The Multi-Ethnic Placement Act: Preventing Discrimination, or Promoting Color-Blindness?

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Abstract

The Multi-Ethnic Placement Act/Interethnic Adoption Provisions (MEPA-IEP) are policies based on color-blind racial ideology that are designed to decrease time to permanency, prevent racially discriminatory placement decisions, and facilitate recruitment of diverse foster/adoptive parents. Since implementation, children of color continue to experience disproportionate entries into care and spend more time in care. Same-race adoptions have declined, and recruitment of prospective parents of color has not been prioritized in implementation efforts. A repeal of MEPA-IEP is needed to remove the color-blind features of the policy. Ideal replacement legislation would encourage workers to use race as a criterion to evaluate the ability of prospective parents to meet children's needs, provide incentives for states to recruit foster and adoptive parents of color, and mandate prospective parent and workforce training to facilitate cultural and relational permanency for children.

Keywords: child welfare, foster care, adoption, policy, adoption, history, legislation

Introduction: The MEPA-IEP's Color-Blind Approach to Racial Disproportionality

The Interethnic Adoption Provisions (IEP) of 1996 mandated a color-blind approach to foster care and adoption placements, prioritizing placement of children in homes with almost no consideration for the race of the child or prospective adoptive parent(s) (Hadley, 2020). The main result of the IEP has been a systematic disregard of children's racial and cultural continuity (Wilson et al., 2020), resulting in an increase in transracial adoption of children of color by White foster and adoptive parents (Hynes, 2021; Jennings, 2006). The IEP has not achieved its main goal of reducing time to permanency for children of color (Boyd, 2014; Marby, 2009; Wulczyn, 2020). The authors argue that a key weakness of the IEP is its color-blind approach to addressing racial disproportionality. The authors recommend replacing the IEP with policy that allows culturally responsive placement decisions and culturally relevant training for prospective foster and adoptive parents.

Theoretical Framework

Two theoretical frameworks guide this policy analysis: Anyon's policy perspective framework (Anyon, 2011) and color-blind racial ideology (CBRI) (Benilla-Silva, 2015; Neville et al., 2013). As described by Anyon (2011), four competing and overlapping perspectives inform what child welfare workers should prioritize when children enter foster care: expedient permanency, social advantage, family preservation, and cultural continuity. Each of these perspectives strive to improve child well-being in varying ways. Expedient permanency prioritizes short-term stability by aiming to find a permanent family for the child in the quickest possible timeframe. The Multi-Ethnic Placement Act/Interethnic Adoption Provisions (MEPA-IEP) are good examples of policies that prioritize expedient permanency, often at the exclusion of

the other considerations. Social advantage prioritizes children's long-term self-sufficiency by presenting them and/or their caretakers with connections and opportunities that might eventually lead to employment and other opportunities for economic mobility. The most prominent policy example of a social advantage approach to child-well-being is the John H. Chafee Independent Living Program, which supports young people who experienced foster care on or after their 14th birthdays with employment, access to higher education services as well as a monthly living stipend to support the provision of basic needs up to their 21st birthday (U.S Department of Health and Human Services [DHHS], 2021). Family preservation prioritizes biological connections with the child's family. Policies supporting reunification and kinship care can help children maintain family connections. Finally, cultural continuity prioritizes connection to a child's identity and culture. Maintaining children's connection to their culture can be supported through kinship care, recruitment and retention of a diverse foster parent and caseworker workforce, exposure to cultural sensitivity training, and referral to community resources. Each perspective outlined by Anyon (2011) attends to an important aspect of child well-being but implementing child welfare legislation that adequately addresses all four perspectives has historically been a challenge.

CBRI, which consists of two dimensions, color-evasion (i.e., denial of racial differences through the emphasis of sameness) and power-evasion (i.e., denial of racism through the emphasis of equal opportunity) is a theory that has been proven to be ineffective, with mounting empirical evidence suggesting that it promotes interracial tension and inequality (Neville et al., 2013; Bonilla-Silva, 2015). In the context of MEPA-IEP, this policy was constructed in a way that appears reasonable and moral while at the same time opposing numerous interventions to address racial inequality. Specifically, it neglects to address the preferential treatment White people have historically received in accessing higher education in pursuit of social work education, and by association, child welfare workforce training programs, and ignores the realities prospective foster and adoptive parents face in pursuit

of licensure, which must be overcome to qualify them for their roles.

Background: Historical Legislation

In 1980, the Adoption Assistance and Child Welfare Act (AACWA) was passed. AACWA required reasonable efforts to be made to maintain original family units and offered new funding opportunities to focus on prevention and reunification (Curtis & Denby, 2011). AACWA defined reunification as being in the child's best interest (O'Laughlin, 1998). This strong focus on reunification represented a prioritization of the family preservation perspective, as it placed particular importance on biological family connections. However, AACWA did little to address social advantage as part of family reunification efforts or support children in the process of expedient permanency when termination of parental rights occurred.

