

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) (hereinafter "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 (hereinafter "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. It prohibits 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 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 race, color or national origin 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 race, color or national origin 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 race, color or national origin 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 race, color or national origin, 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 adoptive parents or prospective foster caregivers regarding what race, color or national origin of child the prospective adoptive parents or prospective foster caregivers will accept.
- Honoring the decision of a child over 12 years of age to not consent to an adoption when that decision has been approved by a court pursuant to section 3107.06 of the Revised Code.
- Providing information and resources about adopting a child of another race, color or national origin to prospective adoptive parents or prospective foster caregivers 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 5101:2-5-13.

- Considering race, color or national origin as a possible factor in the placement decision when compelling reasons serve to justify that race, color or national origin needs to be a factor in the placement decision. Even when the facts of a particular case allow consideration related to race, color or national origin, this consideration shall not be the sole determining factor in the placement decision.
- Discussing the special cultural and physical needs of children of different races, ethnicities, and national origins as part of the training which is required of all persons who seek to become eligible to be adoptive parents or foster caregivers.
- Documenting verbal comments, verbatim, or documenting in detail any other indication made by a prospective adoptive family member or prospective foster caregiver family member living in the household reflecting a negative perspective regarding the race, color or national origin of a child for whom they have expressed an interest in adopting and indicating whether those comments were made before or after completion of the cultural diversity training which is required for all prospective adoptive or foster care applicants.

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

- Using the race, color or national origin of a prospective adoptive parent or foster caregiver to differentiate between adoptive placements for a child, unless an individualized assessment has been completed.
- Honoring the request of a birth parent(s) to place a child with a prospective adoptive parent or prospective foster caregiver 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 welfare protection standards, unless the agency determines that the placement is not in the best interests of the child.
- Requiring a prospective adoptive family or a prospective foster caregiver to prepare or accept a transracial adoption or foster care plan.
- Using "culture" or "ethnicity" as a proxy for race, color or national origin.
- Delaying or denying placement of a child based upon the geographical location of the neighborhood of the prospective adoptive family or a prospective foster caregiver 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 race, color, or national origin in the neighborhood or any similar purpose.
- Requiring extra scrutiny, additional training, or greater cultural awareness of individuals who are prospective adoptive parents or foster caregivers of children of a different race, color or national origin than required of other prospective adoptive parents or foster caregivers.

- Relying upon general or stereotypical assumptions about the needs of children of a particular race, color or national origin.
- Relying upon general or stereotypical assumptions about the ability of prospective adoptive parents or prospective foster caregivers 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.
- "Steering" prospective adoptive parents or foster caregivers away from parenting a child of another race, color, or national origin. "Steering" is any activity that attempts to discourage prospective adoptive parents or prospective foster caregivers from parenting a child of a particular race, color or national origin.