



Ohio Administrative Code Rule 5180:2-5-18 Waivers and Variances.

Effective: April 6, 2026

(A) What is the purpose of Rule 5180:2-5-18?

This rule outlines the conditions under which the Ohio department of children and youth (DCY) may grant waivers and variances to certain administrative requirements and procedures related to child welfare services. The requests are limited to Chapters 5180:2-1, 5180:2-5, 5180:2-7, 5180:2-9, 5180:2-38, 5180:2-42, 5180:3-7 and 5180:3-13 of the Administrative Code.

(B) What steps can an agency take if DCY denies the granting of a waiver?

The granting of a waiver is a discretionary act by DCY. A refusal to grant a waiver is final and does not entitle the requester to a hearing under Chapter 119. of the Revised Code.

(C) What types of entities or situations may request a waiver?

Waivers may be requested for:

- (1) Relative foster homes for non-safety issues only, where relative means kin.
- (2) Foster homes affected by a disaster or emergency that makes all or part of the home uninhabitable.
- (3) Private, nonprofit therapeutic wilderness camps (PNTWC).
- (4) Scholars residential centers.
- (5) Child wellness campus.
- (6) Crisis care facilities.
- (7) Emergency shelter care facilities.
- (8) Residential infant care centers.

(D) What are the requirements for submitting a waiver request?

The waiver request is to:

- (1) Be in writing.
- (2) Be time-limited not to exceed two years.
- (3) Include sufficient documentation and justification.



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(4) Indicate the specific time period for the waiver.

(5) Be limited to the items listed in appendix A to this rule for specified types of residential facilities.

(E) What is the waiver renewal process?

The agency is to submit a written request with documentation showing efforts to come into compliance and reasons for continued non-compliance. Waiver renewals are at DCY discretion.

(F) How should agencies request a waiver of administrative requirements?

Agencies are to use form DCY 01376 "Rule Waiver Request for Agencies, CRCs and Group Homes" and submit it to DCY.

(G) How should waivers related to foster homes or caregivers be requested?

Waiver requests are to be submitted through the Ohio comprehensive child welfare information system (Ohio CCWIS).

(H) How does the approval of one waiver affect future waiver decisions?

Approval of a waiver does not set a precedent for future waiver approvals or renewals.

(I) What happens to waivers approved before the effective date of this rule?

They remain in effect until they expire, unless the terms are violated or nullified by a situation or rule change.

(J) Are variances still allowed after October 1, 2011?

New variances are not permitted after October 1, 2011.

(K) What happens to variances approved before October 1, 2011?

They remain valid unless violated or nullified. DCY has sole discretion to rescind a variance, and rescission does not entitle the requester to a hearing.