Fourteen years later, the Multi-Ethnic Placement Act (MEPA) was created to "decrease the length of time that children who have experienced termination of parental rights wait to be adopted; to prevent discrimination in the placement of children on the basis of race, color, or national origin; and to facilitate the identification and recruitment of foster and adoptive parents who can meet children's needs" (Administration for Children, 1995, p. 1). MEPA's focus on decreasing time to adoption helped to prioritize the perspective of expedient permanency. The original version of MEPA also allowed for the consideration of a child's cultural, ethnic, or racial background during the placement process, as well as assessment of a prospective foster or adoptive parent's capacity to meet the needs of foster children with varying backgrounds. This provision of the bill was key to providing children with cultural continuity (Wilson et al., 2020).

The Congressional Black Caucus fought hard for this provision, only to have it repealed by the Interethnic Adoption Provisions (IEP) in 1996 (McRoy et al., 2007). The IEP Act mandated a color-blind approach to foster care and adoption placements, prioritizing placement of children in homes with almost no consideration for the race of the child or prospective adoptive parent(s) (Hadley, 2020). The intention of the act was to reduce the time from foster care to adoption (i.e., "permanency"). Unfortunately, permanency outcomes for children of color have not improved in the decades since the act was implemented (Boyd, 2014; Marby, 2009; Rolock & White, 2016; Wulczyn, 2020). Instead, the main result of the IEP has been a systematic disregard of children's racial and cultural continuity (Wilson et al., 2020), resulting in an increase in transracial adoption of children of color by White foster and adoptive parents (Hynes, 2021; Jennings, 2006).

During the following year, the Adoption and Safe Families Act of 1997 (ASFA) provided three goals for the child welfare system to use as a guide: safety, permanency, and child wellbeing. The implementation of ASFA prioritizes legal permanency—reunification with family, adoption, or legal guardianship—in the shortest time possible. In the name of timely permanency, individual parental responsibility was emphasized while government support services, including safety net programs designed to support birth parents and extended family members in achieving social advantage, were significantly reduced (Hynes, 2021; O'Laughlin, 1998). Scholars generally agree that ASFA disproportionately negatively impacts children of color, as parents of color are at a disadvantage in meeting the requirements to be successfully reunified in a short period of time (Boyd, 2014; Hanna et al., 2017; Hines et al., 2004; Yang & Ortega, 2016), resulting in a greater percentage of children of color experiencing termination of parental rights (Wildeman et al., 2020). The National Association of Black Social Workers also released a statement strongly opposing ASFA after its adoption due to its detrimental impacts on Black family preservation (Copeland, 2022). The implementation of ASFA served to further amplify the perspective of expedient permanency, while other perspectives—

including cultural continuity, family preservation, and social advantage—remained out of focus in legislation.

Consequences of Racism in the Child Welfare System

Black children continue to be overrepresented in foster care, to experience termination of parental rights at higher rates, to have longer stays in care; they are also less likely to be adopted (McRoy et al., 2007; U.S. Government Accountability Office, 2007; Wildeman et al., 2020). As of 2019, Black children represented 15% of the general population but over 25% of youth in foster care (Puzzanchera & Taylor, 2021). This is in large part due to the color-blind nature of MEPA. The prioritization of expedient legal permanency over other perspectives like cultural continuity and social advantage has resulted in a child welfare system in the United States today that reflects the country's persistence in legitimizing a more contemporary form of racism: justification of the racial status quo. Specifically, CBRI has promoted anti-Black racism, often in the form of intense surveillance and family policing, disproportionately bringing Black youth into the system and putting them at risk of experiencing the worst outcomes once involved in the system (Dettlaff et al., 2020).

Based on available data, MEPA-IEP has not been successful in achieving its goal of eliminating discrimination in foster and adoptive placements. After MEPA was implemented, transracial adoptions increased, but the adoption rate of Black children decreased. While the overall adoption rate of Black children declined by 22% between 2005 and 2019, transracial adoption of Black children increased by 32% (Kalisher et al., 2020). Successful family reunification also declined for Black children during this time (Kalisher et al., 2020). Essentially, Black children have become less likely to achieve permanency with Black families—either through reunification or adoption—resulting in both an increase in adoptions of Black children with White families and an increase in the number of Black children who remain in care without a permanent family.

