



## DEPARTMENT OF HEALTH &amp; HUMAN SERVICES

Office for Civil Rights

May 14, 1998

Region IV  
Atlanta Federal Center  
61 Forsyth Street, S.W., Suite 3B70  
Atlanta, GA 30303-8909CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Edward A. Feaver, Secretary  
Florida Department of Children and Families  
1317 Winewood Boulevard  
Tallahassee, Florida 32399-0700

Dear Mr. Feaver:

Re: Compliance Review 04-97-7401

The Office for Civil Rights (OCR), U.S. Department of Health and Human Services (DHHS), has completed its investigation of foster care services provided by the Florida Department of Children and Families. By letter dated March 27, 1997, you were notified that the OCR was conducting a civil rights compliance review of your agency's foster care program. This investigation was conducted under the authority of Title VI of the Civil Rights Act of 1964, (42 U.S.C. 2000d) et seq. and its implementing regulation at 45 C.F.R. Part 80 (Title VI). You were also informed that since the Florida Department of Children and Families is a recipient of DHHS funds, it is subject to requirements of Title VI.

ISSUE PRESENTED

The subject investigation concerned whether the Florida Department of Children and Families, Division of Family Safety and Preservation (DCF), selects and treats foster care parents, and places children with them, without discrimination on the basis of race as required under Title VI.

BACKGROUND

OCR/Region IV conducted a limited scope compliance review of the DCF. The review addressed whether the foster care policies and practices of DCF are consistent with Title VI and Section 1808 of the Small Business Job Protection Act of 1996. To resolve this matter, our review focused primarily on two districts under DCF's jurisdiction: District II in Tallahassee; and District VII in Orlando. The on-site portion of our investigation concentrated on Leon County in District IIA, and all of District VII (Brevard, Orange, Oseola and Seminole counties).

To carry out the subject review we took a variety of steps, including (among others): consulting with the Administration for

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Children and Families, DHHS, and coordinating certain activities with that agency; soliciting input and assistance from DCF's Civil Rights (CFCR) staff and orienting them to the issues under review, our methodology and data needs; interviewing foster care staff prior to and during the on-site review; examining foster care records; and contacting several community sources believed to have knowledge about the matters covered in this investigation.

Our contacts with CFR staff began prior to the on-site review. CFR was instrumental in scheduling and assisting with the coordination of our on-site visits and activities. As a training exercise, investigators from CFR participated in the pre-onsite interviews of DCF foster care staff in both Tallahassee and Orlando. During the on-site phase of this investigation, CFR personnel accompanied OCR representatives and assisted in conducting interviews (in some cases served as lead interviewer), reviewing files, and making community contacts.

#### LEGAL AUTHORITY

The subject review was conducted pursuant to regulations implementing Title VI as found at 45 C. F. R. §§ 80.3(a), (b)(1) & (2), and Section 1808 of the Small Business Job Protection Act of 1996 (hereinafter referred to as the "Act"). Section 1808 of the Act, which became effective January 1, 1997, is entitled "Removal of Barriers to Interethnic Adoption" and prohibits discrimination in adoption or foster care placements. It specifically prohibits race, culture or ethnicity from being used as a basis for any denial of placement, or used as factors for delaying any foster or adoptive placement. It prohibits 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 or foster parent, or the child, involved.

The Act also repealed Section 553 of the Multiethnic Placement Act of 1994 (MEPA). Noncompliance with Section 1808 of the Small Business Job Protection Act of 1996 constitutes a violation of Title VI and its implementing regulations.

#### DISCUSSION AND ANALYSIS - POLICIES

Under the rules established by the Florida Administrative Code (FAC), Chapter 10M-6, "Foster Care", and which became effective May 20, 1992, the DCF has responsibility for ensuring that children in its care are placed in the "least restrictive, most family-like appropriate licensed setting available". Factors considered in the placement process include "the needs of the child, the availability of necessary services and the ease of

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visitation between the child and family". To the extent possible, the placement must be in close proximity to the child's home and the child's original school.

