

APPLYING FOR A BACKGROUND VARIANCE

For Relative Caregivers



You applied for a foster care license or for placement for a relative child and you received a Letter of Notice of a Barrier Crime saying you have been issued a “not eligible determination. You may have also received a call from your OCS licensing worker regarding your application for licensure. If your application cannot be approved due to your background check, What can you do?

This handout walks you through the process of applying for a background variance.

Written by the Alaska Center for Resource Families

HAVE THESE 2 DOCUMENTS READY BEFORE YOU START



LETTER OF NOTICE OF A BARRIER CRIME

KEEP THIS LETTER!

- Has your Background Check Program Number for reference
- Lists the barrier crimes
- Tells you your options for a redetermination or to apply for a variance
- Gives link to the application for applying for a variance (you will be asked to include a copy of this letter in your application)

DEADLINE: 90 DAYS TO RESPOND

APPLICATION: WHAT'S IN IT? WHERE CAN I FIND IT?

Click [application](#) to view form!

This is what is in the application. *Read the first page for full instructions.* Don't panic! We will walk you through step by step.

- 1 Info about person applying for variance
- 2 Documents to get about the crime
- 3 References about your character
- 4 Statements/explanations you write
- 5 Info about other things that happened
- 6 Signatures and submit



FILLING OUT THE APPLICATION

1

INFO ABOUT THE APPLICANT

PAGES 2 & 3 OF APPLICATION

This section should give information about the person who needs the background variance. Fill in all the information-- don't leave anything blank. Put “does not apply” if it doesn't apply in your situation.

TIPS:

- Answer completely so it doesn't get returned or rejected.
- If you are a relative, choose adopt a child or receive an adoption subsidy when asked why you are seeking a variance. If you wish to foster, select both become foster care licensed and adopt.

2

DOCUMENTS YOU NEED TO GET

PAGE 3 OF THE APPLICATION



If your application is regarding a crime in your history, you need to get the documents related to the barrier crime. If you can't get the documents, *make every effort you can and document that effort*. This will show that you really want to take care of your relative and receive the support you need to take care of them.

If the barrier is due to a child abuse substantiation through child protective services, OCS will include this information on your behalf.

DOCUMENTS NEEDED

1. Copy of Letter of Notice of Barrier Crime
2. Documents related to the crime, such as:
 - Protective Orders
 - Charging Documents
 - Conviction Documents
 - Incarceration Documents including release from incarceration, dates of release and terms of parole
3. Copy of completed rehabilitation, prevention, or treatment efforts
4. Copy of restitution barrier crimes if applies

- TIPS:**
- For Court document, go through court view search and review the print results.
 - If you cannot afford the document fees, ask your OCS licensing worker to request on behalf of the State.
 - Do not include the entire court case. Pull out the document listed in the list.
 - If getting documents from other states and it is taking a long time, keep in touch with Background Check Program and document all efforts of where and who you have contacted

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REFERENCES ABOUT YOUR CHARACTER

PAGE 3 OF THE APPLICATION



You need two formal written reference letters that include some very specific things. We suggest you share this form with your reference.

[LINK TO FORM HERE](#)

WHAT NEEDS TO BE IN THE REFERENCE

If not using the form, your references must include:

- Reference name, address, phone number, date of reference
- reason for their recommendation, how they know and how long they have known the person applying for the variance
- They must clearly state they know about the barrier crime and include a statement that they recommend approval (or denial) of the background variance for the purpose of adoption/guardianship and/or foster care. If you are applying for both, it must say both.
- Letter needs to be signed

- TIPS:**
- References cannot be a relative and cannot be the recipient of the services.
 - References could be a counselor, probation officer, pastor, social worker, tribal administrator or members, sponsor, friend.
 - If you are unable to get letters of recommendation, talk to your licensing worker or include a statement why you are unable to get these statements.
 - You can also include additional reference letters that testify that they support you fostering this child or as a character reference.