The same trends can be observed for American Indian and Alaska Native youth, who experience the highest rate of disproportionality relative to their representation in the population. American Indian and Alaska Native youth represented 1% of the general population but 2.6% of youth in foster care as of 2019 (Puzzanchera & Taylor, 2021). Over half of American Indian and Alaska Native children are adopted to individuals outside of their tribal community (National Indian Child Welfare Association, n.d.-a, b). Although American Indian and Alaska Native children who are members of federally recognized tribes are eligible for cultural continuity protections under the Indian Child Welfare Act (ICWA), children who are not eligible for enrollment, such as members of state recognized tribes, U.S. citizens who are members of Canadian First Nation tribes, and Native Hawaiians, are not eligible for protections under ICWA. These children outside the purview of ICWA must rely on MEPA to have their need for cultural continuity assessed prior to and during placement.

While Latinx youth are represented in foster care at similar rates to their proportion of the population, they still experience inequities within the foster care system (Alzate & Rosenthal, 2009; Taussig et al., 2001; Church et al., 2005). Latinx children spend more time in care than White children and have the highest rate of transracial adoption at 46% of adoptions (Kalisher et al., 2020). Amending MEPA to recognize the importance of cultural continuity stands to benefit Latinx children as well.

The child welfare system has yet to address its legacy and ongoing impact of traumatizing Black children and other youth of color. Racial trauma can result in hidden wounds of racial oppression including an assaulted sense of self and internalized feelings of devaluation, voicelessness, and rage (Hardy, 2013). Institutional maltreatment of Black children and families has been recognized as a public health crisis, and a conscious consideration of anti-racist policies and practices will be necessary to address these racial inequities (Stephens, 2022). Understanding these

issues as part of a public health crisis emphasizes the need for active social justice-oriented practices like those encouraged by the liberation health model, through which social workers can take holistic, critical, empowering, and hopeful action to actively support and nurture—rather than separate and devalue—Black families and communities (Martinez & Fleck-Henderson, 2014).

The Value of Cultural Continuity for Children of Color

Supporting cultural continuity (i.e., maintaining children's connection to their race, heritage, and culture) is widely accepted as a best practice in child welfare (McRoy et al., 2007). Unfortunately, MEPA-IEP prevents thorough assessment of whether a foster or adoptive family can meet a child's racial and cultural needs (McRoy & Griffin, 2012). Due to a combination of structural barriers and unfocused recruitment, there are not enough prospective families of color to place all children with a parent who shares their racial or cultural background, nor is there mandated cultural sensitivity training to prepare foster and adoptive parents to meet foster children's cultural needs (Coakley & Gruber, 2015). MEPA enforcement efforts have largely focused on prohibiting placement delays while ignoring mandates requiring recruitment of foster and adoptive parents from racial and cultural groups that reflect the demographics of the children in care (McRoy et al., 2007).

During the 1960s and 1970s, some national organizations representing communities of color (such as the National Association for the Advancement of Colored People and the National Urban League) proposed promoting transracial adoption to help reduce the number of Black children lingering without placement options. However, not all organizations supported this decision, and the National Association of Black Social Workers (NABSW) released strong statements arguing that Black children belong with families and communities that can help them develop their cultural identities and negotiate the racism they will inevitably face in a White-dominated society (Jennings, 2006; McRoy & Griffin, 2012).

Despite its stated intent to prevent discrimination in placement decisions, MEPA-IEP does not include measures to examine whether families of color are prevented from becoming licensed and/or receiving placements. Instead, the adoption process under MEPA benefits adopters who already have power and privilege in society and thus experience few barriers to adoption, namely White, heterosexual, middle-class couples (Hanna et al., 2017; Jennings, 2006), and results in many parents adopting children of color without training and access to other support services designed to meet the racial, cultural, and ethnic needs of the children in their care (Hadley, 2020). While a child's race or cultural background should not, and legally cannot, be the *only* factor used to make placement decisions (Administration for Children, 1995), it is in a child's best interest to consider whether a prospective family can meet a child's unique needs for identity development and cultural continuity (Hadley, 2020; Wilson et al., 2020).

Children's development is affected by transracial adoption. A 2011 study indicated that transracial adoptees (TRAs) felt different from other Black youth and had to learn how to navigate "acting White" versus "acting Black" in different social spaces (Butler-Sweet, 2011). TRAs indicated that they had little exposure to middle- or upper-class Black families and that their adopted families inaccurately equated "Black culture" with concepts like poverty (Butler-Sweet, 2011). Other research has found TRAs felt pressure to assimilate to White culture and reported difficulty being authentically themselves, entering racialized spaces, feeling a sense of belonging, feeling as though anyone around them shared their ideas about race, and cultivating a positive racial identity (Gross et al., 2017; Hadley, 2020; Samuels, 2009). Transracial adoption can be particularly harmful when parents do not understand or support cultural difference. Research

shows that White parents are significantly less likely to be culturally receptive of youth who do not share their culture (Coakley & Gruber, 2015). Gibbs (2017) asserts that color-blind parenting approaches do not help transracially adopted children form positive racial identities and that parents must instead be open to building cultural competence.

