

The Multiethnic Placement Act 25 Years Later

Finding adoptive homes that ensure long-term connections and support for all children is a longstanding issue in child welfare. The Multiethnic Placement Act (MEPA) of 1994 (as amended by the Interethnic Adoption Provisions of the Small Business Job Protection Act of 1996), was intended to reduce the time children spent in foster care awaiting adoption. The law affected child welfare policy and practice by prohibiting or requiring the following:

1. Prohibits agencies from refusing or delaying foster or adoptive placements because of a child's or foster/adoptive parent's race, color, or national origin (RCNO);
2. Prohibits agencies from considering RCNO as a basis for denying approval as a foster or adoptive parent;
3. Requires agencies to diligently recruit a diverse base of foster and adoptive parents to better reflect the racial and ethnic makeup of children in out of home care.

Concern about reducing time in foster care remains relevant today. A recent Executive Order (2020) issued a national challenge to find permanent homes for all children and youth waiting to be adopted. The Executive Order calls for (1) a study of the implementation of MEPA requirements; (2) updated guidance on MEPA implementation; and (3) guidance on the rights of parents, prospective parents, and children with disabilities.

This research uses data from the Adoption and Foster Care Analysis and Reporting System (AFCARS) and child welfare monitoring visits for each state, a content analysis of diligent recruitment plans developed by each state, and interviews with adoption officials and stakeholders in three states to explore trends in transracial adoption and attitudes about MEPA. Analyses focused on disparities among White, Black and Hispanic children of any race. American Indian children were not a focus because the Indian Child Welfare Act places different rules on the adoption of children who are members of Indian Tribes or eligible for tribal membership.

Several products are available from this research: (1) this summary of the research project as a whole; (2) a graphical factsheet on trends in adoption and transracial adoption; (3) an analysis of racial disproportionality in adoptive placements; (4) a report examining the attitudes about MEPA and race issues in foster and adoptive placements in three states; and (5) a qualitative analysis of the content of states' diligent recruitment plans.

By the Numbers

The number of adoptions has increased; transracial adoptions have increased more. Overall, the number of adoptions from foster care in the United States increased by 22 percent from 2005–2007 to 2017–2019. The proportion of transracial adoptions also increased, from 21 percent to 28 percent of all adoptions.

Since 2005-2007, the proportion of Black children adopted transracially increased from 18 percent to 32 percent. Transracial adoptions of Hispanic and White children were stable during this period. In 2017-2019, 28 percent of all foster care adoptions were transracial. Ninety percent of transracial adoptions involved children of color adopted by parents of a different race.

Adoptions of Black children declined substantially. The number of adoptions of Black children in 2017-2019 was 22 percent lower than in 2005-2007, while adoptions of White and Hispanic children increased by 41 percent and 36 percent respectively. The decline in adoptions of Black children was due largely to a declining number of Black children in foster care over the time period. The proportion of children in foster care who were Black declined from 35 percent in 2005 to 23 percent in 2019.

Racial disparities persist. A child's race remains associated with time spent in care prior to adoption. Black children adopted between 2017 and 2019 spent the longest time in foster care prior to adoption, with a median of 33 months, compared to a median of 27 months for White children and 28 months for Hispanic children.

Diligent Recruitment Plans

Diligent recruitment is the systematic process through which child welfare agencies recruit, retain, and support foster and adoptive families who reflect the ethnic diversity of children awaiting placements. To meet MEPA's requirements, states must develop and implement a comprehensive Diligent Recruitment Plan (DRP).

Most states' diligent recruitment efforts are "needing improvement." States' diligent recruitment efforts are rated in the results of their Child and Family Services Reviews (CFSRs), the periodic monitoring process of the Children's Bureau. In the round of CFSRs which ended in 2018, 34 states' diligent recruitment efforts received a CFSR rating of "area needing improvement," while 16 jurisdictions received a rating of "strength."

States use a range of approaches to recruit diverse foster and adoptive parents. To reach a diverse group of foster parents, states disseminated information about fostering and adoption, including social media campaigns; websites; outreach to community partners; and special events. Marketing campaigns targeted specific demographic groups for foster and adoptive parents, featured diverse families, and were translated into other languages.

States recruit for a range of needs beyond race and ethnicity. States seek homes that represent the race/ethnicity of children in care, but they also consider other needs to match children to appropriate families. For example, recruitment also focuses on finding families that can support children's behavioral, medical, and educational needs.

Foster parent retention is key to maintaining a sufficient number of foster homes. States made efforts to provide ongoing support and training to potential adoptive families, including asking adoptive parents to mentor new or potential adoptive parents through the adoption and post-adoption processes.

Perspectives of State Adoption Leaders and Stakeholders in Three States

The vast majority of children adopted from foster care are adopted by their foster parents or relatives. State officials reported that most children are adopted by someone already associated with the child. AFCARS data for 2019 confirm that 88 percent of children adopted from foster care that year were adopted by either their foster parents (52 percent) or relatives (36 percent). States emphasized the importance of and focus on natural connections for finding foster and adoptive parents, and prioritized child-focused recruitment for locating adoptive homes for waiting children without prospective adoptive parents.

States rely heavily on data to assess the need for foster and adoptive homes. States reported categorizing the need for homes by children's demographic characteristics, including race. States used targeted marketing campaigns to help increase the number of homes for children who were harder to place, such as adolescents and minority children.

States report that a range of factors go into identifying adoptive families for particular children. Even when children indicated a preference for a family of a particular race, states prioritized other foster parent characteristics (such as ability to meet a child's special needs or adopt teenagers). All states noted that race was never a deciding factor in matching and placement, and that they consider many factors when placing children in adoptive homes.

States reported efforts to prevent discrimination on the basis of RCNO. All three states trained staff in the MEPA law. When asked about how they avoided discrimination on the basis of race, a common response was to describe how staff are trained to understand "cultural" needs of children in transracial adoptions rather than race or ethnicity, and to offer training to foster parents to help them attend to children's cultural and ethnic needs.

Adoption is viewed within the context of other permanency indicators. During interviews, some states discussed their adoption efforts in the context of other permanency efforts. It is important to note that the extent to which some states were focused on improving adoption rates could be related to how they prioritize other permanency goals, particularly reunification, as well as prevention of foster care placements.

This research was conducted under contract to the Office of the Assistant Secretary for Planning and Evaluation (ASPE) by researchers at Mathematica. To download an electronic copy of this document and for related reports, visit:

<https://aspe.hhs.gov/pdf-report/mepa-transracial-adoption>