

The Multiethnic Placement Act 25 Years Later: Key Informant Interviews

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Summary of Key Findings

This report examines implementation of the Multiethnic Placement Act (MEPA, as amended) through in-depth interviews with program officials and stakeholders in three states, roughly 25 years after the law was passed.

- States rely heavily on data to assess the need for foster and adoptive homes. The interviewed 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 or minority children.
- States sometimes struggle to meet recruitment goals in some geographic regions. These states noted particular challenges in finding families for older children and those with special needs. Additionally, in some states the diversity of the pool of prospective foster and adoptive parents was limited.
- All three states reported that most children are adopted by their current foster parents or by relatives. Throughout the interviews, states emphasized the importance of and focus on natural connections for finding foster and adoptive parents.
- A very small portion of children do not have prospective adoptive families. In such cases, all three states prioritized child-focused recruitment for locating adoptive homes. They each partnered with Wendy's Wonderful Kids, which conducts child-specific recruitment, and other similar programs.
- The three states consistently noted that, even when children indicated a preference for a family of a particular race, the states prioritized other foster parent characteristics (such as the ability to meet a child's special needs or to adopt teenagers). All states noted that race was never a deciding factor in matching and placement, and that they consider several factors when placing children in adoptive homes.

This report is a companion to two additional analyses:

- (1) "The Multiethnic Placement Act 25 Years Later: Trends in Adoption and Transracial Adoption," (Kalisher, Gosciak, and Spielfogel, 2020) which examines trends in adoption and transracial adoption for children by race and ethnicity, and
- (2) "The Multiethnic Placement Act 25 Years Later: Diligent Recruitment Plans," (Kalisher, Spielfogel, Shenk, and Edouard, 2020) which is an analysis of states' Diligent Recruitment Plans (DRPs) in their Child and Family Service Plans (CFSPs), and review of Child and Family Service Review (CFSR) ratings for Item 35 (Diligent Recruitment).

Policy context

Finding adoptive homes that ensure long term connections and support for all children, but particularly for children of color, is a longstanding issue for child welfare agencies. 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 that children spent in foster care awaiting placement in adoptive homes. 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 the number of children who linger in foster care is still very relevant today. A recent Executive Order from President Trump (2020)¹ issued a national challenge to find permanent homes for all children and youth waiting to be adopted. To advance the goals of MEPA, the Executive Order calls for (1) a study of the implementation of MEPA requirements nationwide (within six months of the order); (2) updated guidance on implementation of MEPA (within one year of the order); and (3) published guidance on the rights of parents, prospective parents, and children with disabilities (within one year of the order). This report, in conjunction with two companion reports, addresses the first directive, to study the implementation of MEPA requirements nationwide. This report brief examines implementation of MEPA through in-depth interviews with program officials and stakeholders in three states, roughly 25 years after the law was passed.

Methods

Interviews explored diligent recruitment efforts, how long adoption wait times for minority children are addressed, how (or whether) race factors into placement decisions, and how states intentionally avoid discrimination on the basis of RCNO. A companion analysis² used AFCARS data to develop a portrait of all states' adoption-relevant statistics. In selecting states for the key informant interviews, we wanted a small sample of states that differed by geography, size, and some key adoption indicators.

Arizona, Oklahoma, and Oregon were the final states included for interviews and analysis. Although Arizona and Oklahoma have seen dramatic increases in adoptions over the past two decades, Oregon was one of a few states that saw a decrease in the rates of adoption and transracial adoption. Children in Oregon also appeared to wait in care longer than they did in most other states.

Interview guides included questions about how states recruit diverse foster parents, how they use data to inform their recruitment strategy, how they support adoption matches, how they determine which families are considered for adoption matches, whether or how race is considered in placement decisions, and the practices they have in place to prevent discrimination on the basis of RCNO.

¹ The White House, Office of the Press Secretary. "Strengthening the Child Welfare System for America's Children." Executive Order. June 24, 2020.

² See the report titled "State Efforts to Implement the Multiethnic Placement Act - Trends in Adoption and Transracial Adoption"

Eleven interviews were conducted in total, and they included groups or individuals in charge of foster and adoptive parent recruitment, adoption and licensing staff, adoption program administrators, and at least one partner organization per state. The number of interviewees per call ranged from one to five. An additional interview was conducted with one journalist who has published on the topic of MEPA and transracial adoptions. Interviews ranged from one to two hours and were tailored to each type of respondent.

Findings from the state interviews are illustrative of staff and stakeholder views in these three states. They are not generalizable to the nation as a whole.

