 Department of Children & Family Services <i>Building a Stronger Louisiana</i>	Division/Section	Executive Division
	Chapter No./Name	DCFS Departmental Policy
	Part No./Name	2 – Civil Rights
	Section No./Name	2-2 Non-Discrimination in Service Provision
	Document No./Name	2-2 Non-Discrimination in Service Provision
	Effective Date	November 16, 2018

I. STATEMENT OF POLICY

The Department of Children and Family Services (DCFS) reaffirms the [Equal Delivery of Services Policy Statement](#) and will administer all programs which receive federal assistance and conduct its business, either directly or indirectly or through contractual or other arrangements, in accordance with federal and state laws, regulations, executive orders and related other guidance, including but not limited to the following.

No persons shall on the basis of age, sex, religion, race, color, national origin, political affiliation, sexual orientation, *** or disability (not all prohibited bases apply to all programs) be excluded from participation in; be denied the benefits of; or be subjected to discrimination under any program or activity conducted in this department. DCFS will take appropriate action to ensure that the above will be implemented at all levels of administration.


Furthermore, DCFS offices, including contractors, licensees, or other entities providing DCFS agency services, shall not intimidate, threaten, coerce, discriminate, or take any retaliatory action against any person for the purpose of interfering with any right protected under civil rights laws, statutes, or policies or because he/she has:

- opposed any practice that is unlawful according to civil rights laws, contrary to DCFS civil rights policies or practices, or is believed to be in violation of civil rights laws, statutes, or policies; or
- made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under any civil rights law, statute, or policy.

Language Assistance to Persons with Limited English Proficiency (LEP)

DCFS will take reasonable steps to provide services and information in appropriate languages other than English in order to ensure that LEP persons are effectively informed and can meaningfully participate in and benefit from its programs and services.

1. Each Bureau/Division/Section within DCFS shall be responsible for:
 - Developing written policies and procedures to identify the language needs of clients/recipients.
 - Accessing and providing language assistance services in a timely manner during hours of operation. Such services may be provided through one or more of the following:
 - Oral interpretation services
 - Bilingual staff
 - Telephone interpreter lines
 - Written language services

 Department of Children & Family Services <i>Building a Stronger Louisiana</i>	Division/Section	Executive Division
	Chapter No./Name	DCFS Departmental Policy
	Part No./Name	2 – Civil Rights
	Section No./Name	2-2 Non-Discrimination in Service Provision
	Document No./Name	2-2 Non-Discrimination in Service Provision
	Effective Date	November 16, 2018

- Community volunteers
 - Disseminating language assistance services policies and procedures to staff and ensuring staff awareness of the policies, procedures and of their [Title VI](#) obligations to LEP persons.
 - Posting and maintaining signs in regularly encountered languages other than English in waiting rooms, reception areas and other points of entry. These signs must inform applicants/beneficiaries of their right to free language assistance service and invite those to identify themselves as persons needing such services.
 - Conducting regular monitoring of the language assistance program to ensure that LEP persons have meaningful access to the program/services.
2. The type of language assistance program developed by each Bureau/Division/Section to ensure meaningful access will depend on a variety of factors, including but not limited to:
- the size of the Bureau/Division/Section;
 - the size of the eligible LEP population it serves;
 - the nature of the program/service;
 - the objective of the program;
 - the total resources available to the Agency; and
 - the frequency with which particular languages are encountered.


The Bureau of General Counsel – Civil Rights Section will review each Bureau/Division/Section’s language assistance program periodically.

Disability Accommodation and Auxiliary Aids and Services

DCFS will take reasonable steps to ensure that all physical sites are accessible and barrier free and provide appropriate auxiliary aids and services to accommodate the needs of clients/recipients with disabilities in order to ensure that they can effectively participate in and benefit from its programs and services.

Auxiliary aids and services may include but are not limited to the following:

- Qualified interpreters or other effective methods of making material delivered via auditory means available to persons with hearing impairments.
- Qualified readers, taped texts, or other effective methods of making visually delivered materials available to individuals with visual impairments.

	Division/Section	Executive Division
	Chapter No./Name	DCFS Departmental Policy
	Part No./Name	2 – Civil Rights
	Section No./Name	2-2 Non-Discrimination in Service Provision
	Document No./Name	2-2 Non-Discrimination in Service Provision
	Effective Date	November 16, 2018

- Acquisition or modification of equipment or devices.

Assurance of Equal Access to Services

It is the policy of DCFS to resolve all complaints alleging discrimination based on age, race, color, sex, sexual orientation, *** disability, religion, national origin or political affiliation in a prompt and efficient manner and in compliance with the federal requirements of the agencies providing services.

