

## The Multiethnic Placement Act

### The Multiethnic Placement Act Defined

The Multiethnic Placement Act (PL 103-382), commonly known as MEPA, was enacted in 1994. The purpose of MEPA was threefold: (1) to decrease the length of time children experienced waiting to be adopted; (2) to prevent discrimination in the placement of children on the basis of race, color, or national origin; and (3) to identify and recruit foster and adoptive families who can meet the needs of the children.

States are required to provide diligent recruitment of potential foster and adoptive families who reflect the ethnic and racial diversity of children for whom homes are needed. MEPA specifically prohibits the delay or denial of any adoption or placement in foster care due to the race, color, or national origin of the child or of the foster or adoptive parents, or both. In addition, the law prohibits states from making placement decisions solely on the basis of race, color, or national origin; however, these factors can be used when making decisions on the capacity of prospective foster or adoptive parents to meet the needs of the child.<sup>1</sup>

To reaffirm the goal of MEPA, Congress passed the Interethnic Adoption Act (PL 104-188) in 1996.<sup>2,3</sup> Known as IEPA, this act allows the federal government to assess financial penalties on a state if the state has been given notice of a MEPA violation and has not enacted a corrective action plan within six months.<sup>1</sup>

### Transracial Adoption Defined

The terms “transracial” and “inracial” are frequently used when discussing MEPA. Transracial adoption refers to the adoption of a child by parents of a different race than the child. For example, transracial adoption includes white adoptive parents adopting African American/black children. Inracial adoption refers to the adoption of a child by parents of the same race as the child.

### The Impact of MEPA on States

Although public agencies may not routinely consider race, national origin, and ethnicity in making placement decisions, consideration of these factors may be taken on an individualized basis. Furthermore, since MEPA was enacted to prevent children from remaining in foster care, rather than being adopted by parents of another race, ethnicity, or national origin, the Department of Health and Human Services (HHS) gave the following example of a delay or denial of placement to help states understand the intent of the laws:

Six minority children require foster placement, preferably in a family foster home. Only one minority foster home is available; it is only licensed to care for two children. The children remain in emergency shelter until the agency can recertify and license the home to care for the six children. The children remain in an emergency shelter even though a white foster home with capacity and a license to care for six children is available.<sup>4</sup>

To assist states, the Administration for Children and Families, through the Children’s Bureau, developed an internal evaluation instrument through which states and other entities can evaluate or assess

compliance with MEPA.<sup>5</sup> In addition, the Office for Civil Rights has provided technical assistance to states implementing MEPA.

### What Do the Data Show?

The MEPA legislation was enacted, in part, to prevent children from languishing in out-of-home care while foster or adoptive parents of the same race were found. The Adoption and Foster Care Reporting System (AFCARS) can provide some data (i.e., the length of time in out-of-home care and the length of time to be adopted) to help clarify whether MEPA has been effective. For the purposes of this issue brief, comparisons are between African American and white children.

On September 30, 2001, there were 532,087 children in foster care. Of these children, approximately 37% were African American/black and 37% were white. Overall, children had been in care for an average of 32 months with a median of 19 months. African American/black children were in foster care significantly longer than all children of other races. For example, African American/black children spent, on average, about four years in foster care. White children spent, on average, about three years in foster care (Table 1). These differences are consistent from 1998 through 2001, the most recent year for which there are data.

**Table 1. Length of Time in Out-of-Home Care, 2001**

	Mean (in months)	Median (in months) <sup>b</sup>
African American/Black	42.1 <sup>a</sup>	28.0
American Indian/Alaskan Native	27.1 <sup>a</sup>	16.0
Asian	25.1 <sup>a</sup>	15.8
Hispanic	30.0 <sup>a</sup>	18.4
Native Hawaiian/Pacific Islander	22.6 <sup>a</sup>	14.0
White	25.7 <sup>a</sup>	15.1
Two or More Races	24.4 <sup>a</sup>	15.3

<sup>a</sup> There is a significant difference ( $p < .01$ ) between the mean length of time in care for African American/black children and children of all other races.

<sup>b</sup> The median is provided for context only.

In 2001, the most recent year for which there are data available, 50,940 children were adopted from the public child welfare system (38% were white and 34% were African American/black). From the time parental rights were terminated, it took longer for African American/black children to be adopted compared to white children (18 months versus 15 months; Table 2).

**Table 2. Length of Time from Termination of Parental Rights to Adoption, 2001**

	Mean (in months)	Median (in months) <sup>b</sup>
African American/Black	18.3 <sup>a</sup>	14.1
American Indian/Alaskan Native	17.5	14.2
Asian	15.6 <sup>a</sup>	11.7
Hispanic	15.6 <sup>a</sup>	12.5
Native Hawaiian/Pacific Islander	17.4	12.0
White	14.6 <sup>a</sup>	11.3
Two or More Races	15.3 <sup>a</sup>	12.2

<sup>a</sup> There is a significant difference ( $p < .01$ ) between the length of time in care for African American/black children and Asian, Hispanic, and white children, and children of two or more races.

<sup>b</sup> The median is provided for context only.

<sup>1</sup> The Multiethnic Placement Act and the Interethnic Adoption Act does not supercede the Indian Child Welfare Act.



There is also a significant difference in the family composition and race of the adoptive parents. In 2001, two parents of the same race adopted most white children (72%), and of all the white children adopted in 2001, 90% were adopted by at least one white parent. In contrast, only 32% of African American/black children were adopted by two parents of the same race, and 81% were adopted by one African American/black parent. Finally, almost twice as many African American/black children are adopted by parents of a different race when compared to white children (19% and 10%, respectively; Table 3).

