

STATE OF WISCONSIN
Department of Health and Family Services
Division of Children and Family Services

MEMO SERIES DCFS 97-06
August 20 , 1997

Re: Multiethnic Placement Act &
Amendments under the Small
Business Job Protection Act of 1996

AMENDS DCS 95-45 and DCFS 97-05

To: Area Administrators/Assistant Area Administrators
Bureau/Office Directors
County Departments of Community Programs Directors
County Departments of Developmental Disabilities
Services Directors
County Departments of Human Services Directors
County Departments of Social Services Directors
Licensed Child Placing Agency Directors
Program Office Directors/Section Chiefs
Tribal Chairpersons/Human Services Facilitators

From: Susan N. Dreyfus, Administrator
Division of Children and Family Services

Section 1808, "Removal of Barriers to Interethnic Adoption," of the federal Small Business Job Protection Act included modifications of the Multiethnic Placement Act (MEPA) of 1994. The original MEPA Act was announced through Memo Series DCS 95-45 and the Interethnic Adoption changes through Memo Series DCFS 97-05. The federal Department of Health and Human Services has now issued additional guidance through the attached memorandum dated June 4, 1997 to the Office of Civil Rights (OCR) Regional Managers and the Administration for Children and Families (ACF) Regional Administrators.

The Interethnic Adoption provisions affirm and strengthen the prohibition against discrimination in adoption or foster care placements. Race; culture or ethnicity may not be used as the basis for any denial of placement nor may such factors be used as a reason to delay any foster or adoptive placement. Congress has retained the provisions of MEPA which require that child welfare service programs provide for the diligent recruitment of potential foster and adoptive families that reflect the ethnic and racial diversity of children in the State for whom foster and adoptive homes are needed.

The memorandum to the OCR Regional Managers and ACF Regional Administrators emphasizes four critical elements of MEPA and the Interethnic Adoption provisions:

- Delays in placing children who need adoptive or foster homes are not to be tolerated, nor are denials based on any prohibited or otherwise inappropriate consideration.
- Discrimination is not to be tolerated, whether it is directed towards adults who wish to serve as foster or adoptive parents, towards children who need safe and appropriate homes, or toward communities or populations which may heretofore have been under-utilized as a resource for placing children.

DOCUMENT SUMMARY

Affected agencies must comply with the provisions of the Multiethnic placement Act of 1994 as modified by the provisions of Section 1808, "Removal of Barriers to Interethnic Adoption," of the Small business Job Protection act of 1996. The attached guidance provides information about implementation.

- Active, diligent, and lawful recruitment of potential foster and adoptive parents of all backgrounds is both a legal requirement and an important tool for meeting the demands of good practice.
- The operative standard in foster care or adoptive placements has been and continues to be "the best interests of the child." Nevertheless, any consideration of race, color or national origin in foster care or adoptive placements must be narrowly tailored to advance the child's best interests and must be made as an individualized determination of each child's needs and in light of a specific prospective adoptive or foster care parent's capacity to care for that child.

Thank you for your continuing efforts on behalf of children and their families. Recruiting a pool of foster and adoptive family resources, making prompt decisions and avoiding delays in implementation will benefit both children and families.

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