Any person who believes that he or she or any specific class of persons has been subjected to discrimination in any Bureau/Division/Section program, may personally or by a representative file a written complaint with the DCFS Bureau of General Counsel - Civil Rights Section and/or the federal agency as indicated on the * **Customer** ** [Civil Rights Complaint Form](#). The identity of the complainants will be kept confidential except to the extent necessary for conducting the investigation. Any act or acts of intimidation or retaliation against any individual making a complaint shall be prohibited. It is suggested that the complainant or his or her representative use the * **Customer Civil Rights Complain Form** ** developed by the DCFS Bureau of General Counsel - Civil Rights Section that is attached to this policy. A complainant may also use the USDA complaint form found at http://www.ascr.usda.gov/complaint_filing_cust.html.

The policy shall apply to all DCFS offices providing financial or social services whether directly or indirectly or through contractual or other arrangements in accordance with those provisions of federal and state laws that prohibit discrimination in the delivery of services. This complaint procedure carries out the regulations for [Title VI](#) of the Civil Rights Act of 1964, [Section 504](#) of the Rehabilitation Act of 1973 and Federal Block Grants ([P.L. 97-35](#) and [P.L. 104-193](#)) and United States Department of Agriculture (USDA) Food and Nutrition Service.

Refer to DSS Civil Rights Policy [2-07](#), SNAP Civil Rights Compliance for specific information regarding civil rights compliance procedures and processes in SNAP.


II. PROCEDURES

* **Civil Rights** ** Complaints

The DCFS Secretary has overall responsibility for the policy and program development under [Title VI](#) of the Civil Rights Act of 1964 and [Section 504](#) of the Rehabilitation Act of 1973. Responsibility for the coordination and implementation has been placed with the Director of the DCFS Bureau of General Counsel - Civil Rights Section.

All personnel in DCFS are charged with the responsibility for adhering to the provisions of this policy.

Each Bureau/Division/Section appointing authority or designee has the responsibility to ensure that this policy is posted in conspicuous places and * **Customer** ** Civil Rights Complaint Forms in English, Spanish and Vietnamese are readily available for public use within each office facility.

	Division/Section	Executive Division
	Chapter No./Name	DCFS Departmental Policy
	Part No./Name	2 – Civil Rights
	Section No./Name	2-2 Non-Discrimination in Service Provision
	Document No./Name	2-2 Non-Discrimination in Service Provision
	Effective Date	November 16, 2018

Standards

Any person who believes that he or she, or any specific class of persons, has been subjected to discrimination covered by [Title VI](#) of the Civil Rights Act of 1964 or [Section 504](#) of the Rehabilitation Act of 1973, as amended, or other federal laws listed in the policy, may without fear of reprisal or coercion, file a written complaint. (The *** Customer **** [Civil Rights Complaint Form](#) is recommended for use.) Verbal or written complaints may be filed directly with the office/agency. The office/agency/appointing authority or designee shall be responsible for maintaining a log of all *** civil rights **** complaints received. At a minimum the complaint log shall document the name of the complainant, customer identification number (CID) and basis of the complaint, if known, and the date the complaint was forwarded to the Bureau of General Counsel – Civil Rights Section. SNAP complaint procedures are also found in DSS Civil Rights Policy [2-07](#), SNAP Civil Rights Compliance.

A *** civil rights **** complaint may be filed with the DCFS Bureau of General Counsel - Civil Rights Section and/or any of the following federal oversight agencies:


Department of Children and Family Services (DCFS)
DCFS Bureau of General Counsel, Civil Rights Section
PO Box 1887
Baton Rouge, LA 70821
(225) 342-0309
DCFS.BureauofCivilRights@LA.Gov

For SNAP: (see also DSS Civil Rights Policy [2-07](#), SNAP Civil Rights Compliance):

To file a complaint of discrimination, write
United States Department of Agriculture
Director, Office of Civil Rights
1400 Independence Avenue, S.W.
Washington, D.C. 20250-9410
800-795-3272 (voice)
(202) 720-6382 (TTY)
USDA is an equal opportunity provider and employer

For programs such as FITAP, Foster Care, *** Adoption, Child Support Enforcement, **** etc.:


Department of Health and Human Services (DHHS)
Regional Office for Civil Rights
1301 Young Street – Suite 1169
Dallas, TX 75202

	Division/Section	Executive Division
	Chapter No./Name	DCFS Departmental Policy
	Part No./Name	2 – Civil Rights
	Section No./Name	2-2 Non-Discrimination in Service Provision
	Document No./Name	2-2 Non-Discrimination in Service Provision
	Effective Date	November 16, 2018

**A. Guidelines for USDA Food and Nutrition Service (FNS):
Supplemental Nutrition Assistance Program (SNAP) Civil Rights Complaints**

FNS enforces federal civil rights laws that prohibit discrimination on the basis of race, color, national origin, age, sex or disability, religion and political beliefs.

