



Waiver Tip Sheet for Employment, Volunteering, and Custodial Placements

Supplemental to DCS Policies 14.14, 14.24, 16.4 and 16.20

All waivers must be approved prior to foster home approval, hiring a new employee and to any placement of a child, including emergency placements. 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](#).

NOTE:

- ◆ Contract Agencies licensed by the Department of Children's Services (DCS) are subject to *Tenn. Code Ann. § 37-5-511*, which **precludes** certain individuals from being approved to work with children. This prohibition includes individuals convicted of crimes against children; those convicted of violent crimes against other individuals; those appearing on the Tennessee Vulnerable Persons Registry and those who have been substantiated for child abuse or neglect by DCS.
- ◆ In order to be considered for DCS employment, all charges listed on either the fingerprint or local criminal check results must have a final disposition.

***Tenn. Code Ann. § 37-5-511* takes precedence over DCS policy and protocol. If you have questions regarding misdemeanor or felony convictions that may fall under this statute contact your Licensure or RET representative.**

1. Felonies that **cannot** be waived:

Convictions for any of the following:

- ◆ Any crime against a child, including child abuse and neglect;
- ◆ Domestic, family or spousal violence;
- ◆ **Any crime involving violence, including rape, sexual assault or homicide. Specific examples of violent crimes include but are not limited to Robbery, Armed Robbery and most Aggravated offenses. Certain Aggravated offenses such as Aggravated Burglary may be waived as the underlying crime does not involve violence. Especially Aggravated Burglary may not be waived as it does involve violence;**
- ◆ Felony convictions that have occurred within five (5) years of the date of request; and,
- ◆ Pending criminal charges or proceedings that could result in a felony conviction.

2. Felony convictions that **can** be waived with required approvals:

- ◆ Physical assault or battery;
- ◆ Crime against a person;
- ◆ Drug-related offenses;
- ◆ If an applicant has a total of five (5) or more felony convictions, they are considered on a case-by-case basis; and,
- ◆ Other felony convictions not listed above may be eligible for a waiver if they occurred more than five (5) years of application.

3. Misdemeanor convictions that can be waived with required approval:

- ◆ Convictions involving child safety concerns;
- ◆ Domestic, family or spousal violence;
- ◆ Pending misdemeanor charges *if* a conviction does not result in an ineligible offense.

NOTE: Misdemeanor offenses related to traffic violations, excluding DUI/DWI, require no disposition and are not required to be waived. This also excludes convictions related to child restraints (reference 3.a above). Such offenses are to be evaluated as to any safety risks associated with foster parent and employee responsibility. The decision to waive DUI/DWI convictions is at the discretion of each region. DUI/DWI convictions elected to be waived do not require Central Office approval.

4. Excess of five (5) convictions (combination of misdemeanor and felony): considered on a case-by-case basis. DUI/DWI convictions would be included in this waiver request.

5. Other: Non-violent criminal charges that are older than fifteen (15) years can be waived per the above criteria only when attempts to obtain proof of disposition are unsuccessful. Actions taken to obtain the disposition must be documented on [CS-0921, Waiver of Criminal Convictions, Pre and In-Service Training Requirements, Non-Safety Issues, CPS Substantiations and Educational Requirements.](#)

6. 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.**

- a) All substantiated perpetrators require **Executive Director of the Office of Child Safety/Designee** review.
- b) If a search of TFACTs 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)
 - ◆ TFACTs history of the person
 - ◆ Case Recordings
- c) Allegations reclassified as part of the establishment of the Child Abuse Registry are reviewed by the RA/Designee or RID/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 of Child Programs/Designee or the Executive Director of the Office of Child Safety/Designee.

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

7. Other Agency Substantiations

a) Custodial:

- ◆ Individuals are responsible for contacting the substantiating agency directly to resolve any substantiation. No waiver can be given by DCS.

8. Educational Waivers:

Providers refer to the [Contract Provider Manual \(CPM\)](#), in the Core Standards section under “Personnel Requirements” for direction when seeking clarification of educational requirements for Administrative, Clinical and Direct-Care staff. If the requirements are unclear for the prospective staff being considered, a waiver is to be completed and submitted. This form should contain specific and detailed information as to the justification for considering the prospective hire.

**NUMBER ASSIGNMENT
FOR TENNESSEE COUNTIES**

TO BE USED WITH ENTRY OF UNKNOWN SOCIAL SECURITY NUMBERS

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	Mauzy	92	Weakley
29	Grainger	61	Meigs	93	White
30	Greene	62	Monroe	94	Williamson
31	Grundy	63	Montgomery	95	Wilson
32	Hamblen	64	Moore		