



Athens County Children Services

Adoption Policies and Procedures

The following policies are available upon request to individuals interested in adoption services.

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Adoption Policies and Procedures

I. Description of Children Available for Adoption through Athens County Children Services

Children available for adoption through this agency generally have a history of physical and/or sexual abuse and neglect. It should be noted that this document contains special needs factors that relate to subsidy eligibility but most of our children have special needs apart from those criteria. Infants are rarely available for adoption. Infants who are available, are often part of a sibling group and/or may have tested positive for drugs and/or alcohol at birth. Families seeking to adopt infants with no special needs would be better served by working with a private agency.

II. Families Served and Geographic Area Served

Athens County Children Services (herein referred to as ACCS) will conduct adoption homestudies for individuals and families residing in Athens County. At the discretion of the agency, homestudies will be conducted for individuals and families residing in contiguous counties based on family's desire to work with ACCS and ACCS staff availability. ACCS does not provide homestudy assessment for families pursuing private, stepparent or international adoption.

III. Religious Affiliation

There are no religious affiliation requirements. Families may actively practice a religion or not at their choice.

IV. Training Requirements for Adoptive Families

Adoption applicants must complete 36 hours of pre-placement (pre-service) training using the Ohio Child Welfare Training Program standardized curriculum. This training is available locally through the Southeast Ohio Regional Training Center in Athens and at other sites in the state. Listings are available at www.ocwtp.net Training is available in Athens at least twice a year and in nearby counties frequently throughout the year. Both parents in two parent families are required to participate. Missed sessions may be made up at any OCWTP training site. ACCS may waive components of the requirement for education and training if the assessor determines that the family has received training previously or the family has the skills to care for the needs of the child that will be placed in the home. Training on cultural issues cannot be waived. Training may not be waived for dual applications for foster care and adoption. The purpose of this training is to help families to begin a realistic decision about proceeding with adoption and to assist families in developing reasonable expectations of the needs of the children available for adoption through the public child protection system. Participating in training does not obligate the parent and there is no charge for the training.

V. Joint Foster Care/Adoption Application and Homestudy Assessment Process

Families may be simultaneously approved for adoption and foster care, however joint applicants must be 21 years of age and meet all the individual requirements for both foster care and adoption to be jointly approved.

Home studies for families applying to adopt special needs and non special needs children will be initiated following the completion of preservice training and within 30 days of receipt of the completed application. Applications are available anytime upon request, but are routinely provided to applicants during or at the

completion of preservice training. Three or more face-to-face interviews will be conducted in the course of obtaining information for the home study. At least one interview will occur in the home of the applicants, other interviews may take place in the Children Services offices or other mutually agreed upon locations. The home study will include statements regarding the following topics: family background, physical condition of family members, summary of references, assessment of home and property (including site and safety requirements), discipline techniques, family relationships, review of personal characteristics of applicants and their ability to successfully parent an adoptive child, summaries of the BCII (Ohio's Bureau of Criminal Identification and Investigation) and FBI record checks, state automated child welfare information system (SACWIS) and central registry (until SACWIS is fully implemented statewide), out of state registries for states of residence for five years prior to application, fire inspection report and any additional assessments deemed necessary by the agency. Additional physical, psychiatric or psychological examination or treatment may be required by the agency if needed to ensure the safety, health or care of an adoptive child. To be considered eligible for approval as an adoptive family, the above documents must indicate that an adoptive child would be safe in the home and have all basic needs met.

Applications shall be completed on the required form. The agency shall not accept an incomplete application. Applications found to contain inaccurate or wrong information shall be denied pursuant to rule 5101:2-5-26 of the Administrative Code. The applicant who submits an incomplete application shall not have an opportunity for a hearing pursuant to Chapter 119 of the Revised Code.

Adoptive applicant(s) or approved adoptive parent(s) shall notify the ACCS in writing if a person residing in the home who is twelve years old, but under eighteen years old, has been convicted or pleaded guilty to any offense listed in appendix A of rule 5101:2-48-10 of the Administrative Code or has been adjudicated to be a delinquent child for committing an act that if committed by an adult, would constitute one of those offenses.

Home studies will be completed within six months of application if all application material is provided in a timely manner by the family. If references fail to respond we will request additional references. Timeliness on the part of the prospective parent(s) in providing requested documentation is critical to completion of the homestudy within these time frames. ACCS will not continue with the homestudy process if all required documentation is not submitted within one year of receipt of the initial or revised application unless the agency makes a determination that the homestudy should not be terminated. The applicant shall be notified in writing 30 days prior to termination of the application.

The final decision on content remains with the Assessor and Supervisor unless otherwise directed by the Executive Director through the complaint process

Homestudies which meet the special needs of individual children will be regularly considered for potential adoption matches.

Each family will be entered into this agency's data base of available families which will be reviewed when matching children with appropriate families.

VI. Multiple Children/Large Family Assessments

Multiple Children/Large Family Assessments shall be conducted (12/2006) when an applicant seeking to adopt a minor or foster child will have at least five children residing in the prospective adoptive home after the minor or foster child to be adopted is placed in the home for adoption. The agency who holds the family's adoption homestudy generally carries out this assessment.

VII. Criminal Records Check Requirements and Fees Associated with Obtaining a Criminal Records Check Pursuant to the Provisions Set Forth in Section 2151.86 of the Revised Code.

All adoptive applicants as well as other adults living in the home will complete a criminal record check through the Bureau of Criminal Identification and Investigation as well as the FBI. The fingerprinting will be performed at Athens County Children Services or other approved site. Applicants could be assessed a fee for the cost to the agency for this service should budget constraints warrant. Out of state central registries will be checked for applicants unable to prove five years of continuous residence in Ohio immediately prior to application. Athens County Children Services also conducts a driving record check and checks of county and municipal records as well as the Statewide Automated Child Welfare Information System (SACWIS). Household members who turn eighteen years of age shall have a BCII background check and FBI check, as outlined in rule 5101:2-48-10 of the Administrative Code, initiated within ten working days of the date they turned eighteen years of age.

VIII. Falsification of an adoption application or homestudy

Per Ohio Revised Code 3107.031, A person seeking to adopt a minor who knowingly makes a false statement that is included in the written report of a home study conducted pursuant to this section is guilty of the offense of falsification under section 2921.13 of the Revised Code.

ACCS upon an internal investigation shall refer all cases to the county prosecutor in which there is probable cause to believe that falsification of an adoptive application or homestudy has been committed under section 2921.13 of the Revised Code. ODFJS rule 5101:2-33-13. ACCS shall follow procedures as outlined in rule 5101:2-33-13 of the Administrative Code when an agency determines there may knowingly be falsification on an adoptive application or homestudy.