1. A complaint must be filed no later than 180 calendar days from the date of the alleged discriminatory act or acts.
2. Complaints will be acknowledged within five (5) working days of receipt of the complaint.
3. If a complaint does not fall within the jurisdiction of the DCFS Bureau of General Counsel - Civil Rights Section, the complainant will be notified within five (5) working days of receipt of the complaint. The complaint will be referred to the appropriate Bureau/Agency Section of the Department.
4. After determining that the complaint falls within the jurisdiction of the DCFS Bureau of General Counsel - Civil Rights Section, the *** Compliance **** Program Director will notify the Office against which the complaint is filed and initiate a prompt response and thorough investigation of the complaint.
5. All age related complaints will be referred to the FNS Office of Civil Rights in Washington, D.C. for processing within five (5) working days of receipt of complaint.
6. The complaint should describe the type of discrimination alleged, the adverse action which resulted, indicate when and where such discrimination took place and describe all pertinent facts and circumstances surrounding the alleged discrimination. If an applicant chooses not to file the complaint in writing the DCFS staff member receiving the complaint must complete the *** Customer **** [Civil Rights Complaint Form](#).
7. A complaint investigation must be completed for cases that allege violation in FNS programs, a prohibited basis of discrimination has been identified and an adverse action as determined by the complainant. The investigative process must include but not be limited to the following steps.
 - a) Contact with the complainant or authorized representative, if any, and a review of his/her case file,
 - b) a review of a representative sample of case files of similarly situated program participants/applicants proceeding with:
 - (1) the total program participants/applicant population (to be determined within an established timeframe), extracting from that population;

 Department of Children & Family Services <i>Building a Stronger Louisiana</i>	Division/Section	Executive Division
	Chapter No./Name	DCFS Departmental Policy
	Part No./Name	2 – Civil Rights
	Section No./Name	2-2 Non-Discrimination in Service Provision
	Document No./Name	2-2 Non-Discrimination in Service Provision
	Effective Date	November 16, 2018

- (2) the total number of program participants/applicants that are similarly situated as the complainant, concluding with not less than ten (10) percent of the random number of program participants/applicants that are similarly situated as the complainant,

Note: In cases where ten (10) percent of the total number of program participants/applicants that are similarly situated as the complainant is twenty (20) or less, at least five (5) of those case files just be reviewed.


- c) If the complainant does not wish to pursue or withdraws the complaint, the person conducting the investigation should obtain a signed statement from the complainant. The signed statement should be kept with the investigative report. If further investigation is necessary based on available information, the following steps will be taken in addition to the interview with the complainant:

- (1) review of the complainant's case file,
- (2) review of other similarly situated case files,
- (3) interviews with local Agency officials,
- (4) interviews with relevant witnesses and other applicants/participants, and
- (5) interviews with representatives of grassroots/advocacy organizations, if warranted.

8. An investigation shall be conducted to substantiate or refute the allegations in the complaint. An investigation shall be conducted on all complaints that establish a prima facie case of discrimination. The elements of a prima facie case may vary depending on the facts of the complaint, but such elements often include the following:

- a) the complainant is a member of a protected class
- b) the complainant is qualified and eligible for a benefit or a program that receives Federal financial assistance from USDA,
- c) the complainant's access to or participation in a USDA federally funded was harmed by the recipient's action or failure to act, and
- d) there is some evidence of the recipient's actions or failure to act from which, is otherwise unexplained, an inference of discrimination can be drawn.

9. If the determination is made that there is a valid complaint, necessary steps must be taken by the Division's Deputy Secretary or delegate to correct the discriminatory practice within a

 Department of Children & Family Services <i>Building a Stronger Louisiana</i>	Division/Section	Executive Division
	Chapter No./Name	DCFS Departmental Policy
	Part No./Name	2 – Civil Rights
	Section No./Name	2-2 Non-Discrimination in Service Provision
	Document No./Name	2-2 Non-Discrimination in Service Provision
	Effective Date	November 16, 2018


designated period of time and prevent any recurrence of such practices. The Corrective Action will be shared with the DCFS Bureau of General Counsel - Civil Rights Section for inclusion in future Civil Rights reviews as needed.

