

	<b>INDIANA DEPARTMENT OF CHILD SERVICES</b> <b>CHILD WELFARE POLICY</b>	
	<b>Chapter 17:</b> Residential Licensing <b>Section 05:</b> Residential Licensing Waiver and Variance	
	<b>Effective Date:</b> October 1, 2023	<b>Version:</b> 2

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## POLICY OVERVIEW

The Indiana Department of Child Services (DCS) Residential Licensing Unit (RLU) has the authority to grant a waiver or variance, upon request, for a residential facility's license. The waiver or variance must comply with the DCS Practice Model (see the Indiana Practice Model SharePoint) and not compromise the health, safety, or well-being of children receiving services.

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## PROCEDURE

Upon receipt of the completed Application for Private Secure Facility, Child Caring Institution, or Group Home Waiver/Variance (Application) form from a residential facility, the Licensing Specialist will:

1. Review the Application form for accuracy;

**Note:** The timeframe for a child-specific, time-limited request must be included in the Application. A subsequent request is required once the initial approval has expired.

2. Acknowledge any request for a child-specific waiver or variance within 24 hours of receipt;
3. Communicate with the Licensing Specialist Supervisor if additional guidance is needed and continue communication throughout the waiver/variance process;
4. Send the recommendation and the completed Application form to the Licensing Specialist Supervisor for review;
5. Send the Notice of Waiver/Variance Application – Approval or the Notice of Waiver/Variance Application – Denial (Notice) form, as appropriate, to the Licensing Specialist Supervisor for signature, upon decision to approve or deny the Application;

**Note:** The timeframe for a child specific, time-limited request must be included in the approval letter.

6. Send the appropriate signed Notice form to the residential facility upon receipt from the Licensing Specialist Supervisor; and
7. Upload a copy of the Application and the applicable Notice form to the facility's license within the case management system.

**Note:** To protect the child's confidentiality, child-specific, time-limited waiver and variance information will not be uploaded to the case management system.

The Licensing Specialist Supervisor will:

1. Review the Application form and recommendation from the Licensing Specialist to determine if the application will be approved or denied; and
2. Sign the applicable Notice form, upon approval or denial, and return to the Licensing Specialist.

**Note:** If deemed necessary, the Licensing Specialist Supervisor may send the Application and the Notice forms to the Residential Licensing Unit (RLU) Manager for final approval.

The RLU Manager will:

1. Discuss the Application form with the Deputy Director of Child Welfare Services or designee and/or the DCS legal team for additional consideration, as needed, upon receipt from the Licensing Specialist Supervisor; and
2. Approve or deny the Application and sign the Application form and return to the Licensing Specialist.

The Deputy Director of Child Welfare Services or designee and the DCS legal team will consult with the RLU Manager regarding a waiver or variance request, as necessary.

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## RELEVANT INFORMATION

### Definitions

#### Variance

A variance is official permission granted by DCS to meet the intent of a specific rule in a way other than specified by the rule.

#### Waiver

A waiver is official permission granted by DCS not to meet a specific regulation.

### Forms and Tools

- [Application for Private Secure Facility, Child Caring Institution, or Group Home Waiver/Variance \(SF 57073\)](#)
- [Indiana Practice Model SharePoint](#)
- Notice of Waiver/Variance Application – Approval: Provided by RLU
- Notice of Waiver/Variance Application – Denial: Provided by RLU

### Related Policies

N/A

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## LEGAL REFERENCES

- [IC 31-27-2-8: Granting of variances and waivers](#)
- [465 IAC 2-9-31: "Variance" defined](#)
- [465 IAC 2-9-32: "Waiver" defined](#)
- [465 IAC 2-9-35: Waivers and variances](#) (Children's Homes and Child Care Institutions [CCIs])

- [465 IAC 2-10-35: Waivers and variances](#) (Emergency Shelter Care Children's Homes and CCIs)
- [465 IAC 2-11-35: Waivers and variances](#) (Private Secure Facilities)
- [465 IAC 2-12-35: Waivers and variances](#) (Children's Homes and CCIs Defined as Group Homes)
- [465 IAC 2-13-35 Waivers and variances](#) (Children's Homes and CCIs Defined as Emergency Shelter Care Group Homes)

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## **PRACTICE GUIDANCE- DCS POLICY 17.05**

*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.*

N/A

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