

	<b>INDIANA DEPARTMENT OF CHILD SERVICES</b> <b>CHILD WELFARE POLICY</b>	
	<b>Chapter 12:</b> Foster Family Home Licensing <b>Section 20:</b> Variances	
	<b>Effective Date:</b> May 1, 2023	<b>Version:</b> 3

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## POLICY OVERVIEW

A variance may be granted for a foster family home’s license to meet the intent of an Indiana Department of Child Services (DCS) rule or regulation. A variance will use an alternative method that is not detrimental to the health, safety, and well-being of the child.

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## PROCEDURE

A variance may be granted for DCS rules and regulations only, and not for Indiana statutory requirements. The Indiana DCS Central Office Licensing Unit has sole authority to approve or deny a variance.

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

1. Date when the license affected by the variance expires;
2. Date set by the Central Office Licensing Unit Manager for the expiration of the variance;
3. Occurrence of the event set by the Central Office Licensing Unit for the expiration of the variance; or
4. Four (4) years after the date the variance becomes effective.

To request a licensing variance, documentation will be submitted that outlines the alternative plan for meeting the rule or regulation and supporting information as to how this plan does not compromise the health, safety, and well-being of any child receiving services.

To request a variance, the licensing worker must:

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

**Note:** The documentation narrative should include information about the alternative method being used to meet the intent of the DCS rule or regulation.

3. Submit the variance request to the following:
  - a. The DCS licensing worker should submit the variance request to the licensing worker’s supervisor, and

- b. The Licensed Child Placing Agency (LCPA) should submit the variance request directly to the Central Office Licensing Unit.
4. Notify the applicant or licensee of the approval or denial, upon notification from the Central Office Licensing Unit.

The licensing worker supervisor will:

1. Provide consultation to the licensing worker regarding the appropriateness of the variance request; and
2. Review the variance request and submit to the Central Office Licensing Unit for approval.

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

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

If a licensee violates a condition of a variance, the licensing worker should contact the Central Office Licensing Unit for consultation on how to proceed. The Central Office Licensing Unit will provide notice of the variance 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

#### Licensing Worker

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

### Forms and Tools

N/A

### Related Policies

N/A

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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](#)

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## PRACTICE GUIDANCE- DCS POLICY 12.20

*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.*

### **Examples of Possible Variances**

The following are examples of possible variances that may be granted for foster family home (FFH) licenses:

1. Substituting bottled water for well water; or
2. Substituting professional medical training for the Cardiopulmonary Resuscitation (CPR), First Aid, and Universal Precautions training in instances where the applicant or licensee has current experience serving adults, children, and infants.

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