

Ohio Department of Job and Family Services
**NON-DISCRIMINATION REQUIREMENTS FOR FOSTER CARE AND
ADOPTIVE PLACEMENTS**

The Multiethnic Placement Act of 1994, 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 it applies to the foster care and adoption process (Title VI), are designed to decrease the time children wait for foster care and adoption placement, prevent discrimination in the placement of children, and aid in the identification and recruitment of foster and adoptive families who can meet each child's needs. They prohibit any agency using federal funds from denying any person the opportunity to become an adoptive parent or foster caregiver on the basis of race, color or national origin (RCNO) of that person, or of the child involved and from delaying or denying the placement of a child for adoption or foster care on the basis of race, color or national origin of the adoptive parent or parents, of the foster caregiver or caregivers, or the child involved.

Under MEPA and Title VI, no agency may routinely consider RCNO as a factor in assessing the needs or best interests of children. In each case, the only consideration shall be the child's individual needs and the ability of the prospective foster caregiver or adoptive parent to meet those needs. Only the most compelling reasons may serve to justify 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 or adoptive parent. In those exceptional circumstances when RCNO need to be taken into account in a placement decision, such consideration must be narrowly tailored to advance the child's best interest. 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.

The following actions by a PCSA, PCPA, or PNA are permitted under MEPA and Title VI:

- Asking about and honoring any choice made by prospective foster caregivers or prospective adoptive parents regarding the child's RCNO the prospective foster caregivers or prospective adoptive parents will accept.
- Honoring the decision of a child over 12 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.
- Providing information and resources about adopting a child of another RCNO to prospective foster caregivers or prospective adoptive parents who request such information and making known to all families that such information and resource are available.
- Considering the request of a birth parent(s) to place the child with a relative or nonrelative identified by name.

This form is used in compliance with the Ohio Administrative Code rules 5101:2-48-05 and 5101:2-42-18.1

- Considering the RCNO of the child as a possible factor in the placement decision when compelling reasons serves to justify that RCNO need to be a factor in the placement decision. 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.
- 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 caregivers or adoptive parents.
- Documenting verbal comments, verbatim, or documenting in detail any other indication made by a prospective foster caregiver or prospective foster caregiver family member or prospective adoptive parent or prospective adoptive family member living in the household reflecting a negative perspective regarding the RCNO of a child for whom they have expressed an interest in fostering or adopting and indicating whether those comments were made before or after completion of the cultural diversity training which is required for prospective foster care and adoptive applicants.

The following are examples of actions prohibited under MEPA and Title VI:

- Using the RCNO of a prospective foster caregiver or prospective adoptive parent to differentiate between adoptive placements for a child.
- Honoring the request of a birth parent(s) to place a child with a prospective foster caregiver or a prospective adoptive parent of a specific RCNO, 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.
- Requiring a prospective foster caregiver or prospective adoptive family to prepare or accept a transracial foster care or adoption plan. Using "culture" or "ethnicity" as a proxy for RCNO.
- Delaying or denying placement of a child based upon the geographical location of the neighborhood of the prospective foster caregiver or a prospective adoptive family whenever geography is being used as a proxy for the racial composition of the neighborhood, the demographics of the neighborhood, the presence or lack of presence of a significant number of persons of a particular RCNO in the neighborhood or any similar purpose.
- Requiring extra scrutiny, additional training, or greater cultural awareness of individuals who are prospective foster caregivers or prospective adoptive parents of children of the different RCNO than required of other prospective foster caregivers or prospective adoptive parents.
- Relying upon general or stereotypical assumptions about the needs of children of a particular RCNO.

- Relying upon general or stereotypical assumptions about the ability of prospective foster caregivers or prospective adoptive parents of a particular RCNO to care for or nurture the sense of identity of a child of another RCNO.
 - "Steering" prospective foster caregivers or prospective adoptive parents away from parenting a child of another RCNO. "Steering" is any activity that attempts to discourage prospective foster caregivers or prospective adoptive parents from parenting a child of a particular RCNO.
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