



Ohio Administrative Code

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

Effective: April 12, 2021

(A) Each public children services agency (PCSA) and private child placing agency (PCPA) shall designate a person to serve as the agency's internal monitor for the purposes of the Multiethnic Placement Act, Oct. 20, 1994, P.L. 103-382, as amended by Section 1808 of the Small Business Job Protection Act of 1996, Aug. 20, 1996, P.L. 104-188 (MEPA), and the Civil Rights Act of 1964 (Title VI). PCSAs and PCPAs may share MEPA monitors from other PCSAs or PCPAs to fulfill MEPA monitoring functions.

(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) 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) The MEPA monitor shall review and monitor foster care and adoptive placement decisions when the agency has a completed JFS 01688 "Individualized Child Assessment." The JFS 01688 is in effect for twelve months 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.

(D) Annually each PCSA, PCPA, and PNA is to review and update their foster care and adoption recruitment plan. The review and update is to be completed in the statewide automated child welfare information system (SACWIS) by June thirtieth each year.

(E) 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, MEPA and the Civil Rights Act of 1964 (Title VI) as they



apply to the foster care and adoption process. 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.
 - (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.
- (F) No PCSA, PCPA or PNA shall require an employee to justify a proposed placement for the reason that the race, color or national origin of the child is different from the family whom the



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worker is proposing as the child's foster caregiver or adoptive parent.