

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE POLICY	
	Chapter 13: Background Checks Section 16: Waivers	
	Effective Date: January 1, 2026	Version: 3

POLICY OVERVIEW

The Indiana Department of Child Services (DCS) may grant a waiver for disqualified juvenile or substantiated Child Protective Services (CPS) history.

POLICY STATEMENT

DCS will **not** grant a waiver for disqualifying criminal history if the person has been convicted of, or has pending charges for, any of the following felonies:

1. Murder;
2. Causing suicide;
3. Assisting suicide;
4. Voluntary manslaughter;
5. Involuntary manslaughter;
6. Reckless homicide;
7. Feticide;
8. Battery (within the last five [5] years);
9. Domestic battery;
10. Aggravated battery;
11. Criminal recklessness (within the past five [5] years);
12. Strangulation;
13. Kidnapping;
14. Criminal confinement (within the last five [5] years);
15. Human and sexual trafficking;
16. A felony sex offense under IC 35-42-4;
17. Arson (within the last five [5] years);
18. Incest;
19. Neglect of a dependent;
20. Child selling;
21. Reckless supervision;
22. Nonsupport of a dependent child (within the past five [5] years);
23. Operating a motorboat while intoxicated (within the past five [5] years);
24. A felony involving a weapon (within the last five [5] years);
25. A felony offense relating to controlled substances (within the last five [5] years);
26. An offense involving harmful or obscene material to minors under IC 35-49-3;
27. A felony under IC 9-30-5 (driving while intoxicated) (within the past five [5] years);
28. A felony related to the health or safety of a child or endangered adult;
29. Attempt to commit any felony listed above. If the original felony is non-waivable for a set time, the attempt is also non-waivable for that same time; and
30. A felony from another state that is equivalent to any felony listed above. If a conviction in

Indiana is non-waivable for a set time, a conviction in another jurisdiction (another state) for an equivalent felony is non-waivable for that time.

The decision of the Background Check Waiver Committee cannot be appealed. If the person's situation changes or new information is found, a new waiver packet may be submitted. DCS will review and issue a new decision.

If the waiver is not granted:

1. **Adoptions:** DCS cannot recommend adoption.
2. **Unlicensed out-of-home placement:** DCS cannot support or recommend the placement, even if the court orders it over DCS objection.

Note: If the court orders the placement over DCS' objection, DCS must follow the order but continue to object to the placement at each court hearing while the child remains in the home.

3. **Foster family home licensing:** The licensing worker recommends denial or revocation of the license.
4. **DCS Licensed Agencies (residential or child placing):** The person may not be hired by or volunteer for the DCS Licensed Agency. If the person is already working or volunteering, the DCS Licensed Agency must remove them from the schedule.
5. **DCS Contractor and Subcontractor (referred to as "DCS Contractor"):** The person may not be hired or volunteer with the DCS Contractor. If already working or volunteering, the DCS Contractor will:
 - a. **A-1 level covered personnel:** The person cannot work or volunteer in any role where they have access to children or are alone with children during services under the contract with DCS, or
 - b. **A-1 and A-2 level covered personnel:** The person may not work or volunteer in any role where they have access to children's records (physical or electronic) under the contract with DCS.

LEGAL REFERENCES

- [IC 9-30-5: Operating a Vehicle While Intoxicated](#)
- [IC 12-10-3-2: "Endangered adult"](#)
- [IC 31-9-2-13: "Child"](#)
- [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](#)
- [IC 31-34-4-2: Placement of child with relative caretaker or de facto custodian; evaluation; criminal history check required; exceptions; out-of-home placement; considerations](#)
- [IC 35-41-5-1: Attempt](#)
- [IC 35-42-1-1: Murder](#)
- [IC 35-42-1-2: Causing suicide](#)
- [IC 35-42-1-2.5: Assisting suicide](#)
- [IC 35-42-1-3: Voluntary manslaughter](#)
- [IC 35-42-1-4: Involuntary manslaughter](#)
- [IC 35-42-1-5: Reckless homicide](#)

- [IC 35-42-1-6: Feticide; exemptions](#)
- [IC 35-42-2-1: Battery](#)
- [IC 35-42-2-1.3: Domestic battery](#)
- [IC 35-42-2-1.5: Aggravated battery](#)
- [IC 35-42-2-2: Criminal recklessness](#)
- [IC 35-42-2-9: Strangulation](#)
- [IC 35-42-3-2: Kidnapping](#)
- [IC 35-42-3-3: Criminal confinement](#)
- [IC 35-42-3.5: Human and Sexual Trafficking](#)
- [IC 35-42-4: Sex Crimes](#)
- [IC 35-43-1-1: Arson](#)
- [IC 35-46-1-3: Incest](#)
- [IC 35-46-1-4: Neglect of a dependent; child selling](#)
- [IC 35-46-1-4.1: Reckless supervision](#)
- [IC 35-46-1-5: Nonsupport of a dependent child](#)
- [IC 35-46-9-6: Operating a motorboat while intoxicated](#)
- [IC 35-47: Weapons and Instruments of Violence](#)
- [IC 35-48-4: Offenses Relating to Controlled Substances](#)
- [IC 35-49-3: Crimes](#)
- [42 U.S.C. 471\(a\)\(20\)\(A\): Family First Preservation Services Act](#)