

**PROCEDURE FOR FILING A COMPLAINT OF
DISCRIMINATORY ACTS, POLICIES OR PRACTICES
IN THE FOSTER CARE OR ADOPTION PROCESS
INVOLVING RACE, COLOR, OR NATIONAL ORIGIN (RCNO)**

1. Any Individual may file a complaint alleging a discriminatory act, policy or practice involving RCNO in the foster care or adoption processes of Marion County Children Services (hereafter referred to as the Agency) or the Ohio Department of Job and Family Services (ODJFS).
2. Any individual, including but not limited to, an employee or former employee of the agency or a member of a family who has sought to become a foster caregiver or adoptive parent, may also file a complaint alleging he or she felt intimidated, threatened, coerced, discriminated against or otherwise retaliated against in some way by the 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 the Agency engaged in discriminatory acts, policies, or practices in the foster care or adoption process.
3. Such a complaint may be filed with any Public or Private Ohio adoption or foster care agency or the ODJFS using the JFS 02333, "Discrimination Complaint Form" within two (2) years from the date of the occurrence of the alleged discriminatory act; or two (2) years from the date upon which the complainant learned or should have known of a discriminatory act, policy or practice. A JFS 02333 Form may be requested from the Agency Business Manager or the Placement Supervisor.
4. When a complaint alleging discrimination involving RCNO in the foster care or adoption process is received by the Agency, it shall forward the complaint to the ODJFS within three (3) working days of the receipt of the complaint.
5. When a complaint alleging discrimination involving RCNO in the foster care or adoption process is received by the ODJFS, it shall notify the Agency within three (3) working days of the receipt of the complaint.
6. The 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 further action regarding the complainant or the subject of the complaint until the issuance of the final investigation report by ODJFS, unless approved by ODJFS.
7. The Agency shall cooperate fully with ODJFS during the course of the investigation and shall submit any information requested by ODJFS not later than fourteen (14) days from the date of the request, unless otherwise agreed upon.
8. ODJFS shall conduct an investigation that shall include, but is not limited to:
 - a. Face-to-face interviews with the complainant, the respondent and all relevant witnesses.
 - b. Issuance of a final investigation report to the complainant and the Agency. The report shall include the allegations, background information, analysis, determination and recommendations and shall be issued within ninety days of the receipt of the initial complaint.

- c. If unanticipated circumstances require additional time to complete the investigation or to issue the final report, ODJFS will notify the complainant and the Agency of the need for additional time.
9. Upon completion of the final investigation report, ODJFS shall determine if any action against the Agency is warranted. For noncompliance by the Agency, ODJFS may take any action permitted under section 5101.24 of the Revised Code.
 10. For findings of noncompliance by an Agency employee engaging in discriminatory acts, policies or practices involving RCNO in the foster care and/or adoption process as determined by ODJFS upon completion of the investigation conducted, the Agency shall implement penalties, sanctions, or other disciplinary actions in accordance with applicable employment law and the Agency Written Standards of Conduct.
 11. No person who has filed a complaint alleging a discriminatory act, policy or practice involving RCNO in the foster care or adoption process of the 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.
 12. Nothing in OAC 5101:2-33-03 or in an agency's policy shall prohibit an individual from filing a complaint with the ODJFS Bureau of Civil Rights or the United States Department of Health and Human Services (HHS), Office For Civil Rights (OCR) alleging discrimination that involves RCNO in the foster care or adoption process of the Agency.
 13. The requirements of rules 5101:2-33-04 and 5101:2-48-24 of the Administrative Code do not apply to complaints of discrimination in the foster care or adoption process that involve RCNO.

** In addition to being sent to all inquiries within seven (7) days, this procedure will be sent to all of Marion County Children Services' certified foster caregivers and approved adoptive families and all those who are in the process of foster certification and/or adoptive no later than March 3, 2005, which is within thirty (30) days of the effective date of OAC 5101:2-33-03. If this procedure is revised, all inquiries, certified foster caregivers, approved adoptive parents and those who are in the process of foster certification and/or adoptive approval will receive a copy of the revisions of the Procedure for Filing a Complaint Of Discriminatory Acts, Policies Or Practices In The Foster Care Or Adoption Process Involving Race, Color, Or National Origin within thirty (30) days of the completion of any revisions.

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| Effective Date: 6/05 | Review Date: 02/16/07; 4/08; 4/09; 7/10 Next Review: 4/2010; 7/11 | Revision Date: 06/2005 | Approved: <i>F. Eric Bush</i> |
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