Assimilation, or being expected to adopt the norms and values of the dominant culture, can have various negative psychological impacts on children (LaFromboise et al., 1993; Simon & Roorda, 2000). Assimilation requires that the child develop a new social identity, often meaning they must lose some awareness of their culture of origin. This can make a child feel the need to reject their cultural communities or else be rejected by members of either the majority culture or their culture of origin (LaFromboise et al., 1993). Conversely, ethnic socialization, which involves internalizing beliefs, practices, and positive messages about one's racial or ethnic heritage, plays a role in the well-being of adoptees. Ethnic socialization plays a protective role for TRAs when experiencing discrimination, and parental participation in socialization practices has led to healthier outcomes for adoptees (Arnold et al., 2016; Montgomery & Jordan, 2018).

MEPA-IEP Falls Short of Its Stated Goals

Diligent Recruitment of Families of Color

The stated intent of MEPA to develop a pool of foster and adoptive parents who reflect the racial and ethnic background of children in care has not been achieved (McRoy et al., 2016). While foster and adoptive parent demographics are not federally reported, the data that do exist indicate that the demographic characteristics of prospective adoptive parents do not match those of children waiting in care. As of 2020, 45% of children waiting to be adopted are White, 22% are Black, 22% are Hispanic, and 11% are categorized as "other" (Kalisher et al., 2020). According to 2020 data at the time of adoption, almost 83% of adoptive parents identified

as White, around 11% identified as Black, less than 2% identified as Latinx, and less than 1% identified as American Indian/Alaskan Native (Chipungu & Bent-Goodley, 2004; Day et al., 2022). Without an adequate pool of prospective parents of color, and with a lack of investment in family preservation services, transracial adoption is the main permanency path for children of color who have experienced termination of parental rights (Marr, 2017).

MEPA requires that states make diligent recruitment efforts to ensure prospective foster and adoptive families reflect the racial and ethnic background of children in care. At present, MEPA provides loose standards for what "diligent" recruitment entails; these standards talk little about race and ethnic background (Administration for Children, Youth and Families, 1995). MEPA does not provide funding for recruitment nor enforcement to ensure states are complying with the provision (McRoy et al., 2007; Jennings, 2006). States are not required to provide data on the racial and ethnic makeup of current or prospective foster and adoptive parents in their Child and Family Services Reviews (CFSRs), preventing assessment of states' progress.

Most states are not meeting MEPA's standards for diligent recruitment. According to Kalisher et al. (2020), 34 states received a CSFR rating of "needing improvement," and only 16 jurisdictions received a "strength" rating. Seventeen states' Diligent Recruitment Plans (DRPs) did not contain information about training staff to work with diverse communities or about nondiscriminatory fee-structures, and 13 states did not have strategies to address language barriers.

Lack of Family Preservation Supports for Parents and Kin

In addition to diversifying the pool of prospective foster and adoptive parents, it is important to utilize preventive solutions to child welfare system involvement such as reunification supports and kinship care. In permanency planning, MEPA indicates a clear preference for stranger placement

compared to family preservation. While the act prohibits denying a prospective parent the ability to foster or adopt due to the parent or child's race, color, or national origin, the act does not expressly prohibit an agency from denying a family reunification or kinship supports due to their identities.

Research suggests that kinship care is associated with positive outcomes for youth. Particularly, kinship care has been shown to reduce placement instability for Black children, who experience disproportionate rates of out-of-home placement (Foster et al., 2011). Compared to children in foster care, those in kinship care tend to experience fewer placements, lower out-of-home care reentry rate, less involvement with the juvenile court system, and fewer days in out-of-home care (Winokur et al., 2008). In addition, children in kin placements are more likely to achieve permanency through guardianship (Winokur et al., 2008).

The foster care system relies heavily on kinship placements, yet it does not support kin as it does foster parents who are unrelated to the child. In 2019, 32% of children in foster care were placed in relative foster family homes, an 8% increase from 2009 (Children's Bureau, 2019). Most kinship caregivers of children in the custody of the state are unlicensed and thus do not receive foster care maintenance payments. In Washington state, for example, only 7.5% of kinship caregivers are licensed (Washington State Department of Children Youth and Families, 2018), and in 23 states, over half of kinship caregivers do not receive maintenance payments (Generations United, 2018).