However, DCF's placement criteria also stipulate that DCF must "ensure that an appropriate placement is selected for the child compatible with race or ethnic heritage". To effect this end, policies further provide that "... although racial and ethnic heritage is not to be used as a single criterion in making out home placements, priority consideration must be given to the child's racial and ethnic heritage when selecting a placement". It is noted that "this consideration is necessary to ensure the best interest of the child". Pursuant to the foregoing, DCF is required, "absent good cause to the contrary", to apply criteria in the following order in selecting a placement: "1) a relative of the child; 2) a licensed foster parent with the same racial or ethnic heritage as the child unless the department determines that such a placement is not feasible; 3) a licensed foster parent who is knowledgeable and appreciative of the child's heritage". (FAC, 10M-6.131, Articles (3), (4)).

According to these written administrative rules, when a transracial placement lasts longer than 30 days, the District Children Youth and Family Program Administrator or designee is required to monitor efforts to recruit or locate "an appropriate same race placement as soon as possible to ensure that the child's heritage and identity are protected". In what is described in the guidelines as "unusual situations" where it may be in the child's best interest to be placed in a different race placement, the District Administrator is authorized to allow an exception to the policy, but must have documentation by a mental health professional that a different race placement is in the best interest of the child. These exceptions would include situations where the child's special needs outweigh the need to preserve and protect the child's racial and ethnic heritage and those needs can only be met in a different race placement, or where there are siblings involved and one or more of the siblings is of mixed racial heritage. (FAC, 10M-6.131, Article (4))

To implement the Florida Administrative Code, the Department, then known as DHRS, adopted specific policies and procedures incorporated in its HRS Manual (HRSM), entitled "Foster Care for Dependent Children". These policies and procedures (Chapter 2, Section 2-8(a)-(c)), basically track the language contained in provisions found in the FAC at Chapter 10M-6, with respect to the use of the child's race as a priority consideration in placement. The Manual espouses the Department's philosophy relative to transracial placement thusly: "the department believes in and supports the appropriateness of same race placement for all children whenever possible". The Manual also outlines the same order of racial priority in selecting placement as enunciated in the FAC, with placement with relatives being the first placement

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of choice; the same race foster home being the #2 priority; and placement with a foster parent of a different race, but knowledgeable and appreciative of the child's heritage, as the number 3 ranking.

These written policies mandate that prior to making a placement consistent with the third alternative, staff must be assured that options 1 and 2 are not available, or if available, clearly and documentably not in the best interest of the child. Written approval from the District CYF Program Administrator or his designee must be obtained to implement the third option. When same race placements are not initially possible, these policies likewise require monitoring of efforts to locate a same race placement, "in order to ensure that children do not remain in transracial placements".

There has not been any reported changes in the foregoing criteria in the FAC since the former Department of Health and Rehabilitative Services has been reorganized and transformed into the DCF. In fact, in response to OCR's request for policies and procedures regarding foster home placements, DCF submitted HRSM 175-12, referenced above. However, DCF has developed some "Operating Procedures" in the area of "Family Safety and Preservation".

One such procedure is entitled "Removal and Placement of Children", Children and Families Operating Procedures ("CFOP") 175-34, dated February 26, 1997. It briefly addresses this issue under "Placement in Foster Care" and provides only that "assuring that a child's heritage and cultural identity are protected is a joint responsibility between the Counselor and the foster parent. If same race/cultural foster care placement is not possible, cultural activities should be incorporated into the case plan". Thus similar to its predecessor, current written policies being implemented by DCF clearly contain stated preferences for same race placements.

While other consideration may also apply, the foregoing criteria clearly require DCF to adhere to race-based preferences and priorities. Emphasizing race may indeed cause placements in some circumstances to be delayed or denied, solely because of race as prohibited under Title VI and Section 1808 of the Small Business Job Protection Act of 1996.

According to DCF's placement criteria, race-based preferences and priorities are implemented in the best interest of the children. However, the policy essentially presumes that same race placements are in the childrens' best interest in nearly all cases, except perhaps for that limited number deemed as "unusual situations". Consequently, because of this presumption, such placements are not, as the policy implies, based on determinations about the best interest of children as established

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by individualized assessments of their particular circumstances.

