

**Cuyahoga County Division of Children and Family Services
(CCDCFS)
Policy Statement**

Policy Chapter: Legal, Juvenile Court & Custody Issues
Policy Number: 7.04.02
Policy Name: Conflict of Interest

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Approved By: Jacqueline M. Fletcher, Interim Director

PURPOSE: CCDCFS is committed to providing services in a manner which involves integrity in decision making, freedom of choice for clients, and giving preference to professional responsibilities over personal interests. The intent of this policy is to promote effective and efficient service delivery, protect the Division of Children and Family Services (hereafter referred to as “CCDCFS”) and its staff from professional and personal liability, and to avoid conflicts of interest or an appearance of such conflicts of interest when we make decisions regarding children and families.

SCOPE: All CCDCFS employees and agents are collectively referred to hereinafter as “employee(s),” or “staff.”

POLICY

DEFINITION: A Conflict of Interest exists when any employee makes, or appears to make, decisions based on factors other than the case; where the private interest of the employee conflicts with the public responsibility of the agency.

This policy is in supplement to, and does not supersede, the contents of The Ohio Ethics Law: Ohio Revised Code Chapter 102, Ohio Revised Code Sections 2921.42 and 2921.43, as well as all pertinent Federal and State laws, the Cuyahoga County Code of Ethics contained in Title 4 of the Cuyahoga County Code, and Ohio Administrative Code Section 5101:2-36-08, all of which apply to public employees and public officials employed by CCDCFS.

PROCEDURES

- A. CCDCFS is able to exercise enormous power over the lives of children and families in our community. Therefore, it is essential that staff maintain the community’s trust and avoid both a conflict of interest and the appearance of a conflict of interest. If any of the following situations arise staff must notify their immediate supervisor in writing, which may include an agency memo or email with a copy to their immediate Senior Social Services Supervisor or Deputy Director/Administrator as**

applicable. This is NOT an all-inclusive list – should a CCDCFS staff member have a question regarding if a conflict of interest exists, the staff member should contact the staff member’s immediate supervisor and/or the Cuyahoga County Agency of Inspector General (“AIG”).

No CCDCFS staff member shall engage in the following:

1. Become involved in a professional capacity with a case or referral involving friends, relatives or acquaintances. Upon receiving a case or referral concerning a friend, relative or acquaintance, the staff member will immediately notify his/her supervisor so that an alternative staff assignment may be made.
2. Serve as foster parents and/or prospective adoptive parents for a child in the custody of CCDCFS unless all of the following conditions have been met: 1) the child is a relative of the CCDCFS employee who wishes to serve as the foster and/or prospective adoptive parent to the child; 2) the CCDCFS staff member has first notified a Deputy Director/Administrator in writing of the CCDCFS staff member’s intent to pursue foster and/or adoptive status for the child. The Deputy Director/Administrator will determine if consultation with the Legal Department is necessary.

For purposes of this subsection of the Policy, the term “relative” of the CCDCFS employee shall be construed to mean the following with respect to the child’s relationship to the CCDCFS employee.

- a) Individuals related by blood or adoption, as set forth below:
 - i. Parents, grandparents, including grandparents with the prefix "great", "great-great", "grand", or "great-grand";
 - ii. Siblings;
 - iii. Aunts, uncles, nephews, and nieces, including such relative with the prefix "great," "great-great," or "great-grand;"
 - iv. First cousins and first cousins once removed.
- b) Step-parents and step-siblings;
- c) Spouses and former spouses of individuals named in paragraph (a), above.
- d) For the purpose of this policy, the term relative includes a CCDCFS employee with whom a child is placed by court approval pursuant to Ohio Revised Code Section 2151.415(A)(3), i.e., kinship.

The foster and/or prospective adoptive placement of a child with a CCDCFS employee shall be supervised by a CCDCFS employee that is not within the CCDCFS employee’s direct chain of command and CCDCFS department.

The CCDCFS employee must become licensed pursuant to Ohio law, through an agency that is certified, licensed or otherwise specially empowered by law or rule to place minors in foster care (the "Licensing Agency"). The CCDCFS employee shall receive the assigned daily per diem that is associated with the Licensing Agency. Note: A home study of a CCDCFS employee who wishes to foster or adopt cannot be done by CCDCFS.

CCDCFS employees are encouraged to foster and adopt children from other public and private child placement agencies, which do not have custody of CCDCFS children. CCDCFS' Resources and Placement Department will assist CCDCFS employees in contacting other public and private child placing agencies. Note: This policy does not prohibit an employee from receiving an adoption subsidy.

