



NEW JERSEY DEPARTMENT  
OF CHILDREN AND FAMILIES

## New Jersey Department of Children and Families Policy Manual

Manual:	CP&P	Child Protection and Permanency	Effective Date:
Volume:	IV	Out of Home Placement	
Chapter:	B	Resource Care	4-1-2013
Subchapter:	2	Home Study and Licensing	
Issuance:	300	<b>Waivers</b>	

### INTRODUCTION

1-29-2007

A waiver is a mechanism for approving a new or existing licensed resource family which would otherwise be denied due to a criminal conviction or a child abuse/neglect substantiation.

**Resource family home** includes:

- Restricted/Regular/Emergency Foster Care
- Contract Agency
- Adoptive
- Relative/Family Friend Care

**Waiver and licensing** - Once the appropriate CP&P LO Manager or Area Director approves the waiver for a resource family, it is necessary to submit the waiver to the Department of Children and Families (DCF) Office of Licensing to make a final decision on issuing the license.

A waiver is not needed for:

- An arrest without a conviction
- CP&P history without substantiation

Worker or Resource Family Support Worker (RFSW) and Supervisor:

- Review and consider these incidents on a case-by-case basis using regular casework decision making protocol.

- The fact that no waiver is needed in no way changes the requirement to fully review and consider all the family history in making casework decisions.

## **WAIVER FORMAT AND TIME FRAMES**

**1-29-2007**

Use the CP&P Form [17-1](#), Waiver Request, to request a waiver.

The Worker or RFSW is responsible for completing and submitting the CP&P Form [17-1](#), Waiver Request.

The time frames for processing complete and accurate waivers are as follows:

- **Twenty-eight business days** - A waiver requiring the approval of the Local Office (LO) Manager, the CP&P Area Director and the DCF, Chief, Office of Licensing.
- **Twenty-one business days** - A waiver requiring the approval of only the LO/ Manager and the DCF, Chief, Office of Licensing.

**Note:** Information missing from the waiver packet will delay these time frames.

Double click here to access the instructions and the Microsoft Word template for the CP&P Form [17-1](#), Waiver Request.

## **WAIVER OF CRIMINAL CONVICTION - CRIMINAL HISTORY RECORD INFORMATION (CHRI)**

**1-23-2006**

**Guidelines** for requesting a criminal conviction waiver are outlined below:

### **Ineligible -automatic disqualifiers - no waivers:**

- An ASFA crime outlined in N.J.S.A. 30:4C-26.8d
- An ASFA crime outlined in N.J.S.A. 30:4C-26.8e for which 5 years has not passed since the applicant was terminated from probation or parole, or was released without probation or parole from a correctional facility

**NOTE:** Five-year disqualification means the person or any adult residing in their household was released from confinement during the past five years. The date of release from confinement means the date of termination of court-order supervision through probation, parole, or residence in a correctional facility, whichever date occurs last.

**See ASFA Crime index** on the CP&P Intranet.

**Waivers eligible for consideration with appropriate approval:**

- **Serious criminal conviction - An ASFA** crime outlined in N.J.S.A. 30:4C-26.8e for which more than 5 years have passed since the applicant was terminated from probation or parole, or was released without probation or parole from a correctional facility
- **Serious criminal conviction - A non-ASFA** violent crime not included in the list of ASFA offenses above regardless of the amount of time that has passed since conviction/parole/probation
- **Other criminal conviction** - Other crimes such as non-violent crimes, victimless crimes, crimes against businesses (fraud, shoplifting, welfare fraud) and older criminal convictions
- **Disorderly persons offenses**

**WAIVER OF CHILD ABUSE/NEGLECT SUBSTANTIATION - CHILD ABUSE  
RECORD INFORMATION (CARI) 4-1-2013**

**Guidelines** - A waiver for a child abuse/neglect Substantiation is limited to a resource family for whom there are strong indications that approving or continuing to use the family would be in the best interest of the child. Only the **CP&P Area Director** and the **LO Manager** may approve a child abuse/neglect Substantiation waiver.

