



Ohio Administrative Code

Rule 5180:3-13-18.1 Non-discrimination requirements for foster care placements.

Effective: March 14, 2026

- (A) Can an agency deny someone the opportunity to become a foster caregiver based on race, color, or national origin (RCNO)?

A public children services agency (PCSA), private child placing agency (PCPA), or private noncustodial agency (PNA) is not to deny any person the opportunity to become a foster caregiver on the basis of race, color or national origin (RCNO) of that person, or of the child involved; nor should the PCSA, PCPA, or PNA delay or deny the placement of a child into foster care on the basis of RCNO of the foster caregiver or of the child involved.

- (B) What is the Multiethnic Placement Act (MEPA)?

The Multiethnic Placement Act of 1994, as enacted by Sections 551 through 554 of the Improving America's School Act of 1994, Pub. L. No. 103-382, 108 Stat 3518 as amended by Section 1808 of the Small Business Job Protection Act of 1996. MEPA prohibits an agency or entity that receives federal assistance and is involved in adoptive or foster care placements, from delaying or denying the placement of a child solely on the basis of race, color or national origin of the adoptive or foster parent, or the child, involved. The act permits consideration of the child's cultural, ethnic, or racial background when such factors are considered in junction with other factors or relevant to the child's best interest.

- (C) Does the MEPA affect the Indian Child Welfare Act (ICWA)?

MEPA and Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, as they apply to the foster care process, do not supersede the provisions of the Indian Child Welfare Act of 1978, 25 U.S.C. 1901 et seq.

- (D) Can RCNO be routinely considered when assessing a child's placement?

A PCSA, PCPA, or PNA is not to routinely consider RCNO as a factor in assessing the needs or best interests of children. In each case, the only consideration is to be the child's individual needs and the ability of the prospective foster caregiver to meet those needs.

- (E) When can RCNO be considered in a placement decision?

Only the most compelling reasons may serve to justify the consideration of RCNO as part of a placement decision. Such reasons emerge only in the unique and individual circumstances of each child and each prospective foster caregiver. In those exceptional circumstances when RCNO need to be taken into account in a placement decision, such consideration is to be narrowly tailored to advance the child's best interests. Even when the facts of a particular case allow consideration related to



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RCNO, this consideration is not to be the sole determining factor in the placement decision.

(F) What actions are permitted by a PCSA, PCPA and PNA regarding RCNO in foster care placement decisions?

(1) Asking about and honoring any initial or subsequent choices made by prospective foster caregivers regarding what RCNO of child the prospective foster caregivers will accept.

(2) Providing information and resources about fostering a child of another RCNO to prospective foster caregivers who request such information and making known to all families that such information and resources are available.

(3) Considering the request of a birth parent(s) to place the child with a relative or non-relative identified by name.

(4) Considering the RCNO of the child as a possible factor in the placement decision when compelling reasons serve to justify that the RCNO need to be a factor in the placement decision pursuant to paragraph (G) of this rule. Even when the facts of a particular case allow consideration related to the RCNO, this consideration is not to be the sole determining factor in the placement decision.

(5) 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 a requisite for of all applicants who seek to become foster caregivers.

(6) Documenting verbal comments, verbatim, or describing in detail any other indication made by a prospective foster caregiver or prospective foster caregiver family member living in the household or any other person living in the household reflecting a negative perspective regarding the RCNO for whom the prospective foster family have expressed an interest in fostering.

(a) The documentation is to indicate whether those comments were made before or after completion of the cultural diversity training that is prescribed for all foster care applicants.

(b) The documentation is to be included in the family's homestudy, update, or an addendum to the homestudy or update prior to consideration of placement.

(G) What actions are not permitted by the PCSA, PCPA and PNA as it applies to the foster care process?



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The following actions are not permitted:

- (1) Use the RCNO of a prospective foster caregiver to differentiate between foster care placements for a child, unless the procedures in paragraphs (H) to (L) of this rule are followed.
 - (2) Honor the request of a birth parent(s) to place a child with a foster parent(s) of a specific RCNO 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 and the agency determines that the placement is in the best interests of the child.
 - (3) Requiring a prospective foster family to prepare or accept a transracial foster care plan.
 - (4) Use culture or ethnicity as a proxy for RCNO.
 - (5) Delay or deny placement of a child based upon the following:
 - (a) The geographical location of the neighborhood of the prospective foster caregiver if geography is being used as a proxy for the racial or ethnic composition of the neighborhood.
 - (b) The demographics of the neighborhood.
 - (c) The presence or lack of presence of a significant number of people of a particular RCNO in the neighborhood.
 - (6) Requiring extra scrutiny, additional training, or greater cultural awareness of individuals who are prospective foster caregivers of children of a different RCNO than is expected of other prospective foster caregivers.
 - (7) Relying upon general or stereotypical assumptions about the needs of children of a particular RCNO.
 - (8) Relying upon general or stereotypical assumptions about the ability of prospective foster caregivers of a particular RCNO to care for or nurture the sense of identity of a child of another RCNO.
 - (9) Steering prospective foster caregivers away from parenting a child of another RCNO. "Steering" is any activity that attempts to discourage prospective foster caregivers from parenting a child of a particular RCNO.
- (H) How can RCNO be considered in placement decisions?



