

CAUTION: The following advice may be based on a rule that has been revised since the opinion was first issued. Consequently, the analysis reflected in the opinion may be outdated.

40 IAC 2-1-8

40 IAC 2-1-9

A caseworker in the Marion County Welfare Department's Fostercare and Adoption Unit wanted to do home studies of adopting parents' homes for a private adoption agency and to supervise a probationary ward placed in a therapeutic foster home as the caseworker for another county. SEC found this arrangement presented no conflict of interest.

90-I-28: Conflict of Interest, Moonlighting
Indiana State Ethics Commission
Official Advisory Opinion
(Decision October 11, 1990)

FACT SITUATION

A caseworker in the Fostercare and Adoption Unit, County Children's Services, Marion County Welfare Department, wanted to do home studies of adopting parent's homes for a private adoption agency and supervise a probationary ward placed in a therapeutic foster home as the caseworker for another county. Her duties for the fostercare and adoption unit were to do fostercare licensing home studies, special needs adoption home studies, and interstate compact home evaluations inside Marion County. The county rarely handled non-special needs infant adoptions. Because there is a five to ten year wait through the Welfare Department, the practice is to provide a list of private agencies when prospective adoptive parents ask about infant adoption. The private agency the caseworker desired to work for was located in Indianapolis and did healthy, non-special needs infant adoptions. The caseworker said she would only do home studies of adoptive parent's homes in areas outside of Marion County. The private group home was located between Whitley and Huntington Counties. One girl who had been placed by the Johnson County Probation Department in the private group home was subsequently placed in a Hamilton County therapeutic foster home licensed through the specialized fostercare program at the private group home. The caseworker had contracted to supervise this child's placement in the foster home and write reports twice a month.

QUESTION

Is a caseworker for the Marion County Department of Public Welfare, Fostercare and Adoption Unit, whose job responsibilities include doing inside Marion County fostercare licensing home studies, special needs adoption home studies, and interstate compact home evaluations permitted to work part-time for the following:

- 1) A private agency located in Indianapolis which does healthy, non-special needs infant adoptions for which the caseworker would do home studies of the adopting parent's home in areas outside of Marion County, or
- 2) A private group home located between Whitley and Huntington Counties for which the caseworker would supervise one child who is a Johnson County probationary ward placed in a Hamilton County therapeutic foster home licensed through the specialized fostercare program at the private group home.

OPINION

The State Ethics Commission rendered the following opinion:

There is no conflict of interest with the two outside part-time jobs:

- 1) Doing home studies for the private adoption agency of adoptive parent's homes

for healthy, non-special needs infant adoptions in areas outside Marion County,
or

2) Supervising one child for the private group home who is a Johnson County probationary ward placed in a Hamilton County therapeutic foster home licensed through the specialized fostercare program at the private group home.

The relevant rules are as follows:

40 IAC 2-1-9(A) provides, "If in the course of the discharge of his official duties as a state officer or state employee he shall find himself in a position where his, or his spouse's or his unemancipated children's economic interest shall be substantial and material and in conflict with the interest of the people of this State, then such state officer or state employee shall be expected to resolve such conflict as provided for in Section 10 (40 IAC 2-1-10)."

40 IAC 2-1-8 provides, "A state employee must not engage in outside employment or other outside activity not compatible with the full and proper discharge of his public duties and responsibilities. This outside employment or other outside activity must not impair his independence of judgment as to his official responsibilities, pose a likelihood of conflict of interest or require him or persuade him to disclose confidential information acquired by him as a result of his official duties."