

SUMMIT COUNTY CHILDREN SERVICES
STANDARDS OF CONDUCT:
Employee and Contractor/Provider Compliance with
Multiethnic Placement Act (MEPA) and Title VI of the Civil Rights Act of 1964
Effective March 3, 2005. Last Revised April 4, 2024

Summit County Children Services 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 (MEPA) and the Civil Rights Act of 1964, (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 (RCNO) of that person, or of the child involved; or
- Delay or deny any placement of a child in foster care or for adoption on the basis of the race, color or national origin (RCNO) of the foster caregiver(s), of the adoptive parent(s) or of the child involved.

SCCS 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.

Current employees and contractors/providers shall receive a copy of the written Standards of Conduct effective 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 thirty days of their hire date or the effective date of their contract. SCCS and contractors/providers shall ensure that these Standards of Conduct are provided to their employees and subcontractors.

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 RCNO 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 unless the court finds that the adoption is in the best interest of the child and the child's consent is not required.
3. Providing information and resources about fostering or adopting a child of another RCNO 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 RCNO of the child as a possible factor in the placement decision when compelling reasons serve to justify that RCNO 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 RCNO if an Individualized Child Assessment (JFS 01688) completed pursuant to these rules indicates the child has needs related to RCNO that should be taken into account when placing the child. Even when the facts of a particular case allow consideration related to RCNO, 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 caregivers.

Required Actions:

Verbal comments shall be documented verbatim, or 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 RCNO of a child for whom the prospective foster or adoptive family has expressed an interest in fostering or adopting shall be documented and described in detail.

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 and adoptive applicants.

b) The documentation shall be included in the family's home study, update, or an addendum to the home study 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 RCNO of a prospective foster or adoptive parent to differentiate between placements for a child unless documentation in the case record indicates a compelling reason to consider the child may have individualized needs regarding RCNO and a JFS 1688 individualized assessment finds compelling reasons to consider RCNO as a placement factor.

2. Honoring the request of a birth parent(s) to place a child with prospective foster or adoptive parent(s) of a specific RCNO, unless the birth parent(s) identifies a relative or non-relative by name and that person is found to meet all relevant state child protection standards and the agency determines that the placement is in the best interests of the child.

3. Requiring a prospective foster or 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 following:

a) The geographical location of the neighborhood of the prospective foster or adoptive family whenever geography is being used as a proxy for the racial composition of the neighborhood,

b) The demographics of the neighborhood,

c) The presence or lack of presence of a significant number of people of a particular RCNO in the neighborhood.

6. Requiring extra scrutiny, additional training, or greater cultural awareness of individuals who are prospective foster or adoptive parents of children of a different RCNO than required of other prospective foster or adoptive parents.

7. Relying upon general or stereotypical assumptions about the needs of children of a particular RCNO.

8. Relying upon general or stereotypical assumptions about the ability of prospective foster or adoptive parents of a particular RCNO to care for or nurture the sense of identity of a child of another RCNO.

9. "Steering" prospective foster or adoptive parents away from parenting a child of another RCNO. "Steering" is any activity that attempts to discourage prospective foster or adoptive parents from parenting a child of a particular RCNO.

10. Requiring an employee to justify a proposed placement for the reason that the RCNO of the child is different from that of the family whom the employee is proposing as the child's foster caregiver or adoptive placement.

Prohibition on Retaliation:

SCCS 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 RCNO 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:

- Dustin Stauffer, SCCS MEPA monitor
(330) 379- 2026

Complaints in the Adoption or Foster Care Process involving Race, Color or National Origin (See Attached):

Individuals who wish to file a complaint must complete the "Discrimination Complaint Form" (JFS 02333). This complaint may be filed with any of the following:

- Summit County Children Services
Attn: Civil Rights Coordinator
Legal Department
264 South Arlington
Akron Ohio 44306

- Ohio Department of Job and Family Services
Bureau of Civil Rights
30 E. Broad Street, 30th floor
Columbus, OH 43215-3414
<https://jfs.ohio.gov/help-center/civil-rights/02-how-to-file-a-complaint>
- U.S. Department of Health & Human Services
Office of the Chief Counsel, Region V
233 North Michigan Avenue, Suite 700
Chicago, Illinois 60601
- Any other public or private Ohio foster care or adoption agency

The complaint shall be filed within two (2) years from the date of the alleged discriminatory act; or two (2) years from the date upon which the complainant learned or should have known of a discriminatory act, policy or practice.

When any complaint alleging discrimination involving RCNO in the foster care or adoption process is received by SCCS, SCCS shall forward the complaint to ODJFS within three working days of date of receipt of the complaint.

ODJFS-BCR, aka the Bureau of Engagement, Advocacy and Development (BEAD), conducts an investigation of the complaint. SCCS will 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-BCR, unless approved by ODJFS-BCR.

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 RCNO 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 **SCCS employees**, these enforcement requirements are applied in accordance with applicable employment law and union contracts.

For **contractors/providers** performing foster care or adoption services on behalf of SCCS, these enforcement requirements shall include discipline in accordance with the contractor's/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.

Corrective Action Plan:

SCCS 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, SCCS 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 shall:

- Address how SCCS 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.