**A waiver is limited** to the following situations:

- The child is already in the home.
- There is a positive psychological or emotional relationship between the child or the child's parent and the present or proposed caregiver.

**A waiver is not required** for a child abuse/neglect finding of **Established, Not Established, Unfounded or Not Substantiated**. However, a full record review, an appropriate casework decision, and documenting the decision in the case record are required.

**Note:** "**Not Substantiated**" was eliminated as a CP&P finding determination for all CPS reports received on or after April 1, 2005. "Established" and "Not Established" were adopted as DCF investigation findings effective April 1, 2013.

**WAIVER APPROVAL AUTHORITY**

**1-29-2007**

**Each** DCF/CP&P representative listed below must approve the following types of waivers:

- Serious criminal conviction (ASFA crime beyond five years or non-ASFA violent crime):
  - LO Manager
  - CP&P Area Director
  - DCF Chief, Office of Licensing
  
- Other criminal conviction (non-violent crime or older criminal conviction):
  - LO Manager
  - DCF, Chief, Office of Licensing
  
- Child abuse/neglect substantiation:
  - LO Manager
  - CP&P Area Director
  - DCF Chief, Office of Licensing

**WAIVER PROCESS - CHILD ALREADY IN THE HOME      10-12-2004**

<b>Worker or RFSW and Supervisor</b>	Case conference - When the child is already in the home, and a condition requiring a waiver is identified, hold a case conference within <b>one day</b> of learning of the condition.
	<b>Purpose of conference</b> - To discuss the feasibility of continuing the placement and to determine whether or not to seek a waiver and discuss the impact of the conviction on the family.
<b>Worker or RFSW</b>	<b>Support for waiver</b> - By seeking a waiver, you are indicating your support for the waiver.
	<b>Active CPS investigation</b> - In a case where the Institutional Abuse Investigation Unit (IAIU) is investigating the resource family for a child abuse/neglect allegation, obtain the IAIU Eight Day Report for collateral resource information.

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**PROCEDURES FOR OBTAINING A WAIVER**

**1-29-2007**

<b>RESPONSIBILITY</b>	<b>ACTION REQUIRED</b>
Worker or RFSW	1. Identify a condition in which a waiver request is needed for a resource family.
Worker or RFSW and Supervisor	2. Hold a case conference to discuss the circumstances of the waiver.
Worker or RFSW	3. Review the resource family home record and any additional materials as appropriate to prepare the waiver.
	4. Prepare the CP&P Form <a href="#">17-1</a> , Waiver Request; attach the appropriate documentation; and submit the packet within seven business days to the LO Manager.
LO Manager	5. Review and sign the CP&P Form <a href="#">17-1</a> , Waiver Request, within seven business days and ensure copies are sent to the Supervisor and Casework Supervisor.  6. Submit the signed CP&P Form <a href="#">17-1</a> , Waiver Request, packet to the: <ul style="list-style-type: none"> <li>• CP&amp;P Area Director - if the waiver is for a serious criminal conviction or a child abuse/neglect substantiation</li> <li>• DCF Chief, Office of Licensing - if the waiver is for one or more of the other criminal convictions.</li> </ul>
CP&P Area Director	7. Review and sign the CP&P Form <a href="#">17-1</a> , Waiver Request, packet for a waiver of a serious criminal conviction or a child abuse/neglect

	<p>substantiation.</p> <p>8. Forward the signed CP&amp;P Form <a href="#">17-1</a>, Waiver Request, packet within seven business days to the <b>DCF</b> Chief, Office of Licensing.</p>
<p>DCF Chief, Office of Licensing</p>	<p>9. Review the CP&amp;P Form <a href="#">17-1</a>, Waiver Request, packet.</p> <p>10. Make a final decision on issuing the license to the resource family within seven business days and advise the CP&amp;P LO Manager as appropriate.</p>