

Internal Procedure 425: Alternate Compliance and Policy Waiver Protocol

2/2025

The approval of resource homes and relative and fictive kin placements is a critical process within DCFS, aimed at ensuring safety, stability, and well-being of children in care. This procedure is necessary to provide a clear, standardized framework for preparing and submitting Policy Waiver and Alternative Compliance packets to the Placement and Residential Licensing Unit (PRLU) for review and approval.

By streamlining this process, DCFS will:

- Reduce delays in placement decisions
- Ensure compliance with legal and procedural requirements
- Enhance communication and collaboration among staff, families, and the licensing board
- Promote consistency and accountability in the submission of complete and accurate documentation.

“Policy Waiver” is defined as a request to deviate from the Division of Children and Family Services (DCFS) policy and procedures. The Division of Children and Family Services Director, or designee, approves all policy waiver requests. The following require a policy waiver:


- A. Any misdemeanor convictions, except for minor traffic violations
- B. Driving Under the Influence or Driving While Intoxicated
- C. Any issues that are not in compliance with DCFS Policy
- D. Record of maltreatment:
 - 1) However, any person found to have record of child maltreatment will not only be reviewed by the DCFS Director or designee, but the DCFS Director or designee will also notify and consult with the Child Welfare Agency Review Board, via the Residential Licensing Unit Manager as its designee, regarding the policy waiver and any corrective action associated with the policy waiver.

The following misdemeanors and policy standards may be granted policy waivers at the local level by the Area Director:

Relatives/Fictive Kin (Kin)

Regardless of when the offense (if applicable) took place provided there have been no other offenses since the date of the incident:

- 3 children under the age of 6

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- 10 points on driving record provided there is a documented plan in place outlining who/how child would be transported
 - Exemptions for immunizations approved by the Health Dept.
 - Insufficient income/government assistance
 - Non-payment of fine
 - Possession of alcohol in a dry county
 - Walk-through room (child sleeps in room where others walk through to get to another room in house)

IF they occurred **more than five (5) years ago** and provided there have been no other offenses since the date of the incident:

- Criminal mischief
- DUI/DWI
- Failure to appear for traffic violations
- Forgery
- Hot checks
- Public Intoxication
- Shoplifting
- Suspended driver's license
- Theft by receiving

IF they occurred **more than ten (10) years ago** and provided there have been no other offenses since the date of the incident:

- Animal cruelty
- Any drug charges IF applicant also has a clean drug screen at the time of application
- Bribing public official
- Destruction of property
- Furnishing alcohol to a minor
- Harassment
- Leaving scene of an accident
- Obstruction/attempt to destroy evidence
- Possession of controlled substance with or without intent to deliver IF applicant also has a clean drug screen at the time of application
- Terroristic threatening
- Theft of property

Traditional Resource Applicants (non-relatives/non-fictive kin)

Regardless of when the offense, if applicable, took place provided there have been no other offenses since the date of the incident:


- Three (3) children under the age of six (6)
- Exemptions for immunizations approved by the Health Dept.
- Non-payment of fines
- Possession of alcohol in a dry county

IF they occurred **more than ten (10) years ago** and provided there have been no other offenses since the date of the incident:

- Any drug charges IF applicant also has a clean drug screen at the time of application
- Bribing a public official
- Criminal mischief
- Destruction of property
- DUI/DWI
- Failure to appear for traffic violations
- Forgery
- Hot checks
- Leaving scene of an accident
- Obstruction/attempt to destroy evidence
- Possession of controlled substance with or without intent to deliver IF applicant also has a clean drug screen at the time of application
- Public Intoxication
- Shoplifting
- Suspended driver's license
- Theft of property
- Theft by receiving

“Alternative Compliance” is defined as a request for approval from the Child Welfare Agency Review Board to allow a licensee to deviate from the letter of a regulation. The licensee must demonstrate substantial compliance with the intent of the regulation. This includes, but is not limited to, regulations governing criminal background checks and convictions for prohibited offenses.

To expedite the placement of a child with a safe and appropriate relative or fictive kin and reduce the amount of trauma a child experiences when entering foster care, a temporary Alternative Compliance may be granted when attempting to place a child with a relative or fictive kin on a provisional basis. A temporary Alternative Compliance may be initiated by the Family Service Worker via phone or email but must go through the chain of command, receiving approval from



the Family Service Worker Supervisor or designee, the Area Director or designee, and the DCFS Director or designee (refer to the Central Office Approvals document). If a temporary Alternative Compliance is approved by the Division of Children and Family Services Director or designee, the DCFS Director or designee will then notify the Placement and Residential Licensing Unit Manager or designee of the temporary Alternative Compliance approval.

Licensing Board


Licensing Board meetings are held on the 4th Wednesday of each month. In months where a Holiday interferes, changes to this schedule will be communicated in advance. All documentation in the standardized request packet will be completed prior to a family being scheduled for review. Family members and staff are not required to attend the meeting unless the Licensing Board notifies the FSW of their required presence. When attendance is necessary, attendance will be allowed via zoom.

The standard protocol for requesting a policy waiver or an Alternative Compliance is the same, up until the point when the request is given to the DCFS Director, or designee.

