



DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of the Secretary

July 17, 2002

Region IX
Office for Civil Rights
50 United Nations Plaza
San Francisco, CA 94102

(415) 437-8310
TDD: 437-8311
Fax: 437-8329

[Complainant Name and Address Redacted]

Susan Thompson
Director, Fresno County Human Services System
2600 Venture Street
Fresno, CA 93721

Reference: 09-00-3381

[Complainant]

Dear [Complainant] and Ms. Thompson:

On August 16, 2000, the Office for Civil Rights (OCR), U.S. Department of Health and Human Services (HHS), received a complaint filed against Fresno County Children and Family Services (CFS), Fresno County Human Services System, alleging CFS discriminated against her on the basis of her race (Black) when it (1) removed her foster child and placed her with a Hispanic risk-adopt family, and (2) denied her application for a foster care license. On July 16, 2002, OCR signed a Resolution Agreement with CFS, resulting in the closure of this investigation.

OCR initiated an investigation of this complaint pursuant to its authority to enforce Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et sec. (Title VI), and its implementing regulations at 45 C.F.R. Part 80, and the Multiethnic Placement Act of 1994 as amended by Section 1808 of the Small Business Job Protection Act of 1996, 42 U.S.C. §§ 672, 674, 1996b ("MEPA-IEP"). These two statutes prohibit discrimination on the basis of race, color, or national origin in decisions regarding the placement of children in foster care or adoptive homes, and in the selection of foster or adoptive parents. As a recipient of HHS funds, CFS is subject to the requirements of Title VI and MEPA-IEP.

During the course of OCR's investigation, CFS expressed a willingness to comply with both Title VI and MEPA-IEP, and agreed to voluntarily resolve this complaint through the enclosed Resolution Agreement. Based on this signed Agreement and CFS's expressed willingness to comply with Title VI and MEPA-IEP, OCR is closing the investigative phase of this complaint and will monitor the provisions of the Resolution Agreement. Please notify OCR in the event CFS needs an extension in order to fulfill any of its reporting requirements.

and Ms. Thompson

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OCR is pleased that this complaint was resolved on a voluntary basis. This Agreement meets OCR's standards for the resolution of the issues in this complaint. Implementation of the actions specified in the Agreement will constitute compliance with Title VI and MEPA-IEP. This closure letter applies only to the issues in this complaint and has no bearing on other issues, complaints or compliance reviews that may be pending before OCR, other agencies within HHS, or another federal agency, regarding the recipient's compliance with Title VI, MEPA-IEP, or any other statute or regulation enforced by OCR or another agency.

Nothing in this closure letter is intended to relieve the recipient of its obligation to comply with any and all provisions of Title VI and its implementing regulations, or MEPA-IEP, whether or not specifically addressed in this letter. Nor does this closure letter preclude further OCR investigations of the recipient. Any compliance matters arising from subsequent investigations will be addressed and resolved separately in accordance with the procedures and standards of the statute and implementing regulations applicable to the matter raised.

The recipient shall not intimidate, threaten, coerce or discriminate against any person who has filed a complaint, testified, assisted, or participated in any manner in the investigations of the matter addressed in this closure letter.

OCR shall place no restrictions on the publication of the contents of this letter and may release this document and related materials consistent with the Freedom of Information Act, 5 U.S.C. § 552, and implementing regulations, at 45 C.F.R. Part 5.

Thank you for your cooperation. If you have any questions, you may contact Laura Aneckstein, Equal Opportunity Specialist, at (415) 437-8331.

Sincerely,



Ira C. Pollack
Regional Manager

Enclosure