

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE POLICY	
	Chapter 17: Residential Licensing	Effective Date: November 1, 2021
	Section 05: Residential Licensing Waiver and Variance	Version: 1

POLICY OVERVIEW For information regarding Emergency Shelter Care (ESC) extensions see policy 8.04 Emergency Shelter Care & Urgent Residential Treatment.

The Indiana Department of Child Services (DCS) Residential Licensing Unit (RLU) has the authority to grant a waiver or variance, upon request, for a residential facility's license. The waiver or variance must comply with the DCS Practice Model and not compromise the health, safety, or welfare of children receiving services.

PROCEDURE

Upon receipt of the completed Application for Private Secure Facility, Child Caring Institution, or Group Home Waiver/Variance (Application) from a residential facility, the Residential Licensing Specialist (RLS) will:

1. Review the Application for accuracy;

Note: The timeframe for a child-specific, time-limited request must be included in the Application. A subsequent request is required once the initial approval has expired.
2. Acknowledge any request for a child-specific waiver or variance within 24 hours of receipt;
3. Communicate with the RLS Supervisor if additional guidance is needed and continue communication throughout the waiver/variance process;
4. Send the recommendation and the completed Application to the RLS Supervisor for review;
5. Send the Notice of Waiver/Variance Application – Approval or the Notice of Waiver/Variance Application – Denial (Notice) to the RLS Supervisor for signature, upon decision to approve or deny the Application;

Note: The timeframe for a child specific, time-limited request must be included in the approval letter.

6. Send the Notice (either approving or denying), signed by the RLS Supervisor, to the residential facility upon receipt of the signed Notice; and
7. Upload a copy of the Application and the Notice to the facility's applicable license within the case management system.

Note: To protect the child's confidentiality, child-specific, time limited waiver and variances will not be uploaded to the case management system.

The RLS Supervisor will:

1. Review the Application and recommendation from the RLS to determine if the application will be approved or denied;
2. Sign the Notice and return to the RLS;

Note: If deemed necessary, the RLS Supervisor may send the Application and the Notice to the Residential Licensing Unit (RLU) Manager for final approval.

The RLU Manager will:

1. Discuss the Application with the Deputy Director of Child Welfare Services or designee and/or the DCS legal team for additional consideration upon request; and
2. Approve or deny the Application and sign the Application, upon request.

The Deputy Director of Child Welfare Services or designee and the DCS legal team will consult with the RLU Manager regarding a waiver or variance request, as necessary.

LEGAL REFERENCES

- [IC 31-27-2-8: Granting of variances and waivers](#)
- [465 IAC 2-9-31: "Variance" defined](#)
- [465 IAC 2-9-32: "Waiver" defined](#)
- [465 IAC 2-9-35: Waivers and variances](#) (Children's Homes and Child Care Institutions [CCIs])
- [465 IAC 2-10-35: Waivers and variances](#) (Emergency Shelter Care Children's Homes and CCIs)
- [465 IAC 2-11-35: Waivers and variances](#) (Private Secure Facilities)
- [465 IAC 2-12-35: Waivers and variances](#) (Children's Homes and CCIs Defined as Group Homes)
- [465 IAC 2-13-35 Waivers and variances](#) (Children's Homes and CCIs Defined as Emergency Shelter Care Group Homes)

RELEVANT INFORMATION

Definitions

Variance

A variance is official permission granted by DCS to meet the intent of a specific rule in a way other than specified by the rule.

Waiver

A waiver is official permission granted by DCS not to meet a specific regulation.

Forms and Tools

- [Application for Private Secure Facility, Child Caring Institution, or Group Home Waiver/Variance \(SF 57073\)](#)
- [Indiana Practice Model](#)
- Notice of Waiver/Variance Application – Approval: Provided by RLU
- Notice of Waiver/Variance Application – Denial: Provided by RLU

Related Policies

- [8.04 Emergency Shelter Care & Urgent Residential Treatment](#)