

MULTIETHNIC PLACEMENT ACT 101

Removing barriers to permanency for youth in
care, one placement at a time

Objectives



To provide an overview of the Howard M. Metzenbaum Multiethnic Placement Act of 1994 (MEPA) and the amended Interethnic Adoption Provision (IEPA).

Participants will be able to...

- Demonstrate an understanding of the core tenets of MEPA
- Recognize the ways in which MEPA relates to their role as a foster/adoptive/kinship care provider
- Apply MEPA to said role to promote positive permanency outcomes for youth served by YFS
- Successfully complete the quiz at the end of this training

MODULE 1



The Climate

1994 At-A-Glance:

- Number of youth in care in the US:
Approximately 500,000
- Number of youth awaiting adoptive placements:
Over 10,000
- Median wait time for adoptive placement:
2 years, 8 months



Public Concern

- Over-representation of minority youth in out-of-home placement
- Minority youth were being denied permanent homes, because agencies were only matching children with prospective parents of the same race and ethnicity.



The Response: MEPA

MEPA was signed into law on October 20, 1994 by President Bill Clinton, as part of the Improving America's Schools Act, with the following goals:

- Decrease the length of time children spend waiting to be adopted
- Eliminate discrimination in the placement of children
- Facilitate the identification and recruitment of a diverse pool of foster and adoptive families

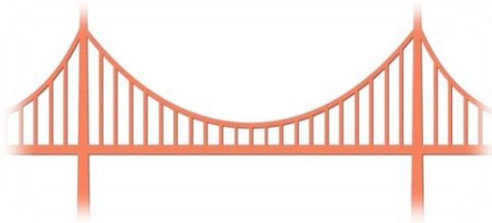


MEPA *DO'S* & **DON'TS**



Do...

MEPA **requires** agencies that receive federal funding for the placement of children to develop plans for the diligent recruitment of potential foster and adoptive families that reflect the ethnic and racial identity of the children in care.



Do...

Diligent recruitment means:

- Allowing prospective foster/adoptive parents to participate in general recruitment activities, regardless of their race, creed, or national origin



Do...

- Accepting applications from:
 - Prospective parents who are not from one of the communities on which the agency is currently focusing its efforts and including them in all recruitment activities
 - Prospective parents who express interest in providing care to a child of a different racial or ethnic background



Don't...

- ❑ Delay, deny, or otherwise discriminate in making a placement decision solely on the basis of race, color, or national origin



Don't...

- ❑ Categorically deny any person the opportunity to become an adoptive or foster parent solely on the basis of the race, color, or national origin of the individual or the child



Special Considerations

MEPA allows for the consideration of the child's cultural, ethnic, or racial background only if it has been determined that the facts of a specific case require the consideration of culture, ethnicity, or race in order to address the best interest of the child. All such decisions are subject to strict scrutiny during an audit.



Strict Scrutiny Exam

If race, ethnicity, and culture are factors in a child's placement, then the Social Worker will need to consider and document the following:

- What is the distinctive need that this child has related to race, culture, or ethnicity?
- How can this need be met?
- Can this need only be met by a parent of the same background as the child?

Special Considerations

MEPA does **not** apply to a child that is subject to the Indian Child Welfare Act (ICWA).

MEPA \neq ICWA

KNOWLEDGE CHECK #1



Question #1

MEPA prohibits the practice of same-race placement.

True

False

Question #2



MEPA requires transracial placement for all youth.

- ▣ True
- ▣ False

Question #3

MEPA was implemented to: (pick all that apply)

- ❑ Decrease adoption wait times
- ❑ Eliminate discrimination in placement decisions
- ❑ Increase the overall number of placements available for children
- ❑ Promote the identification and recruitment of a diverse pool

MODULE 2



MEPA vs. IEPA

As a result of testimony that some of the original provisions set forth in MEPA harmed minority youth by allowing for the systemic avoidance of transracial placements, IEPA was enacted by Congress on August 20, 1996.

MEPA

Categorically denying placement opportunities are not allowed

Delaying or denying placements solely on the basis of race and culture

Permissible to consider a child's cultural, ethnic, or racial background and a prospective parent's ability to meet the child's related needs when making placement matches

IEPA

Violation of MEPA- IEPA is a civil rights violation

Strict Scrutiny

Strengthen the language of the original act

All actions that delay or deny placements, or opportunities to be a foster or adoptive parent, on the basis of race, color, or national origin are prohibited

Legal Considerations for Placement

Below are a list of factors that can legally be considered during the placement decision making process:



Child

- Age
- Gender
- Religious Preferences
- Emotional and Physical Health
- Development
- Education
- Culture & Language
- History of abuse, neglect, or other maltreatment



Caregiver

- Relative/ kinship status
- Length of time spent with caregiver
- Ability to maintain connection to their siblings



Geography

- If reunification is the goal, then birth parent proximity can be considered.

MEPA/IEPA Violations

Below are examples of policies and practices considered to be inconsistent with MEPA/IEPA:

- Establishing a list of placement criteria based on racial or ethnic factors
- Requiring staff to provide a rationale for transracial placements, but not adhering to the same process for same-race placements
- Setting specific time periods during which searches for placements of a particular race or ethnic group will occur
- Any other procedure that delays placement in order to find a family matching the child's racial or ethnic background

KNOWLEDGE CHECK #2



Question #1

IEPA was enacted to: (pick all that apply)

- Strengthen the language of MEPA
- Reverse many of MEPA's requirements
- Clarify that all actions that delay or deny placements, or opportunities to be a foster or adoptive parent, on the basis of race, color, or national origin are prohibited
- Promote the increased use of transracial placements

Question #2

It is always permissible to consider a child's cultural, ethnic, or racial background and a prospective parent's ability to meet the child's related needs when making placement matches.