State	Key informants
Arizona	Assistant director of foster care supports Foster and adoption recruitment manager Permanency practice specialist, Office of Quality Improvement Child-specific program supervisor Match meeting specialist Chief clinical director, Aid to Adoption of Special Kids (AASK)
Oklahoma	Adoption transition unit (ATU) field administrator Recruitment field manager Permanency planning supervisor Recruitment supervisor Foster care and adoption supervisor Two adoption specialists Executive director, One Church One Child (OCOC) Four lead workers from the ATU
Oregon	Department of Human Services (DHS) Foster family retention and recruitment program manager DHS adoption manager DHS adoption placement specialist Director of Oregon adoption resource exchange and post-adoption resource center Director of permanency Services, Boys and Girls Aid Supervisor of child-focused recruitment, Boys and Girls Aid Director of adoption services, Boys and Girls Aid

Table 1. Composition of state interviews

Findings

In this section, we present findings related to key areas of the MEPA legislation.

1. Diligent recruitment of foster parents

Partnerships. Private, community-based, and religious partnerships were essential for creating connections that allowed for recruitment of a broad range of foster and adoptive families. In Oregon, the state adoption agency worked closely with Boys and Girls Aid, which focuses on supporting the recruitment of adoptive parents. The agency also worked closely with other organizations, such as Every Child, which is deployed statewide to assist with recruitment and retention. Every Child also manages an adoption inquiry hotline and composes and shares counter-narratives on the foster care experience. Alternatively, Oklahoma, partnered with One Church One Child to conduct general recruitment and with The Heart Gallery for child-focused recruitment. All three states worked with Wendy's Wonderful Kids and adoption websites to broaden their outreach campaigns to recruit foster families from diverse communities. For example, Arizona worked with at least three organizations that targeted both religious and

African American communities. Similarly, Oklahoma partnered with educators and mental health professionals to help them identify foster families.

Marketing campaigns. The interviewed states relied on social media and other marketing approaches, including mailers, postcards, and Refer-a-Friend campaigns. Using Facebook, and

other social media, Arizona had great success with market segmentation as a way to target families that might be more likely to adopt (i.e., LGBTQ adults, nursing professionals, other helping professionals). Whereas Arizona had previously decentralized recruitment across the 26 agencies in the state, the state child welfare agency resumed responsibility for recruitment in recent years. This more uniform approach to targeted marketing allowed agencies to better coordinate their recruitment efforts with the state and led to more inquiries from about adoption. One marketing event, which targeted Arizona's LGBTQ community, resulted in 700 inquiries and more than 20 foster parent licenses within a few months, a noticeable increase from previous numbers.

In their campaigns, states made an effort to feature families that were diverse in terms of race, ethnicity, gender, sexual identity, and profession. In Arizona, for example, the state adoption agency released campaigns that specifically targeted African American and Native American families. "We don't have a standard stock image that we use for our marketing campaigns. We try to show people who look like the people who live here. So we show all different races, genders, and ethnicities. We also show dads, LGBTQ couples, and multi-ethnic families." (Foster and Adoption Recruitment Manager, Arizona)

Efforts to support and retain foster parents. In addition to recruitment efforts, states reported that existing foster and adoptive families were key to maintaining the availability of foster homes. The states have therefore focused on supporting current foster families, retaining existing foster parents, and encouraging foster families to refer other potential adoptive parents. To raise foster parent retention rates, Oregon created "foster parent retention champions," who help to determine the local need for foster and adoptive homes and provide leadership to districts on how to work with specific populations such as Native American children. Furthermore, Oregon deploys an organization called Every Child statewide to assist with recruitment and retention efforts.

In Arizona, the state adoption agency conducts surveys with current foster families to learn more about their experience both while they are fostering (every six months) and at case closure. Additional efforts to ensure that foster parents are able to continually care for children in their homes include matching foster parents with mentors and offering trainings, such as cultural competency training for families who adopt transracially in Arizona, and offering specialized trainings, such as how to address difficult behaviors.

The effective recruitment of foster parents and matching children with appropriate foster parents helped to improve the likelihood that a foster home could transition to an adoptive home. As a result, states noted that increasing the pool of foster homes for children is a strategy for improving numbers of adoption.

