



UMCH Family Services
Treatment Foster Care and Adoption Programs
6402 E. Main Street
Reynoldsburg, OH 43068
(614) 559-2800 * (614) 559-2801 (fax)

UMCH Family Services
1033 High Street
Worthington, OH 43085
(614) 885-5020 * (614) 885-4058 (fax)

www.umchohio.org

STANDARDS OF CONDUCT:

Employee and Contractor/Provider Compliance with MEPA and Title VI of the Civil Rights Act of 1964

UMCH Family 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 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)(01/02/2006) and Title VI of the Civil Rights Act of 1964 U.S.C. 2000d, (01/02/2006) as they apply to the foster care and adoption process (Title VI). 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 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 Ohio 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 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 to 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. The documentation shall indicate whether those comments were made before or after completion of the cultural diversity training which is required for all foster and adoptive applicants. Documentation shall be included in the family's homestudy, update, or an addendum to the homestudy or update prior to consideration of placement or a matching conference. A matching conference is the process of determining the most appropriate adoptive family for the child based on the child's special needs. The matching committee may consider the information in determining if the placement is in the child's best interests.

Prohibited Actions:

MEPA and Title VI prohibit the following actions as they apply to the foster care or adoption process includes, but is not limited to the following examples:

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 parent(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 trans-racial 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 or 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:

UMCH Family Services employees of 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:

- MEPA Monitor, Franklin County Children Services
614-341-6000

MEPA Complaint Procedures:

Any person who believes that UMCH Family Services, any other public or private Ohio adoption or foster care agency, or the Ohio Department of Job and Family Services has policies or procedures that violate MEPA and Title VI may file a complaint. In addition, anyone who believes that he or she was intimidated, threatened, coerced, discriminated against or otherwise retaliated against in some way because he or she made a complaint, testified, assisted or participated 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, may also file a complaint. Individuals who may file a complaint include but are not limited to the following:

- A foster or adoptive parent or other member of a foster or adoptive family
- A prospective foster or adoptive parent or other family member
- An employee or former employee of UMCH Family Services or of any other Ohio adoption or foster care agency

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:

- Franklin County Children Services, Attention: Deputy Director/MEPA Monitor, 855 W. Mound Street, Columbus OH 43223
- Ohio Department of Job and Family Services, Bureau of Civil Rights, 30 E. Broad Street, 37th Floor, Columbus OH 43266-0423
- Any other public or private Ohio foster care or adoption agency

If the complaint is filed with UMCH Family Services’s MEPA Monitor or with any other public or private Ohio foster care or adoption agency, the MEPA Monitor or other public or private agency must forward the complaint within 3 business days to the Bureau of Civil Rights or ODJFS for investigation. ODJFS must complete the investigation within 90 days of receipt of the complaint, unless unusual circumstances prevent it from completing the investigation within that timeframe. ODJFS will provide a copy of the investigation report to the complainant and to the agency that is the subject of the complaint.

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 UMCH Family Services employees, these enforcement requirements shall include employee discipline in accordance with UMCH Family Services Personnel Policies and Procedures. Penalties, sanctions and other disciplinary actions, which may include suspension and/or removal, may be applied as discipline. (UMCH Family Services does not have a labor union; as a result, the impact of a union contract on enforcement would not be applicable.)

For contractors/providers performing foster care or adoption services on behalf of UMCH Family Services, 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.

Employees and contractors/providers may also be subject to civil or criminal penalties.

Corrective Action Plan:

UMCH Family Services 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, UMCH Family Services 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 UMCH Family Services will prevent future violations by that employee or contractor/provider or sub contractor, and
- Be submitted to ODJFS within thirty days of notification of the findings of the investigation

UMCH Family Services 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
- Engages in the recruitment, assessment, approval, or selection of foster or adoptive families.

Employees or contractors/providers shall receive a copy of the written Standards of Conduct no later than May 1st, 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. UMCH Family Services and contractors/providers shall ensure that these Standards of Conduct are provided to their employees and subcontractors.

These *Standards of Conduct* were revised November 29, 2010, to include changes to the Ohio Administrative Code effective March 1, 2010. These changes were limited to the addition of (01/02/2006) in the first paragraph of this document to align with the Ohio Administrative Code. No other changes were made.

These *Standards of Conduct* were revised on January 13, 2011, to further explain the enforcement requirements.