



North Carolina Department of Health and Human Services Division of Social Services

325 North Salisbury Street • #2408 Mail Service Center
Raleigh, North Carolina 27699-2408
Courier # 56-20-25

Michael F. Easley, Governor
Director
Carmen Hooker Odom, Secretary

Pheon E. Beal,
(919) 733-3055

December 8, 2003

DEAR COUNTY DIRECTOR OF SOCIAL SERVICES

ATTENTION: Children's Services Supervisors

SUBJECT: Multiethnic Placement Act of 1994 (MEPA) as amended by the Interethnic Adoption Provision (IEP) of The Small Business Job Protection Act of 1996

In a Dear County Director Letter dated 10-26-98 you were informed that the federal government was very concerned about the failure of States to comply with the provisions of MEPA/IEP. In order to assure compliance by all counties, you were asked to submit a revised MEPA/IEP Plan to address the following compliance requirements:

- **Placement will not be delayed or denied on the basis of the race, color or national origin of the adoptive or foster parent, or the child involved; and**
- **Diligent efforts will be made to recruit potential foster and adoptive families that reflect the ethnic and racial diversity of children for whom homes are needed.**

The federal government continues to be concerned about states' compliance with MEPA/IEP and is actively monitoring states. We are including an article from the Cincinnati Enquirer about what was found in Ohio. As you can see, failure to adhere to the requirements of MEPA/IEP could mean substantial penalties for states.

In an effort to assure compliance by all counties in our state, we are requesting the self-assessment of each county using the protocol, Internal Evaluation Instrument, which was developed by a workgroup of representatives from the Office of Civil Rights and Administration of Children and Families. The letter from ACF regarding this instrument and the protocol can be accessed at <http://www.acf.hhs.gov/programs/cb/initiatives/mepaeval.htm>. This self-assessment will assist your agency in the preparation of your agency Self-Report and Self-Survey for your next Child and Family Services Review. The agency is not required to submit the results of the self assessment, but will need to indicate that the self-assessment has been done when your MEPA plan is submitted.

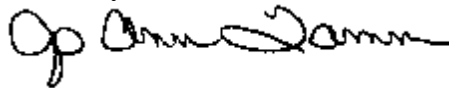
In order for the Division to monitor agency's compliance with this federal law, we are again requesting the following from each county DSS:

- 1) Submit a new county MEPA plan. The plan should certify that the agency fully understands the requirements of the Multi-Ethnic Placement Act as amended by the removal of Barriers of Interethnic Adoption Provisions. The plan should also specify what steps the agency will take to assure compliance, with particular emphasis on the recruitment of foster and adoptive families that reflect the ethnic diversity of children in your legal custody or placement responsibility. These plans should be submitted to the Division by January 30, 2004.
- 2) Notify the Division any time there is any type of potential MEPA/IEP related grievance or challenge to a county's placement decision. We need to be aware of the nature and number of all such cases, whether or not they become formal appeals, and
- 3) Work closely with your Children's Program Representative in assessing the strength of your efforts to recruit foster/adoptive families who reflect the ethnic diversity of your foster care population. The addressing of MEPA/IEP as a recruitment issue will help you avoid having to address MEPA/IEP as a legal compliance and civil rights issue. CPRs are also available to assist counties with the completion of the self assessment, Internal Evaluation Instrument.

We have provided each county with the MEPA/IEP publication, A Guide to the Multiethnic Placement Act of 1994 as Amended by the Interethnic Adoption Provisions of 1996. You may also access the guide at <http://www.acf.dhhs.gov/programs/cb>.

All MEPA plans and notification on potential grievances or challenges should be addressed to Esther High, Foster Care and Adoption Manager, at 919-733-9464 or Esther.High@ncmail.net. Plans may be faxed to 919-715-0766.

Sincerely,



JoAnn Lamm, Program Administrator
Family Support and Child Welfare Services Section

JAL/eh

FSCWS-35-03

Cc: Pheon Beal
Sherry Bradsher
Sarah Barham
Children's Program Representatives
Work First Representatives
Family Support and Child Welfare Services Team Leaders
Local Business Liaisons

Report finds rights were violated in interracial adoption cases

By Cindi Andrews
The Cincinnati Enquirer

Years of civil rights violations by Hamilton County's adoption agency violations that kept white families from adopting black children – are revealed in unprecedented detail in a new report by the federal Office for Civil Rights. In the report, obtained by the Enquirer, the county's human services department is criticized for delaying and derailing transracial adoptions by scrutinizing the racial makeup of prospective parents' neighborhoods and making them write special plans for maintaining a child's cultural identity, among other practices. The state's human services agency also is condemned for not policing the county department.

The longer kids are in the system, the much more likely it is that they won't be adopted," said Scott Greenwood, a lawyer who represented several families and a caseworker in a related lawsuit against Hamilton County. "This practice had the effect of putting these kids in a holding pattern."

The report covers 11 years before the 2002 settlement of his clients' lawsuit, which prompted national debate on whether children are better off being raised by parents of the same race. The county ended the suit by agreeing to follow the law and cooperate with a court-appointed monitor, but the Office for Civil Rights continued investigating past violations. Counting the days From 1995 to 2000, investigators found, black families wanting to adopt black children waited an average of 89.8 days. White parents wanting to adopt black babies waited an average of 201.5 days. At the same time, white children under 2 years old waited an average of 145 days from the time they came into Hamilton County's custody until adoption. But African-American children under 2 waited 53 percent longer - an average of 223 days.

