

Recruiting and Retaining African American and Hispanic American Foster and Adoptive Families

Monday, August 9, 2010

Handout Materials



**New York State
Office of
Children & Family
Services**

New York State
Office of Children and Family Services
and
PDP Distance Learning Project

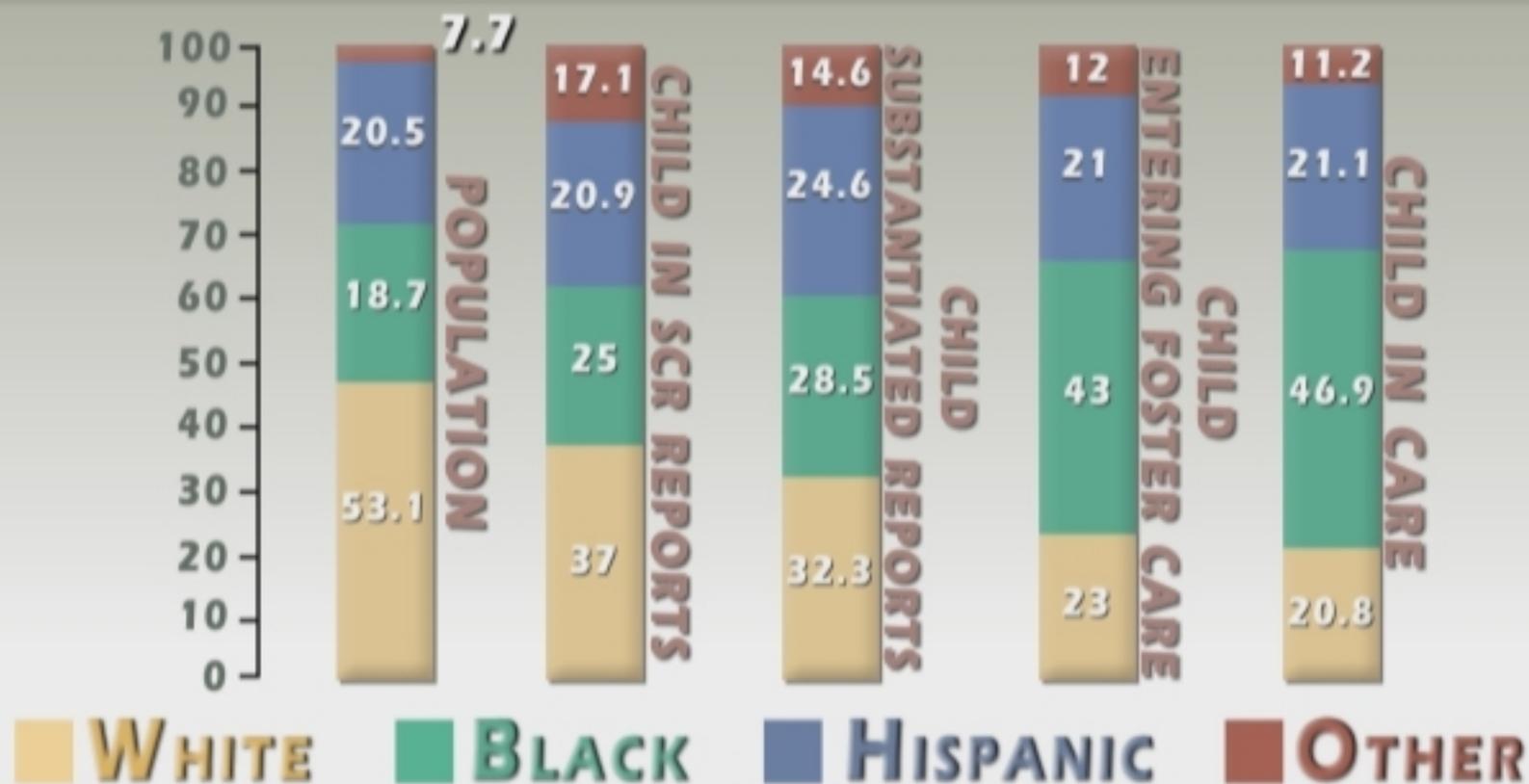
RECRUITING AND RETAINING AFRICAN AMERICAN AND HISPANIC AMERICAN FOSTER AND ADOPTIVE FAMILIES

8/9/2010

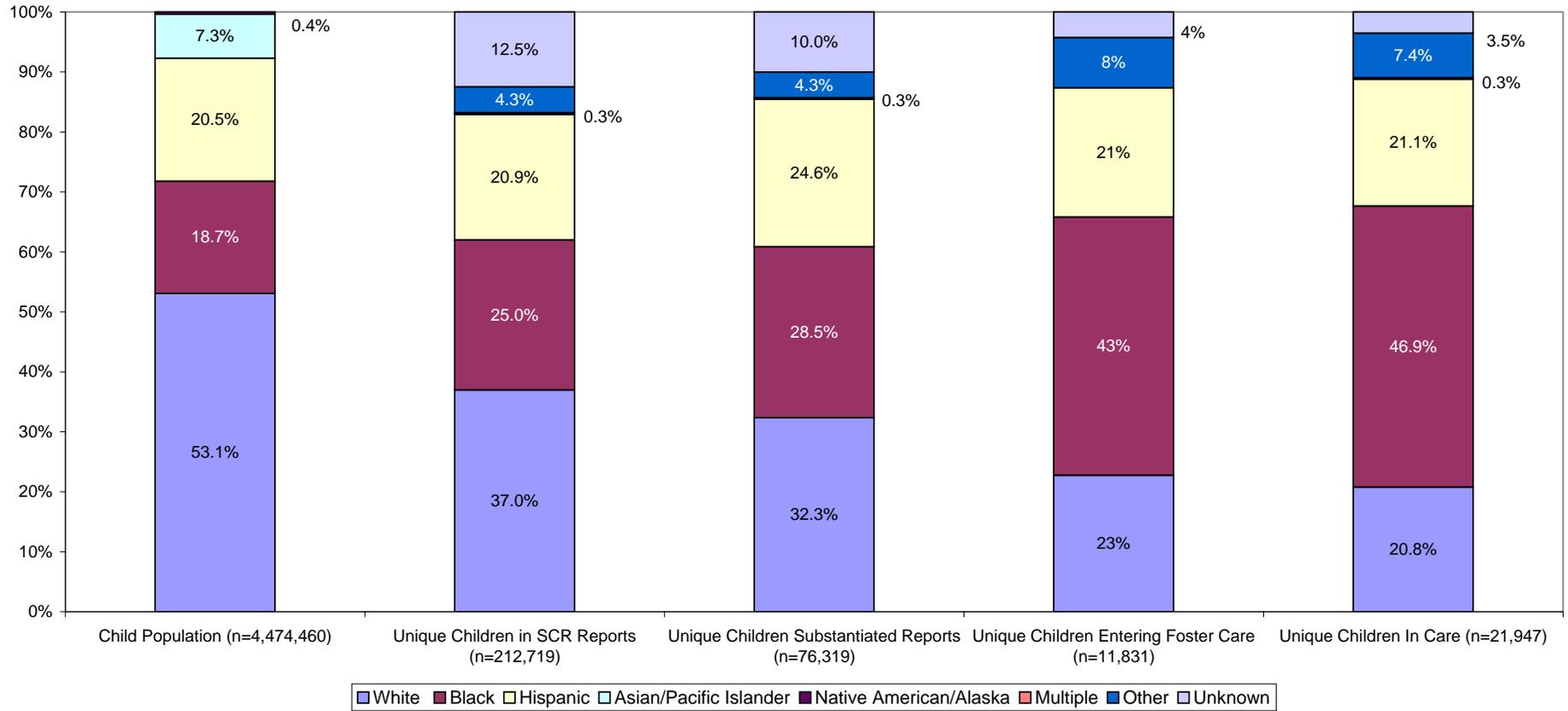
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2009 Statewide RACE/ETHNICITY AND THE PATH THROUGH THE CHILD WELFARE SYSTEM



