

Child and Family Services Licensing Policy Manual: Child Placing Agency Licensing and Relicensing

- Introduction** A Child Placing Agency is an agency licensed by the state of Montana pursuant to Title 52, chapter 8 that is expressly empowered to place children as a preliminary to adoption.
- It is a misdemeanor to maintain, operate or assist in maintaining or operating a Child Placing Agency in Montana without obtaining a license. The **Child Placing Agency Licensing Requirements** booklet contains licensing requirements. Copies of the booklet are available from the local Child and Family Services licensing office or DPHHS Internal Support Division.
- The Family Resource Specialist shall provide a copy of the licensing requirements to the prospective licensee and should also make an effort to assure that licensed agencies are provided a copy of all booklet updates.**
- Child Placing Agency Licensing Evaluation** Licensing evaluations of a Child Placing Agency are conducted on an annual basis to ensure that each provider is in compliance with licensing requirements.
- Documentation** The initial and annual licensing assessment should include:
- DPHHS-CFS-015 Application;
 - DPHHS-CFS-033 Personal Statement of Health (one for the director and each staff member);
 - DPHHS-CFS-033A Licensed Care Provider Medical Report (as requested by the department pursuant to health problems reported by the applicant or staff member on the DFS-033 or by another source;
 - Assurance that no persons hired by the agency pose any potential threat to the health, welfare or safety of the children placed by or in care of the agency;
 - completed DPHHS-LIC 70 Licensing/Relicensing report form;
 - annual budget; and
 - annual audit of expenditures.

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Conducting the Assessment	<p>An opening interview should be conducted with the Executive Director and/or the Placement Supervisor of the Child Placing Agency. The meeting should include discussion about any current or foreseeable changes in the administrative structure, policy, program and procedures.</p> <p>The program is assessed using the DPHHS-LIC 70 as a guide.</p>
Final Assessment and Recommendation	<p>A written assessment should accompany the application and DPHHS-CFS-070 submitted to the FRS supervisor for the purpose of licensing or relicensing the Child Placing Agency. The assessment should be attached to TEXT associated with FASD. The 'MISSING REQUIREMENTS': FIELD should be completed for any provider who is not in full compliance with any licensing requirement.</p> <p>The complete licensing packet is submitted to the family resource specialist supervisor who has the authority to approve or deny the license recommendations.</p>
License DOC GEN	<p>To issue a license the FRS must complete FALD in CAPS. If the recommendation is for licensure and the license is approved, a DOC GEN: Provider License, is generated from FALD and signed by the FRS supervisor.</p> <p>Copies of all correspondence directed to the Program Supervisor should be copied to the Executive Director and/or the Chairperson of the Board of Directors of the placing agency. Both the Executive Director and the Board of Directors should be apprised of licensing status determination.</p> <p>Either of the following two methods may be used to communicate the status to the Executive Director and the Program Supervisor:</p> <ul style="list-style-type: none"> • Send a new or re-issued license attached to a cover letter accompanied by copies of the licensing assessment; or • Send the new or re-issued license attached to a letter that addresses all agency improvements and licensing concerns.

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Regardless of which format is used, expected dates for correction of cited deficiencies must be addressed in the correspondence as well as the means by which the FRS will verify any noted corrections.

Negative License Action

The department, after written notice to the applicant or licensee, may deny, suspend, restrict, revoke or reduce to a provisional status a license upon finding that the agency:

- is not in substantial compliance with licensing requirements established by rule;
- has made any misrepresentations to the department, either negligent or intentional, regarding any aspect of its operations or facility; or
- the agency or a member or its staff have been named as a perpetrator in a substantiated report of child abuse or neglect.

Written Notice

Prior to notifying a child placing agency of adverse licensing action, the FRS must consult with his or her supervisor. Whenever an adverse licensing action is taken against a child placing agency, the licensing worker must send written notice to the agency including:

- a statement of the proposed adverse action;
- the date the proposed adverse action shall become effective;
- the reason for the proposed adverse action;
- the specific regulations supporting the proposed adverse action;
- an explanation of the claimant's right to a hearing;
- how to obtain a hearing;
- a telephone number to call for additional information; and
- the right to be represented by legal counsel, friend, relative, or other spokesperson.

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If the rationale to the proposed adverse action includes a history of licensing violations from previous incidents, those incidents and the corresponding rules must be cited to the licensee/ applicant in the letter of notification.

Hearing Request

A licensed child placing agency or an applicant to become a child placing agency who is dissatisfied with the department's adverse licensing action must request a hearing as provided in Mont. Admin. R. 37.5.307 within 30 days of receipt of a certified letter notifying the person or provider of denial, suspension or revocation of his or her license.

Refer to section 802-10 Adverse Action, for information regarding the fair hearing process.

References

Mont. Code Ann. § 52-8-101 through 52-8-108
Mont. Admin. R.37.93.210
Mont. Admin. R. 37.5.307