2. Using data to meet recruitment targets

Recruitment estimators. All three states discussed their reliance on data-informed approaches to set and meet recruitment targets. Each of the three states discussed their use of "recruitment

estimators" or similar data management systems that help to track progress toward recruitment targets. In Arizona, the recruitment estimator was born out of quality improvement efforts, and in particular, from efforts to recruit demographically diverse foster parents. The state uses the previous year's data to project the need for foster parents in the current year. Arizona also discussed efforts to close homes that were licensed but had not accepted children for many years. Closing these inactive foster home licenses gave the state a more accurate count of the number of homes needed for children. Arizona noted that they did not include kinship homes in their estimates because these homes were not available to take additional children from the general caseload.

In Oklahoma, the state adoption agency runs an analysis of the need for foster homes by using data on the race and age of children in need of care. These data help the state agency to develop strategies at the regional level to find a range of foster parents based on children's backgrounds. Oregon created a plan called the Oregon Foster Family Retention and Recruitment Support (OFFRRS) Plan, which is informed by each district's data on the characteristics of children and foster families. It includes questions about what the district is doing to support foster families, which then leads to the development of action plans for improving the recruitment of homes for specific types of children.

Targeted recruitment by region. While the use of data has allowed states to more accurately target foster families for recruitment, the extent to which the states set targets for the foster parents' race and ethnicity varies. Oklahoma, for example, sets an annual recruitment target for all private agencies, but does not set targets based on race. Conversely, in Arizona, the state adoption agency tracks demographic groups that are over-represented in the foster care population by geographic location, and seeks to recruit homes that are similar to children's demographics. The agency noted that African American children are over-represented in the Arizona foster care population and that diversity varies by region. For example, African American families are in high demand in Maricopa County, which includes the large urban area of Phoenix. Staff in all three states said that the demand for diverse foster parents is greater in urban areas than in rural areas. Although urban areas may also have a more diverse pool of foster parents, the states still struggle to meet their racial targets.

"We want to keep children connected to their kin, their culture, and their community as much as possible. For all children, we want to make sure that, even if they're being adopted or placed with a family that's of a different race or ethnicity, we're still connecting them to their culture." (Lead Worker, Adoption Transition Unit, Oklahoma)

In addition, the states consistently noted that the children's geographic location is a major factor, as states try to keep children near their communities and social networks. For example, Oklahoma's DHS has tried to place children close enough to their biological family in order to make visits, court hearings, and other case events easier to manage.

3. Recruiting families for the population of waiting children

Reliance on natural connections. States aimed to maintain natural connections as much as possible, and preference for placement with relatives or families already known to children were

"We received a grant from the Children's Bureau to focus on developing a statewide protocol for a datainformed diligent recruitment plan with a customer service lens." (Foster Family Retention and Recruitment Manager, Oregon) highlighted. They reported that relatives account for 45 percent of adoptions in Oklahoma and 31 percent of adoptions in Oregon. Oregon also noted that a foster parent, a relative, or someone who is already caring for children account for 96 percent of all adoptions. Thus, relatively few children in the state were adopted by strangers.

States mentioned their efforts to find any relatives or other connections in the community before searching outside of the child's network. The director of the One Church One Child program in Oklahoma explained that the organization shifted to searching for natural connections rather than recruiting directly from churches as a primary strategy. Additionally, older youth entering foster care are often already well connected with relatives. For children who are not adopted by relatives, all three states try to help them stay connected to their birth families.

Considering the needs of the child. Although most children who are adopted are adopted by families with whom they are already living and/or by relatives, some children were difficult to match to a foster home. In these situations, a range of child-related factors can affect an agency's ability to find and select an adoptive home. For example, the Wendy's Wonderful Kids model, which all three states have used, helps to find existing connections for children, but also focuses on getting to know children in order to determine the type of home that would be best for them.

In all states, some children and families could be very specific about their preferences for a potential family or child(ren), and states sought to honor these preferences. For example, Oregon uses a child information form to identify children's preferences. The form asks about the child's traditions, their close relationships, personal care regimens, and religion. The form also

helps to provide detailed information to potential adoptive families so that they are informed about how best to support the child.

In expressing interest for an adoptive child, prospective families in all three states can list preferences, which could include children of particular races or ethnicities. However, Oklahoma mentioned that families' preferences about behavioral needs, age, gender, location, and other considerations often took precedence over racial preferences. The states also mentioned that a child's complex behavioral needs are often the largest barrier to identifying potential adoptive families.

