The following guidelines are provided to assist in determining what may be considered a chemical use problem if, as designated in the child foster care rule, an individual is not able to meet the timelines.

“Chemical use” includes alcohol abuse, abuse of prescription controlled substances, and use of illegal substances.

Timeline – the applicant, license holder or adult household member must be free of chemical use problems for the past two years.

If the applicant, license holder or adult household member:

1. has received treatment for alcohol or chemical abuse or chemical dependency within the past two years a variance may be requested. Supporting documentation should be provided by the individual, including a chemical dependency or abuse evaluation completed by a qualified CD professional. If the individual does not request a variance, further action on the license must be considered.

2. has used chemicals while providing care and supervision to foster children to the extent that their use has or may have a negative effect on the basic needs and safety of foster children then the licensing agency must request that the individual complete a chemical use evaluation by a qualified CD professional to determine if the individual’s chemical use may impact their ability to provide a safe environment for foster children.

3. has been charged or convicted of driving while impaired (DWI) within the past twelve months and the individual has completed a chemical dependency or abuse evaluation, the licensing agency should ask the individual to sign a consent for release of information to obtain the results of the evaluation in order to assess if the individual’s use, abuse, or dependency has a negative effect on their ability to give care.

• If the CD professional determines there is not a chemical use problem or if there are no recommendations that result from the evaluation, a variance is not required.

• If the CD professional determines there is not a chemical use problem; however, recommendations are provided as a result of the evaluation, a chemical use variance may be requested.

• If the CD professional determines there is a chemical use problem and the individual has demonstrated a period of compliance with all recommendations from the assessment, a chemical use variance may be requested.

• If the individual refuses to comply with the request for an evaluation or is not complying with recommendations from a chemical use evaluation, the agency cannot ensure the safety of foster children. The county or private agency licensor must consult with DHS-Family Systems regarding the situation to determine the next action.

Please note: If any individual listed above is charged with a felony-level DWI, this would be a background study disqualification.