

**STANDARDS OF CONDUCT:
Employee and Contractor/Provider Compliance with
MEPA and Title VI of the Civil Rights Act of 1964
Effective February 1, 2005**

The Lucas County Children's Services (LCCS) has established the following Standards of Conduct with regard to the performance of employees and contractors/providers related to compliance with the Multiethnic Placement Act of 1994 as amended by Section 1808 of the Small Business Job Protection Act of 1996, 42 U.S.C. 622(b)(9), 671(a)(18), 674(d) and 1996(b) (MEPA) and Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq (Title VI), as they apply to the foster care and adoption process.

These Standards of Conduct prohibit policies, procedures or actions which serve to:

- Deny any person the opportunity to become a foster caregiver or an adoptive parent on the basis of race, color or national origin of that person, or of the child involved; or
- Delay or deny any placement of a child in foster care or for the adoption on the basis of the race, color or national origin of the foster caregiver(s), of the adoptive parent(s) or of the child involved.

Permissible Actions:

MEPA and Title VI permit the following actions as they apply to the foster care or adoption process:

1. Asking about and honoring any initial or subsequent choices made by prospective foster or adoptive parents regarding what race, color, or national origin of child the prospective foster or adoptive parents will accept.
2. Honoring the decision of a child twelve years of age or older to not consent to an adoption when that decision has been approved by a court pursuant to section 3107.06 of the Revised Code.
3. Providing information and resources about fostering or adopting a child of another race, color or national origin to prospective foster or adoptive parents who request such information and making known to all families that such information and resources are available.
4. Considering the request of a birth parent(s) to place the child with a relative or non-relative identified by name.

5. Considering the race, color or national origin of the child as a possible factor in the placement decision when compelling reasons serve to justify that the race, color or national origin need to be a factor in the placement decision pursuant to 5101:2-48-13 and 5101:2-42-18.1 of the Ohio Administrative Code. These rules permit consideration of race, color or national origin if an Individualized Child Assessment (JFS 01688) completed pursuant to these rules indicates the child has needs related to race, color or national origin that should be taken into account when placing the child. Even when the facts of a particular case allow consideration related to the race, color, or national origin, this consideration shall not be the sole determining factor in the placement decision.
6. Promoting cultural awareness, including awareness of cultural and physical needs that may arise in the care of children of different races, ethnicities, and national origins as part of the training which is required of all applicants who seek to become foster or adoptive parents.
7. Documenting verbal comments, verbatim, or describing in detail any other indication made by a prospective foster or adoptive family member living in the household or any other person living in the household reflecting a negative perspective regarding the race, color or national origin of a child for whom the prospective foster or adoptive family has expressed an interest in fostering or adopting.
 - (a) The documentation shall indicate whether those comments were made before or after completion of the cultural diversity training that is required for all foster care applicants.
 - (b) The documentation shall be included in the family's homestudy, update, or an addendum to the homestudy or update prior to consideration of placement.

Prohibited Actions:

MEPA and Title VI **prohibit** the following actions as they apply to the foster care or adoption process:

1. Using the race, color or national origin of a prospective foster or adoptive parent to differentiate between placements.
2. Honoring the request of a birth parent(s) to place a child with prospective foster or adoptive parent(s) of a specific race, color or national origin, unless the birth parents(s) identifies a relative or non-relative by name and that person is found to meet all relevant state child protection standards, provided that the agency determines that the placement is in the best interests of the child.
3. Requiring a prospective adoptive family to prepare or accept a transracial adoption plan.
4. Using "culture" or "ethnicity" as a proxy for race, color or national origin.
5. Delaying or denying placement of a child based upon the geographical location of the neighborhood of the prospective foster or adoptive family whenever geography is being used as a proxy for:
 - the racial or ethnic composition of the neighborhood;
 - the demographics of the neighborhood; or

- the presence or lack of presence of a significant number of persons of a particular race, color, or national origin in the neighborhood or any similar purpose.
6. Requiring extra scrutiny, additional training, or greater cultural awareness of individuals who are prospective foster or adoptive parents of children of a different race, color or national origin than required of other prospective foster or adoptive parents.
 7. Relying upon general or stereotypical assumptions about the needs of children of a particular race, color or national origin.
 8. Relying upon general or stereotypical assumptions about the ability of prospective foster or adoptive parents of a particular race, color or national origin to care for or nurture the sense of identity of a child of another race, color, or national origin.
 9. "Steering" prospective foster or adoptive parents away from parenting a child of another race, color, or national origin. "Steering" is any activity that attempts to discourage prospective foster or adoptive parents from parenting a child of a particular race, color or national origin.
 10. Requiring an ongoing, foster care or adoption worker or contractor to justify a proposed placement for the reason that the race, color or national origin of the child is different from that of the family whom the worker is proposing as the child's foster caregiver or adoptive parent.