2009 Statewide Race/Ethnicity and the Path through the Child Welfare System



	Child Population (n=4,474,460)	Unique Children in SCR Reports (n=212,719)	Unique Children Substantiated Reports (n=76,319)	Unique Children Entering Foster Care (n=11,831)	Unique Children In Care (n=21,947)
Unknown	-	26,576	7,667	503	776
Other	-	9,161	3,257	988	1,631
Multiple	-	-	-	-	-
Native American/Alaska	17,629	589	203	52	55
Asian/Pacific Islander	327,733	-	-	-	-
Hispanic	918,072	44,532	18,760	2,537	4,640
Black	835,665	53,230	21,752	5,070	10,284
White	2,375,361	78,631	24,680	2,680	4,561

U.S. Hispanic Population

▪ U.S. Census Count	41.9 Million
▪ Puerto Rico	3.9 Million
▪ TOTAL	45.8 Million

Ethnic Breakdown:

Mexican	63.9 %
Puerto Rican	9.1%
Cuban	3.5%
Dominican	2.7%
Central American	7.4%
South American	5.3%
Other Latino	8.1%

*Source: Pew Hispanic Tabulations of 2005 American Community Survey

Twenty One Hispanic/Latino Countries

Mexico:

Comprises thirty one (31) states representing the largest Hispanic/Latino population in the United States

Central American Countries:

Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama

South American Countries:

Argentina, Bolivia, Chile, Colombia, Ecuador, Paraguay, Perú, Uruguay, Venezuela and Brasil

Caribbean Countries and United Status Territory

Cuba, Dominican Republic and Puerto Rico

Europe:

Spain is also included due to its historical, cultural and linguistic impact across all Hispanic/Latino countries.

Helpful Definitions as described by:
Maria L. Quintanilla, LCSW
Consultant, NRC for Recruitment and Retention of Foster and Adoptive
Parents at AdoptUsKids

Personalismo

High value placed on personal connections and relationships.
Relationships are based on mutual respect and recognizing the gift of human
connectedness.

Family Centered/Extended Family Connections

The Latino Family is one with a sense of obligation and support towards its
family members. Individual merits are celebrated as collective family
accomplishments. This value reinforces the sense of interdependence rather
than independence among family members.

Spirituality and Religion

These beliefs serve as guiding principles and are derived from various
influences. They are a reflection of personal, community values and beliefs.

Assimilation

There are varying degrees of assimilation. It describes the process of
relinquishing family of origin cultural values and integrating “mainstream
values” into their cultural identity. In the past cultural identity was
described as “traditional or assimilated”. We now recognize the various
degrees of this process with the emerging acceptance of bi cultural/bi racial/
Trans ethnic identities and the varying degrees of this dynamic.

Acculturation

The modification of one’s cultural identity as a result of contact with
different cultures and varies by the length of time the individual has lived in
the United States. Describes the process of how an individual makes sense
of their values from their country of origin and how they have integrated and
modified their values as a result of their exposure to other cultures,
traditions, world views etc.

RESOURCES

RECRUITING AND RETAINING AFRICAN AMERICAN AND HISPANIC/LATINO FOSTER AND ADOPTIVE FAMILIES

Internet resources:

- **Evan B. Donaldson Adoption Institute:**
-Finding Families for African American Children
<http://www.adoptioninstitute.org/index.php>

- **W. E. Kellogg Foundation:**
-Families for Kids of Color: A Special Report on Challenges and Opportunities
www.wkkf.org/knowledge-center/resources/2001/12/Families-For-Kids-Of-Color-A-Special-Report-On-Challenges-And-Opportunities.aspx

- **Child Welfare Information Gateway site:**
-Permanency for Children from Minority Groups: several abstracts, and state and local examples:
<http://www.childwelfare.gov/permanency/special/minority.cfm>

+Culturally Competent Strategies for Strengthening Families
<http://www.childwelfare.gov/systemwide/cultural/families/african.cfm>
+FRIENDS National Resource Center for Community-based Child Abuse Prevention
<http://www.friendsnrc.org/resources/teleconference.htm#cc>
+Culturally Competent Practice with Latino Families
<http://preview.tinyurl.com/392dyj>
www.practicenotes.org/Vol6_no2/selfassessment_work.htm

+Self-Assessment for Those Who Work with African American and other Minorities - excerpted from the article *Cultural Competence in Child Welfare* by Anna R. McPhatter

- **National Resource Center - AdoptUsKids**
-Working with African American Adoptive, Foster and Kinship Families
<http://www.adoptuskids.org/images/resourceCenter/Working-With-African-American-Families.pdf>

-Answering the Call: Getting More Parents for Children from Your Recruitment Efforts, Practitioner's Guide
<http://www.adoptuskids.org/images/resourceCenter/practitionersGuide.pdf>

-Answering the Call: Nuestra Familia, Nuestra Cultura: (Our Family, Our Culture): Promoting & Supporting Latino Families in Adoption and Foster Care
http://www.adoptuskids.org/images/resourceCenter/NuestraFamilia_NuestraCultura.pdf

-Answering the Call: Finding Common Ground: A Guide for Child Welfare Agencies Working with Communities of Faith-
<http://www.adoptuskids.org/images/resourceCenter/faithbook.pdf>

- **Casey Family Programs**
-Recruitment and Retention of Resource Families
http://www.casey.org/Resources/Publications/BreakthroughSeries_RecruitmentRetention.htm
- **National Resource Center on Adoption:** <http://www.nrcadoption.org/mepa/index.htm>
-Compliance with MEPA as amended by IEP and Title VI of the Civil Rights Act
-Retaining Recruited Resource Families
- **The Committee for Hispanic Children and Families**
<http://www.chcfinc.org/>
-Child Welfare: Bridging the Cultural Divide: Building a Continuum of Support for Latino Families (See chapter 4: Latino and the NYC Child Welfare System)
-Creating a Latino Child Welfare Agenda: A Strategic Framework for Change
- **Latino-Hispanic Heritage – The Basics**
<http://latinoculture.about.com>

<http://www.hispanic-culture-online.com/>
- **National Resource Center for Permanency and Family Connection (Hunter College)**
-Visit their “hot topics” page for information related to:
- Latino child welfare issues:
http://www.hunter.cuny.edu/socwork/nrcfcpp/info_services/latino-child-welfare.html
- Disproportionate representation of children and youth of color in the child welfare system:
http://www.hunter.cuny.edu/socwork/nrcfcpp/info_services/disproportionate.html
- **Office Of Children and Family Services**
-Regional Office Contact Information
http://www.ocfs.state.ny.us/main/regionaloffices_main.asp
-How to Become a Foster Parent
<http://www.ocfs.state.ny.us/main/fostercare/requirements.asp>
-The Adoption Process
-Racial Equity and Cultural Competence
-Children and Family Service Review (CFSR)
-Policy Directives (MEPA – 96 ADM-02; 98 OCFS-INF-08)



George E. Pataki
Governor

State of New York

John A. Johnson
Commissioner

Office of Children and Family Services

Capital View Office Park
52 Washington Street - Rensselaer, NY 12144

OCCFS INFORMATIONAL LETTER

TRANSMITTAL: 98 INF-10

TO: Commissioners of
Social Services
Directors of
Authorized Agencies

OFFICE: Strategic Planning
and Policy
Development

DATE: June 24, 1998

SUBJECT: Multiethnic/Interethnic Adoption Provisions

SUGGESTED DISTRIBUTION: Adoption Staff
Foster Care Staff
Child Welfare Executive and Supervisor Staff
Staff Development Coordinators

CONTACT PERSON: Any questions concerning this release should be directed to the appropriate Regional Office of the Office of Family and Children Services.

