



TITLE	POLICY NUMBER	
Excess Capacity Request	DCS 15-34	
RESPONSIBLE AREA	EFFECTIVE DATE	REVISION
Office of Licensing and Regulation	07/08/19	

I. POLICY STATEMENT

The Department of Child Safety (DCS) is committed to pursuing a safe and healthy environment for families. The Office of Licensing and Regulation (OLR) may approve an initial application or amendment to an existing foster home license when there would be more than eight children (biological, adoptive, foster, etc.) in the home. This may include placement or a change in household composition in the home.

II. APPLICABILITY

This policy applies to licensed foster homes in good standing with the Department, employees of DCS making placements, and licensing agency staff who facilitate license applications.

III. AUTHORITY

[A.R.S. § 8-509](#)

Licensing of foster homes; renewal of license; provisional license; exemption from licensure; immunization requirements

[A.R.S. § 8-514](#)

Placement in foster homes

[A.A.C. R21-6-216](#)

Amending the License

[A.A.C. R21-6-309](#)

Capacity Requirements

[A.A.C. R21-6-331](#)

Requirements for Certification to Provide
Specialized Services

[DCS Program Policy](#)

Chapter 4: Section 5, Selecting Out-of-Home Care

IV. DEFINITIONS

Capacity: The number of children allowed and identified on a foster home's license. This number includes children placed by DCS or another placing agency.

Excess capacity: When there are more than eight children (biological, adoptive, foster, etc.) in the home.

Expedited amendment: An amendment submitted by a licensing agency that allows the placement of a child in a foster home outside the parameters of the current license held by the licensee with an intended placement date that exceeds 48 calendar hours. The purpose of an expedited amendment is to change the parameters of the license; it does not include relocations, additional household member changes, marriage, or decreases in population.

Good standing: Describes the status of a foster home that has not expired, nor has any current outstanding concerns, deficiencies, reports, or investigations known by the Department.

Office of Licensing and Regulation (OLR): The administration within DCS that is responsible for: reviewing and evaluating applications for licensure; supervising and monitoring licensees; and completing all official licensing actions, including issuing, denying, amending, suspending, and revoking a license.

V. POLICY

- A. When there are more than eight children (biological, adopted, placements, etc.) in the home, OLR may approve an excess capacity as noted in [A.A.C. R.21-6-309](#) to bring the license into compliance.
- B. As outlined in [A.A.C. R21-6-309 \(F\)](#), decisions by OLR to increase the capacity of a foster home, or to exceed the limits of the license, shall be justified by:
 1. adequate sleeping arrangements (as specified by [A.A.C. R21-6-310](#) and [A.A.C. R21-6-311](#));

2. the support network available to the foster parent;
 3. the licensee's willingness and ability to provide care for each additional foster child;
 4. the supervision plan to address adult/child ratios;
 5. the transportation plan to transport all children in the home.
- C. If the license was issued for kinship care, OLR may waive non-safety requirements per [A.A.C. R21-6-406\(D\)](#) provided a [Preliminary Consideration Waiver Non-Safety Licensing Standards for Kinship Care](#) form is approved.

VI. PROCEDURES

- A. When a decision is made for an excess capacity placement, the private licensing agency or the DCS Specialist/Placement Coordinator shall complete the [Excess Capacity Request](#) form as outlined in DCS Program Policy.
- B. The completed form shall be submitted to OLR by the private licensing agency or DCS Specialist/Placement Coordinator via email to FHLDocs@azdcs.gov as soon as possible but no later than 48 calendar hours after placement has been made.
- C. The [Excess Capacity Request](#) form shall be reviewed for completeness the day it is received by OLR.
- D. If applicable, an approved [Preliminary Consideration Waiver Non- Safety Licensing Standards for Kinship Care](#) form shall be submitted with the [Excess Capacity Request](#) form. Kinship Waivers shall be submitted to OLRKinshipWaivers@azdcs.gov.
- E. An amendment request may or may not be needed. If an amendment request is needed, the FHL Manager or designee shall create the amendment in the Department's electronic database when it is determined the [Excess Capacity Request](#) form is complete, and may approve the amendment if the above conditions are met. Notification of the decision shall be made to the following:
 1. DCS Specialist and Supervisor;
 2. Agency Licensing Worker and Supervisor.

Note: If this is an initial application, once child(ren) are placed in the home, the private licensing agency will need to submit an amendment to restrict the license to the current placements as soon as possible but no later than 48 calendar hours after placement has been made.

- F. This request shall be considered an Excess Capacity Request; payment to the foster parent can commence with the submission of the completed [Excess Capacity Request](#) form. The date noted on the amended license shall be the date the completed [Excess Capacity Request](#) form was received, as determined by the date of the email.
- G. OLR shall restrict the license to current placements.

As new placements are made, the private licensing agency will need to re-assess the family.

VII. FORMS INDEX

[\(CSO-1989\) - Excess Capacity Request](#)

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