



Non-Custodial Waiver Tip Sheet

Supplemental to DCS Policies 14.13, 14.14, 14.18, 14.22, 16.4 and 16.20

All waivers must be approved prior to any placement of a child, including emergency placements, for individuals who have established relationships with the children/family. Waiver approval is to be documented on form [CS-0921, Waiver of Criminal Convictions, Pre and In-Service Training Requirements, Non-Safety Issues, CPS Substantiations and Educational Requirements](#). For specific program staff approval, refer to the Waiver Form Instruction Grid, found on the Instructions page of [CS-0921](#).

NONCUSTODIAL

Regional Director/Designee, CPS Director/Designee can approve waivers on a case by case basis to ensure the safest, least restrictive intervention by considering charges/convictions and the impacts on placement, unless higher approval is needed, as noted below. Allowable waivers do not guarantee requests will be approved.

In the event that a criminal background would exclude an individual to be approved as a Kinship Foster Parent, form [CS-4224, Exception to be Approved as Kinship Foster Home](#) is reviewed and signed by the placement with their understanding of the **non-custodial** option only.

Points to consider as an alternative to foster care:

- Relationship with the youth to be placed;
- Current caretaking role/involvement with youth to be placed;
- Residential stability;
- Financial stability/employment;
- Commitment to caring for the youth;
- Ability to meet the child's needs;
- Legal/criminal history and how it impacts current child safety;
- If pending charges, would the sentence impact permanency;
- Length of time from last criminal matter and impacts on permanency.

1. Felony convictions that cannot be waived:

- Rape/Aggravated Rape, Aggravated Sexual Battery/Sexual Battery, Incest

- First/second degree murder
- Homicide
- Felony charges with child victims

2. Felony convictions that can be waived:

- Any other felony or pending felony convictions not listed above; Contributing to the delinquency of a minor;
- Felony charges where dispositions cannot be obtained are treated as a convictions; and can be considered for a waiver, if not listed above.

3. Misdemeanor convictions/charges can be waived:

- A waiver is needed for excess of five (5) misdemeanors (six (6) or more of any type of misdemeanor conviction);

4. DUI/DWI:

- Any DUI/DWI requires a waiver by the Regional Director/Designee or CPS Director/Designee. This includes pending charges, convictions and/or those where dispositions cannot be obtained.

5. CPS Substantiations (See DCS Policy [14.22, Child Protective Services Background Checks](#)) ** If a child death resulted in any previous report, the substantiation cannot be waived.****

Waivers are required for all substantiated perpetrators, a person being reclassified as unsubstantiated, but the allegation was substantiated, or allegations reclassified as part of the establishment of the Child Abuse Registry.

Prior to requesting the waiver, the worker should do a thorough review of the case and discuss with their direct line of supervision. The review can include:

- TFACTS history search of the person
- Type of allegation(s)
- Case recordings
- Closing summary
- Any legal/court action (juvenile/criminal)
- Form [CS-0740, CPS Case Summary and Classification Decision of Child Abuse/Neglect Referral](#)

The waiver form should be completed with the information reviewed and details to justify how the matter/issue was resolved or why it would not pose a safety risk to placement of other children in the home and submitted to:

- Director of the Office of Child Safety/Designee for all substantiated perpetrators,
- Regional Director/Designee or CPS Director/Designee for reclassified perpetrators.

6. Other Agency Substantiations Non-Custodial:

- All persons substantiated by another state agency require **Executive Director of the Office of Child Safety/Designee** approval.
 - Review of the situation for child safety issues may include:

- A request for information from the substantiating agency,
- A review of DCS History, and/or
- Any other information relevant to determining the impact of the substantiation of child safety, • Document on the waiver form and submit for approval via email.

**NUMBER ASSIGNMENT
FOR TENNESSEE COUNTIES**

01	Anderson	33	Hamilton	65	Morgan
02	Bedford	34	Hancock	66	Obion
03	Benton	35	Hardeman	67	Overton
04	Bledsoe	36	Hardin	68	Perry
05	Blount	37	Hawkins	69	Pickett
06	Bradley	38	Haywood	70	Polk
07	Campbell	39	Henderson	71	Putnam
08	Cannon	40	Henry	72	Rhea
09	Carroll	41	Hickman	73	Roane
10	Carter	42	Houston	74	Robertson
11	Cheatham	43	Humphreys	75	Rutherford
12	Chester	44	Jackson	76	Scott
13	Claiborne	45	Jefferson	77	Sequatchie
14	Clay	46	Johnson	78	Sevier
15	Cocke	47	Knox	79	Shelby
16	Coffee	48	Lake	80	Smith
17	Crockett	49	Lauderdale	81	Stewart
18	Cumberland	50	Lawrence	82	Sullivan
19	Davidson	51	Lewis	83	Sumner
20	Decatur	52	Lincoln	84	Tipton
21	DeKalb	53	Loudon	85	Trousdale
22	Dickson	54	McMinn	86	Uni co
23	Dyer	55	McNairy	87	Union

24	Fayette	56	Macon	88	Van Buren
25	Fentress	57	Madison	89	Warren
26	Franklin	58	Marion	90	Washington
27	Gibson	59	Marshall	91	Wayne
28	Giles	60	Maury	92	Weakley
29	Grainger	61	Meigs	93	White
30	Greene	62	Monroe	94	Williamson
31	Grundy	63	Montgomery	95	Wilson
32	Hamblen	64	Moore		