In some states, informal kinship caregivers may be eligible for some types of financial assistance, such as the Temporary Assistance for Needy Families (TANF) child-only grant, which provides a monthly benefit to caregivers who are raising a kinship child. Child-only TANF grants generally provide caregivers a smaller benefit than foster care stipends. On average, the TANF child-only grant for a single child stipend is close to that of foster care (82%), but for three children, the ratio drops to 43% of the financial

support formal foster caregivers receive (U.S. DHHS, 2004).

The lack of federal support for kin is concerning given that kinship caregivers are more likely to be people of color (Bramlett et al., 2017) and are twice as likely to live in poverty compared to unrelated foster parents (Ehrle et al., 2003). Kinship caregivers experience myriad challenges including financial hardship, legal barriers, unmet social service needs, and lack of childcare (Geen et al., 2001). Legal support is typically not provided for unlicensed kinship families to pursue guardianship or adoption, which can require a family to pay for a private attorney and create undue barriers to permanency with kin (Generations United, 2018).

Workforce Development: Recruitment and Training

Prospective Foster and Adoptive Parent Training

When a parent is fostering or adopting a child transracially, training plays a foundational role in ensuring that parents are prepared to meet the needs of the children in their care and respond to discrimination the child may experience (Hynes, 2021). In a survey of 173 foster parent trainers across the country, over half of trainers identified a need for more culturally relevant training materials that prepare foster parents to care for children from diverse racial and cultural backgrounds (Lin et al., in press). MEPA does not mandate that parents who adopt transracially receive any training or guidance to meet children's unique needs. In fact, MEPA suggests that families cannot be prepared differently based on their race and the race of the child.

Child welfare trainers also skew White (Choi et al., 2019), which can create challenges if prospective foster and adoptive parents of color do not relate to the people recruiting and training them. This is one of several barriers to licensing prospective foster and adoptive parents of color, including lack of outreach in communities of color, racial bias in the licensing

process, lack of Spanish language proficiency among recruiting staff, and insufficient funds to pay fees such as the cost of the home study prior to being reimbursed (Considering Adoption, 2022; Harbert et al., 2015).

Child Welfare Workforce Recruitment and Training

For child welfare workers to make informed placement decisions in the best interest of children, it is essential that the child welfare workforce is well-trained on cultural humility, privilege and bias, institutional racism, and identity formation (Boyd, 2014; LaLiberte et al., 2015; Yang & Ortega, 2016). Agency staff that lack applied cultural humility training struggle to provide on-the-ground support for children and families from diverse backgrounds (Williams et al., 2013). When social workers are adequately trained to respond sensitively to communities with identities different than their own, agencies report higher retention rates and social workers experience more career satisfaction (LaLiberte et al., 2015).

Workers also need to be trained on MEPA itself. Following the introduction of MEPA, the government issued little guidance on how to apply the mandates to practice (Anyon, 2011). Nine years after implementation, a national survey found that 61% of child welfare staff received no training on the effects of considering race in permanency planning (Anyon, 2011). Many professionals report fear of raising any considerations of race during placement given the perception that MEPA prohibits any discussion of race at all. Mitchell et al.'s (2005) analysis of public child welfare agencies from 1999-2000 found that only 29% of agencies implemented race training and considerations into foster care and adoption placement decisions after MEPA.

Proposed Solutions and Best Practices

Through MEPA and other key legislation, the United States has encoded a lack of priority for cultural continuity in foster and adoptive placement decisions. In the decades since these policies have been enacted, children of color have paid for this oversight as color-blind policies have failed to drive practice decisions that adequately address children's needs. To rectify this, legislation is needed that emphasizes and incentivizes efforts that promote cultural continuity. Progress towards cultural continuity can be made through the following efforts: funding and requiring data collection and research on youth placement and outcomes by race; allowing for race and culture to inform placement preferences; improving efforts to recruit a diverse pool of foster and adoptive parents and child welfare workers that reflect the diversity of populations served in the child welfare system; adoption of rigorous cultural sensitivity training for parents, guardians, and child welfare workers that cover the topic much more deeply than many of the surface level trainings currently being used in the field; and prioritizing and incentivizing recruitment of diverse parents, guardians, and child welfare workers. Specifically, the following nine redesign efforts are recommended as a replacement to the MEPA-IEP:

1. *Allow for the Individualized Consideration of Race and Culture at Placement*

In addition to legal permanency, federal law must also recognize and prioritize relational and cultural permanency for children in care. In line with the 1994 act program instruction, agencies must be allowed to consider, on an individualized basis, "the child's cultural, ethnic, and racial background and the capacity of prospective foster or adoptive parents to meet the needs of a child of this background among the factors in determining whether a particular placement is in a child's best interests." In addition, a child should be assessed for "any needs related to race, ethnicity and culture as soon as the child comes into contact with the child welfare system" (Administration for Children, 1995).

