

5101:2-33-11 **Multiethnic Placement Act (MEPA) agency administrative requirements.**

(A) Each public children services agency (PCSA) and private child placing agency (PCPA) shall designate a person from within its agency to serve as the agency's Multiethnic Placement Act (MEPA) monitor to review and monitor foster care and adoptive placement decisions when the agency indicates race, color or national origin (RCNO) may be a factor in a child's placement needs.

(1) The MEPA monitor shall not be the child's caseworker or the caseworker's supervisor.

(2) The MEPA monitor shall not also serve as an agency's civil rights coordinator.

(B) A private noncustodial agency (PNA) is not required to designate a MEPA monitor but shall refer all cases in which RCNO may be a factor in the placement decision to the child's custodial agency for assessment pursuant to rules 5101:2-42-18.1 and 5101:2-48-13 of the Administrative Code.

(C) Each of the following agencies shall complete the JFS 01668 "MEPA Biennial Comprehensive Self-Assessment Report" submit it to the Ohio department of job and family services (ODJFS) by March first of every even numbered year.

(1) A PCSA.

(2) A PCPA that is certified by ODJFS to perform the functions specified in paragraphs (C)(5) through (C)(10) of rule 5101:2-5-03 of the Administrative Code.

(3) A PNA that is certified by ODJFS to perform the functions specified in paragraphs (D)(5) through (D)(9) of rule 5101:2-5-03 of the Administrative Code.

PCPAs and PNAs that are certified by ODJFS that have not previously been required by rule to submit a JFS 01688 to ODJFS, must submit the first JFS 01688 within ninety days of the effective date of this rule. Subsequent reports are to be submitted biennially in accordance with the requirements of this rule.

(D) Each PCSA, PCPA, and PNA operating a foster care or adoption program shall adopt written standards of conduct that will govern the performance of its employees or contractors, as that performance relates 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) and Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq, as they apply to the foster care and adoption process (Title VI). The written standards of conduct shall:

(1) Prohibit denying 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 delaying or denying 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.

- (2) Include enforcement requirements to be used whenever an agency employee or contractor engages in discriminatory acts, policies, or practices involving race, color, or national origin in the foster care or adoption process as determined by ODJFS upon completion of the investigation conducted pursuant to rule 5101:2-33-03 of the Administrative Code. The enforcement requirements shall include standards governing penalties, sanctions, and other disciplinary actions, which could include suspension and/or removal, to be applied in accordance with applicable employment law and union contracts. The standards 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 engaged in discriminatory acts, policies, or practices. The standards shall state that the corrective action plan will address how the agency will prevent future violations by that employee or contractor and shall require that the corrective action plan be submitted to ODJFS within thirty days of notification of the findings of the investigation.

The agency shall provide a copy of the written standards of conduct to each employee or contractor who is engaged in the placement of children into foster care or for adoption, or engaged in the recruitment, assessment, approval, or selection of a foster caregiver(s) or adoptive family. Employees or contractors shall receive a copy of the written standards of conduct within thirty days of the effective date of this rule and within thirty days of the completion of any revisions to the standards of conduct. New employees or contractors shall receive a copy of the written standards of conduct within thirty days of their hire date or the effective date of their contract.

- (E) No PCSA, PCPA or PNA shall require an ongoing, foster care or adoption worker 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.

Replaces: Part of 5101:2-42-18.1, 5101:2-48-05 and
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CERTIFIED ELECTRONICALLY

Certification

01/06/2005

Date

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