

Multiethnic Placement Act (MEPA), Nondiscrimination Requirements, Individualized Child Assessment, and Home Study Procedures

SUMMIT COUNTY CHILDREN SERVICES

<p>ORC: 5101:24</p> <p>OAC: 5101:2-42-18.1; 5101:2-48-13; 5101:2-33-03, 5101:2-33-11; 5101:2-5-13</p> <p>USC: 42 USC 622; 671;674; 1996; 2000 42 U.S.C. 2000d (Title VI of the Civil Rights Act)</p> <p>CFR: N/A</p> <p>BOT Resolution #: N/A</p>	<p>ORIGINAL: 4/2/2018</p> <p>REVISION/REVIEW: 7/3/2024</p> <p>NEXT REVIEW: 7/3/2029</p> <p>RELATED FORM(S): JFS Forms 01611, 01688, 01607, 01608, 01689</p> <p>RELATED PROCEDURE/POLICY(IES): MEPA Standards of Conduct</p>
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All Staff Bargaining Unit Non-Bargaining Management

POLICY:

Summit County Children Services (SCCS) adheres to the Nondiscrimination Requirements for Foster Care and Adoptive Placements and the Multi-ethnic Placement Act (MEPA) Standards of Conduct in order to prevent the use of Race, Color, National Origin (RCNO) as a basis to deny any person the opportunity to become an adoptive or foster parent as well as to prevent the consideration of the RCNO of a child being placed with either foster parent(s) or adoptive parent(s) unless necessary based on the needs of the child. Only the most compelling reasons may service to justify RCNO as part of the placement decision. In those exceptional circumstances when RCNO needs to be taken into account in the placement decision, such consideration is narrowly tailored to advance the child’s best interest and is not the sole determining factor in the placement decision.

Provisions of the Multi-ethnic Placement Act do not supersede the provisions of the Indian Child Welfare Act of 1978.

PROCEDURE:

Nondiscrimination Requirements

The Nondiscrimination requirements for Foster Care and Adoptive Placements as described in the Ohio Department of Job and Family Services (JFS) 01611, and MEPA Standards of Conduct are considered a part of this procedure. The Nondiscrimination

Requirements for Foster Care and Adoptive Placements delineate permissible and prohibited acts under MEPA. The MEPA Standards of Conduct include SCCS enforcement requirements and corrective action plan to be used whenever a SCCS employee or contractor/provider violates MEPA. SCCS does not intimidate, threaten, coerce, or in any way discriminate or retaliate against any person who has filed an oral or written complaint, testified, assisted, or participated in any manner in the investigation of an alleged violation of MEPA and Title VI of the Civil Rights Act of 1964.

The Executive Director shall appoint a MEPA monitor. This employee cannot be the child's caseworker, a Social Services supervisor, or the civil rights coordinator. The MEPA monitor's responsibilities include:

1. Review and monitor any foster care placement decision when RCNO is used as one factor in a child's placement decision;
2. Review and monitor any adoption placement decision when RCNO is used as one factor in a child's placement decision.

Individualized Child Assessment Procedures

If a child makes a statement expressing a preference for placement wherein RCNO is mentioned, or if a medical or psychological evaluation, school record or other material documented in the file, including statements made by the child to a caseworker, indicate that there may be compelling reasons to consider the needs the child may have regarding RCNO in the placement process, the agency shall determine if the child should be referred for an assessment of whether the child has individual needs regarding RCNO.

If the caseworker learns from a third-party source (such as the child's foster parent, treatment provider, or other entity) that a child has made statements expressing a preference for placement based upon RCNO, the caseworker shall have direct communication with the child about the child's preferences and document the information in SACWIS.

The caseworker shall promptly conference with their supervisor and the MEPA monitor about the child's needs regarding RCNO. Within ten (10) days of the caseworker's conference with their supervisor and the MEPA monitor, either because of a child's preference or because of the caseworker's assessment, that RCNO may be a factor in the child's placement decision, the caseworker shall complete section I of the JFS 01688 and submit the JFS 01688 and all relevant medical or psychological evaluations, school records, or other material documented in the file to the caseworker's supervisor and the MEPA monitor and submit a memo to their supervisor, department director, and the Deputy Director, Social Services, describing the child's age, custody status, placement, mental and physical health status, and what information is prompting a determination of whether the child has individual needs regarding RCNO.

Within ten (10) days of the receipt of Form 01688 and any supporting documents, the supervisor and MEPA monitor review and meet if requested by either the supervisor or the MEPA monitor. In the event the supervisor and MEPA monitor agree there may be compelling reasons to consider RCNO as one factor in the placement of the child in question, the supervisor and MEPA monitor shall date and sign Form 01688 where indicated in Section I and shall, within ten (10) days of the completion date of the individual child assessment, refer the child to one of the following licensed professionals identified by the caseworker/supervisor for an independent child assessment and recommendation on this issue:

1. A licensed child psychiatrist;
2. A licensed -child psychologist;
3. A licensed independent social worker;
4. A licensed professional clinical counselor.