To achieve this, the IEP of 1996 must be repealed, and the word "solely" must be re-inserted into the MEPA statute (MEPA, 1994):

Section 471, subdivision 18, paragraph A: "neither

the State nor any other entity in the State that receives funds from the Federal Government and is involved in adoption or foster care placements may deny to any person the opportunity to become an adoptive or a foster parent, **solely** on the basis of the race, color, or national origin of the person, or of the child, involved; or"

Section 471, subdivision 18, paragraph B: "delay or deny the placement of a child for adoption or into foster care, **solely** on the basis of the race, color, or national origin of the adoptive or foster parent, or the child, involved;"

Promising Practices. Prior to the implementation of MEPA, preference for same-race placement achieved some remarkable outcomes for children of color. For example, a North American Council on Adoptable Children (NACAC) study (1990) found that agencies that specialized in placement of children of color were able achieve same-race placement for 94% of Black children and 66% of Hispanic children, while non-specializing agencies were only able to place 51% of Black children and 30% of Hispanic children in same race homes (Gilles & Kroll, 1991). This serves as evidence that cultural permanency was attainable prior to MEPA, when agencies were still able to focus on cultural considerations. While racial similarity should not be the only factor determining placement decisions, child welfare agencies should be intentionally recruiting families of color as a way to maintain cultural continuity for children of color.

2. *Create a National Data Portal for Child Welfare Data*

To understand and address racial disproportionality in child welfare, the Center for the Study of Social Policy (CSSP) recommends that child welfare agencies publicly report longitudinal data related to racial disproportionality (Martin & Connelly, 2015)**.** The Children's Bureau already collects and reports on Adoption and Foster Care Analysis and Reporting System (AFCARS) and National Child Abuse and Neglect Data System (NCANDS) data, but state-level data is not publicly accessible. AFCARS reports that are released only provide limited, descriptive-

level information on a portion of the data. A national database and public dashboard would allow researchers and child welfare professionals to understand and compare racial disproportionality across states and allocate resources appropriately (Boyd, 2014).

Promising Practices. Despite not having a federal mandate to collect and report racial disproportionality data, at least seven states to date have elected to pass legislation requiring their child welfare agencies to report information on their progress in reducing disproportionality (Alliance for Racial Equity in Child Welfare, 2009). For example, the California Child Welfare Indicators Project (CCWIP) maintains an open data portal for both professionals and the public to view key indicators about youth outcomes in the child welfare system. The portal allows users to filter by demographics and calculates a "disparity index" to compare the outcomes of any two groups. CCWIP staff also help child welfare professionals interpret the data. CCWIP could be used as a model for a nationwide data dashboard.

3. *Require Racial Equity Analysis as Part of Child and Family Services Plans*

All policies have some impact on racial and cultural equity. Most states are not meeting MEPA's diligent recruitment requirements, and federal legislation has not adequately addressed the impact this has had on families and children of color. Racial equity tools are increasingly utilized at the state level to ensure issues of equity are being addressed. States and territories could be required to conduct a racial equity (also known as disparate impact) analysis as part of the Title IV-B Child and Family Services Plan (CSFP) to demonstrate how the state is addressing racial equity and cultural needs in the selection and provision of services.

CFSRs are conducted periodically by the Children's Bureau to review state child welfare systems and ensure they are complying with federal requirements (Children's Bureau, n.d.). States that are not adequately addressing racial disproportionality and

children's cultural needs would require a Program Improvement Plan in order to come into compliance with federal guidelines (Children's Bureau, n.d.).

Promising Practices. Despite the fact that racial equity analyses are not currently a federal requirement, the National Conference of State Legislatures (2021) reports that Illinois, Michigan, Minnesota, Oregon, Texas, and Washington have all passed legislation requiring an equity analysis in child welfare. In 2001, Minnesota specifically mandated a study of outcomes for Black children in the state's child welfare system with the goal of creating recommendations to address disparities. Washington, Oregon, Texas, and Illinois created task forces to address racial disproportionality in child welfare systems in 2007, 2009, 2011, and 2021, respectively (see the Racial Disproportionality in Child Welfare Task Force Act of 2021 for an example). Washington legislation also requires an annual report from the secretary of the Department of Social and Health Services that includes any measurable progress made towards reducing racial disparities in the state's child welfare system.

4. *Report Youth Racial Demographics and Tribal Affiliations*

Child welfare advocates and researchers agree that additional data elements need to be included in AFCARS and NCANDS. We recommend the following specific elements for inclusion:

Tribal Affiliations. Currently, AFCARS and NCANDS only provide demographic options for Indigenous children who are citizens of a federally recognized tribe. Additional tribal affiliation options are needed for Indigenous children not covered by ICWA, such as Canadian First Nation and Native Hawaiian children. Washington and Michigan's state policies build upon the minimum federal ICWA standards by collecting tribal affiliation data for Canadian First Nation youth. Mandating collection of this information nationwide would allow agencies to consider children's tribal or Native Hawaiian heritage even if they are not protected under ICWA.