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If a medical or psychological evaluation, school record, or other material documented in the file, including statements made by the child to a caseworker, indicate that there may be compelling reasons to consider needs the child may have regarding RCNO in the placement process, the agency is to determine if the child should be referred for an assessment of whether the child has individual needs involving RCNO.

(I) Who can conduct RCNO-related assessments?

One of the following licensed professionals is to conduct the assessment regarding RCNO:

- (1) A licensed child psychiatrist.
- (2) A licensed child psychologist.
- (3) A licensed independent social worker.
- (4) A licensed professional clinical counselor.

(J) Can the licensed professional conducting the assessment be employed by the PCSA or PCPA?

The licensed professional conducting the assessment is not to be employed by the PCSA or PCPA making the referral.

(K) What documentation is to be completed for RCNO consideration?

At the time of the referral, the PCSA or PCPA is to initiate and subsequently complete the DCY 01688 "Individualized Child Assessment" using the following procedures:

- (1) The caseworker is to complete section I of the DCY 01688 and submit the DCY 01688 and all relevant medical or psychological evaluations, school records, or other material documented in the file to the caseworker's supervisor and the PCSA or PCPA MEPA monitor.
- (2) If both the supervisor and the MEPA monitor determine that the documented material contained in the case file indicates there may be compelling reasons to consider the needs the child may have regarding RCNO in the placement process, the child is to be referred within ten days of the completion date of the individual child assessment as indicated in paragraph (G) of this rule. At the time of the referral, the agency is to forward to the licensed professional the following documents:
 - (a) The original DCY 01688.



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- (b) All relevant medical or psychological evaluations, and school records.
 - (c) All other relevant material documented in the child's case file.
- (3) The PCSA or PCPA is to request in writing that the licensed professional complete and sign section II of the original DCY 01688 and return it within sixty days to the PCSA or PCPA with a copy of the requested assessment attached.
- (4) The licensed professional is to determine whether the child has needs involving RCNO and any other needs of a psychological or behavioral nature and, if so to specify what those needs are and how those needs may impact a potential substitute care placement.
- (5) The licensed professional is not to complete an assessment pursuant to paragraph (H) of this rule until the PCSA or PCPA has provided the licensed professional with copies of this rule and each of the following:
 - (a) DCY 01607 "MEPA Educational Materials."
 - (b) The DCY 01611 "Non-discrimination Requirements for Foster Care and Adoptive Placements."
 - (c) Rule 5180:2-48-13 of the Administrative Code.
 - (d) Rule 5180:2-48-16 of the Administrative Code.
- (6) The licensed professional is to sign the DCY 01608 "Licensed Professional Statement" acknowledging receipt of the materials prescribed in paragraph (K) (5) of this rule. A copy of the signed DCY 01608 is to be submitted to the PCSA or PCPA.
- (7) The PCSA or PCPA is to keep the DCY 01608 and attach a copy to each DCY 01688 the licensed professional completes. The PCSA or PCPA is to submit a copy of the DCY 01608 and DCY 01688, if applicable to the Ohio department of children and youth (DCY) ten days after receiving it.
- (8) Each completed DCY 01688 is to remain in effect for twelve months from the date of the final decision as documented on the DCY 01688.
 - (a) If it has been determined that RCNO should be a factor considered in the child's placement, an updated DCY 01688 and assessment is to be completed prior to the twelve month expiration date.



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(b) If it has been determined that RCNO should not be a factor considered in the child's placement, an updated DCY 01688 and assessment is not required prior to the twelve month expiration date. In such instance, the PCSA or PCPA may update the DCY 01688 and assessment as deemed necessary.

(9) The DCY 01688 is to be considered as part of the placement decision making process.

(L) What documentation is the PCSA or PCPA to keep in a child's case file?

The PCSA or PCPA is to maintain in the child's case file the completed original DCY 01688 and all medical or psychological evaluations, school records, or other material in the file.

(M) A PCSA, PCPA, or PNA is not to intimidate, threaten, coerce, or in any way discriminate or retaliate against any person who has filed an oral or written complaint, testified, assisted, or participated in any manner in the investigation of an alleged violation of MEPA and/or Title VI. This includes:

(1) Any prospective or certified foster family.

(2) Any employee of a PCSA, PCPA, or PNA.

(3) Any employee of any other agency with responsibilities regarding the care or placement of a child in the temporary custody or permanent custody of the PCSA, PCPA or PNA such as a guardian ad litem (GAL) or court appointed special advocate (CASA) volunteer.

(N) What types of retaliatory actions are prohibited during investigations related to MEPA and Title VI?

Retaliatory conduct not permitted includes, at a minimum:

(1) A reduction in the amount of foster care payments which a family should receive based on the child's needs.

(2) Unwarranted poor evaluations of an employee by his or her supervisor.