CCDCFS employees who are friends or relatives of the family, except for safety planning discussions, are not permitted to attend staffing meetings.

Any prospective employee who is a licensed foster parent by CCDCFS must immediately transfer their license to another public or private child placing agency prior to acceptance of employment with CCDCFS.

No CCDCFS employees shall use their DCFS/ODJFS email account for any personal correspondence related to a case. As referenced in DCFS policy 12.05.07 (Electronic Communication and Information Technology Resource Usage), Cuyahoga County's Employee Handbook, and Cuyahoga County's Electronic Equipment and Communication Policy, improper usage of DCFS/ODJFS email accounts is strictly prohibited and may result in disciplinary action, contractual penalties or be cause for termination. Note: An exception would be in the instance of when a DCFS employee notifies his or her supervisor, senior supervisor or deputy administrator, in writing, of his or her intention to be considered as a placement option for a relative's child in DCFS custody.

3. Represent private or public interests in any action or proceeding against the interest of CCDCFS, in any manner, in which CCDCFS is a party. If you are subpoenaed for any court matter involving CCDCFS, contact your supervisor and the Cuyahoga County Prosecutor's Office immediately.
4. Use his/her position with CCDCFS for personal gain, or engage in business transactions or other interests, direct or indirect, which conflict with the proper discharge of his/her duties; for example, renting property to foster parents and/or clients, selling to clients, etc....
5. Develop personal relationships (this includes intimate, physical, and /or sexual relationships) with **any** clients (children, parents, relatives, foster or adoptive parents, or acquaintances) active with CCDCFS, including former clients, for up to (2) years following CCDCFS involvement.

6. Take a client/child to their home or the home of their relatives, friends or other acquaintances. Moreover, the staff person shall not have their friends, relatives or other acquaintances accompany them on any CCDCFS business at any time.
7. Have a financial interest in companies or entities that do business with CCDCFS. State law prohibits, with minor exemptions, employees and officials from having a financial interest in companies that do business with public agencies. Employees who have any doubt concerning possible violations of these rules are advised to consult with their supervisor and/or the AIG.
8. Employment or other relationships with agencies that contract with CCDCFS, or with whom CCDCFS serves children, is prohibited. Exceptions may be considered on a case-by-case basis by the Administrator. Furthermore, all secondary employment and any fiduciary or pecuniary relationships must be reported to the County Department of Human Resources and the AIG on an official form. (See notification procedure under Section "C" below.)
9. Accept any gift from a client or vendor who has a contract with CCDCFS, or any business that has dealings with the County, whether in the form of services, loans, items of value or promises; nor accept any favor that may tend to influence an employee in the discharge of his/her duties; nor grant, in the discharge of an employee's duties, any improper favor, services, or item of value. Any employee who receives a gift in circumstances as described above, shall advise his or her immediate supervisor and return the gift. See County Code Section 403.06 for specific guidance.
10. Seek elective office, except as permitted by law; State or local officers or employees may not be a candidate for elective office.

B. Staff Relationship with Children in Custody

Employees are strongly urged not to develop personal relationships with children active with CCDCFS, outside of the routine case management and job description, or outside of business hours.

However, if significant others in the child's life, such as the worker-of-record or other CCDCFS staff member, express a desire to work with a child in some personal enrichment areas such as appropriate cultural, recreational and social activities (e.g., metro parks, museums, neighborhood festivals, and restaurants), the CCDCFS staff member desiring to participate in these activities with children/clients are required to complete the following steps:

1. Discuss the activity with the legal parent, custodian or guardian and obtain written approval/consent.

2. Share all information with the supervisor and obtain the supervisor's written approval, as well as the written approval of the Senior Supervisor of the department.
3. Discuss the activity with the substitute caregiver to avoid scheduling conflicts or interference with their planned family activities.

All the above steps shall be documented in the case notes. At no time shall a CCDCFS employee take a client/child to their home, or the home of friends, relatives or other acquaintances.

C. Employee Notification Procedure

1. To prevent the occurrence of any prohibited Secondary Employment, Section 403.08 of the Cuyahoga County Code requires all County public officials and employees to disclose Secondary Employment to the County Department of Human Resources and the AIG on an official form. Specifically, public officials and employees are required to disclose the following:
 - a) Any compensated employment or private business activity outside the elected official's or employee's primary status with the County that results in gross income required to be reported by the United States Internal Revenue Service, excluding interest income, dividends, other corporate contributions, alimony, income from life insurance or endowment, income in respect of a decedent, retirement plans, pensions and annuities, and social security, PERS, or equivalent retirement benefits;
 - OR
 - b) Any compensated or uncompensated fiduciary interest with an entity that receives funding from the County.