The approach under the policy regarding same race placements differs sharply from what is required to effect transracial ones. As noted above, ranking program officials and even mental health professionals must examine children being considered for transracial placements and document that this option is indeed in their best interest. In contrast, same race placements are routinely made without benefit of individualized assessments documenting the extent to which they are necessary to address the peculiar needs of specific children. In the absence of an individualized determination that the consideration of race is in the best interest of the child being placed, Title VI and Section 1808 prohibit the consideration of race as a factor in making foster care placements.

In addition, strict adherence to the race-based placement priorities stipulated in the current policy would appear inevitably to cause the type of delays and/or denials prohibited under Title VI and the Act. In particular, DCF is required to make every effort to secure a same-race placement before even considering placing a child with a foster parent of a different race. However, prior to attempting this latter option, the policy requires that DCF take steps to assure that a same race placement is not available. If an opening of this type does exist, staff must "clearly and documentably" demonstrate that it is not in the best interest of the child before placing him/her in the home of parents of a different race.

Moreover, even if this is accomplished, staff must satisfy the additional requirement of seeking the written "approval from the District CYF Program Administrator or his designee" and obtain documentation from a mental health professional. Even in those rare cases where the third option is used, the policy further mandates that DCF initiate ongoing monitoring activities to minimize the amount of time that children spend in transracial settings. Under the policy, DCF is not required to institute similar measures in dealings with same race placements.

Therefore, additional burdens are clearly placed on DCF's staff in effecting transracial placements. These added obligations and conditions, which must be assumed and satisfied solely because of the race of the children and foster parents involved, are inconsistent with the Title VI mandate that all program participants be treated equally. These burdens are also likely to cause placement delays, and possibly in some cases, denials. In this respect, the policy also fails to comply with the Act.

#### Conclusion

Based on the above, OCR finds DCF's written placement policy

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does not comply with the requirements of the Act nor Title VI

**DISCUSSION AND ANALYSIS - PLACEMENT POLICIES AND PRACTICES IN  
DISTRICTS IIA AND VII**

We examined the placement procedures and practices being implemented in Leon County of District IIA which is situated in Tallahassee, and District VII which comprises the metropolitan Orlando area. The team also looked at each District to determine the extent to which local procedures and practices adhere to State policy. This aspect of our review revealed the following:

**FOSTER PARENTING**

In DCF's program, foster parents provide substitute temporary care for dependent children. They are expected to be parents to the children placed in their homes. This responsibility includes, but is not limited to: taking the children to the doctor or other medical appointments; providing adequate supervision and shelter; interacting with schools; etc. As the department and service providers work with the biological parents and the children in the problem resolving process, the foster parent provides a temporary home for that child and is considered a "bridge" between children and their families. The goal of foster parenting is to participate in a partnership with the department in reuniting the children and their parents and to rebuild the family whenever possible.

Foster parents have the final word on whether to accept foster children into their homes. Efforts are made during the Model Approach to Partnership in Parenting (MAPP) training to determine the age, race, sex and number of children each foster home is prepared to accept. The number of children placed in each parent's home depends on the foster parent's preference, the size of the foster parent's existing family, and the space available in the home. When the case worker contacts a foster parent regarding a prospective placement, as much information as possible regarding the child is provided.

The Department can make arrangements to remove the child from a home if the foster parent believes it is necessary to ensure the safety of all involved. However, prior to a removal, foster parents are expected to seek assistance when they find themselves feeling overwhelmed by a given child's behavior. Every effort is made to work with the foster parent to remedy the situation. A case worker is assigned to each child or sibling group to assist the foster parents in resolving any problems that arise regarding the children placed in foster homes.

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### GENERAL REQUIREMENTS FOR ALL LICENSED FOSTER HOMES

The general requirements for all licensed foster homes include, but are not limited to, the following:

1. Home study
2. Fingerprint checks for all household members over 18 years of age
3. Local law enforcement check
4. Child abuse registry check
5. Personal references
6. Employment references
7. Health Department inspection of the home
8. Affidavit of good moral character
9. Confidentiality Agreement
10. Discipline Agreement
11. Foster Parent Training (30 hours, 8-10 weekly meetings)  
- Model Approach to Partnerships in Parenting
12. Foster parent must be in general good health
13. Must have a telephone
14. Must be financially stable without dependence on board payments.