The assessor of ACCS shall report in writing a person who knowingly makes a false statement on an application or homestudy document during the homestudy process to the agency administrator or designee within three days of the assessor's determination of possible falsification. The written statement shall include, but is not limited to: The original application completed by the applicant and documentation verifying the information reported on the application or in the homestudy by the applicant is knowingly false.

ACCS shall within fourteen days of the determination of falsification, send a notification letter to the applicant indicating that the information submitted to the agency had been determined to be knowingly false. The notice shall include procedures for an agency review and shall include all of the following information, date notification letter is prepared by the assessor, mailing address of the applicant(s), a statement indicating the homestudy process will discontinue because the agency has probable cause to believe the information provided by the applicant on the JFS 01691, "Application for the Placement of a Child" (rev. 12/2006) or during the homestudy process is knowingly false, a copy of the information that is alleged knowingly false, documentation verifying the information submitted on the JFS 01691 or during the homestudy process that is knowingly false, a statement indicating that all cases in which it is determined by the agency the applicant made knowingly false statements will be referred to the county prosecutor office in the county the applicant(s) reside.

The applicant(s) has a right to an agency review to respond to the alleged falsification. If the applicant(s) fails to respond within the fourteen day period, the applicant(s)' application is withdrawn, and the action of refusing to respond to allegations of knowingly making false statement(s) has resulted in the applicant(s) selecting themselves out of continuing the homestudy process. The notification letter shall be mailed to the applicant by certified mail.

If the applicant responds within fourteen days of the date of receipt of the written notice alleging falsification, ACCS is responsible for reviewing information received from the adoptive applicant within twenty-one days of receipt of the applicant(s) response. ACCS shall conduct an internal investigation that shall include but not limited to: Face-to-face visit with the adoptive applicant, and all relevant witnesses, if available; issuance of a final investigatory report to the adoptive applicant(s) that is the subject of the investigation. The report shall include the allegations, relevant background information deemed appropriate by the agency, the results of the investigation and recommendation of whether or not the agency found probable cause to indicate the applicant(s) made knowingly false statements on the application for child placement or during the homestudy process. ACCS shall notify the applicant(s) no later than ten days after the agency review.

If unanticipated circumstances require additional time to complete the investigation or to issue the final report, ACCS shall notify the adoptive applicant that is the subject of the investigation of the need for additional time. The extension shall not be longer than fourteen days after the agency notifies the applicant(s) of the need for additional time to complete the investigatory report.

ACCS shall provide written notification, within thirty days, to the adoptive applicant of any action to be taken. Upon completion of the final investigation report and the agency determines there has been no falsification made by the applicant(s), ACCS shall resume the homestudy process if the applicant(s) chooses to proceed. The homestudy shall be completed within one hundred eighty days from re-commencement.

ACCS shall include in the adoptive family case record all documentation which supports the ACCS' action in determining the results and recommendation of the internal investigation.

When an adoptive child is placed in an approved adoptive parent(s) home and the adoptive parent(s) or other household member(s) knowingly made a false statement that results in the assessor's reassessment of an approved or updated homestudy, the prospective adoptive parent(s) or other household member(s) is guilty of the offense of falsification under section 2921.13 of the Revised Code. The assessor shall report incidents of falsification according to the procedures pursuant to rule 5101:2-33-13. The Executive Director or designee must determine in twenty-four hours of completing the agency's internal investigation, if there is probable cause related to the adoptive child's safety and well-being to remove the child from the adoptive parent(s) home until the result of an investigation is rendered.

IX. Notification of the public children services agency in the county in which the prospective adoptive parent resides of the initiation of the homestudy

When conducting adoption homestudies for families that reside outside of Athens County, ACCS will notify the public children services agency in the county in which the prospective adoptive parent(s) resides in writing within ten days after initiation of a home study per ORC 3107.10. A copy of that correspondence will be maintained in the adoptive home study.

X. Use of Boarding Homes

Athens County Children Services will not approve for adoption any home where the prospective parent(s) live in a home operated as an adult boarding home whether licensed for boarding purposes or not licensed. A boarding home is defined as a home where non-related adults occupy rooms and/or share common living space in the home.

Duplexed or tri-plexed structures where renters have separate entrances and no shared living space are eligible for consideration. Athens County Children Services reserves the right to require background checks of all the renters. The final decision regarding use of such homes rests with adoption staff.

XI. Homestudy Updates

Updates to the initial study must be completed at least once every 2 years. The adoptive family or applicant must notify the agency within 24 hours of any of the following changes and amendments must be made within 30 days of notification if any of the following circumstances occur:

1. Change in marital status of the adoptive parent
2. Change in the health status of the adoptive parent or household member
3. Finalization of an adoptive child
4. A change in the number of child household members through birth, or kinship who have not reached the age of majority.
5. Death of a child or other household member
6. Criminal conviction of the adoptive parent or other household member
7. Adoptive parent(s) shall notify the ACCS in writing if a person residing in the home who is twelve years old, but under eighteen years old, has been convicted or pleaded guilty to any offense listed in appendix A of rule 5101:2-48-10 of the Administrative Code or has been adjudicated to be a delinquent child for committing an act that if committed by an adult, would constitute one of those offenses.
8. Change in the number of adult household members
9. Change of address (will need a new safety audit and fire inspection).
10. Change in the number of child household members through birth, kinship.
11. Significant change in financial status or income.

New child household members shall have a medical statement (ODJFS 1653) completed within 60 days of the date they became a household member. Children who are household members and turn 18 years of age, must have background checks within 10 days of turning 18.

If a new adult member joins the household, that adult shall have a medical statement (ODJFS 1653) within 60 days, background checks within 10 days and a Central Registry/SACWIS search initiated within 10 days.

The homestudy must be updated every two years from the date of adoption approval or at the time of foster care certification (if the family is dually approved/licensed) whichever date is sooner. The adoptive applicant is notified in writing of the required update 90 to 120 days prior to the homestudy update due date. This “Notification of Adoption Homestudy Update” includes:

1. Due date of the homestudy update
2. Requirement that the adoptive parent sign and return the Notification prior to the due date to indicate they wish to have the update completed
3. Notification that if the update is not completed before the due date, the homestudy will expire:
4. If the homestudy expires and the family wishes to continue to be considered for adoption, a new Application must be submitted and a full homestudy assessment must be completed

The homestudy update “Assessment for Child Placement Update”, JFS 1385 must be completed prior to the update due date and consists of an interview with the applicants and other household members and the completion of the safety audit (JFS 1348). The family’s assessment of the adoptive experience is reviewed, as well as the applicant’s strengths, growth areas, training needs, if any, changes in income, employment, health status, and significant family events. A professional or other reference is required as well as a Central Registry check in SACWIS. Background checks including BCI&I and FBI checks are completed every four years.

