

	<b>INDIANA DEPARTMENT OF CHILD SERVICES</b> <b>CHILD WELFARE POLICY</b>	
	<b>Chapter 12:</b> Foster Family Home Licensing <b>Section 19:</b> Waivers	
	<b>Effective Date:</b> May 1, 2023	<b>Version:</b> 3

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## POLICY OVERVIEW

Waivers may be granted for a foster family home's (FFH) license when there is an undue hardship for the foster family, and it is determined the requested waiver will not be detrimental to the health, safety, and welfare of any child placed in the home.

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## PROCEDURE

The Indiana Department of Child Services (DCS) may grant a waiver for an FFH to be noncompliant with a specific rule or regulation, only upon approval from the Central Office Foster Care Licensing Team. The Central Office Foster Care Licensing Team has sole authority to approve or deny a waiver. Waivers shall be granted only for rules and regulations and not for Indiana statutory requirements.

Per IC 31-27-2-9, waivers granted or renewed will expire on one (1) of the following dates, whichever comes first:

1. Date when the license affected by the waiver expires;
2. Date set by the Central Office Foster Care Licensing Team for the expiration of the waiver;
3. Occurrence of the event set by the Central Office Foster Care Licensing Team for the expiration of the listed waiver; or
4. Four (4) years after the date the waiver becomes effective.

To request a waiver, the licensing worker must:

1. Consult with the licensing worker supervisor to discuss the appropriateness of the waiver request;
2. Process the waiver request, including the documentation narrative, in case management system;

**Note:** The documentation narrative should include the following:

- a. Why compliance with the rule or regulation specified in the application for the waiver will create an undue hardship on the applicant for the waiver; and
  - b. How noncompliance with the rule or regulation specified in the application for the waiver will not be adverse to the health, safety, or well-being of any child receiving services from the applicant for the waiver.
3. Submit the waiver request to the following:

- a. For DCS, the licensing worker will submit the waiver request to the licensing worker supervisor, and
  - b. For Licensed Child Placing Agencies (LCPAs), the LCPA will submit the waiver request directly to the Central Office Foster Care Licensing Team.
4. Notify the applicant or licensee of the approval or denial, upon notification from the Central Office Foster Care Licensing Team.

The licensing worker supervisor will:

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

Upon receipt of the waiver request, the Central Office Foster Care Licensing Team will:

1. Review the waiver request and ask for additional information, if applicable;
2. Approve or deny the waiver request; and
3. Notify the licensing worker of waiver approval or denial.

If a licensee violates a condition of a waiver, the licensing worker should contact the Central Office Foster Care Licensing Team for consultation on how to proceed. The Central Office Foster Care Licensing Team will provide notice of the waiver violation to any DCS Local Office Director or designee who has a child placed in the FFH home.

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## RELEVANT INFORMATION

### Definitions

#### Dually Licensed Home

Dually licensed homes are licensed to provide both foster care and licensed child-care or adult foster care.

#### Licensing Worker

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

#### Waiver

A waiver is intended to waive or forfeit a rule or regulation.

### Forms and Tools

- [Child Care Finder website](#)

### Related Policies

- [13.16 Waivers](#)

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## LEGAL REFERENCES

- [IC 31-27-2-8: Granting of variances and waivers](#)
- [IC 31-27-2-9: Expiration of variances and waivers](#)
- [IC 31-27-2-10: Renewal of variances and waivers](#)
- [IC 31-27-2-11: Revocation of variances and waivers](#)

- [IC 31-27-4-12: Eligibility for waivers and variances](#)
- [465 IAC 2-1.5-9: Physical facilities of the foster family home: bedrooms and bathrooms](#)

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## PRACTICE GUIDANCE- DCS POLICY 12.19

*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.*

### **Dually Licensed Homes**

A waiver is required for homes seeking to be dually licensed. The following information should be evaluated and updated annually to determine whether a foster family home (FFH) should be granted a waiver to be dually licensed:

1. The number of children residing in the FFH, their ages, and current needs;

**Note:** Information about whether the children residing in the FFH are also receiving daycare services from the FFH should be considered.

2. The number of children in the FFH for daycare services and their ages;

**Note:** For adult daycare services, the number of adults in the FFH for adult daycare services and their current needs should be considered.

3. Individuals working in the FFH providing daycare services on a regular basis and their schedule; and
4. Any concerns regarding the daycare license identified on the Child Care Finder website (see Forms and Tools section).

### **Non-Safety Related Licensing Requirements**

Case by case waivers of non-safety related licensing requirements are permitted. An example of a safety related licensing requirement that **cannot** be waived is the completion of background checks (see policy 13.16 Waivers for additional guidance if background checks are returned disqualified). Examples of non-safety related licensing requirements that can be waived include, but are not limited to:

1. Square footage of bedrooms;
2. Bedrooms in basement;
3. Licensing a married applicant without licensing their spouse due to spouse's physical absence from the household;
4. Children six (6) years of age and older sharing a bedroom with a child of the opposite sex; and
5. Children over twelve months of age sharing a bedroom with an adult.

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