

**Procedure: Complaints Involving Race, Color, National Origin in the Foster Care/Adoption Process**

**Purpose of Procedure:**

Inform individuals involved in the foster care and adoption process of the procedures involved in filing a complaint regarding allegations of discrimination involving race, color, or national origin

**Statement of Procedure:**

Any individual may file a complaint alleging a discriminatory act, policy or practice involving race, color or national origin (RCNO) in the foster care or adoption process.

Any person, including but not limited to, an employee or former employee of Summit County Children Services (SCCS), or a member of a family which has sought to become a foster caregiver or adoptive parent, may also file a complaint alleging that he or she was intimidated, threatened, coerced, discriminated against or otherwise retaliated against by SCCS due to the individual making a complaint, testifying, assisting, or participating in any manner in an investigation, proceeding, or hearing in connection with an allegation that SCCS engaged in discriminatory acts, policies, or practices as it applies in the foster care or adoption process.

The individual filing a complaint shall use the JFS 02333 "Discrimination Complaint Form". The SCCS Civil Rights Coordinator will process and track all complaints. The complaint shall be filed within two years from the date of the occurrence of the alleged discriminatory act; or two years from the date upon which the complainant learned or should have known of a discriminatory act, policy or practice. The complaint may be filed with any of the following:

1. Summit County Children Services, Civil Rights Coordinator  
264 S. Arlington St.  
Akron, Ohio 44306
2. Any public children services agency (PCSA)
3. Any private child placing agency (PCPA)
4. Any private non-custodial agency (PNA)
5. The Ohio Department of Job and Family Services, Bureau of Civil Rights  
30 E. Broad St., 30<sup>th</sup> Floor  
Columbus, Ohio 43215-3414  
Fax: 614-752-6381

When any complaint alleging discrimination involving RCNO in the foster care or adoption process is received by:

1. SCCS, the agency shall forward the complaint to ODJFS within three working days of date of receipt of the complaint.
2. ODJFS, the department shall notify SCCS that it is the subject of the complaint within three working days of the receipt of the complaint.

ODJFS is charged with making an investigation of the complaint. SCCS shall not initiate, conduct, or run concurrent investigations surrounding the complaint or take any further action regarding the complainant or the subject of the complaint until the issuance of the final investigation report by ODJFS, unless approved by ODJFS.

SCCS shall cooperate fully with ODJFS during the course of the investigation and shall submit any information requested by ODJFS not later than fourteen days from the date of the request, unless otherwise agreed upon.

ODJFS will conduct an investigation that will include, but is not limited to:

1. Face-to-face interviews with the complainant, the respondent and all relevant witnesses.
2. Issuance of a final investigation report to the complainant and SCCS. The report shall include the allegations, background information, analysis, determination and recommendations and shall be issued within ninety days of the receipt of the initial complaint.

If unanticipated circumstances require additional time to complete the investigation or to issue the final report, ODJFS will notify the complainant and SCCS of the need for additional time.

Upon completion of the final investigation report, ODJFS will determine if any action against SCCS is warranted. For noncompliance by SCCS, ODJFS may take any action permitted under Ohio Revised Code section 5101.24.

No person who has filed a complaint alleging a discriminatory act, policy or practice involving RCNO in the foster care or adoption process of SCCS, or who has testified, assisted or participated in any manner in the investigation of a complaint shall be intimidated, threatened, coerced, or retaliated against by any employee or contractor of SCCS.

Nothing in this rule or in the agency's policy shall prohibit an individual from filing a complaint with the United States Department of Health and Human Services' (HHS) Office for Civil Rights (OCR) alleging discrimination that involves RCNO in the foster care or adoption process of SCCS.

Rule 5101:2-48-24 of the Administrative Code does not apply to complaints of discrimination in the foster care or adoption process that involve RCNO.

SCCS shall provide a written notice of the procedure for any complaints of discrimination in the foster care or adoption process that involve RCNO to all individuals inquiring about or applying to be a foster caregiver or adoptive parent. Such notice shall be provided within seven days of the individual's first contact with the agency.

Further, SCCS shall provide a written notice of the procedures for any complaints of discrimination in the foster care or adoption process that involve RCNO within thirty days of the effective date to all foster caregivers certified or in the process of certification and to all individuals who have approved adoptive home studies or who are participating in the adoptive home study process on the effective date of this rule.

## **Related Laws and Standards:**

**Ohio Revised Code (ORC):**

5101.24

<b>Ohio Administrative Code (OAC):</b>	5101:2-33-03; 5101:2-5-21; 5101:2-33-11; 5101:2-42-18.1; 5101:2-48-05; 5101:2-48-12; 5101:2-48-13;
<b>United States Code (USC):</b>	42 USC 622(b)(9); 42 USC 671(a)(18); 42 USC 674(d); 42 USC 1996(b); 42 USC 2000d
<b>Code of Federal Regulations (CFR):</b>	45 CFR 1355.38

**Who is affected by the Procedure?** Placement and Permanency Planning

**Review/Effective Date:** September 15, 2005; September 1, 2010; April 18, 2014

**Procedure History Date:**

**Key Words:**

**Associated Policy (if applicable):**

**Also documented in:**