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STATEMENTS YOU WRITE
ABOUT WHAT HAPPENED

PAGES 4 & 5 OF THE APPLICATION



In this section you will find four boxes in which you will write four statements. Be sure to fill every box! This is the most important part of the application. Make your case that you have made changes since the crime and you are the best place for your relative child to be.

1. Explain what happened regarding your barrier crime before during and after the crime and anything that might have contributed to it at the time.
2. What have you done since to make sure it doesn't happen again? If included dv, mental health or substance abuse, what have you done to address those factors.
3. Why should the department grant you the variance? Why is this placement important for the child or important for your family?
4. What will you do to keep the children in your home safe?

TIPS:

- You can attach additional statements from others saying why they think you should be granted a variance.
- Include information or training you've done that relates to caring for children and what you learned and how you will use the info and apply it.
- The committee wants to look at the facts and making a decision based on the information you provide. Show them how you've changed, what you've done, and actions you are taking to keep kids safe. *Details! Details! Details! Make your case!* The more information you provide about the crime and the circumstances and what you've done to change since then, the easier it is to make a well round decision.

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INFORMATION ABOUT OTHER
THINGS THAT HAVE HAPPENED

PAGES 6 & 7 OF THE APPLICATION



In this section, you need to provide a statement regarding any history besides the barrier crime regarding:

- Contact with OCS
- Domestic Violence Orders
- Charged with Crimes Other than the presenting barrier Crime
- Convicted of crimes other than the presenting barrier crime
- Incarceration for crimes other than barrier
- On probation for anything other than the barrier crime

TIPS:

- If these categories do not apply to you, check the box.
- Don't try to hide anything. Your past criminal history is being reviewed by the committee so be honest and provide a statement about the conviction.
- Everything will be looked at, including lesser offenses like speeding. Be prepared to explain and tell what you've learned from this experience.
- Note that an eligible background check does not guarantee licensure. Licensing will conduct a total assessment of all factors of licensing eligibility, including background history.

REVIEW AND SIGN:

•Sign and Date the Application

First, double check that every box is filled or if it doesn't apply to you, put an explanation why it doesn't apply.

•Be thorough in your documents, make sure you have at least two references with all the requirements

•Make as strong a case as you can. Appeal to the emotions and the heart of the committee member of why this child should be with you and how you will keep them safe.

**SUBMIT:**

- You have up to 90 days to fill out and submit this application so be thorough and get your documents. If you submit it to your worker and it is not complete, your worker may or may not ask for an extension, or they may submit what they already have. If an extension is granted, the clock resets and the time frame will be 30 days to resubmit.
- Submit to your licensing worker who will submit to the licensing supervisor in your region or submit to the address on the application

**WHAT HAPPENS AFTER I SUBMIT MY APPLICATION?**

Applications for background variances go through a very thorough review. Your application will go through three levels of review-- and each level can request additional information. At each level, the committee can approve or deny or application. It then goes on to the next level for review.

LEVEL 1: THE REGIONAL BARRIER VARIANCE COMMITTEE

This committee consists of representatives that may include the licensing supervisor, licensing manager, Protective Services supervisors and Regional Managers.

LEVEL 2: THE DEPARTMENT BARRIER VARIANCE COMMITTEE

This committee consists of representatives from different state divisions. They review the application and recommendations from Level 1.

LEVEL 3: THE COMMISSIONER OF THE DEPT. OF FAMILY AND COMMUNITY SERVICES

The Commissioner reviews the application and the work of the two committees and makes the final decision.

FINAL STEP: NOTIFICATION OF THE PARTIES

- Providers, Licensing Worker, and the Background Check Program will all be notified of the results.
- Licensing will make note in the Licensing File.
- The Commissioner of the Department of Family and Community Services makes the final decision, so any appeal happens through the Commissioner's Office, not OCS.



OR

**FOLKS WHO CAN HELP YOU ALONG THE WAY**

Your Licensing Worker
The Background Check Program
The Alaska Center for Resource
Families