Youth Who Exit to Permanency. AFCARS does not currently collect data on the racial demographics or tribal affiliations of children who achieve permanency. This information could identify possible disparities in permanency outcomes and give states a platform to build from.

Youth in Kin Placements. AFCARS should report the number of children in unlicensed kinship homes who do not receive foster care maintenance payments, as well as the racial breakdown of these children, to reveal possible racial disparities in resource allocation and outcomes (Generations United, n.d.).

5. *Fund Research to Build Culturally Derived Interventions*

Currently, the federal government has not prioritized investment in interventions that could reduce racial disproportionality in child welfare. The federal government should fund the development, implementation, and evaluation of culturally derived programs that build on community strengths, evaluate the effectiveness of blind case reviews, invest in programs that promote and stabilize kinship placements, and other promising interventions to reduce racial disproportionality in the child welfare system. In addition, the federal government could award research demonstration grants for researchers to develop a tool to reduce racially biased decision-making in child welfare workforce recruitment and retention efforts.

Promising Interventions. Although there has been a lack of investment in this area, state and local child welfare agencies have implemented some promising interventions to address racial bias and disproportionality. However, there have been no investments in culturally derived programs that specifically target subpopulations of families and children of color. Versions of differential or alternative response, family team decision making (FTDM), cross-system collaborations, and blind case review come up often in the research literature but lack definitive evidence of their effectiveness (Allan et al., 2020; Martin & Connelly, 2015; Pryce et al.,

2018).

For example, in October 2020, after a 2018 analysis of strategies that reduced racial disproportionality in child welfare agencies across the state, New York mandated that all child welfare agencies across the state implement a blind case review process to reduce biased decision making (Pryce et al., 2018; New York State Office of Children and Family Services, 2020). Blind case reviews require a committee of caseworkers to make decisions about whether to remove a child from a home based only on non-identifying details of the case, excluding information such as name and race. This promising intervention would benefit from a nationwide evaluation of its effectiveness to encourage more states to adopt it with confidence.

Anti-bias tools exist in related fields and could be used as a model for a child welfare focused tool. For example, the National Council of Juvenile and Family Court Judges (NCJFCJ) recently created an anti-bias tool for juvenile judges that could be adapted for the child welfare workforce (NCJFCJ, n.d.).

6. *Provide Funding for and Enforce State Diligent Recruitment Plans*

State and tribal child welfare agencies need funding, clear direction, training protocol, and incentives to implement best practices for diligently recruiting families from diverse racial, cultural, and ethnic backgrounds. According to the Administration of Children and Families, diligent recruitment plans must include: data on how the racial/ethnic background of licensed foster/adoptive parents differs from the demographic of children in care; strategies to reach those communities that are under-represented based on the data; how the state is using family finding, kinship searches, and other tools to reach adults already in the child's life; and widespread dissemination of information to targeted communities. Additionally, recruitment efforts must incorporate strategies to ensure all prospective parents have access to the home study process, procedures for timely search for adoptive parents for

a waiting child, and strategies to address linguistic barriers and non-discriminatory fee structures (Administration for Children, Youth and Families, 1995).

Recruitment strategies that aim to address the current lack of diversity in foster and adoptive parent population should be informed by data. Uniform collection of demographic data for both foster and adoptive parents should be mandated across the child welfare system (Martin & Connelly, 2015). Additionally, this data should be made available to the federal government so that it can monitor diligent recruitment practices more effectively and conduct additional reviews if states are not making progress. Recruitment data should be public and accessible for transparency and accountability (Martin & Connelly, 2015).

Promising Practices. Even though there are no federal requirements to collect and report data on prospective and licensed foster parents, many states have elected to collect information from potential and current licensed foster and adoptive families regarding race, ethnicity, and culture of origin. However, this data is not reported to the federal government. States who scored "strong" on their recruitment plans often collected and reported data on the characteristics of children waiting to be adopted (Kalisher et al., 2020). Some states also use data to track characteristics of current foster and adoptive families to identify gaps in characteristics and to address recruitment inequities (Kalisher et al., 2020). Additionally, many states' DRPs already include characteristics of youth waiting to be adopted (Martin & Connelly, 2015).

