
**UNLICENSED
FAMILY HOMES**

Complaints regarding unlicensed homes providing full-time foster care are to be directed to and received by the local office supervisor with responsibility for foster family home development. Record the complaint on the BCAL-259 Special Investigation Record. The supervisor is to tell the complainant that the DHS will contact the person allegedly operating the unlicensed family home to inform the person of the licensing requirements. If the complaint relates to allegations of child abuse or neglect, refer this information immediately to children's protective services. CPS will determine whether children are in care, the conditions of the home, and the quality of care. The foster care supervisor should be notified of the findings resulting from the CPS investigation.

Make initial contact within ten working days after receiving a complaint regarding an unlicensed home.

Frequently, after an investigation of an unlicensed home has been conducted by CPS, a foster family (home) study will be requested. Should the foster family (home) study disclose an unlicensable situation and youth remain in placement, refer the matter to CPS for appropriate action.

**Initial Contact
Letter**

The purpose of the initial contact letter is to provide information from Act 116, Public Acts of 1972, the Child Care Organization Licensing Act, which establishes standards of care for child placement agencies, institutions and family foster homes and which provides penalties for non-compliance.

Enclose the following information to any persons alleged to be operating a foster family home without being licensed:

- A statement that, before providing foster care for unrelated children, a home must be licensed. Reference should be made to Section 5, Act 116, Public Acts of 1973.
- The name, address and telephone number of the local DHS office.
- A copy of Act 116, Public Acts of 1973 and the administrative rules.

Second Contact Letter

If the person does not contact the DHS within ten working days, a second contact letter must provide the same information described above. A reference to the initial contact and the fact that there was no follow-up is to be included.

Warning Letter

If the person does not contact the DHS within ten working days from the date of the second contact letter, send a warning letter containing the following:

- An introduction that states that, before providing foster care for unrelated children, a home must be licensed. Reference should be made to Section 5, Act 116, Public Acts of 1973.
- A chronological reference to the previous contact letters.
- A copy of Act 116, P.A. of 1973, and the administrative rules.
- A statement that the penalty for violating Act 116 is a misdemeanor with a reference to Section 15, Act 116, Public Acts of 1973.
- A concluding paragraph which states that if no response is made within 15 days from receipt of the letter, the case will be referred to the county prosecuting attorney for further action.
- The name, address and telephone number of the local office.

The warning letter is to be sent by certified mail, return receipt requested, over the signature of the local office director with a copy to the Office of Children and Adult Licensing, Department of Human Services.

Referral to Prosecuting Attorney

If the person does not contact the DHS to apply for a license within the 15 day time period given in the warning letter and there is reason to believe caregiving has not been terminated, provide the information to the prosecuting attorney. When the information has been referred to the county prosecuting attorney, send the person a short, informative letter stating that the matter has been referred.

**Visit to an
Unlicensed Home**

Only under unusual circumstances is the local office to make a visit to an unlicensed home that appears to be in violation of the law. If a visit occurs, it is to be made to inform the person about the requirements of Act 116, Public Acts of 1973. Establish a specific time and date for the visit with the person. The visit and entry to an unlicensed home has legal implications. If the person refuses to allow entry, do not enter.

DHS staff will prepare a written report describing the visit and the conditions observed at the home. Include in the report any additional documentation, such as letters from community members, etc.