The applicant will be notified in writing of the approval or denial of the update. If the homestudy update and/or foster home license are not approved, the applicants will be informed of the specific reasons for the denial and given an opportunity to request an agency review/grievance board hearing.

XII. Access to Homestudies Approved by ACCS.

ACCS shall make its homestudies of all approved families, who have signed the authorization for release of information form, available to any other agency which requests a copy of the homestudy. The homestudy shall be released within fifteen days after a request has been made as long as the authorization for such release has been submitted to ACCS and required fees have been paid. See Schedule of Fees. Documentation of the dates of the request and release of the homestudies will be made in the case recordings of the approved adoptive family.

The homestudy, not including reference letters, may be released to the adoptive applicant at their request for their own perusal. A family may review the home study and suggest items to be added or deleted. Families may not directly submit their homestudy to other agencies per ODJFS rule 51012:48 as those agencies are not allowed to consider homestudies submitted directly from the prospective family.

XIII. Notification of the public children services agency in the prospective adoptive family's county of residence of an impending adoptive placement

ACCS will send written notification to the adoptive family's county of residence, i.e. the county where the child is being placed, of the intent to place the child(ren) for adoption. This will be done no less than ten days before the placement and will include a description of the child's special needs, the child's age, the name of the adoptive parents and the number of children being placed for adoption.

XIV. Sharing and Transferring Adoptive Homestudies

Sharing Adoptive Homestudies

ACCS shall only consider approved homestudies forwarded by a PCSA, PCPA, private non-custodial agency (PNA) or comparable agency of another state. ACCS shall not require any additional documentation for the homestudy beyond the requirements of Chapter 5101:2-48 of the Administrative Code. If the approved adoptive family signed an authorization for release of information, ACCS shall make the homestudy available to any other agency requesting a copy of the homestudy for sharing or transferring. ACCS shall release the homestudy and related materials, including the JFS 01530 "Multiple Children/Large Family Assessment" (Rev.12/2006) within fifteen days after the request is made as long as the requirements outlined in paragraph (L) are met.

Falsification

ACCS shall not release or accept a homestudy for sharing or transferring purposes if it is determined an application or homestudy contains a false statement knowingly made by the applicant(s) and is included in the written report of the homestudy. If ACCS determines a homestudy is falsified, ACCS shall follow the procedures outlined in rule 5101:2-33-13 of the Administrative Code (See falsification section of policies). If ACCS released a homestudy and the agency in receipt of the homestudy determines the homestudy contains a knowingly false statement, the agency in receipt of the homestudy shall not consider the homestudy in the matching process and shall notify the sending agency in writing of the false statement within three days of determination of the false statement.

Transfers of Adoptive Homestudies

The receiving agency shall not approve the transfer request until the following information is received and approved by the agency. Three new personal references from three persons unrelated to the prospective adoptive parent and do not live with the prospective adoptive parent. A new criminal records check is obtained, reviewed and approved by the assessor for all persons subject to a criminal records check residing in the home. A new safety audit of the adoptive home is conducted to verify the home meets all current safety requirements. Documentation of the assessor's decision to recommend approval of the transfer request. The prospective adoptive parent and the sending agency are sent a written notice of the receiving agency's decision within five working days of the decision. If an incomplete homestudy is received from an agency, the receiving agency shall notify the sending agency in writing within ten days from the date of receipt of the incomplete homestudy. The written notification shall indicate the information needed in order for the homestudy to be considered complete as required by Chapter 5101:2-48 of the Administrative Code. The sending agency shall respond within fifteen days from the date of receipt of the written notification from the receiving agency. Upon acceptance of the transfer of an adoption homestudy, the JFS 01334 shall be completed and signed by both the sending and receiving agencies. Homestudies from other agencies shall be regularly considered for potential adoption matches pursuant to rule 5101:2-48-16 of the Administrative Code. See Schedule of Fees, Section XXV.

XV. Adoptive Family Homestudies from Other Agencies

ACCS shall only consider approved homestudies that have been forwarded by public or private, custodial or noncustodial agency or comparable agency of another state. ACCS shall not require additional documentation for the homestudy beyond that which is required by Chapter 5101:2-48 of the Administrative Code. When approved homestudies are forwarded to ACCS for a specific child, ACCS will consider those homestudies in the same manner in which the agency considers its own homestudies approved within the agency. Approved homestudies received from any other agency, at the discretion of ACCS, are maintained in the same manner as other adoptive homestudies that were approved by ACCS and are integrated into ACCS files of approved homestudies. Homestudies not maintained, or homestudies that are maintained and expire are shredded.

XVI. Criteria for matching adoptive parents to available children

A. Consideration of placing siblings together and preferences to placing with relatives and foster caregivers pursuant to rule 5101:2-48-16 of the Administrative Code

Siblings will be placed together wherever such placement is assessed as being in the best interests of all of the siblings.

The child's preference may be considered if the child has the capacity to express a preference.

Regardless of the geographic location, the following preferential order shall be given when considering families in the matching process:

- (1) If the child is a member of a federally recognized tribe or Alaskan Native Village, the Indian Child Welfare Act of 1978, 25 U.S.C.A. 1901 (1/2/06) (ICWA) shall take precedence for an adoption.
- (2) If only one relative or if only the child's current foster caregiver has expressed an interest in adopting the child, and if the agency deems that placement with the relative or foster caregiver is in the child's best interest, the agency shall give preference to this family in the placement selection. The agency is not required to consider other families in the matching conference.

(3) Any relative or foster caregiver who has expressed interest in the child, shall be considered at the matching conference. The following is the preferential order for the placement of a child if more than one family is being considered for placement:

- (a) An adult relative.
- (b) The foster caregiver with whom the child resides, if the child has substantial emotional ties to the foster caregiver and if the removal of the child from placement with the foster caregiver would be detrimental to the child's well-being.
- (c) A foster caregiver with whom the child has previously resided at any time.
- (d) An approved adoptive parent(s) who is accepting of the child's characteristics and who has expressed an interest in adopting the child.

B. Timely search for prospective parents for a child in the permanent custody of ACCS

Within ninety days of the date of obtaining permanent custody of a child or resolution of an appeal, ACCS will list available children on the agency website at www.athenschildrengeservices.com *children waiting* page. Additionally children may be listed on the AdoptUSKids website at www.adoptuskids.org ACCS will also search the ACCS Available Adoptive Homes Database for potential matches. When all agencies have the ability to list available adoptive families in SACWIS, the agency shall conduct a search for prospective families in the statewide automated child welfare information system if there are no families identified to be presented at any matching conference.