- BRO - Linda Brown (716) 847-3145 USER ID: 89D421
- RRO - Linda Kurtz (716) 238-8201 USER ID: OFH010
- SRO - Jack Klump (315) 423-1200 USER ID: 89W005
- ARO - Bill McLaughlin (518) 432-2751 USER ID: OFN010
- MRO - Fred Levitan (212) 383-1788 USER ID: 72W035

ATTACHMENTS: Log No: ACYF-IM-CB-98-03 (not available on-line)

FILING REFERENCES

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
96 ADM -2 98 INF -8		421.18			Multiethnic Placement Act of 1994 The Small Business Job Protection Act of 1996

DSS-329EL (Rev. 9/89)

Date June 24, 1998

Trans. No. 98 INF-10

Page No. 2

The purpose of this release is to inform you that the U.S. Department of Health and Human Services (DHHS) has published an Information Memorandum on questions and answers related to the implementation of the Multiethnic Placement Act of 1994 (MEPA), as amended by the Interethnic Adoption Provisions of The Small Business Job Protection Act of 1996. The attached DHHS Information Memorandum includes questions dealing primarily with whether public agencies can routinely consider race, color or national origin in any part of the foster care/adoption process, and in what context race, color or nation origin can be considered in individualized placement decisions.

Please note that the Office of Children and Family Services recently published release 98 INF-8, which summarizes the amendments to MEPA as provided by the Interethnic Adoption Provisions of The Small Business Job Protection Act of 1996 and the requirements for implementation of the changes in New York State.



William F. Baccaglioni
Director
Strategic Planning
and Policy Development

ACF

Administration
for Children
and Families

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
Administration on Children, Youth and Families

1. Log No: ACYF-IM-CB-98-03

2. Issuance Date: 5-11-98

3. Originating Office: Children's Bureau

4. Key Words: The Small Business Job Protection Act of 1996, Multiethnic Placement Act, Interethnic Adoption Provisions

INFORMATION MEMORANDUM

JUN 09 1998

TO: State and Territorial Agencies Administering Title IV-B and Title IV-E of the Social Security Act

SUBJECT: INFORMATION ON IMPLEMENTATION OF FEDERAL LEGISLATION - Questions and answers that clarify the practice and implementation of section 471(a)(18) of title IV-E of the Social Security Act.

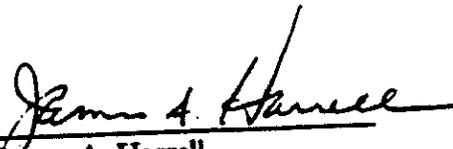
LEGAL AND RELATED REFERENCES: The Small Business Job Protection Act of 1996 (Public Law (P.L.) 104-188), the Howard M. Metzenbaum Multiethnic Placement Act of 1994 (P.L. 103-382), and Titles IV-B (42 U.S.C. 620 et seq.) and IV-E (42 U.S.C. 670 et seq.) of the Social Security Act (the Act).

PURPOSE: The General Accounting Office (GAO) is conducting a study on States' implementation of the Interethnic provision of the Small Business Job Protection Act of 1996 and raised several questions. The purpose of this memorandum is to inform States, Tribes and private child placement agencies of the responses to these questions.

BACKGROUND: On August 20, 1996 President Clinton signed the Small Business Job Protection Act of 1996. Included in this new law was Section 1808, "Removal of Barriers to Interethnic Adoption," which repealed section 553 of MEPA and amended title IV-E of the Act by adding a State plan requirement at section 471(a)(18). On June 5, 1997 the Children's Bureau issued an Information Memorandum (ACYF-IM-CB-97-04) to State title IV-B/IV-E agencies and others providing them with guidance and clarification on Section 1808.

INFORMATION: The attached document, "GAO Questions and Answers," addresses a number of implementation and practice issues that States, Tribes, private child placement agencies and others may find helpful in achieving compliance with title IV-E of the Social Security Act.

INQUIRIES: Office for Civil Rights (OCR) and Administration for Children and Families (ACF) Regional Offices (lists attached).


James A. Harrell
Deputy Commissioner
Administration on Children, Youth
and Families

cc: OCR and ACF Regional Offices

Attachments: "GAO Question and Answers"
OCR and ACF Regional Office Lists

**Answers to GAO QUESTIONS Regarding
the Multiethnic Placement Act, as Amended**

1. May public agencies allow foster parents to specify the race, color, national origin, ethnicity or culture of children for whom they are willing to provide care?
2. May public agencies allow adoptive parents to specify the race, color, national origin, ethnicity or culture of children of whom they are willing to adopt?

A: In making decisions about placing a child, whether in an adoptive or foster setting, a public agency must be guided by considerations of what is in the best interests of the child in question. The public agency must also ensure that its decisions comply with statutory requirements. Where it comes to the attention of a public agency that particular prospective parents have attitudes that relate to their capacity to nurture a particular child, the agency may take those attitudes into consideration in determining whether a placement with that family would be in the best interests of the child in question.

The consideration of the ability of prospective parents to meet the needs of a particular child should take place in the framework of the general placement decision, in which the strengths and weaknesses of prospective parents to meet all of a child's needs are weighed so as to provide for the child's best interests, and prospective parents are provided the information they need realistically to assess their capacity to parent a particular child.

An important element of good social work practice in this process is the individualized assessment of a prospective parent's ability to serve as a foster or adoptive parent. This assessment can include an exploration of the kind of child with whom a prospective parent might comfortably form an attachment. It is appropriate in the context of good practice to allow a family to explore its limitations and consider frankly what conditions (for example, disabilities in children, the number of children in a sibling group, or children of certain ages) family members would be able or willing to accept. The function of assessing the needs and limitations of specific prospective foster or adoptive parents in order to determine the most appropriate placement considering the various individual needs of a particular child is an essential element of social work practice, and critical to an agency's ability to achieve the best interests of that child. The assessment function is also critical, especially in adoptive placements, to minimizing the risk that placements might later disrupt or dissolve.

The assessment function must not be misused as a generalized racial or ethnic screen; the assessment function cannot routinely include considerations of race or ethnicity.

The Department generally does not distinguish between foster and adoptive settings in terms of an agency's consideration of the attitudes of prospective parents. However, it is possible that a public agency may attach different significance in assessing the best interests of a child in need of short term or emergency placement.

As noted in the Department's original guidance on MEPA, agencies are not prohibited from discussing with prospective adoptive and foster parents their feelings, capacities and preferences regarding caring for a child of a particular race or ethnicity, just as they discuss other individualized issues related to the child. However, as the Department has emphasized, any consideration of race or ethnicity must be done in the context of individualized placement decisions. An agency may not rely on generalizations about the needs of children of a particular race or ethnicity, or on generalizations about the abilities of prospective parents of one race or ethnicity to care for a child of another race or ethnicity.