10. All complaints shall be processed and closed within 90 calendar days of receipt.
11. The DCFS Bureau of General Counsel - Civil Rights Section will maintain records regarding the nature of the complaint, the details of the investigation and actions taken to resolve a finding of discrimination. ***.
12. The DCFS Bureau of General Counsel - Civil Rights Section shall submit a report to USDA-FNS Office of Civil Rights on each SNAP discrimination complaint. The report shall contain the findings of the investigation and, if appropriate, the corrective action planned or taken. A concurrence letter must be obtained from USDA FNS Office of Civil Rights before notifying a client of the results of the civil rights investigation via a decision letter.
13. A decision letter shall be sent to the complainant that includes: the name of the complainant, a review number, the date the complaint was received, a statement of the jurisdictional authority, a statement of each allegation and applicable regulation, if an investigation is warranted, the methodology on how the complaint was investigated and the conclusions. All decision letters to complainants will include their appeal rights to the United States Department of Agriculture.
14. Reports of complaints will be submitted to the DCFS Secretary and/or Appointing Authority periodically.
15. All complaint records will be available for review by DCFS, USDA and other authorized officials.

B. Guidelines for Other Programs, Department of Health and Human Services: Family Independence Temporary Assistance (FITAP), Foster Care, etc.

The United States Department of Health and Human Services (DHHS) enforces civil rights laws that prohibit discrimination on the basis of race, color, national origin, disability, age, sex, and religion. DCFS receives federal assistance for Temporary Assistance for Needy Families (TANF), Child Support Enforcement, Foster Care, Adoption and Child Welfare Investigation programs.

1. After determining that the complaint falls within the jurisdiction of the DCFS Bureau of General Counsel - Civil Rights Section, the * Compliance ** Program Director will notify the Office against which the complaint is filed and initiate a prompt response and thorough investigation of the complaint.
2. The complaint investigation will include but not be limited to the following steps. A minimum of steps a), c) and d) must be followed in all investigations:

	Division/Section	Executive Division
	Chapter No./Name	DCFS Departmental Policy
	Part No./Name	2 – Civil Rights
	Section No./Name	2-2 Non-Discrimination in Service Provision
	Document No./Name	2-2 Non-Discrimination in Service Provision
	Effective Date	November 16, 2018

- a) Interviewing the complainant to get the details of the complaint;
 - b) Interviewing others who would be in a position to provide further information;
 - c) Contacting the Bureau/Division/Section of the facility complained against to secure information about the complaint incident and the overall arrangement for providing services;
 - d) Obtaining copies of any appropriate documents, records or statistics that would support or rebut the complaint.
3. After completing the investigation, the investigator for the DCFS Bureau of General Counsel - **Compliance and Information Technology** ** Section will submit a written report of the findings of the complaint to the complainant and to the Agency against which the complaint is lodged.
 4. If the determination is made that there is a valid complaint, necessary steps must be taken by the Division's Deputy Secretary or delegate to correct the discriminatory practice within a designated period of time and prevent any recurrence of such practices. The Corrective Action will be shared with the DCFS Bureau of General Counsel - Civil Rights Section.
 5. The above procedures will be completed within *** by the DCFS Bureau of General Counsel - Civil Rights Section ***. The complainant shall be advised that if he/she is not satisfied with the decision, it may be appealed to DHHS or other appropriate federal regulatory agencies * in the written notice of the decision. **
 6. All complaint records will be available for review by DCFS, DHHS and other authorized officials.

III. FORMS AND INSTRUCTIONS

[Equal Delivery of Services Policy Statement](#)


[* Customer ** Civil Rights Complaint Form](#)

[Receipt of Non-Discrimination Policies and Statements Acknowledgement Form and Instructions](#)

IV. REFERENCES

Definitions

Civil Rights Matters – Allegations presented by a complainant that a specific action was taken because of his/her race, color, national origin, age, sex, disability, religion, or political beliefs. Any decision or action involved in the complainant's allegations that cannot be explained by regulatory provisions or supported by program guidelines, which adversely affects the complainant's participation, will be treated as a civil rights issue. All allegations of rude or hostile treatment against program delivery personnel will be treated initially as civil rights issues and issues that involve

 Department of Children & Family Services <i>Building a Stronger Louisiana</i>	Division/Section	Executive Division
	Chapter No./Name	DCFS Departmental Policy
	Part No./Name	2 – Civil Rights
	Section No./Name	2-2 Non-Discrimination in Service Provision
	Document No./Name	2-2 Non-Discrimination in Service Provision
	Effective Date	November 16, 2018

disparate treatment or adverse impact on participation based on one of the protected classes. The disparate treatment may have been directed at an individual, a group, or a class of persons. These matters must be handled through the civil rights complaint process.

