



## **MEPA FORMAL COMPLAINT PROCEDURE: Alleged Discrimination Involving Race, Color or National Origin In the Foster Care or Adoption Process**

### **What kind of discrimination does this procedure cover?**

The Multiethnic Placement Act (MEPA) and Title VI of the Civil Rights Act of 1964 prohibit any agency that receives federal funds, like the Hamilton County Department of Job and Family Services (HCJFS), from discrimination on the basis of race, color or national origin in the foster care or adoption process. MEPA prohibits an agency from delaying or denying approval of a foster or adoptive parent or placement of a child with a foster or adoptive parent based on the race, color or national origin of the prospective parent or of the child. Discrimination is prohibited from a person's first contact with this agency's adoption and foster care program to the last contact. This covers the application and homestudy approval process as well as the process to match an approved family with a foster or adoptive child and the adoption subsidy negotiation process.

If you believe that you have been discriminated against on the basis of race, color or national origin, or if you believe an Ohio foster care or adoption agency has policies or practices that discriminate in the adoption or foster care process based on the race, color or national origin of the prospective foster or adoptive parent or of the child, you can file a formal complaint.

### **What else does this procedure cover?**

Anyone (prospective or current foster or adoptive parent or family member, employee or former employee, etc.) who believes that he or she was intimidated, threatened, coerced, discriminated against or otherwise retaliated against in some way because he or she made a complaint, testified, assisted or participated 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 may also file a formal complaint. This complaint can be made against this agency, any other Ohio foster care or adoption agency, or the Ohio Department of Job and Family Services (ODJFS).

### **Who can file a formal complaint?**

Any person can file a formal written complaint alleging a discriminatory act, policy or practice involving race, color or national origin in the foster care or adoption process by HCJFS, another Ohio foster care or adoption agency, or by ODJFS. This can include but is not limited to:

- a foster or adoptive parent or other member of a foster or adoptive family
- a prospective foster or adoptive parent or other family member
- an employee or former employee of HCJFS or of another Ohio adoption or foster care agency

### **How can I file a formal complaint?**

You may submit your complaint by phone or in writing. To submit your complaint by phone, call 1-614-644-2703 or toll free 1-866-227-6353. For TTY, call 1-614-995-9961 or toll free 1-866-221-6700.

To submit your complaint in writing, you may fill out the "Discrimination Complaint Form" (JFS 02333). You can get a copy of this form by calling either:

- Shirley Norman, HCJFS MEPA Monitor  
(513) 946-1488, **OR**
- Ohio Department of Job and Family Services, Bureau of Civil Rights  
Toll Free: 1-866-227-6353

Or, if you do not use the "Discrimination Complaint Form", your written complaint should include the following information:

- Your name, address and phone number;
- The name and address of the agency or person you believe discriminated against you;
- How, why and when you believe you were discriminated against;
- Any other information that would help BCR understand your complaint.

You may submit your written complaint by mail or fax to BCR:

- Ohio Department of Job and Family Services  
Bureau of Civil Rights  
150 E. Gay Street, 18<sup>th</sup> floor  
Columbus, OH 43215-3130  
Fax: 1-614-752-6381

You may also submit your written complaint to:

- Hamilton County Department of Job and Family Services  
Attn: Shirley Norman, MEPA Monitor  
222 E. Central Parkway  
Cincinnati, OH 45202

If you submit your complaint to the HCJFS MEPA Monitor, it will be submitted to BCR within three business days.

- Any other public or private Ohio foster care or adoption agency

### **When must I file the formal complaint?**

You must file the formal complaint within 2 years of the alleged discriminatory act, or within 2 years from the date you learned of or should have known of the discriminatory act, policy or practice.

### **Who investigates the complaint?**

The Bureau of Civil Rights of the Ohio Department of Job and Family Services will conduct an investigation. If you filed your formal complaint with HCJFS or another Ohio foster care or adoption agency, that agency must send your formal complaint to the Bureau of Civil Rights of ODJFS within 3 business days. ODJFS will investigate your complaint. At a minimum, the investigation will include in-person interviews with:

- You
- The individual or agency who allegedly committed the discriminatory act or had the discriminatory practice or policy
- Relevant witnesses

The agency that is the subject of your complaint must cooperate fully with ODJFS during the investigation and must submit any requested information to ODJFS within 2 weeks of the request, unless ODJFS agrees to another timeframe.

### **How long does this take?**

ODJFS must complete the investigation and provide a report to you and to the agency that is the subject of the investigation within 90 days of receipt of the formal complaint. If unusual circumstances prevent ODJFS from completing the investigation within that timeframe, ODJFS will notify you and the agency of the need for additional time.

### **What happens while the complaint is being investigated?**

The agency that is the subject of the complaint may not initiate, conduct, or run concurrent investigations surrounding the complaint or take any further action regarding you or the subject of your complaint until the issuance of the final investigation report by ODJFS, unless approved by ODJFS.

### **What happens if discrimination is found?**

Depending on the nature of the discriminatory act or policy, ODJFS might require the agency to change a policy or procedure. If ODJFS determined that an individual employee discriminated against a prospective foster or adoptive parent on the basis of race, color or national origin, ODJFS might require HCJFS to take disciplinary action against the employee. However, a finding of discrimination or non-discrimination will not necessarily affect any specific decision or action of the agency that was related to your complaint of discrimination.

### **Can I make a complaint to OCR?**

Yes, a complaint can be filed with the federal Office for Civil Rights (OCR) of the U. S. Department of Health and Human Services. While the ODJFS Bureau of Civil Rights is still responsible for investigating the complaint, OCR has the authority conduct its own investigation. OCR can be contacted at:

- U. S. Department of Health and Human Services  
Office of the Chief Counsel  
Office for Civil Rights  
233 North Michigan Ave, Suite 700  
Chicago, IL 60601  
(312) 353-1640

### **Who can I talk to if I want more information about MEPA discrimination?**

In addition to the U. S. Department of Health and Human Services Office for Civil Rights noted above, the following individuals or office can give you more information about MEPA discrimination:

- HCJFS Plan Monitor – Michelle Riske-Morris, Ph.D., J.D.  
Justice Research & Advocacy, Inc.  
849 Cleveland Ave  
Amherst, OH 44001  
(404) 213-7391
- Hamilton County Department of Job and Family Services  
MEPA Monitor  
222 E. Central Parkway  
Cincinnati, OH 45202  
(513) 946-1488
- Ohio Department of Job and Family Services  
Office of the Chief Inspector  
Bureau of Civil Rights  
150 E. Gay Street, 18<sup>th</sup> floor  
Columbus, OH 43215  
(614) 995-9956  
Toll Free: 1-866-227-6353