Collaboration between states, private agencies, and

families. State foster and adoption workers emphasized the

"The Adoption Transition Unit (ATU) workers really get close to our children and listen to their voices. They get very specific. We try our best to do what we can to listen to the voices of our families and our children, and to match them accordingly." (Adoption Specialist, Oklahoma)

collaborative nature of the process of matching children with families and making the final decision about which match is best. For example, Oklahoma staff described an iterative process in which agencies select potential families and then work with the state to come to a final decision about which family is best for a child and vice versa. Staff who know the child best often speak to the child's desires in team meetings. In Arizona, a case manager in the Department of Child Services vets families. For children with special needs, recruiters select potential families, and the clinical director at Aid to Adoption of Special Kids helps to review the options. Children also have a voice in the process so that that their adoption workers consider their preferences. Once the recruiters select a family, the department makes the final decision and authorizes the placement.

Matching outside families' initial stated preferences. When there are no foster children who match the age and race preferences of a potential adoptive parent, the states have responded in one of two ways: (1) they do not consider that parent as a match for children who are waiting to be adopted, or (2) they find a way for prospective adoptive parents to meet in person children who may be outside their specified preferences. For example, Arizona invites unmatched families to attend events where they can meet children waiting to match to adoptive homes.

These events enable the state to promote transracial adoptions by allowing families to meet children of different races and ethnicities than they may have previously indicated on their application.

4. Determining which families the state considers for adoption matches

Varying the intensity of staff involvement depending on children's level of need. The matching process involves multiple groups of staff who are involved at different points of time in each state. These staff can include the following: matching specialists; child-specific recruiters, who write plans that indicate how families will be able to meet the needs of children; case workers; adoption workers or field staff; independent contractors such as Wendy's Wonderful Kids; and permanency workers. Workers in two states noted that they use separate processes and a different level of staff involvement for children for whom no adoptive family has yet been identified or for high-need children. In Oklahoma, a member of an adoption transition unit serves as a child-specific recruiter and they work with staff, including permanency workers, by helping them to identify potential in-state families for children who do not have an identified family.

Oregon uses a committee process when deciding on a match. This process helps to bring the group together to consider family stability and flexibility, education and training on a specific need of the child, support systems and networks, and cultural background and experience. Workers in Oregon described two types of selection processes. The first is for two tiers of children: (1) those who will be placed with kin or for whom the state is planning an adoption by foster parents and (2) those who are younger than 6 and are not considered high need. The second tier of children includes those for whom it is harder to find adoptive placements, who do not have kin or a foster parent interested in adoption, who are older than 6, are in a sibling pair, and/or who have high needs. For this tier of children with more complex needs, the state uses adoption committees to understand the children's needs and to match them accordingly.

Staff role in final decision-making. The final process for deciding on a match differs across states, although all states involve a group of professionals in the process. Oregon has a position called the "adoption decision specialist;" this person is responsible for the final decision in the matching process. In Oklahoma, the permanency worker assigned to the case usually makes the final decision after reviewing approximately two to three families that other staff have recommended. In Arizona, a team makes the final decision.

5. Considering race in placement decisions

Race is one of many considerations. All three states focus on identifying families that can support the unique needs of any child. Staff in all three states pointed out that they can consider race when making a placement decision, but it is not the primary factor, and they would not deny or delay a placement because of RCNO unless it is determined to not be in the best interest of the child. For example, as mentioned previously, child welfare staff ask families about which types of children's needs they can meet.

Similarly, children might express a desire for a family of a certain race or ethnicity, and therefore workers take children's preferences into account when matching them to a family. Staff reported they might avoid pursuing a family of a specific race if, because of the specific circumstances associated with known race-based preferences, they assess placement with a family would not be in the best interest of the child. However, staff reported other factors are typically primary when determining if a family can meet a child's needs, such as a family's ability to meet a child's behavioral health needs, or willingness to adopt an adolescent.

Notable in the conversation about adoption matching is the reality that most states struggle to find adoptive homes for the small percentage of children who do not have a prospective adoptive home. Most children in need of adoption are already matched to families. For children in need of

an adoption match, states typically do not have the luxury of options and seek to overcome racial preferences when there is one. Therefore, the adoption workers encourage all interested families, regardless of race, to continue in the process of adoption. Some states, such as Oregon, noted that because they lack diversity in the pool of potential adoptive parents, they therefore must consider all interested parents as potential adoptive parents.

