



## DCS Practice SOP

### Background Checks

**13.16:** Waivers (Background Checks)

**Related Policy:** [13.16](#)

**Effective Date:** January 1, 2026

**Version:** 1

#### Roles

- Adoption Worker
- DCS Licensed Agency
- Background Check Waiver
- Central Office Background Check Unit (COBCU) Manager
- DCS Contractor
- Licensing Worker

#### Procedure

To request a waiver, the person who did the background check will:

1. Tell subject of the check to contact the Department of Child Services (DCS) COBCU Consultant listed on the Fingerprint-Based Check Status Letter if the result is “disqualified”, to find out if they can apply for a waiver; and
2. Help the person submit a waiver packet to the COBCU if they are eligible.

#### Contents of Waiver Packet Submitted by DCS Local Office

The DCS Local Office will submit waivers for the purpose of:

1. DCS adoptions;
2. DCS-licensed family foster homes;
3. Emergency unlicensed placement; and
4. Non-emergency unlicensed placement. These waiver packets should include:
  - Applicant/Agency Statement Concerning Disqualifying History form;
  - Combined Application for Criminal and Child Protection Service (CPS) History Searches form;
  - Out-of-state CPS history checks (if applicable);
  - Out-of-state local criminal court records searches (if applicable); and
  - Other information that may be helpful to show rehabilitation. This may include:
    - Drug screen results,
    - Safety plans,
    - Reference letters, and/or
    - Certificates of completion to show rehabilitation.

#### Waiver Packet Deadlines

The person who did the background check will advise of the following deadlines for waiver packet submissions:

- **Adoption: Within 10 business days** of a “Disqualified” Fingerprint-Based Check Status Letter or CPS history.
- **Emergency unlicensed placement (child in the home): Within 10 business days** of a “Disqualified” Fingerprint-Based Check Status Letter or CPS history.

**Note:** The DCS local office and DCS COBCU must ensure the child’s safety in the home

if new or unknown criminal or CPS history is found.

- **Unlicensed out-of-home placement (child not yet placed):** Submit urgently;
- **Foster family home licensing (initial licensure):** Submit urgently;
- **Foster family home licensing (after initial licensure):** **Within 10 business days** of a “Disqualified” Fingerprint- Based Check Status Letter or CPS history;

**Note:** If the waiver is not completed or progress is not made, licensing may be denied. The person may not move into a licensed foster family home (FFH) until the waiver is granted.

- **DCS Licensed Agency and DCS Contractor:** Submit urgently (see tools under Resources).

**Note:** File a request for a criminal or CPS waiver:

- Before a contract is signed
- During initial agency licensing
- During agency re-licensure
- When hiring or changing positions
- When new criminal or CPS history is found that hasn't been waived

### **COBCU Manager Duties**

The COBCU Manager or designee will:

1. Send the recommendation to the Background Check Waiver Committee for a joint decision **within 10 business days**; and
2. Email the waiver decision to the DCS Contractor, DCS Licensed Agency, or DCS Local Office's contact. The decision will be “Waiver Granted” or “Waiver Not Granted” and is usually returned **within 10 business days** after submission.

**Note:** If more information is needed, the decisions may be delayed. If the person does not send the requested information by the deadline, the waiver may be denied.

### **Waiver Considerations**

#### **Adoptions**

When reviewing background check information for adoptions, the adoption worker and the DCS Background Check Waiver Committee should consider:

1. The current home environment;
2. The ability of the adoptive parent to keep the child safe and maintain the child's well-being;
3. The time since the conviction, juvenile adjudication, or CPS substantiation;
4. The seriousness of the offense;
5. Proof of rehabilitation, including the person's current situation, lifestyle, and judgements.

Examples include:

- Dates and reasons for unsubstantiated CPS reports,
  - Arrests without convictions,
  - Police visits to the home, and
  - Current treatment for alcohol or drug use (especially if related to past issues).
6. The length and strength of the relationship between the child and the adoptive family; and
  7. How denying the placement may affect keeping siblings together, if applicable.

### DCS Contractors and DCS Licensed Agencies

When reviewing background check information for applicants, the DCS Contractor/DCS Licensed Agency and the DCS Background Check Waiver Committee should consider:

1. The time since the conviction, juvenile adjudication, or CPS substantiation;
2. The seriousness of the offense;
3. Proof of rehabilitation, including current treatment for alcohol or drug use (especially if these contributed to criminal or CPS history); and
4. The job duties.

### Foster Family Home Licensing

When evaluating background check information for foster family home licensing, the licensing worker and DCS Background Check Waiver Committee should consider:

1. The current home environment;
2. The ability of the foster parent to keep the child safe and maintain the child's well-being;
3. The time since the conviction, juvenile adjudication, or CPS substantiation;
4. The seriousness of the offense;
5. Proof of rehabilitation, including the person's current situation, lifestyle, and judgements. Examples include:
  - Dates and reasons for unsubstantiated CPS reports,
  - Arrests without convictions,
  - Police visits to the home, and
  - Current treatment for alcohol or drug use (especially if related to past issues).
6. The length and strength of the relationship between the child and the proposed resource family; and
7. How denying the placement may affect keeping siblings together, if applicable.

### Unlicensed Placements

When reviewing background check information for unlicensed placements, the licensing worker and DCS Background Check Waiver Committee should consider:

1. The current home environment;
2. The ability of the unlicensed resource parent to keep the child safe and maintain the child's well-being;
3. The time since the conviction, juvenile adjudication, or CPS substantiation;
4. The seriousness of the offense;
5. Proof of rehabilitation, including the person's current situation, lifestyle, and judgements. Examples include:
  - Dates and reasons for unsubstantiated CPS reports,
  - Arrests without convictions,
  - Police visits to the home, and
  - Current treatment for alcohol or drug use (especially if related to past issues).
6. The length and strength of the relationship between the child and unlicensed resource family; and
7. How denying the placement may affect keeping siblings together, if applicable.

### **Definitions**

- [Background Check Waiver Committee](#)
- [Covered Personnel](#)

## Resources

- [Applicant/Agency Statement Concerning Disqualifying History \(SF 57315\)](#)
- [Combined Application for Criminal and Child Protection Service \(CPS\) History Searches \(SF 57332\)](#)
- [13.D Tool: Residential and Child Placing Agency Waiver Packet](#)
- [13.E Tool: DCS Contractor Waiver Packet](#)

## Additional Information

- N/A

## References

- N/A