



pennsylvania
DEPARTMENT OF HUMAN SERVICES

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

MAILING DATE: JAN 27 2016

Ms. Diane Edwards, Executive Director
Berks County Commissioners
633 Court Street
Reading, Pennsylvania 19601

RE: Berks County Residential Center
1040 Berks Road
Leesport, Pennsylvania 19533
License #: 224580

Dear Ms. Edwards:

The Department of Human Services (Department) is not renewing the certificate of compliance issued to the Berks County Commissioners to operate the Berks County Residential Center as a child residential facility pursuant to the Article IX of the Human Services Code, 62 P.S. §§ 901 et seq., Article X of the Human Services Code, 62 P.S. §§ 1001 et seq., and 55 Pa. Code Chaps. 20 and 3800 when your current certificate of compliance expires on February 21, 2016. The Department is also revoking the certificate of compliance effective from February 21, 2016 to February 21, 2017, issued on November 9, 2015. As the Department notified you by letter of November 17, 2015, that certificate was issued as a result of a systems error. (See Attachment 1.)

This decision to NON-RENEW and REVOKE the certificates of compliance is based on the Department's determination that Berks County Residential Center is not operating as a child residential facility under the Human Services Code or the Department's regulations. Instead, Berks County Residential Center is operating as a residential center for the detention of immigrant families, including adults.

By letter of October 22, 2015, the Department informed Berks County Residential Center that it does not license family residential centers. (See Attachment 2.) On or about October 30, 2015, Berks County Residential Center filed a petition to appeal the October 22, 2015 letter. That appeal is currently pending before the Department's Bureau of Hearings and Appeals at docket number 061-15-0025. After receiving the petition, by letter of November 10, 2015, the Department requested that Berks County clarify its intent to operate Berks County Residential Center as a child residential facility. (See Attachment 3.) By letter of November 23, 2015, counsel for Berks County and the Berks County Residential Center confirmed the county's intent to continue operating Berks County Residential Center as a family detention center. (See Attachment 4.)

The Department will not issue or renew a certificate of compliance for a type of facility or agency that the applicant does not, and does not intend, to operate. If you choose to operate a child residential facility for children who are not accompanied by their parents or other responsible adults in the future, you must first apply for and obtain the appropriate certificate of compliance.

Based on the decision to NON-RENEW and REVOKE your certificates of compliance because Berks County Residential Center is not a child residential facility, the Department also DENIES your March 9, 2015 request to increase the maximum capacity specified on the certificate of compliance.

If you disagree with the decision to NON-RENEW and REVOKE your certificates of compliance, you have the right to appeal through hearing before the Bureau of Hearings and Appeals in accordance with 1 Pa. Code Part II, Chaps. 31-35. If you decide to appeal this decision, you must submit a written request for an appeal, even if you have other appeals pending before the Bureau of Hearings and Appeals or any other forum. Any appeal of this decision must be received within 10 days of the date of this letter by:

Jacob Herzing, Enforcement Manager
Human Services Licensing
Department of Human Services
Room 631 Health and Welfare Building
625 Forster Street
Harrisburg, Pennsylvania 17120

This decision is final 11 days from the date of this letter, or if you decide to appeal, upon issuance of a decision by the Bureau of Hearings and Appeals.

Sincerely,



Matthew J. Jones
Director

Enclosures