
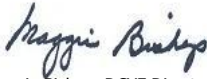


1718 DENIAL OF APPLICATION	
Chapter: Foster Care Providers	Section: Licensing
	New Hampshire Division for Children, Youth and Families Policy Manual Policy Directive: 12-07 Effective Date: September 2012 Scheduled Review Date:
	Approved:  Maggie Bishop, DCYF Director
Related Statute(s): RSA 169-C , and RSA 170-E Related Admin Rule(s): He-C 200 , and He-C 6446 Related Federal Regulation(s):	Related Form(s): Bridges' Screen(s) and Attachment(s):

Purpose

Licensing includes the process of assessing the applicant for compliance with the Foster Family Care Licensing Requirements, He-C 6446. DCYF is committed to licensing only those applicants who can meet all the requirements. This policy outlines the reasons for denial and the procedures followed by DCYF staff and child-placing agency staff who request denial of an application for foster home licensure.

Policy

- I. In addition to the reasons for denial specified in RSA 170-E:35, the Department must deny an application for a foster family care license or permit if the applicant:
 - A. Is the subject of a founded report or complaint of child abuse or neglect in NH or any other state;
 - B. Has been convicted of a felony for child abuse or neglect, spousal abuse, any crime against children, child pornography, rape, sexual assault, or homicide, but not including other physical assault or battery in accordance with 42 USC 641 (a)(20)(A)(i);
 - C. Has been convicted of a felony for physical assault, battery, or a drug-related offense, and that felony conviction was committed within the past 5 years in accordance with 42 USC 641 (a)(20)(A)(ii);
 - D. Has been convicted of a violent or sexually-related crime against a child or of a crime which shows that the person might be reasonably expected to pose a threat to a child, such as a violent crime or a sexually-related crime against an adult, pursuant to RSA 170-E: 29 III;
 - E. Has an arrest record, a motor vehicle record or violations, or is the subject of a report from another source, which following assessment shows that the applicant might reasonably be expected to pose a threat of harm to a child/youth;
 - F. Does not fully comply with the Foster Family Care Licensing Requirements in He-C 6446;
 - G. Furnishes false information, makes false or misleading statements, or omits/withholds information in statements or submissions to the licensing agency;
 - H. Had a foster family care license revoked; or

- I. From the information provided pursuant to He-C 6446.03 to 6446.12 presents a set of qualifications which, when taken as a whole, does not affirmatively show a commitment to the purposes of foster family care and the Bill of Rights for Foster Children, as described in Appendix A.
- II. In addition to the reasons for denial set forth in RSA 170-E:35, the department must deny an application for a foster family care license if I-A, B, D, or H are applicable to a household member.
- III. The application remains pending if the applicant chooses to appeal the decision of DCYF through the Department's Administrative Appeals Unit (AAU), pursuant to He-C 200 until a decision is made by the AAU.
- IV. If a hearing is scheduled by the AAU as a result of the denial, the Resource Worker, immediate Supervisor, and the Foster Care Specialist must participate in the appeals process. Additionally, legal counsel may be requested to represent DCYF at the hearing.

Procedures

- I. The Resource Worker must:
 - A. Confirm that the applicant or household member is the individual identified in the central registry or in the state police records, or is not in compliance with He-C 6446;
 - B. Contact the applicant(s) to gather any additional facts, discuss the information, and advise the applicant of the intention to deny;
 - C. Write a detailed narrative about the applicant and the reasons for denial for the foster home record;
 - D. Consult with the Supervisor on the findings and obtain approval to deny the application;
 - E. Send the narrative and the reasons for denial and citations of the Foster Family Care Licensing Requirements to the attention of the Foster Care Specialist at State Office;
 - F. Receive the copy of the letter of denial from the Foster Home Licensing Specialist and ascertain the date the applicant received the letter.
 - G. Maintain the foster home application in a pending file until 30 days after the certified letter has been received by the applicant to allow the appeals process to proceed;
 - H. File a copy of the denial letter signed by the Director in the foster home application record; and
 - I. Close and file the foster home record [[Policy Item 1740 Foster Home Record Maintenance](#)].
- II. The Foster Home Licensing Specialist must:
 - A. Review the reasons for denial and the supporting documentation;
 - B. Prepare the letter to the applicant for the Director's signature that denies the application for licensure;
 - C. Ensure that the applicant has been advised of the right to appeal with the AAU;

- D. Send the letter of denial via certified mail; and
- E. Forward a copy of the letter to the Resource Worker for filing in the applicant's record.