

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL	
	Chapter 12: Foster Family Home Licensing	Effective Date: March 1, 2007
	Section 19: Waivers	Version: 1

POLICY	OLD POLICY: 606.1
---------------	--------------------------

The Indiana Department of Child Services (DCS) may grant a waiver for a resource family home to be noncompliant with a specific rule, only upon approval from the Central Office Licensing Unit Manager or designee.

Waivers shall be granted only for rules and regulations and not for Indiana statutory requirements.

To receive a waiver, the applicant or licensee must provide proof that compliance with the rule or regulation would constitute an undue hardship and that noncompliance does not compromise the health, safety, and welfare of children.

The Central Office Licensing Unit Manager or designee has sole authority to approve or deny a waiver.

Code Reference

1. [IC 31-27-2-8: Granting of variances and waivers](#)
2. [IC 31-27-2-9: Expiration of variances and waivers](#)
3. [IC 31-27-2-10: Renewal of variances and waivers](#)
4. [IC 31-27-2-11: Revocation of variances and waivers](#)
5. [IC 31-27-4-12: Eligibility for waivers and variances](#)

PROCEDURE

To request a licensing waiver, the applicant or licensee will submit documentation that:

1. Compliance with the rule specified in the application for the waiver will create an undue hardship on the applicant for the waiver; and
2. Noncompliance with the rule specified in the application for a waiver will not be adverse to the health, safety, or welfare of any child receiving services from the applicant for the waiver.

To request a waiver, the licensing worker must:

1. Process the waiver request in Indiana Child Welfare Information System (ICWIS); and
2. Submit the request for waiver to the Central Office Licensing Unit Manager.

Upon receipt of the waiver request, the Central Office Licensing Unit Manager will:

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

The licensing worker will notify the applicant or licensee of the approval or denial.

PRACTICE GUIDANCE

N/A

FORMS AND TOOLS

N/A

RELATED INFORMATION

Example of Possible Waiver

Licensing a married applicant without the licensing of his or her spouse due to spouse's physical absence from the household (e.g., separate residences, military deployment, long-term hospitalization, etc).

Expiration of Waivers

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 Licensing Unit Manager for the expiration of the waiver; or
3. Occurrence of the event set by the Central Office Licensing Unit Manager for the expiration of the waiver.

If a licensee violates a condition of a waiver, the licensing worker should contact the Central Office Licensing Unit for consultation on how to proceed. The Central Office Licensing Unit Manager may recommend to the DCS Director or designee an order terminating the waiver before it expires.