3. **May public agencies assess the racial, national origin, ethnic and/or cultural needs of all children in foster care, either by assessing those needs directly or as part of another assessment such as an assessment of special needs?**

A: Public agencies may not routinely consider race, national origin and ethnicity in making placement decisions. Any consideration of these factors must be done on an individualized basis where special circumstances indicate that their consideration is warranted. A practice of assessing all children for their needs in this area would be inconsistent with an approach of individually considering these factors only when specific circumstances indicate that it is warranted.

Assessment of the needs of children in foster care, and of any special needs they may have that could help to determine the most appropriate placement for a child, is an essential element of social work practice for children in out-of-home care, and critical to an agency's ability to achieve the best interests of the child.

Section 1808 of Public Law 104-188 by its terms addresses only race, color, or national origin, and does not address the consideration of culture in placement decisions. There are situations where cultural needs may be important in

placement decisions, such as where a child has specific language needs. However, a public agency's consideration of culture would raise Section 1808 issues if the agency used culture as a proxy for race, color or national origin. Thus, while nothing in Section 1808 directly prohibits a public agency from assessing the cultural needs of all children in foster care, Section 1808 would prohibit an agency from using routine cultural assessments in a manner that would circumvent the law's prohibition against the routine consideration of race, color or national origin.

4. If no to question 3, may they do this for a subset of all children in foster care?

A: As noted above, Section 1808 prohibits the routine consideration of race. It permits the consideration of race on an individualized basis where circumstances indicate that it is warranted. The question suggests that assessment of race, color, or national origin needs would not be done for all children in foster care, but for a subset. If the subset is derived by some routine means other than where specific individual circumstances suggest that it is warranted, the same considerations discussed above would apply.

5. May public agencies assess the racial, national origin, ethnic and/or cultural capacity of all foster parents, either by assessing that capacity directly or as part of another assessment such as an assessment of strengths and weaknesses?

A: No. Race, color and national origin may not routinely be considered in assessing the capacity of particular prospective foster parents to care for specific children. However, assessment by an agency of the capacity of particular adults to serve as foster parents for specific children is at the heart of the placement process, and essential to determining what would be in the best interests of a particular child.

6. If yes to question 5, may public agencies decline to transracially place any child with a foster parent who has unsatisfactory cultural competency skills?

A: Not applicable; the answer to question 5 is no.

7. If no to question 5, may public agencies decline to transracially place a child who has documented racial, national origin, ethnic and/or cultural needs with a foster parent who has unsatisfactory cultural competency skills?

- A: As noted in the answer to questions No. 1 and 2 above, good practice requires an assessment of the capacity of potential foster parents to accommodate all the needs of a particular child. It is conceivable that in a particular instance race, color or national origin would be a necessary consideration to achieve the best interests of the child. However, any placement decision must take place in a framework that assesses the strengths and weaknesses of prospective parents to meet all of a child's needs so as to provide for the child's best interests. As noted in the answer to Questions 1 and 2, prospective parents should be offered, typically through training provided by an agency, information sufficient to confirm or broaden their understanding of what types of children they might most appropriately provide a home for.
8. May public agencies honor the request of birth parents to place their child, who was involuntarily removed, with foster parents of a specific racial, national origin, ethnic and/or cultural group?
- A: No.
9. Would the response to question 8 be different if the child was voluntarily removed?
- A: No.
10. If an action by a public agency will not delay or deny the placement of a child, may that agency use race to differentiate between otherwise acceptable foster placements?
- A: No.
11. May public agencies assess the racial, national origin, ethnic and/or cultural capacity of all adoptive parents, either by assessing that capacity directly or as part of another assessment such as an assessment of strengths and weaknesses?
- A: No. The factors discussed above concerning the routine assessment of race, color, or national origin needs of children would also apply to the routine assessment of the racial, national origin or ethnic capacity of all foster or adoptive parents.
12. If yes to question 11, may public agencies decline to transracially place any child with an adoptive parent who has unsatisfactory cultural competency skills?

A: As noted in the answer to questions No. 1 and 2 above, good practice requires an assessment of the capacity of potential foster parents to accommodate all the needs of a particular child. It is conceivable that in a particular instance race, color or national origin would be a necessary consideration to achieve the best interests of the child. However, any placement decision must take place in a framework that assesses the strengths and weaknesses of prospective parents to meet all of a child's needs so as to provide for the child's best interests.

13. If no to question 11, may public agencies decline to transracially place a child who has documented racial, national origin, ethnic and/or cultural needs with an adoptive parent who has unsatisfactory cultural competency skills?

A: As noted in the answer to questions No. 1 and 2 above, good practice requires an assessment of the capacity of potential foster parents to accommodate all the needs of a particular child. It is conceivable that in a particular instance race, color or national origin would be a necessary consideration to achieve the best interests of the child. However, any placement decision must take place in a framework that assesses the strengths and weaknesses of prospective parents to meet all of a child's needs so as to provide for the child's best interests. As noted in the answer to Questions 1 and 2, prospective parents should be offered, typically through training provided by an agency, information sufficient to confirm or broaden their understanding of what types of children they might most appropriately provide a home for.

14. If no to question 11, how can public agencies assure themselves that they have identified an appropriate placement for a child for whom racial, national origin, ethnic and/or cultural needs have been documented?

A: Adoption agencies must consider all factors that may contribute to a good placement decision for a child, and that may affect whether a particular placement is in the best interests of the child. Such agencies may assure themselves of the fitness of their work in a number of ways, including case review conferences with supervisors, peer reviews, judicial oversight, and quality control measures employed by State agencies and licensing authorities. In some instances it is conceivable that, for a particular child, race, color or national origin would be such a factor. Permanency being the sine qua non of adoptive placements, monitoring the rates of disruption or dissolution of adoptions would also be appropriate. Where

it has been established that considerations of race, color or national origin are necessary to achieve the best interests of a child, such factor(s) should be included in the agency's decision-making, and would appropriately be included in reviews and quality control measures such as those described above.

15. May public agencies honor the request of birth parents to place their child, who was involuntarily removed, with adoptive parents of a specific racial, ethnic and/or cultural group?

A: No.

16. Would the response to question 15 be different if the child was voluntarily removed?

A: No.

17. If an action by a public agency will not delay or deny the placement of a child, may that agency use race to differentiate between otherwise acceptable adoptive parents?

A: No.

19. May a home finding agency that contracts with a public agency, but that does not place children, recommend only homes that match the race of the foster or adoptive parent to that of a child in need of placement?

A: No. A public agency may contract with a home finding agency to assist with overall recruitment efforts. Some home finding agencies may be used because of their special knowledge and/or understanding of a specific community and may even be included in a public agency's targeted recruitment efforts. Targeted recruitment cannot be the only vehicle used by a State to identify families for children in care, or any subset of children in care, e.g., older or minority children. Additionally, a home finding agency must consider and include any interested person who responds to its recruitment efforts.

19. May a home finding agency that contracts with a public agency, but that does not place children, dissuade or otherwise counsel a potential foster or adoptive parent who has unsatisfactory cultural competency skills to withdraw an application or not pursue foster parenting or adoption?

A: No. No adoptive or foster placement may be denied or delayed based on the race of the prospective foster or adoptive parent or based on the race of the child.

