

## Instructions for Submitting a Waiver Meeting Request

You may ask to receive an administrative *Waiver* that will exempt you from being excluded from access to licensed child care agencies in Tennessee. You may request a waiver at any time by submitting, in writing, a request to the DHS OIG Background Unit (address below). To apply for a waiver, you must submit a copy of your criminal background check registration disclosure form, any court documents showing the criminal charges and disposition, and a letter explaining what happened regarding the conviction(s), how your life has improved since the charge(s), and what you have done to better yourself.

As part of the waiver request, you meet informally with a DHS advisory committee and may present witness statements, information and documentation that demonstrate that there are extenuating circumstances that provide good reason to waive the exclusion. The advisory committee will consider whether those circumstances clearly justify granting a waiver of the exclusion and will make a recommendation on whether to grant or deny the waiver to the Child Care Licensing Director, or their designee.

If the waiver is denied by the Director/designee, you may then appeal the decision and receive a formal contested case hearing under the Uniform Administrative Procedures Act (Tenn. Code. Ann. §§ 4-5- 301 et seq.) by filing a request for appeal, in writing, to the DHS Division of Appeals and Hearings within ten (10) days of the mailing date of the Director's decision to the DHS Division of Appeals and Hearings address noted below.

Under the federal Child Care and Development Block Grant (CCDBG), offenses that are eligible for a waiver are limited to felony drug offenses that occurred more than five years ago and misdemeanors and felonies that are not included in the list below.

Below is a listing of the excludable offenses under CCDBG that are not eligible for requesting a waiver:

- making materially false statements in connection with a criminal background check; registered on the State or National Sex Offender Registry;
- a felony consisting of: murder; assault; child abuse or neglect; a crime against children, including child pornography; spousal abuse; a crime involving rape or sexual assault; kidnapping;
- felony drug-related offense committed during the preceding 5 years;
- violent misdemeanor committed as an adult against a child, including the following crimes: child abuse; child endangerment; sexual assault; or misdemeanor involving child pornography.

If you received a waiver in the past for an offense that is no longer waivable under CCDBG, that waiver will not be extended when the individual is reprinted to update the criminal background check. Note that all criminal background checks for licensed child care agency access are required every five (5) years.

If you request a waiver and DHS determines that you are not eligible to receive a waiver due to Tennessee or federal requirements, you may request an appeal of that decision and receive a formal contested case hearing under the Uniform Administrative Procedures Act (Tenn. Code. Ann. §§ 4-5-301 et seq.). You must request an appeal, in writing, by submitting the request to the DHS Division of Appeals and Hearings within ten (10) days of the mailing date of the letter informing you that you are not eligible to request a waiver to the address below:

**Your waiver request must be sent to:**

Tennessee Department of Human Services  
Attn: OIG Background Unit  
James K. Polk Building, 15th Floor  
505 Deaderick St.  
Nashville, TN 37243

Fax # 615-532-9956

Email: [CCBackground.DHS@tn.gov](mailto:CCBackground.DHS@tn.gov)

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**An Appeal Request must be sent to:**

Tennessee Department of Human Services  
Division of Appeals and Hearings  
James K. Polk Building, 1st Floor  
505 Deaderick St.  
Nashville, TN 37243

Fax # 615-248-7013 or 866-355-6136

Email: [AppealsClerksOffice.DHS@tn.gov](mailto:AppealsClerksOffice.DHS@tn.gov)