- True
- False

Question #3

Any policy or practice that delays placement in order to find a family matching the child's racial or ethnic background is considered a violation of MEPA.

- ▣ True
- ▣ False

MODULE 3



MEPA/IEPA Violation Reporting Procedures

- Individuals who believe they have been subject to policy or practice inconsistent with MEPA can file a complaint with the Office of Civil Rights (OCR) within the US Department of Health & Human Services.
- OCR has the right to initiate an independent review of any federally funded agency involved in the placement of children at any time, regardless of whether or not an actual complaint has been filed.
- If OCR finds an agency to be in violation of MEPA, a Corrective Action Resolution Plan will be implemented.

Closer To Home



To report an incident of discrimination, please contact the Consumer Advocacy Team at 980-314-6200 or complete the online complaint form at <http://charmeck.org/Mecklenburg/county/dss/pages/ReportaComplaint.aspx>.

In Summary...

- Any policy or practice that:
 - Delays or denies placement for children on the basis of the race, color, or national origin of the child or the prospective foster/adoptive parent
 - Denies an individual the opportunity to become a foster or adoptive parent on the basis of race, color, or national origin
 - Allows for discrimination to occur in the placement decision making process
- ...is strictly prohibited.
- All violations of MEPA are considered to be violations of Title VI of the Civil Rights Act of 1964.
 - MEPA in no way infringes upon the provisions set forth in the Indian Child Welfare Act of 1978.

References & Resources

- Administration for Children & Families. “The multiethnic placement act: Requirement to submit recruitment plans as an amendment to title IV-B, subpart 1 plans.” (Retrieved 3/2/16 from <http://www.acf.hhs.gov/sites/default/files/cb/pi9523.pdf>)
- Hollinger, Joan Heifetz. “Overview of the Multiethnic Placement Act (MEPA).” (Retrieved 3/1/16 from http://www.ct.gov/ccpa/lib/ccpa/MEPA_%28Multi-Ethnic_Placement_Act%29.pdf)
- Library of Congress. “Bill summary & status: Improving America’s schools act of 1994.” (Retrieved 3/2/16 from <http://thomas.loc.gov/cgi-bin/bdquery/z?d103:HR00006:@@L&summ2=m&|TOM:/bss/d103query.html>)
- North Carolina Department of Health & Human Services. “A guide to the multiethnic placement act of 1994.” (Retrieved 3/1/16 from <http://info.dhhs.state.nc.us/olm/manuals/dss/csm-50/man/appendixp.pdf>)

READY FOR THE TEST?



Question #1

The Multiethnic Placement Act was enacted as part of the Improving America's Schools Act.

- True
- False

Question #2

MEPA was enacted in response to: (pick all that apply)

- ❑ Rising numbers of youth in care
- ❑ High numbers of legally cleared youth awaiting adoption
- ❑ Long adoption wait times
- ❑ All of the above

Question #3

MEPA applies only to agencies that receive federal funds and are responsible for the placement of children.

- True
- False

Question #4

Consideration of a child's cultural, ethnic, or racial background for placement purposes must be able to pass the "strict scrutiny" legal standard.

- ▣ True
- ▣ False

Question #5

It is permissible for agencies to assess a prospective parent's ability to parent a child whose race, color, or national origin differs from their own.

- ▣ True
- ▣ False

Question #6

An agency may: (pick all that apply)

- ❑ Require prospective foster/adoptive parents to take different or extra steps in order to parent a foster child, on the basis of the parent or child's race, color, or national origin
- ❑ Provide information to parents that will help them to fully meet their child's specific needs, including information about hair care and other areas
- ❑ Ask parents who want to be transracial placement providers to take courses on different cultures in order to have a child placed in their home

Question #7

An agency may:

- ❑ Inform prospective parents of whether or not children in care match the characteristics that they are seeking
- ❑ Ask prospective parents if they are willing to consider providing a home for a child whose characteristics match those of the current pool
- ❑ Discuss and problem solve with parents around the difficulties that may arise when parenting a child whose characteristics differ from those that the parent was originally seeking
- ❑ All of the above

Question #8

Judy is the mother of 10-year-old Brandon, who recently entered foster care. Brandon's first placement did not work out and the agency is seeking a new one for him. At the Child & Family Team meeting, Judy requests that Brandon be placed with a Caucasian family as she believes that a family of the same race would be best equipped to meet his needs. Can DSS honor this request?

Yes

No

Question #9

An African-American newborn baby's placement is delayed because the social worker is unable to locate a foster family of the same race. Though the baby ultimately ends up in an African-American home, the baby stayed in the hospital for an extra week while the agency worked to find a placement meeting the social worker's criteria. Is this scenario a violation of MEPA?

Yes

No

Question #10



Complaints of discrimination should be directed to:

- ❑ Your case worker
- ❑ Your case worker's supervisor
- ❑ The DSS Consumer Advocacy Team