If there are no families available to be considered at a matching conference for a specified child, ACCS shall conduct child specific recruitment for the child prior to the next matching conference. This includes at a minimum:

1. Distribution of written information regarding the child to two or more adoption agencies.
2. Review of the case file for relatives or individuals in the child's past who may be able and willing to provide a permanent home for the child.
3. Exploration with the child of the individuals with whom the child is familiar who may be able and willing to adopt the child.

C. Procedures to review all approved adoptive families for matching with available children.

The Athens County Children Services MEPA Monitor is invited to all matching meetings to assure compliance with this policy.

Athens County Children Services will not use the family's geographical location as the basis for denying or delaying a child's adoptive placement. A state hearing through the Ohio Department of Job and Family Services is available if a prospective applicant(s) believes that an adoptive placement was denied or will be denied solely for the reasons of geographic location of the family.

A copy of the JFS 01611 "Non-discrimination Requirements for Foster Care and Adoptive Placements" (rev. 02/2005) is attached to these policies.

When there are more than five families who may be a potential match the agency may narrow the field to a minimum of five families based on the level of experience a family has working with the specific medical, behavioral, or mental health challenges a specific child presents, and the preference to keep siblings together.

If a family was previously considered for a child in a matching conference and was not interested in the child, ACCS is not required to consider the family for the same child in subsequent matching conferences.

D. Matching Process

Families are considered for placement based on how child characteristics that are acceptable to them match with the child's characteristics. Matching Conferences are a structured decision making process that address all needs of the child and assesses the ability of the prospective family to meet those needs. Matching meetings are conducted per ODJFS rule 5101:2-48-16. All families accepting of the child's characteristics shall be considered by the agency to be presented in the matching conference. The family who matches the child's needs most closely is matched with the child.

E. Length of time between placements

One year between adoptive placements is recommended to allow for adjustment of the child and all family members. This policy may be waived at the discretion of the agency for sibling placements, foster parent adoptions or when a significant relationship exists between the adoptive applicant and the available child.

XVII. Notifications required of adoptive parents prior to finalization

A. An approved adoptive parent shall notify the recommending agency within one hour of any of the following circumstances involving the adoptive child whose adoption is not finalized:

- (1) A serious injury or illness involving medical treatment of the adoptive child.
- (2) The death of the adoptive child.
- (3) Unauthorized absence of the adoptive child from the home.
- (4) Removal of the adoptive child from the home by any person or agency other than the placing agency, or attempts at such removal.
- (5) Any involvement of the adoptive child with law enforcement authorities.

B. An adoptive parent shall notify the recommending agency within twenty-four hours or the next working day if any of the following occur prior to finalization of the adoption of the child:

- (1) A change in the marital status of an approved adoptive parent(s).
- (2) Any serious illness or death of an approved adoptive parent(s) or household member.
- (3) The finalization of an adoptive child placed by a different agency.
- (4) A change in the number of household members through birth or kinship who have not reached the age of majority.

- (5) A change in the number of adults residing with the approved adoptive parent (not including an existing household member reaching the age of majority).
- (6) A criminal charge or conviction of any approved adoptive parent or other adult household member(s).
- (7) A significant change in financial status/income.
- (8) The physical relocation of the approved adoptive parent(s) resulting in a change of address different than the address listed on the most recent homestudy or homestudy update.
- (9) Adoptive parent(s) shall notify the ACCS in writing if a person residing in the home who is twelve years old, but under eighteen years old, has been convicted or pleaded guilty to any offense listed in appendix A of rule 5101:2-48-10 of the Administrative Code or has been adjudicated to be a delinquent child for committing an act that if committed by an adult, would constitute one of those offenses.

XVIII. Pre Finalization Services

A. All families who have an adopted child placed in their home will receive, free of charge, six months-one year of pre-finalization services. These services may include provision or linkage to the following:

1. case management services
2. counseling services
3. crisis intervention
4. diagnostic assessment
5. therapeutic services

B. These services are designed to achieve the following objectives:

1. Help the child, the adoptive and foster families cope with the inherent stress of the move.
2. Help the child adjust to a new family and environment.
3. Help the families adapt to the changes in the family system and facilitate the development of healthy family relationships.
4. Help the child maintain emotional ties with persons who are important to him.
5. Help the child deal with issues of separation and loss.
6. Assist the family in accessing appropriate community resources.
7. Educate and empower the parents to use therapeutic behavior management techniques.
8. Build sources of ongoing support for the child and family.

XIX. Open Adoption

A. Athens County Children Services provides services to birth, adoptive parents and adoptive children. Pre and post-adoption counseling for birth parents considering an adoption plan are available. Birth parents may participate, in conjunction with a case manager, in the following activities:

- 1) Review non-identifying summaries of the adoptive parents and provide input
- 2) Provide pictures of themselves and family members for the child, mementoes or anything they want their child to have
- 3) Exchange letters or other written information with the adoptive parents
- 4) Receive pictures or information about their child periodically throughout the child's life

B. In the case of an infant placement, the following may also be mutually agreed upon and arranged. Occasionally these services are also available in non-infant placements.

- 1) Meet the adoptive family
- 2) Be present at the time of placement
- 3) Periodic visitation
- 4) Contact with other birth relatives such as grandparents or other extended family members.

C. In cases where parental rights are severed through ACCS pursuing and being granted permanent custody of the child which makes him/her eligible for adoption, there are sometimes situations where adoptive families are sought for matches who are willing to maintain positive existing relationships for a child. The degree of openness sought in a prospective adoptive family is based upon the needs of the child and is delineated in recruitment materials for that child. This is a sensitive area for many families and can be a source of anxiety for some, but ACCS has encountered a number of situations where willing adoptive families in conjunction with birth families have successfully maintained varying degrees of openness. ACCS does not advocate for maintenance of relationships which would be believed to be detrimental to the child or place him or her at risk.

D. After the legalization of the adoption, it is important to remember that the obligation to uphold the openness in the relationship is now an ethical, rather than a legal decision. At the point of legalization, adoptive parents are given the responsibility of deciding what is in the best interest of their child. Adoptive parents may request the assistance of a post adoption caseworker as an intermediary or in other appropriate capacities.

XX. Special Needs Children

A. Almost all of the children in the permanent custody of ACCS who are available for adoption are considered special needs as defined by at least one of the following characteristics.