Dissuading or otherwise counseling a potential foster or adoptive parent to withdraw an application or not pursue foster parenting or adoption strictly on the basis of race, color or national origin would be a prohibited delay or denial.

The term "cultural competency," as we understand it, is not one that would fit in a discussion of adoption and foster placement. However, agencies should, as a matter of good social work practice, examine all the factors that may bear on determining whether a particular placement is in the best interests of a particular child. That may in rare instances involve consideration of the abilities of prospective parents of one race or ethnicity to care for a child of another race or ethnicity.

20. May a home finding agency that contracts with a public agency, but that does not place children, assess the racial, national origin, ethnic and/or cultural capacity of all adoptive parents, either by assessing that capacity directly or as part of another assessment such as an assessment of strengths and weaknesses?
- A: No. There should be no routine consideration of race, color or national origin in any part of the adoption process. Any assessment of an individual's capacity to be a good parent for any child should be made on an individualized basis by the child's caseworker and not by a home finding agency. Placement decisions should be guided by the child's best interest. That requires an individualized assessment of the child's total needs and an assessment of a potential adoptive parent's ability to meet the child's needs.
21. If no to question 20, may they do this for a subset of adoptive parents, such as white parents?
- A: No.
22. If a black child is placed with a couple, one of whom is white and one of whom is black, is this placement classified as inracial or transracial?
23. If a biracial black/white child is placed with a white couple, is this placement classified as inracial or transracial?
24. Would the response to question 22 be different if the couple were black?
- A: The statute applies to considerations of race, color or national origin in placements for adoption and foster care.

The Department's Adoption and Foster Care Analysis and Reporting System (AFCARS) collects data on the race of the child and the race of adoptive and foster parents, as required by regulation at 45 CFR 1355, Appendix A. AFCARS uses racial categories defined by the United States Department of Commerce, Bureau of the Census. The Department of Commerce does not include "biracial" among its race categories; therefore no child would be so classified for AFCARS purposes. The Department of Health and Human Services does not classify placements as being "inracial" or "transracial."

25. How does HHS define "culture" in the context of MEPA guidance?

A: HHS does not define culture. Section 1808 addresses only race, color, or national origin, and does not directly address the consideration of culture in placement decisions. A public agency is not prohibited from the nondiscriminatory consideration of culture in making placement decisions. However, a public agency's consideration of culture must comply with Section 1808 in that it may not use culture as a replacement for the prohibited consideration of race, color or national origin.

26. Provide examples of what is meant by delay and denial of placement in foster care, excluding situations involving adoption.

A: Following are some examples of delay or denial in foster care placements:

1. A white newborn baby's foster placement is delayed because the social worker is unable to find a white foster home; the infant is kept in the hospital longer than would otherwise be necessary and is ultimately placed in a group home rather than being placed in a foster home with a minority family.
2. A minority relative with guardianship over four black children expressly requests that the children be allowed to remain in the care of a white neighbor in whose care the children are left. The state agency denies the white neighbor a restricted foster care license which will enable her to care for the children. The agency's license denial is based on its decision that the best interests of the children require a same-race placement, which will delay the permanent foster care placement. There was no individualized assessment or evaluation indicating that a same-race placement is actually in the best interests of the children.

3. Six minority children require foster placement, preferably in a family foster home. Only one minority foster home is available; it is only licensed to care for two children. The children remain in emergency shelter until the agency can recertify and license the home to care for the six children. The children remain in an emergency shelter even though a white foster home with capacity and a license to care for six children is available.
- ✕ 4. Different standards may be applied in licensing white versus minority households resulting in delay or denial of the opportunity to be foster parents.
5. Foster parent applicants are discouraged from applying because they are informed that waiting children are of a different race.
6. There are placement delays and denials when states or agencies expend time seeking to honor the requests of biological parents that foster parents be of the same race as the child.



OCR Headquarters and Regional Addresses:

- Send the complaint to the appropriate OCR Regional office or OCR headquarters.
- Address inquiries to the OCR Regional Manager.
- Contact the OCR regional office for your State or Territory, or the headquarters office for further information.

Headquarters

David F. Garrison, Acting Director
 Office for Civil Rights
 U.S. Department of Health and Human Services
 200 Independence Avenue, S.W.
 Room 509F HHH Bldg.
 Washington, D.C. 20201

DHHS Regional Offices for Civil Rights

Region I - Boston (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont)

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 U.S. Department of Health and Human Services
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 Voice phone (617)565-1340
 FAX (617)565-3809
 TDD (617)565-1343

Region II - New York (New Jersey, New York, Puerto Rico, Virgin Islands)

Michael Carter, Acting Regional Manager
 Office for Civil Rights
 U.S. Department of Health and Human Services
 Jacob Javits Federal Building
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 New York New York, 10278

Region VI - Dallas (Arkansas, Louisiana, New Mexico, Oklahoma, Texas)

Ralph Rouse, Regional Manager
 Office for Civil Rights
 U.S. Department of Health and Human Services
 1301 Young Street, Suite 1169
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 Voice Phone (214)767-4056
 FAX (214)767-0432
 TDD (214)767-8940

Region VII - Kansas City (Iowa, Kansas, Missouri, Nebraska)

John Halverson, Regional Manager
 Office for Civil Rights
 U.S. Department of Health and Human Services
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Voice Phone (212)264-3313
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 | OCFS INFORMATIONAL LETTER |
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TRANSMITTAL: 98 INF-8

TO: Commissioners of
 Social Services

OFFICE: Strategic Planning
 and Policy
 Development

DATE: April 22, 1998

SUBJECT: Multiethnic/Interethnic Adoption Provisions

SUGGESTED

DISTRIBUTION: Adoption Staff
 Foster Care Staff
 Child Welfare Executive and Supervisor Staff
 Staff Development Coordinators

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ATTACHMENTS: Log No. ACYF-IM-CB-97-04 (not available on-line)

FILING REFERENCES

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
96 ADM-2		421.18			Multiethnic Placement Act of 1994
					The Small Business Job Protection Act of 1996

DSS-329EL (Rev. 9/89)

The purpose of this release is to advise you of changes in federal law and policy on the use of race, color, or national origin as a consideration in foster care and adoptive placements and in the recruitment of foster and adoptive parents. This release supplements the previous released 96 ADM-2 on the subject and does not replace it.

President Clinton signed "The Small Business Job Protection Act" on August 20, 1996. Section 1808, entitled "Removal of Barriers to Interethnic Adoption", amended several of the provisions of the Multiethnic Placement Act of 1994 (MEPA). The major changes involved the elimination of language explicitly permitting States to consider race and ethnicity as one of a number of factors used to determine the best interests of the child, and the imposition of fiscal penalties when a corrective action plan fails to bring a state or other entity into compliance with the law. In guidelines dated June 5, 1997, the Administration for Children and Families (ACF) provided guidance and clarification on the changes and new provisions.

SUMMARY OF CHANGES AND NEW PROVISIONS

_ Elimination of Key Terms: The terms "categorically", "solely", "or otherwise discriminate in making a placement decision, solely," were eliminated from the provisions in the Multiethnic Placement Act of 1994 that prohibited the denial or delay of the opportunity to become a foster or adoptive parent, or to have a child placed in foster or adoptive home on the basis of race, color, or national origin. According to the guidelines, the elimination from the statute of these terms stresses that any action meant to delay or deny placements on the basis of race, color, or national origin are prohibited. More specifically, the effect of the elimination from the statute of these terms is to "clarify that even where a denial is not based on a categorical consideration, which is prohibited, other actions that delay or deny placements on the basis or race, color or national origin are prohibited."