### LICENSING PROCESS

When an interested person calls to inquire about becoming a foster parent, a licensing counselor explains the licensing process. If continued interest is expressed, the licensing counselor will inquire about a background history to determine if there are reasons which may disqualify the potential applicant. DCF obtains applicant's name, address and phone number and sends them informational packets. An announcement is then made a few weeks before the MAPP class begins and letters are sent out.

During the first portion of the MAPP training, a potential parent is given paper work to complete and return. Once the paper work is completed, a background screening is initiated, a home visit and a health inspection can be scheduled. When all of the information has been returned and all the initial requirements have been met, the licensing counselor's supervisor can either approve or request further information. It is at this point that the applicant signs the home study and an application for licensure. The application package goes to the Operations Program Administrator (OPA) to be reviewed. The OPA can approve or ask for additional information and make changes in the licensing restrictions.

### FOSTER CARE TRAINING

The MAPP training is designed to prepare potential foster parents to deal with the different emotional and behavioral needs of foster children. Foster parents are also required to receive an

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additional eight hours training per year to meet annual re-licensure requirements. This training can be acquired through attendance at the Foster Parent Association meetings and other training opportunities offered by the Department.

OCR finds that the foregoing procedures and criteria do not discriminate on the basis of race. Documentation obtained and examined during the course of this review discloses that eligible individuals interested in becoming foster parents appear to be able to do so without facing any restrictions on account of race, color, or national origin. Responses obtained during extensive contacts with community sources and foster parents revealed no complaints against the agency regarding lack of access based on race.

### Orlando

OCR's investigation revealed that District VIIA provides foster care services for an area comprising Brevard, Orange, Osceola and Seminole counties. According to 1990 Census Data, there are 1,074,572 people residing in this area of whom 824,472 (77%), are white, 129,455 (12%) are black, and 120,645 (11%) are other minorities.

Documentation provided by DCF discloses that the "Placement Unit" has the primary responsibility for deciding where children are placed in these counties. This unit includes a total of four (4) Children and Family Counselors and one (1) Children and Family Counselor Supervisor. All staff members were interviewed and noted that they were unaware of any written policy or procedure regarding the placement of children in foster care homes. However, all stated that children are placed in homes based on availability and the needs of the children, and denied that placements are made on the basis of race.

It was reported that the licensure staff is responsible for gathering data on the personal preferences of potential foster care homes, i.e., the number of children, sex, ages, etc. According to the interviewees, this information is maintained on each home in a Home Study file in the Licensure Office and a copy is sent to the Placement Unit. Also, a separate list is provided which includes the homes licensed, capacity, name, address, and phone number.

OCR's review uncovered no evidence indicating that the foregoing procedures are implemented in District VII in a racially discriminatory manner. There is no documentation reflecting that foster parents are either evaluated or licensed on the basis of race, in violation of Title VI.



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Our review determined that while some cases are assigned by supervisors, the majority of each counselor's caseload is determined by the telephone calls handled during on-call duty days. Each staff member participates in this procedure and is responsible for each call personally handled for that day until the child is placed in a foster home. Each counselor receives the child after the child has been removed from the home. The counselor is required to physically remain with that child until a placement can be found.

All counselors indicated that they had a racially diverse caseload which was not predominantly of any one race. This information was confirmed through interviews with caseworkers and other documentation provided for each staff member. Information submitted by District VII reveals that, during a two year period (from January 1995 to December 1996), there was a total of 206 active foster parents, of which 142 (69%) were white, and 64 (31%) were black. There were 665 children in foster care, of which 327 (49%) were white, and 338 (51%) were black. There was a total of 68 foster parents with transracial placements representing 33% of the total foster parent population. Of that total, 58 (85%) of the parents are white and 10 (15%) are black.