B. A special needs child is a child who, prior to substitute care or adoptive placement, has at least one of the following needs or circumstances that may be a barrier to placement or adoption or a barrier to a child being sustained in a substitute care placement or adoptive home without financial assistance because the child:

- 1) Is in a sibling group being adopted together or as part of a previously adopted biological sibling group with whom the child should be placed
- 2) Is a member of a minority or ethnic group
- 3) Is six years of age or older
- 4) Has remained in the permanent custody of the agency for more than one year without being placed in an adoptive home
- 5) Has been in the home of his/her prospective adoptive parents as a foster child for at least one year and would experience severe separation and loss if placed in another setting due to his/her significant emotional ties with the foster parent(s) as determined by a qualified mental health professional
- 6) Has experienced previous adoption disruption or three or more disrupted substitute care placements while in the custody of the agency.
- 7) Has a developmental disability, developmental delay, mental illness or mental retardation, medical defined by rule, diagnosed by a qualified professional within their area of expertise.
- 8) Child or child's biological family has a social or medical history that establishes a substantial risk of developing a mental disability, developmental delay, mental illness, mental retardation or medical condition.

XXI. Subsidies

A. Subsidy programs are financial assistance programs whose purpose is to make permanent homes possible for children with special needs. A wide variety of subsidy options are available. These subsidies can help with the general costs of rearing a child or may be to pay for a specific service the child needs. Children who receive subsidies must meet the special needs criteria and financial criteria which vary dependent on the subsidy program. Information about all these subsidy programs will be provided to all families who are approved for adoption and again at the time a placement is made. Athens County Children Services presents all subsidy requests (except PASSS) to the Board for final approval. The subsidy programs are:

1. Federal IV-E Adoption Assistance
2. State Adoption Subsidy
3. Non-recurring expenses of adoption
4. Athens County Special Services Subsidy
5. Covered Families and Children Medicaid
6. Post-Adoption Special Services Subsidy (PASSS)

B. Federal IV-E Adoption Assistance

The majority of children in the permanent custody of ACCS are eligible to receive a monthly subsidy through the Federal Title IV-E program. Eligibility is determined based on the birth family income and special needs factors of the child. This may include a Medicaid card to cover a variety of health related services. Application is made to the county having custody of the child and must be submitted prior to finalization. If all other eligibility criteria are met, and the only special needs factor met is that the child has been determined at substantial risk, with no manifestation of a special needs factor at the time of adoptive placement, an Adoption Assistance Agreement only with no payment shall be entered into in accordance with rule 5101:-49-07. (Agreement set at \$0.00 which allows for renegotiation later if eligible needs are manifested).

C. State Adoption Subsidy

Special needs children who are not eligible for IV-E may be eligible for State Adoption Subsidy program which is based on the adoptive parent(s)' income. State Adoption Subsidy program is a subsidy program unique to Ohio adoptions. A State Adoption Subsidy application (ODJFS 01613) will be available upon request. All prospective applicants who wish to apply must do so prior to finalization of their adoption. Application must be made to the county that has permanent custody of the child. In order to be considered for State Adoption Subsidy, adoptive families must apply for and be denied IV-E Adoption Assistance. Each applicant must complete and submit the following for consideration of a state subsidized adoption:

- 1) Application for subsidized adoption (ODJFS 01613)
- 2) Annual financial report
- 3) A copy of the adoptive family's most recent federal income tax form
- 4) Documentation of the child's special needs

D. Non-Recurring Subsidy

This subsidy is intended to assist with legal, medical, transportation and lodging expenses incurred by the adoptive family in the process of finalizing an adoption and are only reimbursable following finalization up to \$1,000 per child. The child must be special needs, and adoptive family income is not a factor. Application must be made prior to finalization on form JFS 01421.

E. Athens County Children Services Special Services Subsidy

Athens County Children Services Special Services Subsidy is available to families who adopt children in the permanent custody of ACCS. Application may be made at any time after the adoption finalization. ACCS Special Services will only be available for non-PASSS covered services, when PASSS funding for the year has been spent, or when the PASSS program is closed. A maximum per year expenditure of \$1200 per child will be offered, but is limited to a funds available basis. Funding periods will be January 1 to December 31, and re-application must occur yearly. Funding will be pro-rated, based on when an adoption is finalized or application is made (i.e. adoption finalized or application made in March, maximum amount will be \$1000). Children must qualify under the state special needs guidelines and services must be pre-approved and fall within agency guidelines. Athens County Special Services Subsidy will only be approved on a funds available basis and after all other funding sources have been explored.

F. Post-Adoption Special Services Subsidy (PASSS)

PASSS is an Ohio-funded program designed to assist eligible families, after adoption finalization. Families must apply through their county of residence using JFS 01050. Step parent adoptions do not qualify for PASSS. Eligibility factors: the child has a physical or developmental handicap or mental or emotional condition that either existed before the adoption petition was filed or developed after the adoption petition was filed and can be directly attributed to factors in the child's preadoption background or medical history, or biological family's background or medical history. The child must be less than 18 years of age and reside with the parent(s) or the child is at least eighteen years of age and less than twenty-one years of age and is mentally or physically handicapped as defined in rule 5101:2-1-01 of the Administrative Code. Other sources of assistance are inadequate or are unavailable to meet the child's immediate needs. Applications must be accompanied by required professional statements of need, family financial statement (JFS 1681), a copy of the adoptive family's 1040 from their tax return, a credential form (JFS 1052) for services other than respite, and why the assistance is needed by the family, resources that have been pursued, public or private health insurance provisions that may cover all or some of the cost. For mental health and medical treatment the child's treatment plan must be turned in to ACCS within 30 days of the first visit. Services covered include medical, surgical, psychological and psychiatric services as documented by a qualified professional. Respite services are included when they are a medical, surgical or psychological necessity. Respite providers cannot be related to the adoptive family unless there is a special circumstance approved by ACCS. Dental or orthodontia, educational services (e.g. tuition and tutoring), medical co-payments, insurance deductibles or prescriptions, camp or any recreational services, travel-related expenses or automobile purchases and repairs are not included unless it is a vehicle modification directly related to the child's special needs. Also excluded are computer equipment including software, child care services, property fences, service animals, food, meal supplements, nutrition drinks, services provided by a public or private adoption agency to make arrangements for adoptive placements, services that are equivalent or a greater benefit to other family members (not including family counseling and respite services), services to a child for whom a parent-child relationship does not exist, services that facilitate contact with a parents whose rights have been terminated, services for a child in the custody of a public or private children services agency, legal fees to finalize the adoption or for any other legal action. Residential costs excluding the educational component are included with supporting documentation that meets the rule.

Approved services must address the child's physical or developmental handicap or mental or emotional condition that either existed before the adoption petition was filed or developed after the adoption petition was filed and can be attributed to factors in the child's pre-adoption background, medical history, or biological family's background or medical history. Approved services involving therapy must be provided by a qualified professional as defined by rule.