Employees who are considering other employment or internship (paid or unpaid) outside of their work at CCDCFS, or employees who sit on boards or have any other relationships as defined in this policy, must notify their immediate supervisor in writing, with a copy to their immediate Senior Supervisor or Deputy Administrator, as applicable, as well as the Human Resources Department and the AIG. Any employee who is considering an internship within the agency requires Administrator's approval. No internship can occur within the unit to which they are currently assigned or concerning their own caseload/assignments.

2. The memorandum must include the name of the other employer and a description of the work responsibilities with that employer.
3. The supervisor, in conjunction with the Senior Supervisor, will gather any relevant facts and prepare a recommendation regarding whether the

request should be permitted in the event it is determined that a conflict of interest does not exist. This recommendation is also sent to the Director of Human Resources and the AIG.

4. The Director of Human Resources or the AIG will advise the employee in writing as to whether the secondary employment has been deemed a conflict of interest and, if so, will advise the employee of any conditions that may be required in order to maintain both jobs or if termination from the secondary employment is necessary.
5. A copy of the employee's memo and the Director of Human Resources or the AIG's response are placed in the employee's personnel file.
6. Employees shall request approval from the AIG within thirty (30) days of accepting any secondary employment. The AIG may limit the type of classifications of secondary employment that require disclosure. The AIG shall render an opinion within fourteen (14) days of the AIG receiving the request from the Department of Human Resources.

D. Review of Previously-Approved Secondary Employment

1. CCDCFS will from time-to-time conduct a review of all instances of secondary employment, board affiliations or relationships, as outlined in this policy, of CCDCFS employees.
2. When requested, employees must resubmit the details of their second employment, board affiliations or other relationships, as outlined above.
3. If a secondary employment situation, board affiliation or other relationship was initially deemed not to present a conflict of interest but is now determined to present a conflict of interest, employees must terminate that employment or face dismissal from County service, in compliance with existing personnel practices and Cuyahoga County Code Section 403.08(C).
4. Employees must present evidence to the Director of Human Resources documenting their resignation from the secondary employment or other entity or documenting their disassociation.
5. If employees fail to produce such evidence, they will be subject to discipline, up to and including termination.

E. Examples of potential conflict of interest situations which employees must avoid include, but are not limited to, the following:

EXAMPLES

1. If a staff person were to knowingly purchase a used car, other merchandise, or gives or receives gifts from a client for whom we are doing a home study, CCDCFS would be put in a position where a charge

could be made that the outcome of the case (or the home study) was affected by the good, or bad, deal given its staff member on the car.

2. If a staff person is also a CCDCFS foster or prospective adoptive parent, CCDCFS would be put in a position where a charge could be made that the outcome of the case (e.g., failed case plan; recommendation to the court for permanent custody) was affected by services provided - or not provided - by its staff.
3. If a staff person from CCDCFS becomes a personal friend of a CCDCFS client while the client's case is active and another party becomes involved in a custody dispute with the client, our decisions as an agency may well be attacked as biased toward the "friend." This is particularly true if the staff person participated in a Staffing or Family Team Meeting.
4. Knowingly entering into any business transaction involving anyone with a case with CCDCFS.
5. If a staff person has a personal relationship with someone who does business with CCDCFS (e.g., a bidder on a contract) and the staff person is involved in obtaining a contract for CCDCFS, a charge of conflict of interest could be made.
6. If an employee provides private therapy, counseling, or any service to CCDCFS clients outside of the staff person's agency job duties/roles, a charge of conflict of interest could be made.

SEE ALSO:

Ohio Revised Code Chapter 102

Ohio Revised Code Sections 2921.42 and 2921.43

Ohio Administrative Code Section 5101:2-36-08

Cuyahoga County Division of Children and Family Services Policies and Procedures Manual

Policy 12.05.07 –

Electronic Communication and Information Technology Resource Usage

Cuyahoga County Employee Handbook

Section 4, Ethics; Section 7, Standards of Conduct

Cuyahoga County Code, Title 4, Ethics

Cuyahoga County's Electronic Equipment and Communication Policy