These figures show that while whites make up only 69% of all foster parents, they constitute 85% of the group of parents with children of a different race. In contrast, although black parents are 31% of the total number of foster parents, they constitute only 15% of those with transracial placements. White parents therefore have proportionately greater opportunities to be involved in transracial placements. While the disparity between the number of white and black parents in this capacity is significant, additional information is needed to establish definitively if it was caused by any discriminatory practices or policies.

For example, based on available records we are unable to quantify, on a group or individual basis, the total number of transracial opportunities extended to black and white parents. Consequently, at this point we can not demonstrate the reason(s) for the disparity in their respective participation rates. In the absence of such documentation, we are unable to determine if Blacks are afforded equal opportunities to serve as parents in transracial situations, as required under Title VI and the Act.

The record further shows that there were 114 children in transracial placements. Of that total, 10 (9%) were white and 104 (91%) were black. These figures demonstrate that only 3% (i.e., 10 out of 327) of all white foster children were placed in transracial homes in comparison to 31% (i.e., 104 out of 338) of the total number of black children. According to the foregoing, black children are therefore at least ten times more likely as white children to be in transracial settings.

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However, records routinely compiled by DCF do not contain sufficient information which may be examined and compared to determine if transracial placements are made on a consistent basis, without regard to the race of the child or foster parent involved. Because of this, OCR is presently unable to establish if transracial placements in District VII are made in a nondiscriminatory manner.

In addition, although we have been able to establish the total number of children in transracial placements, existing documentation does not reveal which ones were in temporary, as opposed to permanent, placement status. This distinction is particularly significant in view of the placement criteria discussed above which essentially permit transracial placements in limited circumstances and only on a temporary basis. While we have been informed that DCF is in the process of gathering appropriate documents which may soon enable us to analyze this matter, we note that this information has not been made available at this time. Upon receipt, we will examine the same so as to determine the extent to which the subject transracial placements in this District merely conform to State policy (i.e., simply involve temporary situations), or involve permanent placements.

#### Conclusion:

OCR finds that District VII implements acceptable, nondiscriminatory policies and procedures in evaluating and licensing foster parents. However, our review did not obtain sufficient evidence to resolve whether the actual placement practices in District VII comply with Title VI and the Act.

#### Tallahassee

Tallahassee is designated as District II by the Florida Department of Children and Families. District II is divided into two sub-districts. Sub-district IIA consists of Bay, Calhoun, Gulf, Holmes, Jackson and Washington counties. Sub-district IIB consists of Franklin, Gadsden, Jefferson, Leon, Liberty, Madison, Taylor and Wakulla counties.

According to the 1990 Census, there are 589,589 persons in District II, of which 73.9% are white, and 26.1% non-white. Sub-district IIA has 243,096 residents, of which 82.9% are white, and 17.1%, are black. There are 346,493 people in sub-district IIB, of which 70.2% are white and 29.8% are black.

Information obtained by OCR indicates that during the period covering January 1995 - December 1996, the Department of Children and Families, District II, accepted all applicants, regardless of race, who applied to become foster parents except one. The record

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indicates that the only prospect not accepted applied on 3/3/96 but voluntarily withdrew on 3/8/96 due to personal reasons.

There were 70 homes licensed during the period of January 1995-December 1996. Of that total, 50 (or 71.4%) were white; 19 (or 27.1%) were black; and, 1 Indian (or 1.4%). All minority homes (20) were licensed as foster homes. Of the white homes approved, 43 were designated as foster homes, 5 as medical foster homes and 1 as a foster/adoption home.

Leon County's population is 73.2% white and 26% non-white. From January 1995 to December 1996, twenty-one residents were licensed to operate foster homes. The racial breakdown of the homes licensed is as follows: 14 white (66.7%), 6 black (28.5%) and 1 Indian (4.8%).

OCR's review did not obtain any information indicating that either DCF's licensing activities or application process were being administered in a discriminatory manner, in violation of Title VI.

Leon County utilizes 32 homes for placing its children: 22 black and 10 white. During 1995 - 1996, there was one bi-racial placement involving a black intensive care child in a white home. All others were same race placements. Thirteen of the thirty two (32) homes are situated out of county as eleven blacks but only two whites fall into this category.

