	INDIANA DEPARTMENT OF CHILD SERVICES **CHILD WELFARE POLICY**	
	Tool: Emergency and Non-Emergency Unlicensed Out-of-HomePlacement Waiver Packet	**Effective Date:** June 1, 2021
	Reference: 13.B (13.16 Waivers)	**Version:** 1

Emergency and Non-Emergency Unlicensed Out-of-Home Placement Waiver Packet
The following items are required to be submitted to the Central Office Background Check Unit (COBCU) in one (1) waiver packet within 10 business days from the date of the disqualified Fingerprint-Based Status Letter or discovery of Child Protective Services (CPS) substantiation:

1. **Proof of Previous Waiver (if applicable)**
   The official notice previously issued to the subject by COBCU granting the waiver;
2. **Letter from the Subject**
   A signed letter from the subject of the check requesting the waiver. The letter should explain in detail the situation involving each arrest and Child Abuse and/or Neglect (CA/N) assessment. The letter should include, but is not limited to, the following:
   a. The date, location, and charge of each arrest during the subject's lifetime and:
      i. Indicate which of the arrests resulted in any type of conviction,
      ii. Indicate the date of conviction, the final conviction charge, and the level (felony or misdemeanor),
      iii. Indicate the sentence given for each conviction, time served, time on probation/parole, as well as other court ordered fines, therapy, and other court ordered obligations,
      iv. Indicate if the subject is currently on probation/parole or the date probation/parole officially ended for each conviction, and
      v. Provide any information regarding self-referred services related to each conviction or arrest.

   b. The date of each CPS report and assessment involving the subject during the subject's lifetime and:
      i. Indicate if the assessment resulted in a substantiation against the subject, and if substantiated, include the date of the substantiation,
      ii. Include the final findings (i.e., physical abuse, sexual abuse, and/or neglect) for those assessments that resulted in a substantiation,
      iii. Indicate whether the child was removed from the subject's home as a result of the substantiation. If the child was removed, provide an outline regarding the length of time the child was in out-of-home placement, and indicate whether the child has returned to the subject's home, and
      iv. Identify the services the subject participated in, indicating which services were successfully completed, and whether these were court ordered services. Also, identify what the subject learned through the services and how the subject's behavior changed as a result of the services.

   c. Evidence of the person's rehabilitation, including the person's cooperation with a treatment plan by:
      i. Explaining the subject's ability and long-term plan to provide for the child's safety and well-being in an environment that will allow the child to thrive, and

ii. Explaining past and ongoing treatment if mental illness and/or substance abuse was a contributing factor in the previous criminal and/or CPS history of the subject. Provide any supporting documentation.

d. Additional reference letters or documentation that would support any rehabilitation that has occurred in the subject's lifetime, which may be included in the subject's waiver request.

3. **Letter of support**
   A written recommendation from the child's Family Case Manager (FCM) must be signed and submitted on DCS letterhead or sent from the FCM's business email address. The recommendation letter must include the following:
   a. The FCM's observations of the subject of the check,
   b. The FCM's recommendation to support or not support the granting of the unlicensed relative placement criminal and/or CPS waiver, including reasons to support that recommendation,
   c. Whether the child has already been placed with the subject requesting the waiver,
   d. The relation between the child and the subject of the request,
   e. Services being provided in the home or community to support the caregiver and/or child,
   f. Copies of safety plans, and
   g. The FCM's point of view from the details outlined in the Letter from the Subject (#2 above).

4. **CPS History Check**
   A CPS History Check must be completed and submitted for all states in which the subject of the check has resided in the previous five (5) years, as outlined below:
   a. For Indiana:
      i. The agency will either initiate the necessary search utilizing the Child Protection Index (CPI)/CPS electronic portal submission, or the DCS local office will complete Section A and Section C of the Indiana Request for Child Protection Service (CPS) History Check (SF 52802) and the subject of the check, or representative if a minor, will complete Section B, and
      ii. A copy of the approved Assessment of Alleged Child Abuse or Neglect (SF 113) (311) for all assessments must be submitted with the CPS waiver request if there is a substantiation in Indiana. **A screen print from the case management system is NOT an acceptable substitution for the completion of the appropriate form or copy of the approved 311.** This may mean locating the hardcopy case file and including supporting documentation from the hardcopy file with the waiver submission.

   b. For all other states:
      i. Conduct a CPS History check search for all other states the subject of the check has resided during the past five (5) years. If applicable, locate information for a CPS administration or local office designee to process your search request at Out-of-State CPS Contact List, and
      ii. Obtain the approved assessment from the other state if there is a substantiation of CA/N found, and submit the approved assessment with the CPS waiver request.

5. **Screen Print of National Sex Offender Registry Check**
   The National Sex Offender Registry Check is required for any subject 14 years of age or older. All sex offender searches must be completed on the Dru Sjodin National Sex Offender Public website at https://www.nsopw.gov/. **The National Sex Offender Registry website is the only acceptable search.** The FCM will:
   a. Search each name or combination of names used within the subject's lifetime. Upon obtaining the results of a name search, the results should be printed,
   b. Sign and date the printed results, and
   c. Write "NO MATCH' on the printed page if there is no match.

6. **Local Criminal Records Check Results**
   A Local Criminal Courts Records Check is required for all persons age 18 and older (see Local Criminal Records Check Instructions); and
7. **Fingerprint-Based Check Status Letter**
   Include a copy of the Fingerprint-Based Check Status Letter showing the subject of the check is qualified if requesting only a CPS waiver for subjects 18 years of age and older. This letter was emailed to the FCM.