



## MEPA/IEPA

### - Overview -

The Multi Ethnic Placement Act (MEPA) (1994) as amended by Interethnic Placement Act (IEPA) (1996) is the principal federal law that addresses the use of race, color and national origin in making decisions about foster care and adoptive placements.

#### Why MEPA/IEPA?

MEPA/IEPA was enacted in an attempt to expedite foster care placements and the adoptions of children in foster care by eliminating discrimination based on the race, color, or national origin of children or prospective foster or adoptive parents. The impetus behind MEPA/IEPA was a belief that children were languishing in foster care waiting for adoptive families because social workers were insisting on “race matching” between children and families. Support for MEPA/IEPA also arose in reaction to the position taken by the National Association of Black Social Workers (NABSW) in 1972 in opposition to all transracial adoptions, a position that the NABSW subsequently modified in 1994 when it stated that transracial adoption may be appropriate if family reunification and same-race adoption were not possible.

In 1994, MEPA was enacted and provided that race, color, and national origin may be one factor in decisions related to the placement of children with foster and adoptive families but could not be the exclusive factor. The 1994 legislation also required states to diligently recruit foster and adoptive parents who reflected the racial and ethnic diversity of the children needing foster and adoptive families. In 1996, MEPA was amended by IEPA. IEPA changed the original provision of MEPA that allowed race, color, and national origin to be a factor in placement decision-making, and IEPA stated that race, color, and national origin could not be used in placement decision-making (except in a specific, individual case where it could be demonstrated that taking these factors into account would be in that child’s best interest). IEPA did not change the provision in MEPA that required diligent recruitment of families who reflect children’s racial and ethnic backgrounds. IEPA imposed financial penalties on states that violated IEPA by using race, color, or national origin in making placement decisions. It, however, did not impose any financial sanctions on states that fail to diligently recruit families who reflect children’s racial and ethnic background.

## What are the major provisions of the current law?

- States and agencies that receive federal child welfare funding are prohibited from delaying or denying a child's foster care or adoptive placement on the basis of the child's or the prospective adoptive parent's race, color, or national origin.
- Individuals may not be denied the opportunity to become a foster or adoptive parent on the basis of the prospective parent's or the child's race, color, or national origin.
- States must diligently recruit foster and adoptive parents who reflect the racial and ethnic diversity of the children in the state who need foster and adoptive families.
- States that are found to have violated MEPA/IEPA by discriminating on the basis of race, color, or national origin can be financially penalized by being required to pay back to the federal government a percentage of federal Title IV-E funds that the state received.

Foster care and adoptive placements of Native American children are not covered by MEPA/IEPA. They are, instead, subject to the Indian Child Welfare Act that gives a preference to placing Native American children with Native families and within their own Native communities.

## What were the assumptions that drove the enactment of MEPA/IEPA?

- *The law was based on two misconceptions: (1) that children of color remain in foster care for long periods of time mainly because of "race-matching" policies; and (2) that large numbers of white families would readily adopt children of color in foster care if "race matching" policies were eliminated.*

Children of color in foster care remain longer in foster care waiting to be adopted because of a number of factors that are in no way related to

policies that promote placing children of color with families of color. These older children - unlike infants of color - have never been sought for adoption by large numbers of white families. MEPA/IEPA has had no meaningful impact on the number of white families adopting older children of color in foster care (this number remains low) or the number of white families adopting healthy infants of color (this number was high before MEPA/IEPA). In fact, black children represent an increasingly smaller percentage of all children adopted from foster care. In 1997, 44% of all children adopted from foster care were black; in FY 2001, 35% of all children adopted from foster care were black.

MEPA/IEPA has not had an impact on the length of time that children of color remain in foster care, despite the articulated purpose of the law to reduce children's length of stay in care. The average length of time that all children remain in foster care (33 months) has remained since 1997. Since 1998, the length of time that black children remain in care (42.1 months in 2000) has consistently been significantly higher than the length of stay for white children (28 months in 2001).

- *The law incorrectly is based on an assumption that minority communities do not adopt or do not adopt at sufficient rates to respond to needs of children of color in foster care.*

Many studies make clear that African American families adopt at higher rates than White families. Research and experience also demonstrate that families of color encounter many barriers when they express interest in adopting.

## What are the major concerns about the implementation of MEPA/IEPA?

- *The law has been misinterpreted as giving a preference to transracial adoption over family reunification and same-race adoptions.*

MEPA/IEPA has been implemented in such a way that transracial adoption has come to be viewed by many as the “preferred” option – a “better” outcome for children than the return of children of color to their families through reunification with their parents or care by their relatives. MEPA/IEPA also has created an environment in which decisions to place children of color with adoptive families of color are challenged as “illegal” and in “violation” of MEPA/IEPA. The law was intended to eliminate race-based discrimination against all families, not to give priority to families of a different race than the children they may adopt.

- *The “diligent recruitment” provision of MEPA/IEPA has largely been ignored.*

As MEPA/IEPA has been implemented, the emphasis has been on enforcing (with sanctions and lawsuits) the prohibition against delaying or denying placements based on race, color, or national origin. Emphasis has not been placed on diligently recruiting families from communities of color. Although resources have been available for enforcement of the “no delay” and “no denial” provisions of the law, resources have not been available for effective outreach to and recruitment of families of color.

- *The law has been misinterpreted as prohibiting additional training for families who adopt transracially.*

Research and professionals’ experience in working with transracial adoptive families make clear that families need and want training, services, and supports that strengthen their ability to meet their children’s needs – particularly with regard to their children’s racial identity and psychosocial well-being and their survival in racist environments. Nonetheless, MEPA/IEPA has been interpreted as prohibiting family preparation and training regarding these issues when families adopt transracially. This misinterpretation of MEPA/IEPA is not in the best interest of children or families.

## What should be the focus in implementing MEPA/IEPA?

- Providing services and supports so that children can remain safely with their parents (mothers and fathers) and their extended families (maternal and paternal relatives) and can be safely reunified with their families whenever possible
- Diligent recruitment of foster and adoptive families who represent the racial and ethnic backgrounds of children in foster care and who need adoptive families
- Placement of children who must enter foster care within their own communities
- Developing and providing services and supports for families – parents, relatives, adoptive families – after children leave foster care
- Developing and supporting child welfare staff in working effectively with children and families from different racial/ethnic communities
- Educating child welfare staff on what MEPA/IEPA, in reality, requires

## Selected References

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