We note that information gathered during the course of our review reflects that one of DCF's main priorities is to place children so that they can maintain close proximity to their relatives, their original schools, and communities. Strict adherence to the same race policy appears to undermine the District's ability to achieve these objectives. The relatively high ratio of black children placed out of county in comparison to their white counterparts (i.e., 13:2) is an indication of how implementation of the same race placement policy has a disproportionate adverse impact on blacks. Adherence to this policy obviously contributed to the fact that much larger numbers of black children have been placed farther away from their home communities, schools, and relatives than has been the case for white children.

Therefore, on balance, it would appear that black foster children in Leon County are not provided equal opportunities to receive those benefits, which, according to DCF, emanate from being in close proximity to their original families and communities. This racial disparity is further indication that the arbitrary implementation of DCF's same race placement policy is inconsistent with Title VI and the Act.

The District reported that it had 377 children in foster care, of which 186 are black, 177 are white and 4 are Hispanic. During

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January 1995 - December 1996, Leon County, which is where this investigation was focused, had 60 foster children. Fourteen were white and 46 were black. The data showed that of the total children in foster care in Leon County, 14 white children were placed with white parents, 45 black children were placed with black foster parents, no white children were placed with black parents, and one black child was placed with white parents.

OCR reviewed records in Leon County regarding forty-one homes. Of the forty one homes, 23 (56%) were black, 17 (42% ) were white and 1 (2%) was Asian. One hundred three (103) children were involved in the record review (because of the movement of children from one home to another some are counted more than once). Of that total, 77 (75%) were black, 24 (23%) were white and 2 (2%) were Asian. The record review also revealed that 2 black children were placed with a white family as emergency shelter - to be moved later to a same race family. One (1) bi-racial child was placed with a white family and then moved to a "same race" family which was presumably a black one.

Tallahassee uses the same non-discriminatory process for locating foster parents, and assigning cases to case workers as is being used in Orlando. Also, Tallahassee, similar to Orlando, uses the same mechanisms to request and gather licensing information. As was the case in Orlando, OCR found that workers have a diverse caseload.

The counselors who participated in OCR's review indicated that their primary concern is to place children in homes where the placement will be successful. Therefore, in addition to taking into consideration bed availability and the home's licensure, the worker assesses whether the child and family will be a good match.

In part to achieve this end, several counselors revealed that in Tallahassee it is the general practice to place children into same race homes. However, in emergencies, on a temporary basis or if no beds are available, transracial placements are made. Children are sent out of county (not out of State) if same race homes are not available locally. In addition, some of the reasons mentioned as to why race is a factor for placement were the preference of the foster parents; the best interest of the child; cultural differences; and discretion based on experience and education (not ranked in any particular order).

Interviews of counselors also revealed that foster care families ultimately decide which children will come into their homes and that race can be a factor. If race is a factor for not accepting a child, the agency will honor the foster parent's wishes. It was also revealed that the preferences of older children and biological parents are considered. According to the agency, when preferences are stated, the agency will try to honor those

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preferences although such things as bed availability may make this impossible.

Citing their discretion and cultural differences, at least two counselors stated race can be the sole factor. The records discussed earlier clearly show that same race homes are sought almost exclusively as data show that nearly 100% of the placements fell in this category. Indeed, there were only two (2) black children placed with a white family and then only as emergency shelter. It was anticipated at the time of placement that they would be moved to a same race family.

One (1) biracial (white/black) child was placed with a white family on a temporary basis and then moved to a "same race" family, presumably black. Indications from the staff suggest that at the time of placement, there was a decision to move the biracial child because he/she was considered black. There was no indication in the file that a biracial home was sought and no indication of any extenuating circumstances supporting the decision to move the child.

#### Conclusion:

Based on the foregoing, OCR finds that placements in District II - Leon County are made primarily on the basis of race, and therefore in non-compliance with the requirements of the Act and Title VI.

#### CORRECTIVE ACTION SECURED

During the onsite review, District IIA officials requested OCR's review of a brochure which was in print. Based on that review, officials made arrangements to add a nondiscrimination policy statement. A copy of the brochure is to be sent to OCR after print.