**Table 3. Family Structure of Adoptive Families, 2001**

	White	African American
Two parents, same race as child	72%	32%
Two parents, one same race as child	4%	3%
Two parents, neither the same race as child	7%	13%
One parent, same race as child	14%	46%
One parent, different race as child	3%	6%

### What Does the Research Show?

Since MEPA legislation was passed, limited research has been published on the outcomes of transracial adoption. Within this limited body, the findings have been mixed and sometimes contradictory. In addition, the research focuses on children and young adults; thus little can be concluded about the long-term effects of transracial adoption. Overall, the studies have failed to yield significant differences in the short-term outcomes for transracial versus inracial adoptees.<sup>6, 7, 8, 9, 10, 11, 12, 13, 14, 15</sup>

### Positive Outcomes for Transracial Adoptees

Transracial adoptees of color were no more likely to engage in negative social behaviors than white inracial adoptees. For example, they are no more likely to run away or use drugs. Studies show that transracial adoptees have exhibited academic competence, another sign of positive well-being. In addition, when African American/black transracial adoptees live in integrated neighborhoods, attend

integrated schools, and have parents who accept and address the race of their child, they have a stronger racial identity than those adoptees that live in predominantly white neighborhoods and attend primarily white schools. Finally, adoptive families who encourage and support the culture and heritage of the child as well as that of the adoptive family, and the child feels part of both cultures and heritages, show no significant differences compared to their white, inracial adopted peers.<sup>6, 7, 8, 9, 10, 11</sup>

### Negative Outcomes for Transracial Adoptees

Studies have shown that transracial adoptees developed their racial identity differently from inracial adoptees. When transracial adoptees fail to identify with the culture of their adoptive parents, they experience greater psychological distress. Transracial adoptees, particularly African American/black adoptees, developed adjustment problems when they experienced discrimination and discomfort with their appearance. Finally if the adoptive parents fail to address the issues regarding the differences in race and culture of the adoptee and the adoptive family, the adoptee experienced appearance anxiety lasting through adulthood.<sup>12, 13, 14, 15</sup>

### Summary and Conclusions

In summary, MEPA and IEPA were enacted to prevent children of color from remaining in foster care because adoptive parents of their own race are not available. The data show that African American/black children stay in out-of-home care longer compared to their white peers. In addition, it takes longer from termination of parental rights to the finalization of adoption. The data are not comprehensive enough to determine what factors are mitigating the extended length of stay in care for African American/black children. Research shows that if adoptive parents maintain an open dialog about the differences between their race and their child's race, their children have better outcomes. In addition, issues such as discrimination and differences in appearance must be addressed. Without this dialog, or if an adoptee does not accept their adoptive parents' culture, the adoptees are more likely to experience lasting emotional distress.

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<sup>1</sup> Multiethnic Placement Act, P.L. 103-382, (1994).

<sup>2</sup> *Adoption Glossary: Multi-Ethnic Placement Act of 1994*. (2004, May 25). Available online at <http://glossary.adoption.com/multi+ethnic-placement-act-of-1994.html>. Gilbert, AZ: Adoption.com.

<sup>3</sup> Removal of Barriers to Interethnic Adoption, P.L. 103-382, (1996). Available online at <http://www.hhs.gov/ocr/sec1808.htm>.

<sup>4</sup> Questions and Answers Regarding the Multiethnic Placement Act of 1994 and Section 1808 of the Small Business and Job Protection Act of 1996. (1997, June 4). Available online at <http://www.hhs.gov/ocr/gaoreply.htm>. Washington, DC: Office for Civil Rights.

<sup>5</sup> Campanelli, R. M., & Horn, W. F. (2003, July 10). *Internal Evaluation Instrument*. [Memorandum]. Available online at <http://www.acf.hhs.gov/programs/cb/initiatives/mepaeval.htm>. Washington, DC: Office for Civil Rights.

<sup>6</sup> McRoy, R. G., Zurcher, L. A., Lauderdale, M. L., & Anderson, R. E. (1982). Self-esteem and racial identity in transracial and intraracial adoptees. *Social Work, 27*, 522-526.

<sup>7</sup> Shireman, J. F., & Johnson, P. R. (1986). A longitudinal study of Black adoptions: Single parent, transracial, and traditional. *Social Work, 31*, 172-176.

<sup>8</sup> Baden, A. L. (2002). The psychological adjustment of transracial adoptees: An application of the Cultural-Racial Identity Model. *Journal of Social Distress & the Homeless, 11* (2), 167-191.

<sup>9</sup> Feigelman, W. (2000). Adjustments of transracially and intracially adopted young adults. *Child & Adolescent Social Work Journal, 17* (3), 165-183.

<sup>10</sup> Simon, R. J., & Alstein, H. (1996). The case for transracial adoption. *Children & Youth Services Review: Special Issue: Children and youth services review, 18*(1-2), 5-22.

<sup>11</sup> DeBerry, K. M., Scarr, S., & Weinberg, R. (1996). Family racial socialization and ecological competence: Longitudinal assessments of African-American transracial adoptees. *Child Development, 67* (5), 2375-2399.

<sup>12</sup> Johnson, P. R., Shireman, J. F., & Watson, K. W. (1987). Transracial adoption and the development of black identity at age eight. *Child Welfare, 66*, 45-55.

<sup>13</sup> Huh, N. S., Reid, W. J. (2000). Intercountry, transracial adoption and ethnic identity: A Korean example. *International Social Work, 43*(1), 75-87.

<sup>14</sup> McRoy, R. G., & Grape, H. (1999). Skin color in transracial and inracial adoptive placements: Implications for special needs adoptions. *Child Welfare, 78* (5), 673-692.

<sup>15</sup> Simon, R. J., & Alstein, H. (1996). The case for transracial adoption. *Children & Youth Services Review: Special Issue: Children and youth services review, 18*(1-2), 5-22.