

**Cuyahoga County Division of Children and Family Services  
(CCDCFS)  
Policy Statement**

**Policy Chapter:** Substitute Care  
**Policy Number:** 6.01.12  
**Policy Name:** Multiethnic Placement Act of 1994 (MEPA)  
Standards of Conduct

**Original Effective Date:** 12/11/2006  
**Revision Date(s):** 04/01/2021, 12/01/2017, 09/01/2014, 09/01/2012, 09/14/2009  
**Current Revision Date:** 04/01/2024  
**Approved By:** Jacqueline M. Fletcher

**PURPOSE:** To ensure that Multi-Ethnic Placement Act (MEPA) standards of conduct are published and followed.

**SCOPE:** All CCDCFS employees, agency foster and adoptive caregivers and contracted providers shall follow this policy.

**POLICY**

**I. Standards:**

The Cuyahoga County Division of Children and Family Services (CCDCFS) 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), 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, and do not supercede the provisions of the Indian Child Welfare Act of 1978, 25 U.S.C.A. 1901. These Standards of Conduct prohibit policies, procedures or actions which serve to:

- A. Delay or 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
- B. 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.
  - 1. A PCSA, PCPA, or PNA shall not routinely consider RCNO as a factor in assessing the needs of best interest of children. In each case, the only consideration shall be the child's individual needs and the ability of the prospective foster caregiver to meet those needs.

2. Only the most compelling reasons may serve to justify the consideration of RCNO as part of a placement decision. Such reasons emerge only in the unique and individual circumstances of each child and each prospective foster caregiver. In those exceptional circumstances when RCNO need to be taken into account in a placement decision, such consideration shall be narrowly tailored to advance the child's interests. 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.

## PROCEDURES

- I. **Permissible Actions:** MEPA and Title VI permit the following actions as they apply to the foster care or adoption process:
  - A. Asking about and honoring any initial or subsequent choices made by prospective adoptive parents or foster caregivers regarding what race, color, or national origin of child the prospective adoptive or foster caregivers will accept.
  - B. Honoring the decision of a child over twelve years of age 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.
  - C. Providing information and resources about fostering and/or adopting a child of another race, color or national origin to prospective adoptive parents or foster caregivers who request such information and making known to all families that such information and resources are available.
  - D. Considering the request of a birth parent(s) to place the child with a relative or non-relative identified by name.
  - E. 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 the race, color or national origin need to be a factor in the placement decision and the MEPA review process has been completed. Even when the facts of a particular case allow consideration related to the race, color, or national origin, this consideration shall not be the sole determining factor in the placement decision.
  - F. 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 adoptive parents or foster caregivers.
  - G. Agencies are required to document verbal comments, verbatim, or describing in detail any other indication made by a prospective adoptive or foster caregiver or their 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 adoptive family or foster caregivers have expressed an interest in adopting or fostering.

The documentation shall indicate whether those comments were made before or after completion of the cultural diversity training which is required for all adoptive or foster caregiver 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 shall consider the information to determine if it will impact the placement.

**II. Prohibited Actions:** MEPA and Title VI prohibit the following actions as they apply to the foster care or adoption process:

- A. Using the race, color or national origin of a prospective foster or adoptive parent to differentiate between adoptive placements.
- B. 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 and the agency determines that the placement is in the best interests of the child.
- C. Requiring a prospective adoptive family to prepare or accept a transracial adoption plan.
- D. Using "culture" or "ethnicity" as a proxy for race, color or national origin.
- E. Delaying or denying placement of a child based upon the geographical location of the neighborhood of the prospective foster or adoptive family if 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 people of a particular race, color, or national origin in the neighborhood or any similar purpose.
- F. 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.
- G. Relying upon general or stereotypical assumptions about the needs of children of a particular race, color or national origin.
- H. 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.
- I. "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.
- J. 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.

