



Ohio Administrative Code Rule 5101:2-5-18 Waivers and variances.

Effective: January 1, 2025

(A) The granting of a waiver of any requirement imposed by Chapters 5101:2-1, 5101:2-5, 5101:2-7, 5101:2-9, 5101:2-39, and 5101:2-42 of the Administrative Code is a discretionary act of the Ohio department of children and youth (DCY) based upon documentation as to why the agency or foster caregiver is not in compliance. The refusal of DCY to grant a waiver, in whole or in part, is final and is not to be construed as creating any rights to a hearing under Chapter 119. of the Revised Code. Waivers can only be requested, and will be considered on a case by case basis, for the following:

(1) Relative foster homes when the request is for a non-safety issue. As used in this rule, relative has the same meaning as kin.

(2) A private, nonprofit therapeutic wilderness camp (PNTWC).

(3) A scholars residential center.

(4) An agency may request a waiver for a foster home in the event of a disaster or emergency where the home or part of the home becomes uninhabitable.

(B) A request for a waiver is to be in writing and time limited. A waiver request is to include sufficient information, including the time period for which the waiver is requested. . The time period is not to exceed two years. Upon the written request of an agency, a waiver may be renewed, at the discretion of DCY, contingent upon documentation to DCY of the efforts of the agency or foster caregiver to come into compliance and the reasons they have not come into compliance.

(C) A request for a waiver of the requirements or prohibitions imposed by Chapters 5101:2-1, 5101:2-5, 5101:2-9, 5101:2-39, and 5101:2-42 of the Administrative Code on an agency's administration is to be written on the JFS 01376 "Rule Waiver Request for Agencies, CRCs and Group Homes" and submitted to DCY.



(D) A request for a waiver of the requirements or prohibitions imposed upon a foster home or a foster caregiver by Chapters 5101:2-1, 5101:2-7, 5101:2-39, and 5101:2-42, of the Administrative Code and related foster home provisions of Chapter 5101:2-5 of the Administrative Code is to be requested through the Ohio comprehensive child welfare information system (Ohio CCWIS).

(E) The approval of a waiver request is not to be construed as constituting precedence for the approval of any other waiver request or the renewal of an existing waiver.

(F) Waiver requests that have been approved prior to the effective date of this rule are to remain in effect until the waiver expires unless the terms or conditions of the waiver are violated or otherwise become nullified by a situation or by a change in the applicable Administrative Code rule.

(G) Effective October 1, 2011, no variances are to be approved.

(H) Variance requests that have been approved prior to October 1, 2011 will remain in effect unless the terms or conditions of a variance are violated or otherwise become nullified by a situation or by a change in the applicable Administrative Code rule. If the variance is nullified, it is to be rescinded. DCY has sole discretion in the rescission of a variance. The rescission of a variance is not to be construed as creating any rights to a hearing under Chapter 119. of the Revised Code.