

17. Considerations regarding a multiethnic placement

Federal law prohibits using race, color, national origin or ethnicity to delay or deny a child's placement, or to deny applicants the opportunity to become foster parents or to adopt a child.

The Multiethnic Placement Act of 1994, 42 U.S.C. §1996b, as amended by the Interethnic Adoption Provisions of the Small Business Job Protection Act of 1996, Section 1808, and Oregon state rules prohibit a presumption that placement in a foster or adoptive family of the same race or cultural heritage as the child is in the child's best interest.

- Consider the questions and answers below as they relate to a caseworker's responsibility in making placement decisions.
 1. Can I consider the race and cultural heritage of a child in making placement decisions?
 - a. Race and cultural heritage can be considered conditionally because, if an Indian child is involved, the parameters of the Indian Child Welfare Act (ICWA) apply.
 - b. In all other cases, MEPA-IEAP prohibits any delay or denial of a child's placement or of a foster or adoptive parent's application based on race or ethnicity.
 2. Can I consider the birth family's desire to have their child placed with a family of a specific race or ethnicity?
 - a. No. A placement cannot be delayed, denied or prohibited in order to locate a family of a specific race or ethnicity.
 3. Are there circumstances in which I can consider race or ethnicity in making placement decisions?
 - a. Under federal law, any consideration of race or ethnicity must be in the context of an individualized placement decision when a specific child has a special need.
 4. What special needs of a child might require a placement decision based on race or ethnicity?
 - a. If race or ethnicity appears to be an issue for the child, first determine whether a child's special need can be met without a race or ethnicity-based placement decision. For example, a child who has been taunted about his or her race needs a caretaker sensitive and able to help him or her cope with the impact of the taunting, but does not necessarily need a placement with a family of any particular race or ethnicity. Similarly, a child who speaks only Spanish may need a Spanish-speaking caretaker, but that does not require a race- or ethnicity-based placement decision. Even where there is a compelling need to consider race or ethnicity, a placement decision must take into account all of a child's needs and should not be decided solely on any one factor.
 - b. Younger children will be less likely to have a special need for a race- or ethnicity-based placement decision. One situation that might warrant considering race or ethnicity as a factor in the placement process would be when an older

child voices a strong opinion about the race or ethnicity of the family with whom he or she will be placed. Even in that circumstance, the caseworker should discuss any appropriate families who don't meet the child's stated racial or ethnic preference with him or her, in an effort to find the best possible placement. If a child has been severely abused or neglected, and associates the race or ethnicity of the caretaker with the abuse, that might warrant a placement decision based on the special needs of the child.

References

Legal references

Federal law

- Small Business Job Protection Act of 1996 (IEPA)
- Multiethnic Placement Act of 1994 PL 104-188 (MEPA)
- Indian Child Welfare Act
- Social Security Act Amendments of 1994 PL 103-432
- Adoption and Safe Families Act of 1997 PL 105-89
- Title IV of Civil Rights Act of 1964
- ACF-IM-CB-97-04 June 6, 1997
- ACF-IM-CB-98-03 May 11, 1998
- 45 CFR Parts 1355,1356,1357, 1/25/2000

ORS

- 428.005

OAR/Policy

- I-E.1.1 Working with Relatives toward the placement of children
http://www.dhs.state.or.us/policy/childwelfare/manual_1/i-e11.htm
- I-E.2.1 Placement of Indian Children
http://www.dhs.state.or.us/policy/childwelfare/manual_1/i-e21.htm
- I-E.2.2 Placement of Refugee Children
http://www.dhs.state.or.us/policy/childwelfare/manual_1/i-e22.htm
- I-E.3.1 Placement Matching
http://www.dhs.state.or.us/policy/childwelfare/manual_1/i-e31.htm
- I-G.1.3 Adoption Applications
http://www.dhs.state.or.us/policy/childwelfare/manual_1/i-g13.htm
- II-B.1 Certification Standards for Foster Care, Relative Care and Adoptive Families
http://www.dhs.state.or.us/policy/childwelfare/manual_2/ii-b1.pdf