Except under special circumstances, per rule, no more than ten thousand dollars shall be encumbered per adopted child per fiscal year. The child must be in need of public care or protective services to avoid an

adoption disruption, but accessing this subsidy does not cause a case to be opened with the county of residence. The availability of funds is under Ohio legislative control. An additional \$5,000 may be available only if income and resources decrease substantially due to an involuntary loss of employment or a qualified professional recommends out of home placement to prevent disruption.

The adoptive parent or parents who receive PASSS funds shall pay at least five per cent of the total cost of all services provided to the child. ACCS may waive the five per cent requirement if the gross income of the child's adoptive family is not more than two hundred per cent of the federal poverty guideline.

In the event state funding is no longer available, the PASSS program will close to new applications until July 1 of the following SFY. Once state funds have been exhausted neither Ohio Department of Job and Family Services nor ACCS may be held responsible for payment of services for applications that have not been approved.

ACCS may elect to approve PASSS funding for an insurance deductible for the child only, in lieu of approving PASSS funds for the cost of services for the child. This shall only be done on a case by case basis under special circumstances and approval by the PASSS Committee when ACCS has determined that it would be more cost effective to pay the insurance deductible than to pay for the cost of the services.

The PCSA executive director, or designee, shall provide written notice on the JFS 04074 "Notice of Approval of Your Application for Assistance" (rev. 5/2001) or the JFS 07334 "Notice of Denial of Your Application for Assistance" (rev. 4/2003) to the applicant within three days of the decision to approve or deny the application.

Each approved PASSS application shall be reviewed by the PCSA within twenty days after the state fiscal quarter in which it was approved, and every subsequent quarter within the SFY, to determine if the funding is being utilized. The PCSA shall notify the family, within five days of completion of the review, of its intent to release these funds for that quarter unless the family provides adequate justification as to why the funds were not used. If the PCSA does not accept the justification offered by the family, the family shall then provide invoices from that quarter and for all future time periods to the PCSA within twenty days of receipt of the notice of the PCSA's lack of acceptance. If the family does not provide invoices to the PCSA within the twenty day period, the PCSA shall release the funds in question immediately to ODJFS on the JFS 01050A and the family is responsible for the payment. If the PCSA releases the funds, it shall provide the family information regarding the right to a state hearing pursuant to section 5101.35 of the Revised Code and division 5101:6 of the Administrative Code.

G. PASSS Application Alternative Review Policy

When the PASSS committee will be delayed more than the required 45 days to make recommendations regarding a PASSS application, the following alternate review process will be used:

1. The post adoption caseworker will first attempt to meet with the minimum required committee members regarding the application. Those members are a representative of the ACCS administration, a member of the ACCS adoption team, and a community member knowledgeable of post adoption services. Each of those persons should have a designee for the PASSS committee in cases of extended leaves of absences.
2. If step #1 is not a viable option, the post adoption caseworker will make copies of the PASSS application and supporting documentation and distribute them to the committee members.
3. Within 2-3 days, the post adoption caseworker will contact the committee members by phone and/or e-mail for their decision as to approval or denial of the application.
4. The post adoption caseworker will make copies of any e-mails and document any phone calls made regarding the approval/denial of the application, which will be put in the child's PASSS file.

This review process will be used only when there are extenuating circumstances such as extended illness/leave of absence or scheduling conflicts that prohibit the committee in making their recommendations to the Director within 45 days of the receipt of the completed application.

H. Use of PASSS (and ACCS SSS) for respite

1. Payment to relatives

The PASSS shall be conducted based on state rule with the following exception: ACCS may approve the use of relatives to provide respite care and receive reimbursement for providing that respite. Prior to utilizing relatives for respite, though, approval must be obtained by the Post Adoption Caseworker. Circumstances under which relatives can be approved are:

- a) The child was recently placed in the adoptive home and care needs provided by a familiar person
- b) The child has medical or behavioral needs of which the relative is familiar and able to care for, and it would be difficult for someone else to provide appropriate care
- c) The child has attachment difficulties and care needs provided by a familiar person
- d) The pool of respite care providers is critically limited

2. Use of respite

Respite care services do not include hospice services for those who are terminally ill, regular child care while the parents are working, or therapy, nursing services and other rehabilitative services. Families may use respite for as long as, and as frequently needed following PASSS approval.

3. Budgetary limitations on PASSS

No more than \$2,400 per SFY of the PASSS budget may be encumbered for medical, surgical or mental health respite. ACCS may elect, on a case by case basis to approve up to an additional \$2,400 per child per SFY for medical, surgical, or mental health respite under special circumstances. This determination will be made by the PASSS Committee giving consideration to the special needs of the child and the level of respite care required.

XXII. Post Finalization Services

A. Following adoption legalization, all services to families are voluntary. These services are intended to provide support, education and advocacy to families. Families may request any of the following services:

- 1) Subsidy assistance/PASSS application
- 2) Crisis intervention
- 3) Respite care
- 4) Access to lending library of educational audio and video tapes, books and informational handouts
- 5) Advocacy with courts, schools, counselors or other community resources
- 6) Information regarding residential treatment facilities, summer camps, etc.
- 7) Therapeutic intervention groups
- 8) Workshops and training opportunities
- 9) Assistance with obtaining additional information from or in regard to birth families within the limits of the Ohio Revised Code and ODJFS rules.

B. These services will be offered on a case by case basis to the extent local resources and funding is available.

XXIII. Responding to a request to verify when an adult who consents to be adopted was in the agency's custody on the date of their eighteenth birthday

Adults who consent to adoption shall sign a Release of Confidential Information agreeing to the verification of their being in the custody of ACCS on their 18th birthday if they wish the agency to provide that information to the court. The adoption supervisor or designee will then enter that information in a letter to the court or the adult's attorney as requested within 7 days of receiving the release.

XXIV. Statement of Assurances

All recruitment activities, materials and policies shall be in compliance with:

1. Multiethnic Placement Act as amended by Section 1808 of the Small Business Job Protection Act of 1996
2. Title VI of the Civil Rights Act of 1964
3. Adoption and Safe Families Act of 1997
4. Indian Child Welfare Act of 1978, 25 U.S.C.A. 1901, et seq., as amended

XXV. Schedule of Fees

ACCS families approved for adoption may have their homestudy sent to other agencies ten times without accruing fees. For additional copies sent to other agencies a fee of \$25 per episode will be charged to the adoptive family. Adoptive families who request transfer of their adoption homestudy to another public agency will not incur fees for the transfer. Adoptive families who do not hold a foster care license with ACCS may be charged \$75 plus the fire inspector's mileage for their fire inspection and \$22 for fingerprinting.