7. *Prioritize and Incentivize Licensure, Adoption, and Guardianship of Children With Kinship Caregivers*

In addition to recruitment of new foster and adoptive parents, more consideration needs to be given to the value of kinship caregivers as an option for permanency. If a kinship or relative caregiver expresses a desire to foster or adopt a child, MEPA

should mandate that kinship caregivers be preferred for foster placement, adoption, and guardianship and helped with becoming licensed as a foster parent and/or pursuing legal permanency with their kinship child (Martin & Connelly, 2015). NABSW (2003) recommends increasing the parity between the benefits that nonrelated caregivers and kinship caregivers receive. Moreover, a child or family's race, color, or national origin should not be used to deny a family reunification services, kinship navigation supports, and/or adoption or guardianship subsidies.

Promising Practices. While the Children's Bureau has issued guidance recommending that child welfare agencies give preference to kinship caregivers in some situations when making placement decisions (Children's Bureau, 2021), there is no federal legislation that mandates that states prioritize kinship caregivers as permanency options, nor that they provide licensing or legal support for kinship caregivers to pursue permanency. Eleven states require that relatives be given first consideration for adoption after the child has lived with those relatives for a specified period of time (Child Welfare Information Gateway, 2018). Even when kinship caregivers are licensed, there is no federal legislation mandating that they receive the same monthly maintenance payment as unrelated foster parents. However, California and Oregon provide examples of best practice states, as they provide full foster care maintenance benefits to licensed kin caregivers who are caring for IV-E eligible children (Jantz et al., 2002).

8. *Mandate Culturally Relevant Foster and Adoptive Parent Training*

Parents who are adopting transracially must be adequately prepared to become racially and culturally conscious. MEPA legislation should mandate that all foster or adoptive parents receive pre- and post-placement training on meeting the cultural needs of the children in their care, understanding their own power and positionality in society relative to their child, and learning strategies to address the racism, discrimination, and stigma their child

may face (Gibbs, 2017). Any training should have the flexibility to be adapted so that it is culturally relevant in the local context. The federal government should fund an evaluation of the effectiveness of culturally relevant training for foster parents and how training prepares foster and adoptive parents to parent transracially (Whenan et al., 2009).

Promising Practices. There are several evidence-based, trauma-informed, culturally relevant training models for foster and adoptive parents (Hebert & Kulkin, 2017). One example is the KEEP Program, which is a post-placement 16-week training that provides parents adaptable information about how to best serve the children in their care (Price et al., 2009). KEEP training helps foster parents understand historical trauma and trains parents to embrace and sustain a child's identities (Day et al., 2020). KEEP is designed to help foster and adoptive parents address any discrimination or racism a child may experience. It has been implemented in states such as California, Tennessee, Montana, and New York and in many tribal nations. The National Training and Development Curriculum (NTDC) is another pre-service training curriculum that has been adapted for use in tribal communities (NTDCportal.org).

9. *Train Child Welfare Staff and Recruit Caseworkers of Color*

All child welfare workers should be provided training on anti-racism, cultural humility, and implementation of MEPA, including diligent recruitment of families who reflect the demographics of children in care. Training must go beyond surface-level rhetoric, offering concrete strategies to combat institutional racism embedded in the field.

Current State Practices in Workforce Training

The Alliance for Racial Equity in Child Welfare surveyed 12 states in 2014 to better understand the strategies states used to promote racial equity in the child welfare system (Miller & Esenstad, 2015). One promising practice is the Knowing Who You Are

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(KWYA) training (Miller & Esenstad, 2015), which helps social workers understand the importance of racial identity and how it impacts children when it is not addressed, while providing concrete strategies for applying this knowledge day-to-day. This training is offered across several states including Idaho, New York, Oregon, and Texas.

Another promising training is the Undoing Racism workshop (The People's Institute for Survival and Beyond, 2009). Undoing Racism was found to improve knowledge and awareness about racism and racial dynamics among child welfare staff (Johnson et al., 2009). Over a four-year period, agencies in Kentucky and Texas lowered their percentages of out-of-home placements and increased successful placements for African American children (Curry & Barbee, 2011). The CSSP also offers an implicit racial bias workshop (inSIGHT), which is specifically designed for child protection workers and can be tailored to the agency's local context and needs (CSSP, 2019).

Conclusion

There is broad agreement among researchers, policymakers, child welfare administrators, and persons with lived experience that reform to MEPA-IEP is needed to ensure that families involved with the child welfare system are more equitably served. The MEPA-IEP creates barriers to children's relational and cultural permanence and has not achieved its aims of improving legal permanency for children of color. In large part, this is due to the color-blind nature of MEPA-IEP. To move towards more racially just child welfare practice, the United States must shift away from color-blind child welfare policy and towards policy that is color conscious (Hadley, 2020). To begin this shift in policy and practice, the MEPA-IEP should be repealed and replaced with legislation that prioritizes family preservation, cultural permanency, and explicitly anti-racist child welfare practice.

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