

<h1>ACF</h1> <p>Administration for Children and Families</p>	U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES Administration on Children, Youth and Families	
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INFORMATION MEMORANDUM

TO: State and Territorial Agencies Administering or Supervising the Administration of Title IV-B and Title IV-E of the Social Security Act and ACF Regional Administrators

SUBJECT: The Multiethnic Placement Act (MEPA), as amended by the Interethnic Adoption Provisions of The Small Business Job Protection Act of 1996.

LEGAL AND RELATED REFERENCES:

The Small Business Job Protection Act of 1996 (Pub. L. 104-188), the Howard M. Metzenbaum Multiethnic Placement Act of 1994 (Pub. 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: To reiterate support for the Multiethnic Placement Act, as amended by the Interethnic Adoption Provisions of The Small Business Job Protection Act of 1996 (collectively, Section 1808) and anti-discrimination in foster care and adoption placement decision-making.

BACKGROUND: On August 20, 1996, the Small Business Job Protection Act of 1996 was signed into law. Included in this law was Section 1808, "Removal of Barriers to Interethnic Adoption," which repealed Section 553 of MEPA and amended Title IV-E of the Act by adding a State plan requirement at section 471(a)(18).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 (ACFY-IM-CB-97-04) to State Title IV-B/IV-E agencies and

others providing them with guidance and clarification on Section 1808. On May 11, 1998, the Children's Bureau issued another Information Memorandum (ACYF-IM-CB-98-03) in the form of questions and answers that further clarify implementation and practice issues around Section 1808.

INFORMATION: Congress passed the Multiethnic Placement Act in 1994 in an attempt to decrease the length of time that children wait to be adopted; to prevent discrimination in the placement of children based on race, color or national origin and to facilitate the identification and recruitment of foster; and, adoptive parents who can meet children's needs. Congress further strengthened the enforcement of these anti-discrimination provisions when it passed the Interethnic Adoption Provisions in 1996.

This Information Memorandum reiterates and confirms my long standing and unequivocal support for the letter of, and spirit underlying, the Multiethnic Placement Act, as amended by the MEPA (Section 1808). This administration will not tolerate discrimination in foster care and adoption placement decisions and will enforce Section 1808's provisions to the extent of the law.

Section 1808 allows vulnerable children and loving parents to connect with one another and become families, regardless of the parent's or child's race, color or national origin. Moreover, delaying, denying or otherwise discriminating in foster care or adoption placements on the basis of race, color or national origin further harms children who already have suffered abuse and neglect. Much of the harm committed against these children only can begin to be ameliorated by being received into a loving family that will provide a stable, secure and nurturing home. Discrimination in foster care and adoption placements wrongly denies children a loving and stable home. To be sure, a loving and stable home for a foster child does not know boundaries of race, color or national origin. Moreover, discrimination in foster care and adoption placements contravenes the very principles upon which our Nation is based, and is intolerable, particularly where vulnerable children are concerned.

It is equally intolerable to erect needless barriers in a thinly veiled attempt to discourage or dissuade individuals from pursuing transracial adoption. State child welfare agencies, and the entities with which they contract, must ensure that they do not take action that deters families from pursuing foster care or adoption across lines of race, color or national origin. Whether subtle or direct,

efforts to thwart foster care and adoption across lines of race, color and national origin cannot be tolerated.

It is important to recognize that both Section 1808 of the Small Business Job Protection Act and Title VI of the Civil Rights Act of 1964 impose significant legal penalties for race-based discrimination in adoption and foster care. Remedies for violations of Section 1808 include the imposition of a penalty of up to five percent of a State's Title VI-E funds for a fiscal quarter. Remedies for violations of Title VI include the suspension or termination of, or the refusal to grant, Federal financial assistance.

Every child, especially one who is languishing in foster care, deserves a loving family. Discriminating against these children, or the families that wish to foster or adopt them, on the basis of race, color or national origin, is illegal. Equally important, however, is that such discrimination wrongly denies these vulnerable children the opportunity to enjoy the immeasurable benefits associated with being part of a loving family.

INQUIRIES TO: ACF Regional Offices

_____/s/_____
Wade F. Horn, Ph.D.
Assistant Secretary
for Children and Families

cc: ACF Regional Offices