No fees will be charged to public children services agencies for copying, sending, transferring or releasing ACCS adoptive homestudies.

Adoptive families should not request a homestudy through ACCS in order to avoid fees incurred in working with a private adoption agency. Families who obtain a completed homestudy through ACCS and then request transfer or release of their homestudy to a private agency will be assessed a fee equal to the fee typically charged by the private agency for a homestudy or release of a homestudy for placement.

The schedule of fees is unaffected by multiple births.

XXVI. Review Procedures for Complaints

The agency review of any complaint received from an adoptive applicant, prospective adoptive parent or adoptive parent shall occur within thirty days of the receipt of a request for an agency review and shall include a face-to-face meeting with the adoptive applicant, prospective adoptive families and adoptive families requesting an agency review, the adoptive family caseworker and the Executive Director of ACCS or her/his designee.

A written decision, including the reason for the decision, shall be rendered by the Executive Director of ACCS or her/his designee. The decision shall be based upon the evidence presented at the review. A copy of the decision shall be provided to all parties to the agency review within fifteen days of the review.

All documentation related to notification regarding rights to an agency review and written decisions of the agency review required by this rule shall be maintained in the child and family case record.

When an approved adoptive family requests an agency review because the family believes an adoptive placement was denied or will be denied solely on the basis of geographic location, ACCS shall provide the family with notices and copies of all materials related to requesting a state hearing.

See MEPA complaint policy for MEPA complaints.

XXVII. MEPA Complaint Policy

As a public children services agency, Athens County Children Services acts as a representative of the Ohio Department of Job and Family Services in recommending family foster homes for certification, accepting temporary, permanent, or legal custody of children, and in placing children for foster care or adoption. In acting as a representative of the Ohio Department of Job and Family Services, Athens County Children Services will comply with the Ohio Administrative Rules applicable to the functions performed.

Per 5101:2-5-13, A(38), included in this policy is a copy of the JFS 01611 “Non-discrimination Requirements for Foster Care and Adoptive Placements.”

Per 5101:2-5-13, A(39), Athens County Children Services shall comply with the standards of conduct regarding MEPA and Title VI in accordance with rule 5101:2-33-11 of the Administrative Code, “Multiethnic Placement Act (MEPA) Agency Administrative Requirements.” Standards of Conduct attached.

Per 5101:2-5-13, A (39), Athens County Children Services adopts as policy, the complaint process pursuant to rule 5101:2-33-03, “Procedure for complaints of alleged discriminatory acts, policies or practices in the foster care or adoption process that involve race, color, or national origin.”

- (A) Athens County Children Services shall provide a written notice of the procedure for any complaints of discrimination in the foster care or adoption process that involve race, color or national origin (RCNO) to all individuals inquiring about or applying to be a foster caregiver or adoptive parent. Such notices shall be provided within 7 days of the individual’s first contact with the agency.
- (B) Any individual may file a complaint alleging a discriminatory act, policy, or practice involving RCNO in the foster care or adoption process of a public children services agency, a private child placing agency, private noncustodial agency, or the Ohio Department of Job and Family Services (ODJFS). Any person, including but not limited to, an employee or former employee of an agency or a member of a family which has sought to become a foster caregiver or adoptive parent, may also file a complaint alleging that he or she was intimidated, threatened, coerced, discriminated against or otherwise retaliated against in some ways by an agency or ODJFS because he or she has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing in connection with an allegation that an agency engaged in discriminatory acts, policies, or practices as it applies in the foster care or adoption process.
- (C) The individual filing a complaint shall use the JFS 02333 “Discrimination Complaint Form.” The complaint shall be filed within 2 years from the date of the occurrence of the alleged discriminatory act; or 2 years from the date upon which the complainant learned or should have known of a discriminatory act, policy, or practice. The complaint may be filed with:
 - 1. Any public children services agency, private child placing agency, or private noncustodial agency
 - 2. The Ohio Department of Job and Family Services

3. ODJFS Bureau of Civil Rights or

4. U.S. Health and Human Services Office of Civil Rights.

(D) When any complaint alleging discrimination involving race, color, or national origin in the foster care or adoption process is received by:

1. A public children services agency, private child placing agency, or pna, the agency shall forward the complaint to ODJFS within 3 working days of the date of the receipt of the complaint.
2. ODJFS, the department shall notify the agency that is the subject of the complaint within 3 working days of the receipt of the complaint.

(E) ODJFS shall conduct an investigation of the complaint. The agency that is the subject of the complaint shall not initiate, conduct, or run concurrent investigations surrounding the complaint, or take any action regarding the complainant or the subject of the complaint until the issuance of the final investigation report by ODJFS, unless approved by ODJFS.

(F) The agency that is the subject of the complain shall cooperate fully with ODJFS during the course of the investigation and shall submit any information request by ODJFS not later than 14 days from the date of the request, unless otherwise agreed upon.

(G) ODJFS shall conduct an investigation that shall include, but is not limited to:

1. Face-to-face interviews with the complainant, the respondent, and all relevant witnesses.
2. Issuance of a final investigation report to the complainant and the agency that is the subject of the complaint. The report shall include the allegations, background information, analysis, determination and recommendations and shall be issued within 90 days of the receipt of the initial complaint. If unanticipated circumstances require additional time to complete the investigation or to issue the final report, ODJFS will notify the complainant and the agency that is the subject of the complaint of the need for additional time.

(H) Upon completion of the final investigation report, ODJFS shall determine if any action against an agency is warranted. For noncompliance of a public children services agency, ODJFS may take action concerning the agency's certificate permitted under section 5101:24 of the Revised Code.

(I) No person who has filed a complaint alleging a discriminatory act, policy or practice involving RCNO in the foster care or adoption process of an agency or who has testified, assisted, or participated in any manner in the investigation of a complaint shall be intimidated, threatened, coerced, or retaliated against by any employee or contractor of the agency or ODJFS.

(J) Nothing in this rule or in an agency's policy shall prohibit an individual from filing a complaint with the United States Department and Health and Human Services (HHS), office for civil rights (OCR), alleging discrimination that involved RCNO in the foster care or adoption process of an agency or ODJFS.

(K) The requirements of rules 5101:2-33-04 and 5101:2-48-24 of the Administrative Code to not apply to complaints of discrimination in the foster care or adoption process that involve RCNO.

(L) Each PCSA, PCPA or PNA shall provide a written notice of the procedures for any complaints of discrimination in the foster care or adoption process that involve RCNO within thirty days of the effective

date to all foster caregivers certified or in the process of certification and to all individuals who have approved adoptive homestudies or who are participating in the adoptive homestudy process on the effective date of this rule.

