

	<b>INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE POLICY</b>	
	<b>Chapter 12:</b> Foster Family Home Licensing <b>Section 12:</b> Foster Family Home Capacity	
	<b>Effective Date:</b> April 1, 2023	<b>Version:</b> 6

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## POLICY OVERVIEW

The Indiana Department of Child Services (DCS) authorizes the number of children for which a foster family home (FFH) may provide care. Capacity requirements are designated by state statutes to help ensure FFHs are able to meet the needs of children in their care.

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## PROCEDURE

The capacity of an FFH is determined at initial licensure and may be revised throughout licensure. The maximum capacity, as outlined by Indiana statute, is based on the age, needs, and category of supervision of the child.

**Note:** Exceptions to capacity may be granted by DCS. Exceptions are only valid for the duration of the placement that requires the exception request. Once the exception is no longer needed, the exception should be removed and/or the capacity should be changed and submitted in the case management system.

An FFH may not provide supervision and care for more than six (6) children at once. An FFH may have no more than four (4) children who are under six (6) years of age.

**Note:** The maximum capacity includes children in the home for whom the foster parent is a parent, stepparent, guardian, custodian, or other related or non-related children for whom the individual provides continuous and direct care and supervision. A child is considered an individual who is:

1. Less than 18 years of age; or
2. A youth at least 18 years of age and receiving care and supervision under an order of a juvenile court.

A foster parent who is issued a certification to operate a therapeutic FFH may not provide care and supervision to more than four (4) children at the same time, including children for whom the foster parent is a relative, guardian, or custodian, and only two (2) of the children may be foster children.

Respite care is not considered a placement and does not contribute to the FFH's capacity; however, the Family Case Manager (FCM) and licensing worker should consider the same factors they would consider when identifying respite options, including caregiver capacity,

ability, and the physical space in the home (see policy 8.17 Respite Services for Resource Parents).

Prior to determining capacity for an FFH, the licensing worker will:

1. Consider the household composition, bedroom space, the age of each child, and any special and/or medical needs of each child living in the home and determine if the home may accommodate the number of children who need placement;
2. Evaluate the ability of the foster parent to meet the needs of the children currently in the home, in addition to the foster children;
3. Ensure the placement considerations are entered in the case management system; and
4. Provide the foster parent the FFH license, upon receipt from the Central Office Foster Care Licensing Team.

The Central Office Foster Care Licensing Team will:

1. Print the approved license reflecting the FFH capacity; and
2. Mail the license to the licensing worker so it may be provided to the foster family.

### **Exception to Capacity**

For an exception to the capacity for an FFH, the licensing worker will:

1. Consider the household composition, bedroom space, age of each child, and any special and/or medical needs of each child (household and foster) already in the home to determine if the home may accommodate the number of children who need placement;
2. Evaluate the ability of the foster parent to meet the needs of the children currently in the home, in addition to the needs of the children who need placement;
3. Contact each assigned FCM who has a child placed in the FFH to request feedback regarding the possible exception to the capacity for the FFH, if applicable;
4. Submit an exception request and/or change in capacity in the case management system **prior** to placing a child in the home. If an exception request is unable to be made prior to placement, the request must be submitted within 24 business hours following placement of the child; and
5. Provide the foster family the new FFH license, upon receipt from the Central Office Foster Care Licensing Team.

The licensing supervisor will:

1. Provide consultation to the licensing worker regarding the appropriateness of the exception request for the FFH capacity; and
2. Review the exception request and submit the request to the Central Office Foster Care Licensing Team for approval.

Upon receipt of the exception request for the FFH capacity, the Central Office Foster Care Licensing Team will:

1. Review the exception request and ask for additional information, if applicable;
2. Approve or deny the exception request;
3. Notify the licensing worker of the approval or denial of the exception request for the FFH capacity; and
4. Complete the following if the exception request for the FFH capacity is approved:
  - a. Print the approved license reflecting the FFH exception and/or change of capacity; and
  - b. Mail the new license to the licensing worker so it may be provided to the foster family.

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## RELEVANT INFORMATION

### Definitions

#### Licensing Worker

The licensing worker refers to the DCS Regional Foster Care Specialist (RFCS) or the Licensed Child Placing Agency (LCPA) worker.

### Forms and Tools

N/A

### Related Policies

- [5.19 Child and Adolescent Needs and Strengths \(CANS\) Assessment](#)
- [8.17 Respite Services for Resource Parents](#)

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## LEGAL REFERENCES

- [IC 29-3-9-1\(h\): Delegation of powers by executed power of attorney; limitations](#)
- [IC 31-27-4-1: License required to operate foster family home; exception](#)
- [IC 31-27-4-8: Supervision and care limits; exceptions](#)
- [IC 31-34-23-5: Placement of a child with a previous placement](#)
- [42 USC 672: foster care maintenance payments program](#)

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## PRACTICE GUIDANCE- DCS POLICY 12.12

*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.*

### **Reasons for an Exception Request**

An exception to capacity may be requested for any of the following reasons:

1. The placement of siblings in the same FFH; or
2. The foster child has an established, meaningful relationship with the foster parents; or
3. The foster child is being placed in the FFH for a second or subsequent time under IC 31-34-23-5; or
4. Placement would cause the FFH to be out of compliance with state statute; or
5. DCS determines the placement would not present a safety risk for the child or any other household member in the FFH; and
6. It is otherwise in the foster child's best interest.

### **Types of Exceptions**

There are four (4) types of exceptions that may be granted by DCS. These include:

1. **Child Specific:** A child specific exception is required when an FFH home is over the specified capacity, as outlined in Indiana statute;
2. **General:** A general exception is only granted in extenuating circumstances and should be discussed with the Central Office Foster Care Licensing Team prior to consideration;
3. **Mixed Levels:** A mixed level exception is required when children, who are not siblings, are placed in the home with a combination of therapeutic and non-therapeutic placement scores, as identified in the Child Adolescent Needs and Strengths (CANS) Assessment (see policy 5.19 Child and Adolescent Needs and Strengths [CANS] Assessment); and
4. **More than four (4) children under the age of six (6):** This type of exception is required if more than four (4) children under the age of six (6) are placed, reside, or cared for in the FFH. For this exception request, there is no distinction between the number of household children and foster children.

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