

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

Policy Chapter: Child Health Care
Policy Number: 9.03.01
Policy Name: HIV/AIDS Non-Discrimination

Original Effective Date: 03/01/1988
Revision Date(s): 09/01/2018, 09/01/2015, 01/01/1989
Current Revision Date: 09/01/2020
Approved By: Cynthia G. Weiskittel

PURPOSE: To make explicit the Cuyahoga County Division of Children and Family Services (CCDCFS) policy and provide guidance for dealing with situations involving employees, families and children who have, or are perceived to be at risk of acquiring any of the following: Acquired Immune Deficiency Syndrome (AIDS); Human Immunodeficiency Virus (HIV) Infection; or HIV-related illness. (The term HIV/AIDS as used in this policy, should be understood as encompassing all of the above).

SCOPE: This policy applies to all staff and clients of CCDCFS. The policy of non-discriminatory practices must be adhered to in the hiring and retention of staff; in the acceptance and planning for new cases; in the provision of services to children and families; and in contracting with outside providers.

POLICY

- A. CCDCFS recognizes its obligation to provide a safe and healthy work environment and to assure fair, non-discriminatory treatment of all employees. Therefore, it is the policy of CCDCFS that individuals diagnosed with HIV/AIDS will be treated with the same compassion and consideration given to any other individual with a health problem. CCDCFS maintains that no person shall discriminate against a client or potential client, against an employee or potential employee, or against a provider or potential provider as a result of them having or being at risk of acquiring HIV/AIDS.

- B. Present or prospective employees will not be required to submit to an HIV-related test for the purpose of assessing their ability to be employed or continue to be employed at CCDCFS. Any employee with HIV/AIDS has the right to continue working as long as job duties can be performed satisfactorily. Under the guidelines of the Americans with Disabilities Act of 1990, managers and supervisors will make reasonable accommodations in job assignments as necessary and feasible for HIV/AIDS affected employees.

- C. This policy of non-discrimination will be implemented in accordance with the specific procedures outlined below.

PROCEDURES

- A. Clients and family members who may be infected with HIV/AIDS:
1. Clients referred to CCDCFS have a right to all agency services if they meet mandated program guideline regardless of their HIV/AIDS status.
 2. The presence or potential presence of HIV/AIDS shall not prevent the initial delivery of or continuance of services to clients who meet all other specific guidelines for services.
 3. The final decision regarding appropriateness for the acceptance and/or screening in of any case rests with the Hotline in accordance with screening criteria.
 4. The presence of HIV/AIDS in a client is confidential.
 - a. Ohio law prohibits any state agency from refusing to provide services solely because the individual refuses to disclose HIV/AIDS test results.
 - b. Only when there is a Release of Information Form specific to HIV/AIDS related issues, signed and dated by the legal guardian or the client, or as outlined in the Ohio Administrative Code 5101:2-42-90 or Ohio Revised Code 3701.243, as applicable, may such information be shared
 5. Workers of Record (WOR) report to their Supervisor and Senior Supervisor when a child or family member on their caseload diagnosed with HIV/AIDS.
- B. Children diagnosed with HIV/AIDS, and who have to be placed in substitute care, are placed in accordance with the following:
1. Such children are placed in the least restrictive setting possible; however, when considering placement decisions, CCDCFS will undertake a case-by-case individualized analysis regarding whether an HIV positive child presents a significant risk of harm to others. In completing this analysis, CCDCFS reviews the following factors: 1) if the child lacks control of bodily secretions; 2) has a history of biting; and/or 3) has an oozing lesion. In such cases, the child is placed in a setting where they will be supervised by a trained adult caregiver at all times, and in a setting that minimizes the chance of exposure of their blood, saliva or other bodily secretions to others.
 2. CCDCFS informs substitute caregivers of a child's positive HIV/AIDS status whenever such a child is being placed in a home and such information is known to CCDCFS.

3. The WOR must consult with their Supervisor and the Placement Department to evaluate the level of risk such a child may pose to the substitute caregiver and other children in the placement setting.
 4. Children who may be adopted are not to be discriminated against solely on the basis of HIV/AIDS status.
 - a. When appropriate, HIV/AIDS testing will be part of the Adoptive Medical Examination.
 - b. Adoptive parents must always receive full disclosure of presence of a HIV/AIDS positive status.
- C. Youth who are diagnosed with HIV/AIDS or are at high risk of contracting HIV/AIDS and who are transitioning from agency custody to self-sufficiency, receive health education and risk prevention as outlined in OAC 5101:2-42-19. When requested, these services and support can be provided to emancipated youth until their twenty first birthday.
- D. Staff and Care-providers with HIV/AIDS:
1. CCDCFS does not discriminate in the hiring or retention of any staff person who discloses the diagnosis of HIV/AIDS so long as they are otherwise capable of handling work assignments. Any modification in such work assignments is made in accordance with the accepted personnel practices for disabled employees.
 2. CCDCFS does not discriminate in the retaining of or contracting with any staff person who discloses the diagnosis of HIV/AIDS.
 3. CCDCFS provides all necessary support to any staff person or provider who, in the fulfillment of their duties, is placed at high risk of infection.
 4. The identity of any employee with HIV/AIDS will remain confidential. HIV/AIDS-related information is not disclosed without the written consent of the employee or as otherwise allowed by law.
- E. CCDCFS has the responsibility to educate staff and agency care providers in HIV/AIDS prevention and understanding.

SEE ALSO:

- Cuyahoga County Division of Children and Family Services Policies and Procedures Manual
- Policy 7.04.01 - Sharing and Dissemination of Confidential Client Information
Policy 9.02.06 - HIV Testing

LGBTQ Practice Guide