Prohibition on Retaliation:

LCCS employees and contractors/providers may not intimidate, threaten, coerce, discriminate against or otherwise retaliate against any individual who makes a complaint, testifies, assists or participates in any manner in an investigation related to alleged discrimination on the basis of race, color or national origin in the foster care or adoption process.

Additional Information:

Employees or contractors/providers who desire more information about MEPA and Title VI as related to the adoption and foster care process may contact:

- Marjorie Holt, LCCS MEPA Monitor
(419) 213-3718
- Ohio Department of Job & Family Services
Bureau of Civil Rights
30 E. Broad St., 37th Floor
Columbus, OH 43266-0423

Enforcement Requirements:

These standards of conduct include enforcement requirements to be used whenever an agency employee or contractor/provider engages in discriminatory acts, policies, or practices involving race, color, or national origin in the foster care or adoption process as determined by the Bureau of Civil Rights of ODJFS upon completion of the investigation conducted pursuant to rule 5101:2-33-03 of the Administrative Code.

For employees, these enforcement requirements shall include employee discipline in accordance with Section B-22 of Lucas County Children Services Personnel Handbook, LCCS Policy #472 Oral Reprimands, LCCS Policy #473 Written Reprimands, LCCS Policy 474-A Pre-Disciplinary Meetings-Non-Exempt Staff, LCCS Policy #474-B Pre-Disciplinary Meetings-Exempt Staff, and Disciplinary Articles of the collective bargaining agreements between LCCS and The Federation of Lucas County Children Services Professional, Clerical and Service Employees, Professionals Guild of Ohio and Local 544 American Federation of State, County and Municipal Employees, AFL-CIO.

For LCCS contractors/providers performing foster care or adoption services on behalf of LCCS, these enforcement requirements shall include discipline in accordance with the Contractor/provider's personnel policy and may include contract termination. Enforcement requirements for contractor/provider subcontractors shall include corrective action in accordance with the contractor/provider's contract with the subcontractor and may include contract termination.

These enforcement requirements are applied in accordance with applicable employment law and union contracts.

Corrective Action Plan:

LCCS shall provide for the submission of a corrective action plan whenever an investigation conducted by ODJFS, pursuant to rule 5101:2-33-03 of the Administrative Code, results in a finding that an agency employee or contractor/provider engaged in discriminatory acts, policies, or practices. If the finding involves a discriminatory act, policy or practice by a contractor/provider or subcontractor, LCCS shall develop the corrective action plan in collaboration with the contractor/provider or in collaboration with the contractor/provider and subcontractor. **The corrective action plan will be required to address prevention of future violations.**

The corrective action plan **must**:

- Address how LCCS will prevent future violations by that employee or contractor/provider or subcontractor, and
- Be submitted to ODJFS within thirty days of notification of the findings of the investigation.

LCCS shall provide a copy of these Standards of Conduct to each employee or Contractor/provider who is:

- Engaged in the placement of children into foster care or for adoption, or
- Engaged in the recruitment, assessment, approval, or selection of foster or adoptive families.

Provision of Standards:

- Employees and contractors/providers shall receive a copy of the written Standards of Conduct no later than March 3, 2005.
- If these Standards of Conduct are revised, employees and contractors/providers shall receive a copy of the revised Standards of Conduct within **30 days** of the completion of any revisions.

- New employees or contractors/providers shall receive a copy of the written Standards of Conduct within **30 days** of their hire date or the effective date of their contract.
- LCCS and contractors/providers shall ensure that these Standards of Conduct are provided to and understood by their employees and subcontractors.

Contractors must develop MEPA complaint procedures that comply with OAC 5101:2-33-03.

When the state has determined that a MEPA violation has occurred with in a Contractor's agency/business, the Contractor must forward a copy of the state findings to LCCS within 3 business days of receipt.