IC 12-17.4-5-30 IS AMENDED TO READ AS  
3 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 30. (a) A licensee shall  
4 operate a group home in compliance with the rules established under  
5 this article and is subject to the disciplinary sanctions under subsection  
6 (b) if the ~~division~~ **department of child services** finds that the licensee  
7 has violated this article or a rule adopted under this article.

8 (b) After complying with the procedural provisions in sections 17  
9 through 20 of this chapter, the ~~division~~ **department of child services**  
10 may ~~impose any of the following sanctions~~ **revoke the license** when  
11 the ~~division~~ **department of child services** finds that a licensee has  
12 committed a violation under subsection (a).

13 ~~(1) Suspend the license for not more than six (6) months.~~

14 ~~(2) Revoke the license.~~

15 SECTION 11. IC 12-17.4-6-10, AS AMENDED BY P.L.234-2005,  
16 SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
17 JULY 1, 2006]: Sec. 10. (a) A license for a child placing agency  
18 expires four (4) years after the date of issuance, unless the license is  
19 revoked, modified to a probationary ~~or suspended~~ status, or voluntarily  
20 returned.

21 (b) A license issued under this chapter:

22 (1) is not transferable;

23 (2) applies only to the licensee and the location stated in the  
24 application; and

25 (3) remains the property of the ~~division~~ **department of child  
26 services.**

27 (c) A child placing agency shall have the child placing agency's  
28 license available for inspection.

29 (d) If a licensee submits a timely application for renewal, the current  
30 license shall remain in effect until the ~~division~~ **department of child  
31 services** issues a license or denies the application.

32 SECTION 12. IC 12-17.4-6-25 IS AMENDED TO READ AS  
33 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 25. (a) After a license  
34 is revoked, ~~or suspended~~, the ~~division~~ **department of child services**  
35 shall notify in writing each person responsible for each child in care to  
36 ensure that the children are removed.

37 (b) The written notice shall be sent to the last known address of the  
38 person responsible for the child in care and must state that the license  
39 of the child placing agency has been revoked. ~~or suspended.~~

40 SECTION 13. IC 12-17.4-6-30 IS AMENDED TO READ AS  
41 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 30. (a) A licensee shall  
42 operate a child placing agency in compliance with the rules established  
43 under this article and is subject to the disciplinary sanctions under  
44 subsection (b) if the ~~division~~ **department of child services** finds that  
45 the licensee has violated this article or a rule adopted under this article.

46 (b) After complying with the procedural provisions in sections 17



1 through 20 of this chapter, the ~~division~~ **department of child services**  
2 may ~~impose any of the following sanctions~~ **revoke the license** when  
3 the ~~division~~ **department of child services** finds that a licensee has  
4 committed a violation under subsection (a).

5 ~~(1) Suspend the license for not more than six (6) months.~~

6 ~~(2) Revoke the license.~~

7 SECTION 14. THE FOLLOWING ARE REPEALED [EFFECTIVE  
8 JULY 1, 2006]: IC 12-17.4-3-21; IC 12-17.4-3-22; IC 12-17.4-3-23;  
9 IC 12-17.4-4-25; IC 12-17.4-4-26; IC 12-17.4-4-27; IC 12-17.4-5-21;  
10 IC 12-17.4-5-22; IC 12-17.4-5-23; IC 12-17.4-6-21; IC 12-17.4-6-22;  
11 IC 12-17.4-6-23.