"These ... discriminatory policies and practices had serious, direct and adverse consequences for the children and families involved," the report says. The state also comes in for a thrashing. Ohio had adoption placement policies that violated federal law and it failed to adequately supervise counties, according to the report. The state human services department had just one person responsible for monitoring all 88 counties' adoption agencies and 253 private adoption agencies, and in five years never conducted a compliance review in any large metropolitan county.

The county and state could face a fine of up to \$15 million, but officials say they hope it will be much less since they have changed their ways. "We hired 10 additional staff (in 2000) and all were sent out immediately into the field," said Barbara Riley, head of Ohio's Office for Children and Families. "We have been very much on top of it." At the county level, Suzanne Burke took over the human services agency - now called Job and Family Services - in 2002, and an assistant director who supported race-based placements left.

County policies have been rewritten and a lot of training added, Burke said, to ensure that children are placed with the parents best able to love and care for them - regardless of race. In addition to the court-appointed monitor, Burke has her own full-time staff person monitoring compliance with adoption laws.

"Frankly, I don't see how a financial penalty would do anything at this point but take services away from children," she said. A new attitude? Ken and Ellen Read, a white Price Hill couple, say they have seen a marked change at the agency since they first tried to adopt their African-American foster child in 1997. The family was required to write a cultural-identity plan and encouraged to change churches to one that was more integrated, according to the report by the Office for Civil Rights - violations of federal law because the agency didn't make the same demands in same-race adoptions. Even after the Reads complied, the county's selection committee recommended putting the boy with a black woman. The Reads only got to keep him after Juvenile Court ruled the 2-year-old shouldn't be taken from the only family he had known since he was 4 months old.

Now the Reads, who were part of Greenwood's lawsuit, find themselves again trying to adopt a child from Hamilton County - this time an 11-month-old boy of mixed ethnicity who has lived with them since birth. "None of the issues that came up last time have been an issue this time," said Ken Read, a music professor at Cincinnati Bible College. "I have to say they've really not asked (about race)."

Greenwood, however, is not convinced race-based placements have been rooted out. Hamilton County claimed to have changed once before, he said, after 2-year-old Maurice "Reecie" West was beaten to death by one of his adoptive parents in 1989. He'd been sent to a black family in Rochester, N.Y., despite his white foster parents' desire to adopt him.

The county and state have 30 days from the Oct. 20 report to submit plans to fix the problems or risk losing federal money. State and county officials said they'll explain the changes they've made.

By Cindi Andrews
The Cincinnati Enquirer

The U.S. Office of Civil Rights report describes 16 cases in which investigators believe Hamilton County adoption officials violated the rights of prospective parents and kids in interracial cases. In the three cases outlined here, pseudonyms are used to protect individuals' privacy:

Leah

A white family in Fairbanks, Alaska, inquired in 1994 about adopting a 2-year-old black child with dwarfism and fetal alcohol syndrome. The family had already adopted several kids with dwarfism and other special needs. Despite getting glowing reports on the family, county adoption workers raised concerns about the lack of black people in Alaska and the climate.

One worker told the Office of Civil Rights: "We actually kind of sat around and looked at this videotape of (the family's) home while it was snowing and like several feet of snow, and this child was a dwarf, and that was a concern over that, just literally - we weren't trying to be facetious - her having a problem walking around in the snow."

The Alaskan family was not presented to the selection committee as an option; instead, the committee selected a black Columbus woman who had multiple sclerosis. The woman said she did not want a child with dwarfism.

A family in Illinois then inquired about Leah. The family was white but the mom had dwarfism and they had already adopted a biracial child with dwarfism. An adoption supervisor raised concerns about whether the family lived in an integrated neighborhood. The family withdrew their application. In June 1995, 15 months after the county took custody of Leah, she was placed with a single white woman in Cleveland who lived in an integrated neighborhood and had biracial brothers. Cuyahoga County averages more snow than Fairbanks, the report noted.

Ann Darling

Darling, a special education teacher, applied to adopt a child of any race in 1996. A single white woman, she was encouraged by her caseworker to make extra efforts to show she could raise an African-American child. The caseworker told investigators she knew the selection committee would not approve Darling as a match with a black child just on the basis of "her being a good person, a good prospective adoptive parent or her experience working with disabled children." After Darling and the caseworker made those extra efforts, Darling was presented as a possible match for a black toddler. A black couple was selected instead, however, with the selection committee minutes noting of her: "Resides in predominately Caucasian neighborhood, not willing to relocate - family is nearby." Darling was later matched with a white child, but when that fell through she gave up on the county agency and decided to adopt through a private agency instead.

Steven

A white couple from Mount Washington initially said they preferred to adopt a female white child without disabilities but then said they would accept a black child of either gender. The selection committee considered them for matches on at least four occasions but rejected them because of their predominately white neighborhood and acquaintances. Through friends, the couple met Steven, a black toddler with a club foot who was living in a foster home. The child became attached to the couple, and they applied to adopt him. The selection committee approved the match, but when the couple learned the vote was 5-3, they lodged a complaint that the dissents were based on their race. After the couple adopted Steven, they were denied the full subsidy they should have received for his disability. The move was in retaliation for the complaint, investigators found, although the subsidy was granted after a four-month delay.

Miranda Lynch

Child Welfare Program Specialist

Children's Bureau

mlynch@acf.hhs.gov

(202) 205-8138