



Non-Custodial Waiver Guide

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

The 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 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.

A. All substantiated perpetrators require Executive Director review.

B. If a search of the Electronic Record System results in a person being reclassified as unsubstantiated, but the allegation was substantiated, the worker should do a thorough review of the case. The person's prior involvement with the Department can be considered when determining whether someone is an appropriate placement for a child. The review may include:

- Closing summary
- Form [CS-0740, CPS Case Summary and Classification Decision of Child Abuse/Neglect Referral](#)

- Any legal action
- Types of allegation(s)
- Electronic Record System history of the person
- Case Recordings

C. Allegations reclassified as part of the establishment of the Child Abuse Registry are reviewed by the Director/Designee for safety issues that would impact the placement of a child.

D. If the Region feels there are no safety issues concerning placement based on their review of the information, a waiver would be required to be approved by the Executive Director/Designee.

NOTE: No home is approved unless the substantiation is waived, **and** Due Process overturns the substantiation.

6. Other Agency Substantiations Non-Custodial:

- ◆ All persons substantiated by another state agency require **Executive Director/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	Union
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		