XXVIII. Standards of Conduct:

Employee and Contractor/Provider Compliance with MEPA and Title VI of the Civil Rights Act of 1964 Effective February 1, 2005

Athens County Children Services has established the following Standards of Conduct with regard to the performance of employees and contractors/providers related 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 (Title VI), as they apply to the foster care and adoption process. These Standards of Conduct prohibit policies, procedures or actions which serve to:

- Deny 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
- Delay or deny 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.

Permissible Actions:

MEPA and Title VI permit the following actions as they apply to the foster care or adoption process:

1. Asking about and honoring any initial or subsequent choices made by prospective foster or adoptive parents regarding what race, color, or national origin of child the prospective foster or adoptive parents will accept.
2. Honoring the decision of a child twelve years of age or older to not consent to an adoption when that decision has been approved by a court pursuant to section 3107.06 of the Ohio Revised Code.
3. Providing information and resources about fostering or adopting a child of another race, color or national origin to prospective foster or adoptive parents who request such information and making known to all families that such information and resources are available.
4. Considering the request of a birth parent(s) to place the child with a relative or non-relative identified by name.
5. Considering the race, color or national origin of the child as a possible factor in the placement decision when compelling reasons serve to justify that race, color or national origin need to be a factor in the placement decision pursuant to 5101:2-48-13 and 5101:2-42-18.1 of the Ohio Administrative Code. These rules permit consideration of race, color or national origin if an Individualized Child Assessment (JFS 01688) completed pursuant to these rules indicates the child has needs related to race, color or national origin that should be taken into account when placing the child. 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.
6. 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 or adoptive parents.
7. Documenting verbal comments, verbatim, or describing in detail any other indication made by a prospective foster or adoptive family member living in the household or any other person living in the household reflecting a negative perspective regarding the race, color or national origin of a child for whom the prospective foster or adoptive family has expressed an interest in fostering or adopting. The documentation shall indicate whether those comments were made before or after completion

of the cultural diversity training which is required for all foster and adoptive applicants. Documentation shall be included in the family's homestudy, update, or an addendum to the homestudy or update prior to consideration of placement or a matching conference. A matching conference is the process of determining the most appropriate adoptive family for the child based on the child's special needs. The matching committee may consider the information in determining if the placement is in the child's best interests.

Prohibited Actions:

MEPA and Title VI prohibit the following actions as they apply to the foster care or adoption process:

1. Using the race, color or national origin of a prospective foster or adoptive parent to differentiate between placements.
2. Honoring the request of a birth parent(s) to place a child with prospective foster or adoptive parent(s) 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 protection standards, provided that the agency determines that the placement is in the best interests of the child.
3. Requiring a prospective adoptive family to prepare or accept a transracial adoption plan.
4. Using "culture" or "ethnicity" as a proxy for race, color or national origin.
5. Delaying or denying placement of a child based upon the geographical location of the neighborhood of the prospective foster or adoptive family whenever geography is being used as a proxy for:
 - the racial or ethnic composition of the neighborhood;
 - the demographics of the neighborhood; or
 - 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.
6. Requiring extra scrutiny, additional training, or greater cultural awareness of individuals who are prospective foster or adoptive parents of children of a different race, color or national origin than required of other prospective foster or adoptive parents.
7. Relying upon general or stereotypical assumptions about the needs of children of a particular race, color or national origin.
8. Relying upon general or stereotypical assumptions about the ability of prospective foster or adoptive parents 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.
9. "Steering" prospective foster or adoptive parents away from parenting a child of another race, color, or national origin. "Steering" is any activity that attempts to discourage prospective foster or adoptive parents from parenting a child of a particular race, color or national origin.
10. Requiring an ongoing, foster care or adoption worker or contractor 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.

Prohibition on Retaliation:

ACCS employees and contractors/providers may not intimidate, threaten, coerce, discriminate against or otherwise retaliate against any individual who makes a complaint, testifies, assists or participates in any manner in an investigation related to alleged discrimination on the basis of race, color or national origin in the foster care or adoption process.

Additional Information:

Employees or contractors/providers who desire more information about MEPA and Title VI as related to the adoption and foster care process may contact:

- Barbara Cline, ACCS MEPA Monitor
(740) 592-3061

Enforcement Requirements:

These standards of conduct include enforcement requirements to be used whenever an agency employee or contractor/provider engages in discriminatory acts, policies, or practices involving race, color, or national origin in the foster care or adoption process as determined by the Bureau of Civil Rights of ODJFS upon completion of the investigation conducted pursuant to rule 5101:2-33-03 of the Administrative Code.

For ACCS employees, these enforcement requirements shall include a range of sanctions in employee discipline, in accordance with Chapter 13 of the Athens County Children Services Board Policy and Procedures Manual. Such sanctions include suspension and/or removal in accordance with ACCS policies and procedures.

For contractors/providers performing foster care or adoption services on behalf of ACCS, these enforcement requirements shall include discipline in accordance with the contractor/provider's personnel policy and may include contract termination. Enforcement requirements for contractor/provider subcontractors shall include corrective action in accordance with the contractor/provider's contract with the subcontractor and may include contract termination.

These enforcement requirements are applied in accordance with applicable employment law and union contracts.

Corrective Action Plan:

ACCS 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/provider engaged in discriminatory acts, policies, or practices. If the finding involves a discriminatory act, policy or practice by a contractor/provider or subcontractor, ACCS shall develop the corrective action plan in collaboration with the contractor/provider or in collaboration with the contractor/provider and subcontractor.

The corrective action plan shall:

- Address how ACCS will prevent future violations by that employee or contractor/provider or subcontractor, and
- Be submitted to ODJFS within thirty days of notification of the findings of the investigation.

ACCS shall provide a copy of these Standards of Conduct to each employee or contractor/provider who is:

- Engaged in the placement of children into foster care or for adoption, or
- Engaged in the recruitment, assessment, approval, or selection of foster or adoptive families.

Employees or contractors/providers shall receive a copy of the written Standards of Conduct no later than March 3, 2005, or within 30 days of the effective date of this rule. If these Standards of Conduct are revised, employees and contractors/providers shall receive a copy of the revised Standards of Conduct within 30 days of the completion of any revisions. New employees or contractors/providers shall receive a copy of the written Standards of Conduct within thirty days of their hire date or the effective date of their contract. ACCS and contractors/providers shall ensure that these Standards of Conduct are provided to their employees and subcontractors.

Adoption policies revised: 2/6/08, 4/08, 9/08, 10/09, 2/11/10, 8/3/10 Approved by the Athens County Children Services Board: 2/25/08, 5/08, 1/26/09, 8/23/10

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, of 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.