_ Repeal of the "permissible consideration" provision: The intent was to eliminate any language that could be misconstrued as allowing States and entities to "routinely" consider race, color or national origin when making a placement decision in the best interests of the child. According to the guidelines, Congress wants to ensure that the "strict scrutiny" standard is the only appropriate standard for evaluating the use of race, color or national origin in foster care or adoptive placements. Such consideration can only be made when necessary to protect the best interests of the child and when based on "concerns arising out of the circumstances of the individual case." "The primary message of the strict scrutiny standard in this context is that only the most compelling reasons may serve to justify consideration of race and ethnicity as part of a placement decision." The federal guidelines conclude that "occasions where race or ethnicity lawfully may be considered in a placement decision will be correspondingly rare."

_ Financial Penalties: The federal law also subjects States and other entities that receive federal funds to potentially significant graduated financial penalties that will vary for States according to their population. States or agencies found out of compliance may be given a corrective plan and a period of six months to voluntarily come into compliance. Continued noncompliance or failure to implement a corrective action plan can result in a reduction of federal funding of up to 5% in a fiscal year for a State. Other agencies and entities may lose all funds paid by the State during the quarter. In addition, an individual has a private right of action under the federal Civil Rights Act against the offending agency.

_ Recruitment: The requirements in MEPA for the diligent recruitment of potential foster and adoptive families that reflect the ethnic and racial diversity of the children in the State in need of homes were retained.

IMPLEMENTATION

Department of Health and Human Services (DHHS): The two DHHS agencies, the Office of Civil Rights (OCR) and the Administration for Children and Families (ACF) are developing a common protocol and review standards that will be used in checking for compliance with MEPA and the Interethnic provisions, developing corrective action plans, and imposing penalties. In the interim, OCR will continue to conduct independent reviews for compliance by States with the provisions of MEPA, while ACF will begin their preliminary review for MEPA during the 1997 federal fiscal year.

State: The Office of Children and Family Services is disseminating this INF to social services districts and voluntary authorized agencies regarding the amendments to MEPA and the federal guidelines explaining the new interethnic provisions. We are proposing to further amend the regulations to ensure that the language provides no misconception of the use of race, color or national origin in placement decisions except as narrowly defined in the federal guidelines. Following publication of the regulatory amendment to 18NYCRR 421.18 (c), additional information explaining the amendment and any changes to 96 ADM-2 will be disseminated.

In the interim, as previously stressed in 96 ADM-2:

- State policy has been and continues to be that all qualified foster and adoptive applicants must be given an equal opportunity to foster or adopt a waiting child. Additionally, agencies cannot utilize other types of standards that otherwise have the effect of excluding certain racial, cultural, or ethnic groups of prospective parents.
- In the best interests of the child, consideration of race and ethnicity must be based on an individualized determination by the agency/worker that the needs of the child and facts and circumstances of the specific case require such consideration.

Any placement policy that takes race or ethnicity into consideration may be subject to the "strict scrutiny" standard to determine whether it satisfies federal law.

- Both State regulations and the federal guidelines require agencies involved in the recruitment of foster and adoptive parents to have a comprehensive recruitment plan. This plan must generate a pool of parents that reflect the racial and ethnic diversity of the children waiting for placements.

Note: Chapter 436 of the Laws of 1997 renames the Department of Social Services as the Department of Family Assistance comprised of two independent offices -- the Office of Children and Family Services and the Office of Temporary and Disability Assistance. Upon the execution of a Memorandum of Understanding and compliance with the Civil Services Laws, responsibility specified in that Chapter Law, will be transferred from the former Department of Social Services to the Office of Children and Family Services (OCFS) and fully integrated with the functions and duties of the former Division for Youth.

William F. Baccaglioni
Director
Strategic Planning
and Policy Development

ADMINISTRATIVE DIRECTIVE

TRANSMITTAL: 96 ADM-2

TO: Commissioners of
 Social Services

DIVISION: Services and
 Community
 Development

DATE: January 16, 1996

SUBJECT: Multiethnic Placement Act of 1994

 SUGGESTED

DISTRIBUTION: | Adoption Staff
 | Foster Care Staff
 | Child Welfare Executive and Supervisory Staff
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ATTACHMENTS: | Regulatory Amendment 18NYCRR 421.18 & 430.11
 | Public Law 103-382
 | ACF Recruitment Plans
 | (Attachments are not available on line)

FILING REFERENCES

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
	90-LCM-11	421.18 (c) and (d) 430.11 (c)			Multiethnic Placement Act of 1994 (Public Law 103-382) 42 U.S.C. 5115a

DSS-296EL (REV. 9/89)

Date January 16, 1996

Trans. No. 96 ADM-2

I. PURPOSE

The purpose of this directive is to advise you of changes in Department regulation and policy on the use of race, color, or national origin as a consideration in foster care and adoptive placements and in the recruitment of foster and adoptive parents. These changes are in compliance with the provisions of the federal Multiethnic Placement Act of 1994 (MEPA), and the Civil Rights Act of 1964 (Title VI).

II. BACKGROUND

MEPA was signed into law on October 20, 1994. It is intended to prevent the denial of the opportunity for a person to become an adoptive parent or a foster parent, and the delay or denial of placement of a child or discriminate in the selection of a foster or adoptive placement solely on the basis of race, color, or national origin. In addition, MEPA is intended to decrease the length of time children wait to be adopted and to facilitate the identification and recruitment of foster and adoptive parents to ensure that families are available for children in need of placement.

MEPA is Congress's response to findings which indicate that there are "over 20 thousand children" in foster care waiting to be adopted with an average wait of 2 years and 8 months, and that it takes substantially longer for minority children to be adopted. Congress found that in addition to such barriers to adoption as lengthy termination processes, lack of financial resources, excessive caseloads, and difficulty in recruiting foster and adoptive families, the explicit or implicit use of race, color or national origin as the primary consideration for foster and adoptive placements, has increased the difficulty of finding qualified homes for waiting children. Through the non-discrimination and recruitment provisions of MEPA, Congress expects to substantially reduce unnecessary delays in the placement of waiting children and increase the number of children, particularly African-American and Hispanic children, who are adopted annually.

In April of 1995, the Administration for Children and Families (ACF) and the Office for Civil Rights (OCR) of the Department of Health and Human Services (DHHS) issued guidelines to assist States and agencies in voluntarily complying with the provisions of MEPA and Title VI of the Civil Rights Act of 1964. Also, DHHS conducted a review of the applicable adoption and foster care statutes, regulations and policies of all the States that receive federal funds in order to identify any policies and practices which in the opinion of DHHS, were not consistent with the provisions of MEPA. In a letter dated June 20, 1995, the Department was informed by DHHS that in their opinion, Department regulation 18NYCRR 421.18(c)

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which required authorized agencies to "make an effort to place each child in a home as similar to and compatible with his or her ethnic, racial, religious, and cultural background as possible", implied a preference for same race placements and was inconsistent with the requirements of MEPA. The Department agreed to amend the regulation and to review all other pertinent policies and practices including those of any authorized agencies to ensure compliance with the provisions of MEPA by October 21, 1995 which is the effective date of the law. The Department amended these and other regulations, as discussed in the section on Regulatory Changes on page 4 of this directive.

