

BUTLER COUNTY CHILDREN SERVICES

POLICY NO: 4.5	SUBJECT: STANDARDS OF CONDUCT
	EFFECTIVE DATE: 9/30/2002
	REVISION DATE: 3/22/2005, 3/28/06
	REVIEW DATE: 3/28/06, 12/07, 9/09

PURPOSE: This is a required policy that prohibits the agency from discriminating against individuals.

**4.5 STANDARDS OF CONDUCT
Employee and Contractor/Provider Compliance with MEPA and Title VI of
the Civil Rights Act of 1964**

The Butler County Children Services has established the following Standards of Conduct with regard to the performance of employees and contractors/provider 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), 71(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 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 the 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 related 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:

- (1) Using 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 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 person 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 any caseworker, 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.

Complaint Procedure

A review procedure is available to resolve complaints of discrimination in the foster care or adoption process that involve race, color or national origin (RCNO).

Who may file a complaint?

- (1) Any individual may file a complaint alleging a discriminatory act, policy or practice involving RCNO in the foster care or adoption process of the Butler County Children Services, any other public or private Ohio adoption or foster care agency, or the Ohio Department of Job and Family Services (ODJFS).
- (2) Any person, including but not limited to, an employee or former employee of BCCS 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 in some way by BCCS, any other public or private Ohio adoption or foster care agency or by ODJFS because he or she has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing in connection with an allegation that BCCS engaged in discriminatory acts, policies, or practices as it applies in the foster care or adoption process.

Filing the Complaint

- (1) The individual filing a complaint shall use the JFS 02333 “Discrimination Complaint Form” which will be provided upon request of the complainant. 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.
- (2) The complaint may be filed with any of the following:
 - Butler County Children Services
Attn: Ami Faig, MEPA Monitor
300 N. Fair Ave.
Hamilton, Ohio 45014
 - Any Public Children Services Agency (PCSA), Private Child Placing Agency (PCPA), Private Non- Custodial Agency (PNA) or
 - The Ohio Department of Job and Family Services (ODJFS)
Bureau of Civil Rights
30 E. Broad Street, 37th floor
Columbus, Ohio 43266-0423
- (3) When any complaint alleging discrimination involving RCNO in the foster care or adoption process is received by BCCS the agency will forward the complaint to ODJFS within three working days of date of receipt of the complaint.
- (4) The ODJFS shall notify the agency that is the subject of the complaint within three working days of the receipt of the complaint.
- (5) The ODJFS shall conduct an investigation of the complaint. BCCS, if the subject of the complaint, 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, unless approved by ODJFS.
- (6) ODJFS shall conduct an investigation that shall include, but is not limited to:
 - (a) Face-to-face interviews with the complainant, the respondent and all relevant witnesses.

- (b) Issuance of a final investigation report to the complainant and the agency that is the subject of the complaint. 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 the agency that is the subject of the complaint of the need for additional time.
- (7) Upon completion of the final investigation report, ODJFS shall determine if any action against an agency is warranted. For noncompliance by a Public Children Services Agency, ODJFS may take any action permitted under section 5101.24 of the Revised Code. For noncompliance by a Private Child Placing Agency or a Private Non-Custodial Agency, ODJFS may take action concerning the agency's certificate pursuant to Chapter 5101:2-5 of the Administrative Code.
- (8) No person who has filed a complaint alleging a discriminatory act, policy or practice involving RCNO in the foster care or adoption process of a PCSA, PCPA or PNA 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 BCCS.
- (9) Nothing in this policy prohibits 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 a PCSA, PCPA, PNA, or ODJFS.
- (10) The requirements of OAC rules 5101:2-33-20 (Grievance Review Hearing Policies) found in the BCCS Program Policies under 10.7 Grievance Review Hearing and the Substitute Caregiver Conflict Resolution/Grievance Policy found in these policies do not apply to complaints of discrimination in the foster care or adoption process that involve RCNO.

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 Butler County Children Services employees, these enforcement requirements shall include employee discipline in accordance with Sections 2.1 and 11.3 of the Butler County Children Services Personnel Policy Manual or Article XII of the collective bargaining agreement between BCCS and AFSCME Local 3547.

For contractors/providers performing foster care or adoption services on behalf of Butler County Children 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 and union contracts.

Corrective Action Plan:

BCCS 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 practice. If the finding involves a discriminatory act, policy or practice by a contractor/provider or subcontractor, BCCS shall develop the corrective action plan in collaboration with the contractor/provider or in collaboration with the contractor/provider and subcontractor.

The corrective action shall:

- Address how BCCS 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.

BCCS 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.

Employees or contractors/providers shall receive a copy of the written Standards of Conduct. 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. BCCS and contractors/providers shall ensure that these Standards of Conduct are provided to their employees and subcontractors.

Approval Date:

10/28/2009

A handwritten signature in black ink, appearing to read "Jeff Centers", written over a faint horizontal line.

Jeff Centers, Executive Director