



TITLE	POLICY NUMBER	
Kinship Waivers for Foster Homes	DCS 15-07	
RESPONSIBLE AREA	EFFECTIVE DATE	REVISION
Office of Licensing and Regulation	February 4, 2019	

I. POLICY STATEMENT

[Arizona Revised Statute § 8-514\(B\)](#) states that a child shall be placed in the least restrictive type of placement available, consistent with the best interests of the child. Office of Licensing and Regulation (OLR) rules provide a specific process to allow consideration of kinship care applicants unable to meet all non-safety requirements of [Arizona Administrative Code, Title 21, Chapter 6](#) to obtain licensure.

II. APPLICABILITY

This policy applies to applicants for an initial, renewal, or an amendment to a foster care license who qualify as providers of kinship care as defined below, and to OLR staff who review license applications and issue foster care licenses.

III. AUTHORITY

42 U.S.C. § 671(a)(19)	State plan for foster care and adoption assistance
A.A.C. R21-6-222	Waiver of Non Safety Licensing Requirements for Kinship Care
A.A.C. R21-6-305	Nurturing Responsibilities
A.A.C. R21-6-306	Supervisory Responsibilities
A.A.C. R21-6-419	Waiver of Non Safety Licensing Requirements for Kinship Care
A.R.S. § 8-453	Powers and Duties
A.R.S. § 8-509	Licensing of foster homes; renewal of license; provisional license; exemption from licensure; immunization requirements

[A.R.S. § 8-514\(B\)](#)

Placement in foster homes

[A.R.S. § 41-1080](#)

Licensing eligibility; authorized presence; documentation; applicability; definitions

IV. DEFINITIONS

Authorized Presence: A term used in [A.R.S. § 41-1080](#) that prohibits the issuance of a license by an agency or political subdivision of the state to an individual if the individual does not provide documentation of citizenship or alien status.

Department or DCS: The Arizona Department of Child Safety.

Hardship: The lack of financial or other ability of a prospective kinship care foster parent to meet a non-safety licensing requirement.

Kinship care: As defined in [A.A.C. R-21-6-101\(36\)](#), that “the care and supervision of a foster child in a foster home is provided by a relative or an individual who has a significant relationship with the child.”

Kinship waiver: A process by which OLR validates a request made through a private licensing agency to license a family as kinship care when there are non-safety licensing requirements the applicant is unable to meet due to hardship.

Preliminary Consideration Waiver Non-Safety Licensing Standards for Kinship Care form: Referred to in this policy as “CSO-1240A”, this form is completed by the licensing agency to detail the applicant’s need for a waiver on a non-safety licensing requirement.

V. POLICY

- A. Based on information provided by the private licensing agency, OLR will assess requests to waive certain non-safety licensing requirements to allow a kinship care provider to be licensed as a foster home. The request must be based on a specific rule and the needs of the foster child.
- B. OLR may suggest, at its discretion, solutions to waiver requests that do not demonstrate a need for a waiver.
- C. If the waiver is approved and the license is issued, the license shall be restricted to the kinship child or children placed into the home by the Department.

- D. Waiver of more than one rule may be requested using the [CSO-1240A](#) form; however, each rule must be justified independently.
- E. Kinship waivers shall not be granted solely for the convenience of the applicant.

VI. PROCEDURES

When an applicant for a foster care license qualifies as a kinship care provider but is unable to meet non-safety licensing rules, the private licensing agency shall complete the [CSO-1240A](#) form and submit to OLR following instructions detailed on the form.

- A. Examples of items that may be waived if justified (please note this is not an exhaustive list - additional scenarios may be approved and should be staffed with OLR for assistance) include:
 1. applicants 18 to 20 years of age [A.A.C. R21-6-301\(A\)\(1\)](#);
 2. applicants who do not meet the minimum financial requirements [A.A.C. R21-6-301\(A\)\(7\)](#);
 3. homes that lack sufficient bedrooms or homes where bedrooms do not meet all of the requirements prescribed in [A.A.C. R21-6-311](#);
 4. applicants without sufficient bathrooms as prescribed in [A.A.C. R21-6-331\(E\)\(4\)\(d\)](#);
 5. applicants and/or additional household members who submit [Physician's Statement \(CSO-1269A\)](#) and/or [Health Self Disclosure \(CSO-1232A\)](#) documents older than twelve (12) months as prescribed in [A.A.C. R21-6-301\(A\)\(5\)\(a\)\(iii\)](#); and
 6. sharing of bedrooms beyond what is prescribed in [A.A.C. R21-6-310](#) including:
 - a. sharing a bedroom with the applicant or another adult household member; and
 - b. sharing a bedroom with a child of the opposite gender.
- B. Items that cannot be waived due to safety issues include:

1. a Level One Fingerprint Clearance Card; per [A.R.S. § 8-509](#), each foster parent and other adult member of the household must have a valid fingerprint clearance issued pursuant to [A.R.S. § 41-1758.07](#);
 2. insufficient time to provide supervision and nurture a foster child as described in [A.A.C. R21-6-305](#) and [A.A.C. R-21-6-306](#);
 3. a child sleeping on the top tier of a bunk bed who is less than 6 years old, has a disability limiting mobility, or has a seizure disorder as prescribed in [A.A.C. R21-6-311\(E\)\(1\)\(c\)\(ii-iii\)](#);
 4. a top bunk that does not meet rule requirements of [A.A.C. R21-6-311\(E\)\(2\)](#);
 5. incomplete or insufficient training prescribed in [A.A.C. R21-6-303](#). A provisional license may be issued as prescribed in [A.R.S. § 8-509](#); and
 6. requirements in [A.A.C. Title 21, Chapter 8](#) (Foster Home and Child Welfare Agency Facility Safety).
- C. The kinship care waiver must be submitted with the initial application, each amendment request, and at each license renewal. The expectation is for the licensee to attempt to come into compliance by the date, or prior to the date, agreed upon and noted in the [CSO-1240A](#) form.
- D. Approval or Denial of the [CSO-1240A](#) Form
1. The Foster Home Licensing (FHL) Unit Manager or designee shall review the [CSO-1240A](#) and may consult with other professionals for assistance in determining if a requested rule waiver involves a safety issue.
 2. If it is determined by the FHL Unit Manager or designee that a requested waiver does constitute a safety issue, the FHL Unit Manager or designee shall request a waiver review by the Program Administrator before a final decision is made.
 3. A copy of the completed [CSO-1240A](#) shall be returned to the submitting private licensing agency worker citing the reason for the decision in the space provided on the form.
 4. If OLR denies a [CSO-1240A](#), and the application is submitted resulting in a denial of the license under [A.A.C. R-21-6-414](#), the applicant may appeal that licensing decision per [A.A.C. R-21-6-417](#).
- E. Noncompliance with an Approved [CSO-1240A](#) Form

If the licensee was unable to come into compliance by the target date or expiration date of the approved waiver, the private licensing agency shall submit a new [CSO-1240A](#) to OLR prior to the target or expiration date. The new waiver must be completed in its entirety and provide reasons why the target date was not met.

VII. FORMS INDEX

[*Health Self Disclosure \(CSO-1232A\)*](#)

[*Physician's Statement \(CSO-1269A\)*](#)

[*Preliminary Consideration Waiver Non-Safety Licensing Standards for Kinship Care \(CSO-1240A\)*](#)