#### CORRECTIVE ACTION

In order to correct the violations cited above, and to achieve compliance with the Act and Title VI, DCF is required to undertake the following remedial measures:

1. DCF shall, if it has not already done so, revise placement criteria so as to clearly indicate that placement determinations may not be based solely on race or ethnicity of the child or parent involved;
2. DCF shall, if it has not already done so, revise placement criteria to clearly indicate that placement determinations may not be based on race except in very

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- limited circumstances, and that any and all considerations of race must be documented to be narrowly tailored to achieve the best interest of a specific child, and be made as an individualized determination for each child involved;
3. DCF shall, if it has not already done so, remove from its criteria those provisions requiring that placement determinations be made based solely on the presumption that same race placements are in childrens' best interest;
  4. DCF shall, if it has not already done so, revise placement criteria so as to eliminate race (except perhaps for the limited situations addressed in item 2 above) as a consideration in establishing placement priorities;
  5. DCF shall, if it has not already done so, remove from its placement policy unnecessary requirements, conditions, responsibilities, procedures, etc., which are applied exclusively to transracial placements solely because of the race or ethnicity of the parents and children involved;
  6. DCF shall, if it has not already done so, revise placement criteria so as to remove any and all provisions arbitrarily indicating that transracial placements are to be temporary, and/or, of limited duration, solely because of the race or ethnicity of the child and parent involved;
  7. DCF shall, if it has not already done so, institute measures to ensure that its staff receive initial and continuing training and information regarding placement policies and practices prohibited under Title VI and the Act;
  8. DCF shall, if it has not already done so, develop and incorporate measures in MAPP training, Foster Parent Association meetings, re-licensure training, and/or other activities and exercises to ensure that foster parents and prospective foster parents are fully apprised of its compliance obligations under Title VI and the Act pertaining to the placement process;
  9. DCF shall institute measures to ensure that all attempts to secure placements are documented in case files. These measures shall further specifically document each instance where prospective parents refuse transracial placements, and the proffered reason(s) therefor; and

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10. Within sixty-days (60) of receipt of the subject letter, DCF shall implement the foregoing measures and submit to OCR documentation of such effort. Alternatively, within this time frame, DCF may submit a corrective plan of action specifying the steps it plans to undertake to address the same.

#### RIGHTS AND RESPONSIBILITIES

Since the DCF has been found in noncompliance with Title VI and the Act as cited above, the agency has the responsibility to develop a proposed remedial plan of action to eliminate each area of noncompliance. The agency must correct the areas of noncompliance or negotiate an acceptable corrective action plan within sixty (60) days from the date of receipt of this letter. The agency may request technical assistance from the OCR to develop a corrective action plan. If technical assistance is needed, the agency should contact the OCR as soon as possible. Recognizing that the Act was recently enacted, OCR will monitor the agency's progress with respect to developing and implementing its corrective action plan.

In addition to possible enforcement proceedings pursuant to Title VI, you should be advised that under Section 1808(b) of the Act, DCF could also be subject to financial penalties if it has been found to have violated Section 1808 "with respect to a person or to have failed to implement a corrective action plan within a period of time not to exceed six months with respect to such violation". The Office for Civil Rights will refer its investigation to the Administration for Children and Families for a determination regarding whether the imposition of financial penalties pursuant to Section 1808(b) of the Act would be appropriate in this case.

#### PROHIBITION AGAINST RETALIATION

Participants in this investigation have the right not to be intimidated, threatened, or coerced by the agency or other covered representatives of the agency or other persons because he/she testified, assisted or participated in any manner in an investigation, proceeding, or hearing held in connection with this review.

#### DISCLOSURE OF RECORDS

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. In the event OCR receives such a request, we will seek

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to protect, to the extent provided by law, personal information which, if released, would constitute an unwarranted invasion of privacy.

The Office for Civil Rights wishes to thank the agency for the courtesy extended to my staff during the conduct of this compliance review. If assistance is needed with your compliance efforts, please do not hesitate to contact this office as soon as possible.

Sincerely,



Marie A. Chretien  
Regional Manager  
Office for Civil Rights  
Region IV

cc: Administration for Children and Families  
U.S. Department of Health and Human Services