III. PROGRAM IMPLICATIONS

Provisions of MEPA

MEPA prohibits any adoption or foster care agency that receives federal funds, from discriminating in the placement of a child for adoption or foster care based on the race, color, or national origin of the child or of the foster or adoptive parents. Specifically, federal law requires that an agency, or entity, that receives federal assistance and is involved in adoption or foster care placements may not:

(1) deny to any person the opportunity to become an adoptive or a foster parent, solely on the basis of race, color, or national origin of the adoptive or foster parent, or the child involved; or

(2) delay or deny the placement of a child for adoption or into foster care, or otherwise discriminate in making a placement decision, solely on the basis of the race, color or national origin of the adoptive or foster parents or the child involved;

As used in MEPA, "placement decision" means the decision to place, or to delay or deny the placement of, a child in a foster or an adoptive home and includes the decision by the agency or entity involved to seek the termination of birth parent rights or to otherwise make a child legally available for adoptive placement.

This means that all States and agencies required to comply with the provisions of MEPA, cannot have a stated or unstated policy that requires race, color or national origin to be the primary condition or determining factor when deciding on the best foster or adoptive home for a child, or when accepting or rejecting an applicant interested in becoming a foster or adoptive parent.

The provisions of MEPA do allow agencies when deciding if a placement is in the best interests of a child, to consider "the child's cultural, ethnic, and racial background and the capacity of the prospective foster or adoptive parents to meet the needs of a child of this background as one of a number of factors used to determine best interests of a child (42 U.S.C 5115a (a) (2)). However, it is important to note that race, color or national origin must be considered on a case by case basis only when the

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agency determines that the facts of the particular case warrant it. Furthermore, race, color or national origin must be considered in conjunction with other factors relevant to the child's best interest and are not to be used in a manner that delays the placement decision.

MEPA also requires agencies that receive federal funds and provide foster or adoptive services, to actively recruit foster and adoptive parents who reflect the ethnic and racial diversity of the children in need of foster and adoptive homes. Along with other methods of recruitment, MEPA allows targeted recruitment to increase the pool of minority families. However, targeted recruitment programs must be open to all families regardless of race, color or national origin. An agency recruitment effort must generate in sufficient numbers, foster and adoptive parents who can meet the needs of the waiting children. Targeted recruitment for individual children based on race, color or national origin is not allowed by MEPA.

Implications for NYS Foster and Adoptive Placement Policies and Standards

Regulatory Changes

In compliance with the provisions of MEPA, 42 U.S.C 5115a, the provisions in Department regulation 18NYCRR 421.18 (c) which required an effort be made to place each child in a home as similar to and compatible with his or her ethnic, racial, and cultural background were repealed. The provisions related to placements compatible with the child's religious background were retained.

Also, paragraph (2) of subdivision (d) of section 421.18 was amended to read as follows:

(2) consideration of the physical and emotional needs of the child in relation to the characteristics, capacities, strengths and weakness of the adoptive parent(s). When making placement decisions, an authorized agency may consider the cultural, ethnic or racial background of the child and the capacity of the adoptive parent to meet the needs of the child with such a background as one of a number of factors used to determine best interests. Race, color or natural origin of the child or the adoptive parent may be considered only where it can be demonstrated to relate to the specific needs of an individual child. (emphasis added)

It is important to note that this language is similar to the language used in the federal statute and gives authorized agencies the option of considering cultural, ethnic or racial background in determining if a particular placement is in the best interests of a child. If an agency uses this option, it must do so in conjunction with other factors. Race, color or national origin cannot be the determining factor for choosing a particular placement.

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In addition, 18NYCRR 430.11 (c) (2) (iv) relating to the placement of a child in foster care was repealed. This regulation previously stated:

(iv) if the setting is a foster family home or agency boarding home, show in the first uniform case record form required after the placement of the child in the current setting that the child is placed under the supervision of a person or persons of the same racial or ethnic background as that of the child, or show the reasons why such placement was not practicable or in the best interests of the child. (See section IV Required Action: Elimination of Documentation).

Note: The regulatory amendments were effective on October 18, 1995.

Department Publications and Training Projects

Department publication 90 LCM - 11, which previously outlined the Department's position on same race or transracial placement, has been cancelled. This administrative directive will serve as the Department's official release on the use of race and ethnicity in foster and adoptive placement decisions. Also, Chapter VII, Section C (ADOPTION STUDY), (2) (j) of the Adoption Services Program Manual, which also outlined the Department's policy on religion and race in adoptive placement decisions, is being amended to reflect the change in the Department's policy in compliance with MEPA.

There are a number of foster/adoption training curricula and technical assistance projects which incorporated training based on the Department's policy of first preference for same race/ethnic placements. The Department has notified contractors of the provisions of MEPA and the changes in the Department's regulations on same race placements. Training curricula/projects will be amended as soon as possible to reflect the changes in the Department's policy to comply with the provisions of MEPA.

Standards For Foster Care and Adoption Placements

Appropriateness of placement - With the exception of subparagraph (iv) of paragraph (2) of section 430.11, which was repealed in response to MEPA, Department standards for appropriateness of placement and continuity of care as outlined in section 430.11 of Department regulations still apply. Therefore, whenever possible, workers are expected to consider all the factors relevant to the needs of the child, and attempt to place a child in a foster care setting which allows the child to retain contact with persons, groups and institutions with which the child was involved when residing with his or her parents. Note: Compliance with these standards may result in same race placements, and race/ethnicity may be among the factors considered if the case warrants it, as long as it is not the primary or determining factor for placement. The best interests of the child are usually served by minimizing the adjustments the child has to make to the home.

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As required in regulation, documentation in the Uniform Case Record (UCR) after the child's placement must demonstrate that the child has been placed in a setting which allows him or her to maintain ties to his or her previous school, neighborhood, peers and family members, or show why such a placement was not possible or not in the best interests of the child. If race was one of the factors which the worker considered, the narrative must clearly confirm that it was not the sole factor or the determining factor in deciding where to place a child.

The appropriateness of placement and the physical and emotional needs of a child also apply when deciding on the adoptive placement best suited to meet the needs of a particular child. This may be particularly important to the older child freed for adoption who has been in foster care for several years and maintains some connection with his/her birth family and other relatives. Depending on the child's age and capacity to understand, he or she may decide on what type of adoptive parent(s)/home they would like, including the race, color or national origin of the adoptive parents. However, the MEPA guidelines warn against the tendency to generalize about such cases. It is important to note the explanation provided by the guidelines for such situations:

"For children who have lived in one racial, ethnic, or cultural community, the agency may assess the child's ability to make the transition to another community. A child may have a strong sense of identity with a particular racial, ethnic, or cultural community that should not be disrupted. This is not a universally applicable consideration. For instance, it is doubtful that infants or young children will have developed such needs. Ultimately, however, the determination must be individualized."

Department policy has been and continues to be that all qualified applicants should be given an equal opportunity to adopt. Consequently, Department regulation, 18 NYCRR Section 421.16 (j), states that "race, ethnic group, and religion shall not be a basis for rejecting an adoption applicant." This means that an agency may not deny an application to become an adoptive parent because of race, ethnic origin or religion of the applicant. However, as stated in the Adoption Services Manual, it is important to recognize that families are different. Maturity, self-sufficiency, ability to parent, and availability of support systems are the critical assessments in identifying parents' appropriateness for specific children. It is in the process of conducting home study/assessment of parents that Department regulation 18NYCRR Section 421.18 (d) (2), as amended, is applicable. It provides that in making adoptive placement decisions, the capacity of the adoptive parent to meet the needs of a child of a particular cultural, ethnic or racial background may be considered. The guidelines are clear that an agency/worker must not presume from the race or ethnicity of the prospective parents that those parents would be unable to maintain the child's ties to another racial, ethnic, or cultural community.