The protocol for standard policy waiver and Alternative Compliance requests are as follows:

The Family Service Worker will:

- A. Determine if a policy waiver or Alternative Compliance will be requested based on their professional judgment. Issues to take into consideration on criminal convictions and record of maltreatment include:
 - 1) The nature and severity of the crime or maltreatment
 - 2) Consequences of the crime or maltreatment
 - 3) Frequency and duration of the crime or maltreatment and when the maltreatment occurred
 - 4) Relationship between the crime or maltreatment and the health, safety and welfare of any individual
 - 5) For maltreatment offenses listed on the Child Maltreatment Central Registry, whether the offender is eligible to request removal from the Child Maltreatment Central Registry Review Team
- B. If approval is recommended by the Family Service Worker and Supervisor or designee, a request to the Area Director will be sent within Two (2) business days for a policy waiver or an Alternative Compliance using the CFS-509-B: Request for Alternative Compliance or policy waiver, and will attach all appropriate supporting documentation, as applicable:
 - 1) Detailed Staff Letter: The FSW must submit a detailed letter outlining the nature of the family's request, any concerns identified in the background checks, the circumstances surrounding the concerns, and the FSWs assessment of the family's explanation and mitigating factors. The letter must also confirm that the FSW has



reviewed the background checks and verified that the information provided by the family aligns with the background check findings.

- 2) Detailed Family Letter: The family must provide a detailed letter addressing the nature of the request, any incidents noted on background checks, the circumstances surrounding those incidents any corrective actions or other factors.
- 3) CFS-446: In-Home Consultation Visit Report
- 4) The police report and any other reports or court orders regarding any criminal charges or convictions.
- 5) When request is due to central registry hits, also include:
 - a) Three (3) personal character references
- 6) When request is due to a required space waiver, also include:
 - a) A drawing of the floorplan of the home
- 7) When request is due to a swimming pool, also include:
 - a) Photographs of the pool and fencing
- 8) When request is for sleeping arrangements, also include:
 - a) Photographs of the sleeping space

The Family Service Worker Supervisor or designee will:

- A. Determine if the requested policy waiver or Alternative Compliance is appropriate for approval.
- B. If approved, the Family Service Worker Supervisor or designee will send it to the Area Director or designee.
- C. If denied, the Family Service Worker Supervisor or designee will notify the Family Service Worker and the family.

The Area Director or designee will:

- A. Within five (5) business days of receipt of the request for traditional applicants or two (2) business days for relatives and fictive kin, determine if the requested policy waiver or Alternative Compliance is appropriate for approval based on the considerations previously outlined in this protocol:
 - 1) If approved, the Area Director or designee will forward the request to the DCFS Director or designee (refer to the Central Office Approvals document).
 - 2) If denied, the Area Director will return the request to the Family Service Worker Supervisor or designee:
 - a) The Family Service Worker Supervisor will notify the Family Service Worker and the family

At this point, the procedures for requesting a policy waiver differ from the procedures for requesting an Alternative Compliance.



Policy Waivers

When a policy waiver has been requested, the DCFS Director or designee will, within three (3) business days of receipt of the request:

- A. Deny any inappropriate request for a policy waiver and return it to the Area Director or designee; or
- B. Approve an appropriate request for a policy waiver.

The DCFS Director's or designee's final decision will be conveyed to the Area Director or designee for appropriate action.

Alternative Compliance

When an Alternative Compliance has been requested, the DCFS Director or designee will:

- A. Deny any inappropriate request for an Alternative Compliance and return it to the Area Director or designee within three (3) business days; or
- B. Approve an appropriate request for an Alternative Compliance and notify the Area Director or designee and send it to the Placement and Residential Licensing Unit Manager or designee, all within in three (3) business days.

The Placement and Residential Licensing Unit Manager will:

- A. Review the Alternative Compliance request to ensure the correct regulation has been requested and all required documents are in the packet.
- B. Request any missing documentation be submitted.
- C. Respond via email within three (3) business days, verifying that the request will be placed on the board agenda (indicating for which month).

The Placement and Residential Licensing Unit Assistant will:

- A. Place the Alternative Compliance request on the agenda of the next scheduled meeting of the Child Welfare Agency Review Board.
- B. Gather packets received to be delivered to the Board Members three (3) weeks prior to the scheduled board meeting.
- C. Send packets to the Board Members for review at the 3-week mark requesting their response, questions, and request for appearance by the 1-week mark.
- D. Notify staff if their presence, or the presence of the family, is required via Zoom for the meeting by the 1-week mark or as soon as possible following a response from the Board Members.

The Family Service Worker will:

- A. Notify the resource parent applicant or resource parent of the Child Welfare Agency Review Board meeting via telephone and CFS-510 sent by certified, restricted mail.
- B. Prepare the resource parent applicant or resource parent for what to expect at the Child



Welfare Agency Review Board meeting.

- C. Appear with the resource parent at the Child Welfare Agency Review Board meeting to answer questions, if applicable.

The Child Welfare Agency Review Board will give final approval or denial of the request for the Alternative Compliance.