LEP (Limited-English Proficiency) – The inability to read, speak, write, or understand the English language at a level that permits effective interaction with agency service providers.

Program Matters – Issues involving program/service participation decisions or actions based on program/service regulatory requirements and not based on race, color, national origin, age, sex, disability, religion or political beliefs. Examples of program matters include over the income limit, work registration, verification, decreases in allotment, and ineligibility. These issues may be resolved through the fair hearing process. Rude and hostile treatment complaints will be addressed by the Division of Family Assistance.

US Federal and State Laws, Regulations, and Rules

Title VI of the Civil Rights Act of 1964, as amended: A federal law that prohibits discrimination against persons on the basis of race, color, and national origin on the part of any program or activity receiving federal financial assistance.

Section 504 of the Rehabilitation Act of 1973, as amended: A federal law that prohibits discrimination against qualified individuals with disabilities on the basis of disability on the part of any program or activity receiving federal financial assistance.


Title 45 of the Code of Federal Regulations, Part 80, as amended: A federal law that effectuates and extends the provisions of Title VI of the Civil Rights Act of 1964 to any program or activity receiving federal assistance from the U.S. Department of Health and Human Services.

Title 45 of the Code of Federal Regulations, Part 90: A federal law which prohibits discrimination on the basis of age in programs or activities receiving federal financial assistance.

Title 45 of the Code of Federal Regulations, Part 91: A federal law which prohibits discrimination on the basis of age in programs or services receiving Health and Human Services (HHS) financial assistance.

Methods of Administration (MOA), State Plans of Operation and Federal/State Agreements: Agreements with various federal funding agencies requiring civil rights compliance and/or outlining the methods to be used in complying with Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and other applicable civil rights laws and regulations.

The Americans with Disabilities Act of 1990, as amended: A federal law that prohibits discrimination against qualified individuals with disabilities on the basis of disability.

 Department of Children & Family Services <i>Building a Stronger Louisiana</i>	Division/Section	Executive Division
	Chapter No./Name	DCFS Departmental Policy
	Part No./Name	2 – Civil Rights
	Section No./Name	2-2 Non-Discrimination in Service Provision
	Document No./Name	2-2 Non-Discrimination in Service Provision
	Effective Date	November 16, 2018

Title IX of the Educational Amendments of 1972, as amended: A federal law that prohibits discrimination against persons on the basis of sex on the part of any educational program or activity receiving federal financial assistance.

The Age Discrimination Act of 1975, as amended: A federal law that prohibits discrimination on the basis of age (unless age is a bona fide program eligibility criterion) on the part of any program, service, or activity receiving federal financial assistance unless otherwise allowed under federal, state or local law.

The Civil Rights Restoration Act (CRRA) of 1987: A federal law amending Title VI, Title IX, Section 504 and the Age Discrimination Act of 1975 to establish that the provisions of these four statutes apply to all the operations of a department or agency when any part of the department or agency receives federal financial assistance.

U.S. Department of Agriculture (USDA) Regulations (DR 4330-2): Regulations that prohibit discrimination on the basis of race, color, national origin, religion, sex, age or disability on the part of any program, service or activity receiving Federal financial assistance from the USDA.

Food Stamp Act of 1977, as amended: A federal law that prohibits discrimination in the certification of applicant household for the Food Stamp Program because of an individual's race, sex, religion, national origin, and/or political belief.

USDA Food and Nutrition Services (FNS) Instructions, 113 Series: Federal guidance for civil rights compliance and enforcement of all FNS programs.

Executive Order 13166: A federal executive order that mandates a federal aid recipient's assurance that applicants and beneficiaries who are not proficient in English can meaningfully and effectively participate in and benefit from federally assisted programs and activities.

Multiethnic Placement Act of 1994, as amended by the Interethnic Adoption Provisions of 1996 (MEPA-IEP): A federal law that prohibits a state or other entity from delaying or denying the placement of a child for adoption or placement in foster care on the basis of the race, color, or national origin of the adoptive or foster parent, or the child involved.

Block Grants: Provisions of federal and state law that prohibit discrimination in the delivery of services funded through Block Grants (P.L. 97-35 and LA R.S. 49:673).
