



South Carolina Department of Social Services

Child Welfare Services Manual

710. Non-Discrimination for Foster Family and Licensing Support

Effective Date: 07-21-2016

PURPOSE:

The unnecessary consideration of race, color, national origin, religion, state of residence, age, disability, political belief, sex, or sexual orientation when making decisions regarding a child's placement can result in unfair outcomes for prospective families and substantial delays in permanency for foster children. The agency is committed to the exercise of non-discriminatory practice and shall provide equal opportunities to all families and children, without regard to their race, color, national origin, religion, state of residence, age, disability, political belief, sex, or sexual orientation. The following policies and procedures describe the processes through which the agency will prevent discriminatory practices and promote individualized assessments of each child and family.

POLICY:

1. No child shall be denied the opportunity to have a permanent family on the basis of race, color, national origin, religion, state of residence, age, disability, political belief, sex, or sexual orientation. Further, no individual shall be denied the opportunity to become a foster or adoptive parent on the basis of race, color, national origin, religion, state of residence, age, disability, political belief, sex, or sexual orientation. Neither of these opportunities shall be delayed on the above basis. Licensing decisions will not be made on the above basis except in rare cases in which such consideration is in the best interests of the child. If so considered, the resulting decision will be properly supported and documented. Further, the culture of a child and/or prospective adoptive family shall not be used as a proxy for race, color, or national origin in making placement decisions.
2. The agency shall diligently recruit foster and adoptive families that reflect the ethnic and racial diversity of children for whom foster and adoptive homes are needed.
3. All prospective foster parents with disabilities shall be given full and equal opportunities to become foster parents and shall be entitled to individualized treatment. If necessary to facilitate a full and equal opportunity, foster parents with disabilities shall be entitled to auxiliary aids and services.
4. Staff will not solicit, record, or use information on potential caregiver preferences based on race, color, or national origin. Further, staff shall not require additional training or competency for transracial placements.

PROCEDURES:

A. Non-Discrimination in the Licensing Process

1. During the intake for foster home licensing, the Intake case manager shall record the applicant's race and ethnicity on the intake form. The case manager shall redact the information after creating a CAPSS record and prior to obtaining the applicants' signatures on the form.
2. If accommodations are needed to complete the licensing application process, the Intake case manager shall notify the State Office Initial Licensing Unit at the time the intake form is submitted.
3. The State Office Initial Licensing Unit will make a referral for a service aid/interpreter based on the particular needs of the family and as follows:
 - a. If one or both applicants speak English as a second language and requires assistance through an interpreter, one will be provided.
 - b. If one or both applicants require services related to visual or auditory impairment, one will be provided. In no instance can an applicant, household member, or child act as an interpreter.
4. If an applicant or current foster family requires aids or services to fulfill the Standards of Care required of all foster homes due solely to their disability status, the Initial Licensing Unit and Regional Foster Family and Licensing Support Unit staff shall assist the family in obtaining the necessary supports.

B. Non-Discrimination in Ongoing Management & Support

1. If, at any point during ongoing management of the family or during fair hearing proceedings, the family requires additional aids or services due solely to the family's disability status, the unit managing the family shall assist the family in obtaining the necessary supports.
2. For diligent recruitment of diverse families, see [Section 730: Recruitment](#).

C. Special Considerations:

1. For individualized placement decisions in which consideration of race is in the child's best interests, see [Section 510.2: Placement of a Child](#) .
2. Violations of Non-Discrimination Laws & Policies
 - a. Violations of non-discrimination laws and policies by DSS staff could result in disciplinary actions.
 - b. Violations of non-discrimination laws and policies by licensed foster homes could result in the revocation or denial of a license.

D. DOCUMENTATION:

1. Contacts with prospective or licensed families
2. Accommodations provided to disabled families or household members

E. AUTHORITY

1. Multiethnic Placement Act & Interethnic Adoption Provisions
 - a. 42 U.S.C.A. § 671(a)(18): general mandates

- b. 42 U.S.C.A. § 622(b)(7): diligent recruitment
- c. 42 U.S.C.A. § 674 & 45 C.F.R. § 1355.38: enforcement
- d. 42 U.S.C.A. § 1996b: Title VI violations
- e. 42 U.S.C.A. § 2000a et seq.: Title VI of the Civil Rights Act

2. The Americans with Disabilities Act

- a. 29 U.S.C.A. § 794: Section 504 of the Rehabilitation Act of 1973 29 U.S.C.A. § 705(20)-(21): Section 504 definition of disability 42 U.S.C.A. § 12102: ADA definition of disability
- b. 42 U.S.C.A. § 12103: ADA definition of auxiliary aids and services 42 U.S.C.A. §§ 12131-12134: ADA Title II, Public Services
- c. 42 U.S.C.A. §§ 12181-12189: ADA Title III, Public Accommodations 28 C.F.R. § 35.101 et seq.: ADA Title II regulations
- d. 28 C.F.R. § 36.101 et seq.: ADA Title IV regulations
- e. 28 C.F.R. § 42.501 et seq.: Section 504 DOJ regulations
- f. 45 C.F.R. § 84.1 et seq.: Section 504 DHHS regulations