

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 (2/06) (MEPA) monitor. ~~The MEPA monitor shall review and monitor foster care and adoptive placement decisions when the agency has a completed JFS 01688 "Individualized Child Assessment" (rev. 02/2005) in effect for the twelve month period from the date of the final decision as documented on the JFS 01688 pursuant to rule 5101:2-48-16 of the Administrative Code.~~

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

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

(B) The MEPA monitor shall review and monitor foster care and adoptive placement decisions when the agency has a completed JFS 01688 "Individualized Child Assessment" (rev. 05/2007), in effect for the twelve month period from the date of the final decision as documented on the JFS 01688 pursuant to rules 5101:2-42-18.1 and 5101:2-48-13 of the Administrative Code.

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

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

~~(B)~~(C) A private noncustodial agency (PNA) is not required to designate a MEPA monitor but shall refer all cases in which race, color, or national origin (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)~~(D) Each of the following agencies shall complete the JFS 01668 "MEPA Biennial Comprehensive Self-Assessment Report" ~~(rev. 01/2005)~~ (rev. 12/09) and submit it to the Ohio department of job and family services (ODJFS) by March first of every even numbered year. The review period shall be the two calendar years prior to the report due date.

(1) A PCSA.

(2) A PCPA that is certified by ODJFS to perform the functions specified in paragraphs ~~(C)(5)~~ (C)(6) to ~~(C)(10)~~ (C)(11) 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)~~ (D)(6) to ~~(D)(9)~~ (D)(10) of rule 5101:2-5-03 of the Administrative Code.

~~(D)~~(E) Each PCSA and PCPA operating an adoption program shall submit the following aggregate data to ODJFS by completing the JFS 01420 "Multiethnic Placement Act Corrective Action and Resolution Plan Data Collection Requirements" (07/2006).

(1) The number of adoptive matches made on children in the agency's permanent custody which were accepted by the family to whom the child was presented.

(2) The number of adoptive matches made on children in the agency's permanent custody which were rejected by the family. Those rejected would include, but is not limited to, matches where the family and child began pre-placement visits; however, the family decided not to accept the child.

~~(E)~~(F) The data for ~~calendar year 2006~~ shall be submitted to ODJFS by ~~May 1, 2007~~ May first of each year. The data for years 2007 and 2008 shall be submitted by ~~May 1, 2008 and May 1, 2009~~ respectively. ~~Any data for calendar years 2004 and 2005 which was submitted prior to the issuance of Procedure 98 shall be resubmitted within thirty days of the effective date of this rule.~~

~~(F)~~(G) 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) (1/2/06) and Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, (1/2/06)~~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 require 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. 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.~~

- ~~(a) The enforcement requirements shall include standards governing penalties, sanctions, and other disciplinary actions, which may include suspension and/or removal, to be applied in accordance with applicable employment law and union contracts.~~
- ~~(b) 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.~~
- ~~(c) The standards require that the corrective action plan will address how the agency will prevent future violation 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.~~
- ~~(d) 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. 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.~~

~~(G)(H)~~ 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.

Effective:

R.C. 119.032 review dates: 11/05/2009

Certification

Date

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