### III. Prohibition on Retaliation:

CCDCFS' employees, any employee of a PCSA, PCPA or PNA, any prospective or certified foster family and any employee of any other agency with responsibilities regarding the care or placement of a child in the temporary custody or permanent custody of the PCSA, PCPA or PNA, such as, a guardian ad litem (GAL) or court appointed special advocate (CASA) volunteer may not intimidate, threaten, coerce, discriminate against or otherwise retaliate against any individual who has filed an oral or written complaint, testifies, assists or participates in any manner in an investigation related to alleged in the foster care or adoption process.

A. Prohibited retaliatory conduct includes, at a minimum:

1. A reduction in the amount of foster care payments which a family should receive based on the child's needs.
2. Unwarranted poor evaluations of an employer by his or her supervisor.

### IV. MEPA Complaint Procedure:

Any person who believes that CCDCFS, any other public or private Ohio adoption or foster care agency 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 has filed an oral or written complaint, testified, assisted or participated in any manner in an investigation related to alleged violation of MEPA and Title VI 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 CCDCFS or of any other Ohio adoption or foster care agency.
- An adoptive family who believes that a placement was denied or will be denied, solely for reasons of geographic location of the family has available the right to a state hearing.

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:

- CCDCFS Community Relations Unit, 3955 Euclid Avenue, Cleveland Ohio 44115; (216) 432-CARE (2273), 1-800-321-0322, or,
- The Ohio Department of Jobs and Family Services, Bureau of Civil Rights, 30 East Broad Street, 30<sup>th</sup> Floor, Columbus Ohio 43215-3414; (614) 644-2703 or 1-866-227-6353, (TTY) (614) 995-9961 or 1-866-221-6700 or,
- **A complaint may also be made to:** Region V Office of Civil Rights, U.S. Department of Health & Human Services, 233 N. Michigan Avenue, Suite 240, Chicago, Illinois, 60601. (312) 886-2359, (fax) (312) 886-1807, (TDD) (312) 353-5693.
- Any other public or private Ohio foster care or adoption agency.

If the complaint is filed with this agency's Community Relations Unit or with any other public or private Ohio foster care or adoption agency, that individual or agency must forward the complaint within 3 business days to the Bureau of Civil Rights of 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.

#### **V. 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:

- CCDCFS Community Relations Unit  
(216) 432-CARE (2273)  
1-800-321-0322

#### **VI. 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 Ohio Administrative Code.

For CCDCFS employees, these enforcement requirements shall include employee discipline in accordance with either Sections 4 or 4.01 and 7.01 through 7.07 of the Cuyahoga County Employee Handbook or similar provision of a collective bargaining agreement between Cuyahoga County and a union.

For contractors/providers performing foster care or adoption services on behalf of CCDCFS, these enforcement requirements shall include discipline in accordance with the contractor/provider's personnel policy. Enforcement requirements for contractor/provider subcontractors shall include corrective action and may include contract termination.

These enforcement requirements are applied in accordance with applicable employment law and union contracts.

#### **VII. Corrective Action Plan:**

CCDCFS 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, CCDCFS 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 CCDCFS 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.

CCDCFS 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.

If these Standards of Conduct are revised, employees and contractors/providers shall receive a copy of the revised Standards of Conduct within thirty 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. Contractors/providers shall ensure that these Standards of Conduct are provided to and understood by their employees and subcontractors.

**SEE ALSO:**

Ohio Administrative Code 5101:2-33-11  
Ohio Administrative Code 5101:2-48-13  
Ohio Administrative Code 5101:2-42-18.1

**Cuyahoga County Division of Children and Family Services Policies and Procedure Manual**

Policy 6.01.10 Multi-Ethnic Placement Act (MEPA) Monitor  
Policy 6.01.11 Multi-Ethnic Placement Act (MEPA) Complaints of Alleged Discrimination in the Foster Care or Adoptive Process

Adoption Procedures: A Summary of Agency Policy and Procedures