Statutory placement requirements not impacted by MEPA's

Religion: The requirements for MEPA did not include any prohibition against making a placement based on a child's or the foster or adoptive parents' religious background. Authorized agencies must continue to comply with the provisions of Section 373(3) of the Social Services Law which requires that: "In appointing guardians of children, and in granting orders of adoption of children, the court shall, when practicable, appoint as such guardians, and give custody through adoption, only to a person or persons of the same religious faith as that of the child."

Indian Children: The provisions of MEPA expressly do not extend to foster and adoptive placements covered by the federal Indian Child Welfare Act of 1978 (see 42 U.S.C 5115a (f)). Placement decisions regarding Indian children must continue to be made in accordance with the placement preferences outlined in section 431.18 of Department regulation.

Siblings: The standards set forth in section 431.10 of Department regulations regarding placement of siblings together continue to apply. Such standards ensure that diligent efforts are made to secure foster and adoptive parents willing and able to accept such siblings placements. Since such placement decisions involve blood relationships, they are not superseded by MEPA.

Foster Parents: A foster parent who has cared for a foster child continuously for a period of 12 months or longer, has a right to preference and first consideration to adopt the child when the child becomes freed for adoption. The foster parent must indicate in writing his/her intent to adopt the child prior to the time-frame by which the child must be photo-listed to avoid the need for the referral of the child for photo-listing.

Surrenders: A birth parent who surrenders a child for adoption may name the person or married couple who they want to adopt his or her child. The parent cannot stipulate that the child be placed in a home with parents of a particular race, ethnicity, or culture.

IV. REQUIRED ACTION

All social services districts and voluntary authorized agencies in New York State that receive Federal financial assistance directly or indirectly through the State Block Grant program, Title IV-E of the Social Security Act, and discretionary grants must comply with the provisions of the MEPA.

Impermissible Policies and Practices: Social services districts and other authorized agencies impacted by MEPA must review all pertinent policies, publications, and training or practice guidelines that require the use of race/ethnicity as a basis for making a decision regarding the acceptance or rejection of a foster or adoptive applicant, suitable foster and adoptive placements or termination of parental rights, to ensure compliance with the

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provisions of MEPA. In accordance with federal guidelines, agencies must eliminate any policies/standards that:

_ establish time periods during which only a same race/ethnicity search will occur;

_ establish orders of placement preferences based on race, culture, or ethnicity;

_ require caseworkers to specially justify transracial placements; or

_ otherwise have the effect of delaying placements, either before or after termination of parental rights, in order to find a family of a particular race, culture, or ethnicity.

Therefore, agencies that are authorized to place children in foster and adoptive homes cannot have general policies precluding placement of a child in an otherwise suitable home solely on the basis of race, color or national origin, nor can an agency deny an application to become a foster parent or an adoptive parent because of race, color or national origin.

Federal law provides for the person who is allegedly discriminated against to bring action in federal court to enforce the provisions of MEPA. Non-compliance with the provisions of MEPA are in violation of the Civil Rights Act of 1964.

Permissible Use of Race, Culture, or Ethnicity in Placement Decisions

Agencies may consider the use of race, culture or ethnicity when considering the foster or adoptive placement of a child if consideration of such factors is necessary to protect the best interests of the child who is to be placed. Such considerations will be necessary if (as previously discussed) the child indicates the desire to be placed in a home of a particular race, culture or ethnicity, or if a prospective parent indicates a preference for a child of a particular race or ethnicity. The federal guidelines state that agencies are not prohibited from considering the expressed preference of the prospective parents as one of several factors in making placement decisions. However, if race and ethnicity is used, the focus must be on the specific child's needs and the capacity of the prospective parent(s) to meet those needs. Specific to this very narrow focus, the federal guidelines provide that as part of the home study process and preplacement discussions, an agency may, among other factors related to the capacity to care for the child, discuss with the prospective parents:

_ their feelings, capacities and preferences regarding caring for a child of a particular race or ethnicity;

_ their ability to meet the emotional and psychological needs of the child;

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_ their ability to nurture, support, and reinforce the racial, ethnic, or cultural identity of the child and help the child cope with any forms of discrimination.

Additionally, considerations of race and ethnicity must be based on an individualized determination by the agency/worker that the facts and circumstances of the specific case require such consideration. The guidelines further state that any placement policy that takes race or ethnicity into account may be subject to strict scrutiny to determine whether it satisfies MEPA's requirements. Note: In order to support and defend placement decisions, it is vital for caseworkers to adequately document the actions taken and decisions made to support a placement decision pursuant to MEPA and corresponding Department standards.

Elimination of Documentation: Uniform Case Record (UCR) - As a result of the amendment to Department regulation 18NYCRR 430.11, the following documentation for continuity of racial or ethnic background in foster homes or agency operated boarding homes is no longer required in the UCR.

Note: The Department will not be revising the forms at this time. The new "Connections" system will not contain race and ethnic background as a "continuity of environment" factor.

_ UCR Initial Risk Assessment and Service Plan DSS 4340(1/92) - Section 3 part C Continuity of Environment: eliminate 3rd column checkbox (or related explanation below grid for this factor)

_ UCR Initial Assessment and Service Plan DSS 3625 (10/86) Question 6c Continuity of Environment: eliminate 3rd column checkbox (or related explanation below grid for this factor)

_ UCR Plan Amendment - Rev. DSS 4343 (1/92) Section 7 part c Continuity of Environment: eliminate 3rd column checkbox (or related explanation below grid for this factor)

_ UCR Plan Amendment - DSS 3628 (12/84) Question 8c Continuity of Environment: eliminate 3rd column checkbox (or related explanation below grid for this factor)

Recruitment Requirements: Agencies must review/evaluate their recruitment processes to ensure that they utilize strategies that generate a sufficient number of potential foster and adoptive parents to achieve a timely and appropriate placement of all waiting children. The pool of parents must reflect the racial and ethnic diversity of the children waiting for placements. Both Department regulations and the MEPA guidelines require each agency to have a comprehensive recruitment plan that includes strategies to accomplish the following:

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- dissemination of information to the community at large and targeted groups/communities on the characteristics and needs of waiting children; the foster care and adoption process; and supports available to foster and adoptive parents;
- generation of a sufficient number of potential parents that resemble the racial and ethnic diversity of the children in need of placement;
- provision of cultural sensitivity training to pertinent staff to enable them to work effectively with diverse cultural, racial and economic communities and language barriers;
- assurance that the home study/approval process is accessible and available during hours convenient to all interested parents;
- involvement of communities/groups not represented or under represented in the pool of available or approved foster and adoptive parents; and
- collaboration/partnership with community agencies and organizations that can assist with recruitment efforts.

Additionally, agencies cannot utilize other types of standards that otherwise have the effect of excluding certain racial, cultural, or ethnic groups of prospective parents.

In the near future, the Department will be reviewing the recruitment and placement standards of authorized agencies for compliance with Department regulations and MEPA's standards.

V. SYSTEMS IMPLICATIONS - NONE

VI EFFECTIVE DATE

This directive is effective January 19, 1996, retroactive to October 18, 1995.

Rose M. Pandozy
Deputy Commissioner
Division of Services and
Community Development