The licensed professional conducting the assessment must not be employed by SCCS but may be a licensed professional with whom the child has a professional relationship. As a part of the referral process, the licensed professional is sent the following:

1. Form 01688 Individualized Child Assessment;
2. Form 01607 MEPA Educational Materials;
3. Form 01608 Licensed Professional Statement;
4. Form 01611 Non-Discrimination Requirements for Foster Care and Adoptive Placements;
5. Applicable Ohio Administrative Code rules for nondiscrimination requirements in the placement process (OAC 5101:2-42-18.1. OAC 5101:2-48-13. OAC 5101:2-48-16);
6. All relevant documentation, such as medical or psychological evaluations and school records, that supports the consideration of RCNO as a factor in the placement decision.

No licensed professional may complete an assessment until the agency has provided Form 01607 MEPA Educational Materials, Form 01611 Nondiscrimination Requirements for Foster Care and Adoptive Placements and applicable Ohio Administrative Code rules.

The agency requests the licensed professional in writing to:

1. Determine whether the child has needs involving RCNO and any other needs of a psychological or behavior nature and
2. Specify what those needs are and how those needs may impact a potential substitute care placement;
3. Complete and sign section II of the original JFS 01688 and return it within sixty (60) days to the Agency with a copy of the requested assessment attached.

4. After completing the assessment of the child and within sixty (60) days of receiving said forms, the licensed professional shall complete Section II of Form 01688 and return the form, their assessment and recommendation, and the signed Form 01608 to the Agency, c/o the MEPA Monitor.

Within seven (7) days of receiving a completed Form 01688 from the licensed professional, the caseworker, supervisor and MEPA monitor meet to discuss the licensed professional's assessment and recommendation. In the event SCCS concurs with the assessment and recommendation, they complete Section III of Form 01688 on the day of their meeting.

In the event SCCS disagrees with the licensed professional's assessment and recommendation, the caseworker, supervisor, and MEPA monitor prepare and sign a statement, within one (1) day, stating the rationale(s) for rejecting the licensed professional's recommendation and the signed statement is attached to Form 01688.

If the supervisor and MEPA monitor have different recommendations regarding whether or not to accept the recommendations of the licensed professional, the case is staffed with the appropriate department director within Social Services and agency legal counsel.

The MEPA monitor arranges for a copy of the completed Form 01688, the assessment and recommendation of the licensed professional and the completed Form 01608 to be sent within ten (10) days of receipt by certified mail, return receipt requested, to the Ohio Department of Job and Family Services, Bureau of Family Services, P.O. Box 182709, Columbus, Ohio 43218-2709. The return receipt is addressed to the MEPA monitor, and once received by the MEPA monitor, shall be placed in the child's case record and maintained as a business record. The MEPA monitor's individual department is responsible for uploading all MEPA related paperwork into Traverse.

The completed Form 01688 is effective for twelve (12) months from the date of the final decision. If it has been determined that RCNO should be a factor in the child's placement, an updated JFS Form 01688 and assessment shall be completed prior to the twelve month expiration date. The MEPA monitor emails the caseworker and supervisor with the effective date of the completed Form 01688 and the one-year expiration.

The MEPA monitor maintains a log with dates for each child with a Form 01688. Ninety (90) days prior to the expiration date, the MEPA monitor emails the caseworker and supervisor who initiate an updated Form 01688 assessment process as described above, to allow for approved renewal before the twelve (12) months expires.

If it has been determined that RCNO should not be a factor considered in the child's placement, an updated JFS Form 01688 and assessment is not required prior to the twelve (12) month expiration date.

The match coordinator presents the Form 01688 as part of the placement decision making process in which the child is considered for a match with a prospective adoptive family.

The match coordinator documents on the Form 01689 how race, color and/or national origin impacted the placement decision and submit the Form 01689 to ODJFS within ten (10) days of an adoptive placement.

Home studies Referencing the Racial Composition of a Neighborhood

This procedure also outlines steps which are taken in instances where an agency discovers information contained within a home study, either from SCCS or received from another agency, which references the racial or ethnic composition of the neighborhood, the demographics of the neighborhood and/or the presence or lack of presence of a significant number of persons of a particular race, color, or national origin in the neighborhood.

Placement Services department supervisors review all foster and adoptive home studies. When a home study contains an assessment prohibited by OAC rules 5101:2-48-13 and 5101:2-42-18.1, such as a description of the racial composition of the neighborhood, the Placements department supervisor:

1. Consults with the department director, Placement Services and the MEPA monitor with respect to all home studies that contain language referencing the racial composition of the neighborhood.
2. The MEPA monitor places a MEPA alert on the section of the home study which references the racial composition of the neighborhood, indicating the language contained in the home study is prohibited by MEPA and that the section will not be considered in the placement decision-making process.
3. The MEPA monitor returns a copy of the home study containing the MEPA alert to the agency which originally completed and or submitted the home study, indicating that the section referencing the racial composition of the neighborhood will not be considered in the placement decision-making process; and,
4. The MEPA monitor forwards a copy of the home study and notice that was sent to the offending agency to the Ohio Department of Job and Family Services' Child Welfare Policy Section-Team 2. The information shall be forwarded to the following address:

P. O. Box 182709
Columbus, Ohio 43218-2709