

Department of Family and Community Services – Office of Children’s Services
BACKGROUND CHECK VARIANCE REQUEST APPLICATION
FOR FOSTER CARE LICENSING AND ADOPTION/GUARDIANSHIP

SPECIAL NOTE:

All variance request sections and subsections of the Background Check Variance request must be answered, and all required information attached. If any section and/or subsection is left blank or any other requested information is not included in the variance request, your request may be denied. Please double check to make sure all information is attached. Should you have any questions regarding the completion of a variance request, please contact the Office of Children’s Services (OCS) for assistance.

Variance Request Application Deadlines (see 7 AAC 10.930 Request for a variance):

Variance request applications must be submitted to OCS or bcprvariance@alaska.gov. Please contact your licensing specialist or regional permanency specialist for specific instructions. *The request must be submitted to OCS no later than **90 days** after you receive a barring notice.*

General Information:

After a variance application has been received, the application has three levels of review: a regional-level OCS committee, a statewide variance committee, and the Commissioner’s Office of the Department of Family and Community Services (DFCS). The committees will review the information in the application and will make a recommendation to approve the variance if the committee feels that the health, safety, and welfare of the children in the home will be adequately protected. The Commissioner’s Office makes the final decision to approve a variance after reviewing the application along with the recommendations of the previous committees. Although it is rare, the committees or the Commissioner’s Office may contact you to request an interview.

If you have a permanent barrier, the review committees are required to send their recommendations to the OCS Division Director for their review and comments before it is sent to the Commissioner’s office for the final decision.

Regardless of the barrier crime, you may submit an application for a variance; however, DFCS is unable to grant a variance for a barrier crime or condition if federal law prohibits certain approvals or restricts payment of benefits. DFCS will issue an automatic denial of a variance if you have one of the following barrier crimes:

- 1) felony conviction for any crime considered child abuse or neglect at any point in time,
- 2) felony conviction for any crime considered spousal abuse at any point in time,
- 3) felony conviction for a crime against children (including child pornography) at any point in time,
- 4) felony conviction for a crime involving violence, including rape, sexual assault, or homicide at any point in time,
- 5) felony conviction for physical assault, battery, or a drug-related offense, if that felony was committed within the past 5 years.

If you have questions about federal barriers, please direct those questions to your licensing specialist or your regional permanency specialist when you submit your application. For more information regarding barrier crimes and conditions and the timeframe that they are a barrier, please see the barrier crime matrix.

The physical and mailing address are the same as above.

Physical Address: _____
Address City, State Zip Code

Mailing Address: _____
Address City, State Zip Code

Would you be in direct contact with the children in care or have direct access to the home where the children in care reside? Yes No

Would anyone be supervising you when you are around the children?
 Yes No

Would you be transporting the children in care?
 Yes No

4. The following documents are required to be submitted by **all applicants**:

- Copy of the Barrier determination letter or Revocation notice issued to you by the Background Check Program Unit.
- Provide all known and available records regarding your barrier crime(s) and/or condition(s) including:
 - Protective orders
 - Charging documents
 - Conviction documents
 - Incarceration documents including your releases from incarceration, dates of release from incarceration, and any terms and conditions of parole
 - Terms and conditions of probation and, if applicable, release of probation documentation
- Copies of any completed rehabilitation, prevention, or treatment efforts.
- Copy of your restitution repayment plan if your barrier crime(s) and/or condition(s) is due to outstanding restitution.
- At least two letters of recommendation.
 - Letters of recommendation should be from individuals who are aware of your background history, mental health, substance use, or domestic violence incident and would recommend a variance be granted for you.
 - The letter should not come from a person you are immediately related to (such as a parent or sibling) and cannot be from a person associated with the foster home.
 - If you are unable to provide letters of recommendation that meet the above requirements, please talk with your licensing specialist or regional permanency specialist.

5. Provide a detailed statement regarding your barrier crime(s) and/or condition(s) including any factors that may have contributed, at that time, to the barrier crime(s) and/or condition(s). This should include information regarding what happened prior to, during, and after the barrier crime(s) and/or condition(s). Attach additional pages if needed.

6. Provide a detailed statement describing all actions you have taken to prevent similar barrier crime(s) and/or condition(s) from occurring. If mental health, substance use, or domestic violence was a factor in your barrier crime(s)/condition(s), please describe the steps you have taken to address those factors. If you believe this does not apply to you, explain why. Attach additional pages if needed.

7. Provide a detailed statement as to why the Department should grant you a variance. You may attach additional statements from other people in the foster home or other people involved in the child's case with their own rationale as to why you should be granted a variance.

8. What will you do to make sure the children in your foster home do not get abused or neglected?

9. The following items request information regarding any past incidents that have not already been included in your application. Please provide a detailed statement regarding any of the items below. If the item does not apply to you, you may check the box under the item. Applicant's past criminal history is reviewed by the oversight division.

- Have you had any contact with the Alaska Office of Children's Services or another child protection agency in a different state?

I have not had contact with any child protection agency.

- Have you been involved in any domestic violence order(s)?

I have not been a party of in a domestic violence order(s).

- Have you been **charged** with any crimes other than the barrier crime(s)?

I have never been charged with any other crime(s), barrier crime(s).

- Have you been **convicted** of any crimes other than the barrier crime(s)? If so, please include the terms of the sentence, any jail time, and any probation terms (either supervised or informal).

I have never/not yet been convicted of any other crime(s).

- If you were incarcerated for any crimes other than the barrier crime(s), please provide the dates of your incarceration, release date, and any terms and conditions of parole.

I have never/not yet been incarcerated.

- If you were sentenced and placed on supervised or unsupervised probation, a copy of the terms and conditions of probation. If applicable, please include any Release of Probation documentation.

I have never been placed on supervised or unsupervised probation.

By my signature below, I certify that the information contained in this application and applicable attachments is true, accurate, and complete.

Signature of Applicant

Date: _____

Printed Name of Applicant

Signature of Applicant's Legal Guardian (if applicant is a minor)

Date: _____

Printed Name of Applicant's Legal Guardian (if applicant is a minor)