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**TITLE 470 DIVISION OF FAMILY AND CHILDREN**

LSA Document #04-77

To: Honorable R. Michael Young, Chairman  
Administrative Rules Oversight Committee  
c/o Ms. Sarah Burkman

From: Erin M. McQueen, Staff Attorney  
Office of General Counsel  
Family and Social Services Administration

Re: LSA Document #04-77 – Child Care Home Rule Amendments

Date: December 2, 2004

Cc: Rachel McGeever, General Counsel, FSSA  
Lanier DeGrella, Deputy Director, DFC/BCD  
Sharon Sullivan, Manager, DFC/BCD

On behalf of the Family and Social Services Administration, Division of Family and Children, Bureau of Child Development, I am submitting this notice to the Administrative Rules Oversight Committee in compliance with IC 4-22-2-25, because the division has determined there is a possibility that the promulgation of the captioned rule may not be completed within one year after publication of the notice of intent to adopt a rule.

The division published its notice of intent to adopt a rule for the captioned document on April 1, 2004 (27 IR 2302). The proposed rule was published on June 1, 2004 (27 IR 2837). Five public hearings were held on June 23, 2004; June 24, 2004; June 29, 2004; June 30, 2004 and July 1, 2004 in various parts of the state. The written comment period was left open to July 16, 2004 to allow additional time for all interested persons to give comments on the proposed rule. The division received comments both at the public hearings and in written form. The division received numerous public comments and gave careful consideration to all the public comments. In addition, during the time period the division was considering the public comments the Board for the Coordination of Child Care Regulation (“Board”) took an interest in the rule and had various issues regarding the rule on its agenda for several months. Therefore, the division did not finish giving consideration to the public comments until after the Board’s last meeting on October 21, 2004. The rule is currently under consideration for adoption by the division.

Once the rule is adopted by the division, it has to be approved by the Family and Social Services Committee (see IC 12-8-3), a committee that only meets once a month. A monthly meeting could occur without a quorum and therefore without any action taken on an adopted rule. This would mean delayed approval until the next monthly meeting of the committee and presence of a quorum. Following approval by the FSSA committee, the rule must be submitted to the Attorney General’s office. Pursuant to IC 4-22-2-32, the Attorney General has forty-five days to complete his review of a rule. Whether a quorum is present at a monthly meeting of the FSSA Committee and the Attorney General’s time frame for rule review are outside of the agency’s control. For these reasons, it is possible that the rule will not be approved by the governor within one year of the date of publication of the notice of intent. The agency expects that the rule can be approved by the governor by June 30, 2005, although it is still possible that the rule process will be completed within the one year time frame.

This notice setting forth the expected date of approval of LSA Document #04-77 by June 30, 2005 is being submitted in a timely manner. December 6, 2004 is the two hundred fiftieth day after publication of the notice of intent to adopt a rule.