States efforts to prevent discrimination on the basis of RCNO. All three states trained their staff in the MEPA law, although it was not always clear interviewees understood the purpose or stipulations of the legislation. When asked specifically about how they avoided discrimination on the basis of race, a common response from state staff was to describe how staff are trained to understand the "cultural" needs of children in transracial adoptions, and offer training to foster parents to help them attend to children's cultural and ethnic needs. Thus, in practice some child welfare staff may combine the ways in which they seek to address needs related to RCNO versus cultural needs. This is relevant in that "culture" is not defined in the context of MEPA guidance, and according to the Child Welfare policy manual, "A public agency is not prohibited from the nondiscriminatory consideration of culture in making placement decisions. However, a public agency's consideration of culture must comply with Section 1808 in that it may not use culture as a replacement for the prohibited consideration of race, color or national origin."³ Thus, the policy states that RCNO is treated differently than culture in making placement decisions. Nevertheless, state respondents did not cite race and ethnicity, or culture, as a systemic basis for denying or delaying placement.

As noted before, families can express a desire for children of a specific race (along with other aspects, such as age, whether they will take child with behavioral and/or medical needs, and so on). Thus, a child's RCNO becomes a bigger challenge to states in seeking adoption matches when families or children state preferences that limit the potential pool of families to be considered.

Agencies seek to find a match based on children's needs regardless of race. If they do not match race preferences, some states described efforts to alleviate concerns, such as hosting informal events in which adoptive parents and children can meet in more natural settings. Some interviewees noted it could be challenging when families do not want to adopt a child of a particular race. For example, one adoption worker in Oklahoma described difficulty finding adoptive parents willing to accept matches with Black children. The Oklahoma worker said more parents were interested in children other than Black children. Therefore, sometimes there was greater concern about foster parents' willingness to adopt transracially than there was about child welfare staff holding up or denying adoptions based on race and ethnicity.

Ensuring adoptive families respect the RCNO, culture and identity of children. States described the processes they use to ensure adoptive families respect and value each child's unique identity, and it was apparent that they were sensitive to the importance of racial identify for children's development, particularly as the children age.

Adoption staff mentioned that, as part of the licensing process, families can receive training if they are interested in learning how to support the ethnic and cultural needs of children. For example, one Arizona worker mentioned working with local community members to host trainings about how to care for Black children's hair or skin. An official in Oregon stated classes are available for families on how to meet cultural and medical needs and that private partners organized the classes. Anyone who was interested was invited to those classes.

Oklahoma also runs trainings and a library for post-adoption and guardianship families. The library contains more than 100 resources related to transracial parenting.

³ Children's Bureau. " 4.3 MEPA/IEAP, Guidance for Compliance." Available at <u>https://www.acf.hhs.gov/cwpm/public_html/programs/cb/laws_policies/laws/cwpm/policy_dsp.jsp?citID=171</u>. Accessed August 1, 2020.

Contrasting views. Even among workers who actively supported transracial adoptions, some acknowledge racial identity can be an important factor in the long-term success of an adoption. Given this consideration, they thought carefully about how adoptive parents can best support the needs of their children, but did not deny (or delay) an adoption on the basis of RCNO. However, one respondent, who is a close observer of child welfare policy related to MEPA, stated she believes child welfare agencies' emphasis on supporting children's cultural identity might inadvertently create preferences for same-race matches and make it more difficult for white parents to adopt transracially. This respondent suggested that there are child welfare practitioners and judicial personnel who believe it is important to keep Black children with Black families and discourage foster parents from adopting transracially. Therefore, stakeholders may interpret and perceive implementation of MEPA differently depending on their experiences.

6. A focus on other permanency options may impact adoption

Adoption is viewed within the context of other permanency indicators. During the interviews, some states discussed their adoption efforts in the context of other permanency efforts. Thus, it is important to note that the extent to which some states were focused on improving adoption rates could be related to how to prioritize other permanency goals. One Oregon official mentioned that state efforts had focused on family preservation and on improving safety in homes of children at risk. She also noted the need for more staff and caseworkers devoted to recruitment. Thus, it is possible that the focus on family preservation took resources away from adoption efforts.

Another official in Oregon mentioned that despite the decline in rates of adoption over the years, the state still has a very low adoption disruption rate. She thinks that this stability could be related to the fact that the state has been very involved in adoptions, noting that the process is not at all haphazard. This supervisor also attributed the low disruption rate to the matching process and the high percentage of children who are placed with kin or with caregivers who are not kin but whom she has already supervised as foster placements. Finally, Oregon noted that guardianship is used more than adoption, particularly for Native American children.

Conclusion

All three states rely heavily on data to assess the need for homes and sought to increase the diversity of foster homes in order to better reflect the demographics of children in foster care. States also use data to drive recruitment targets, which is particularly helpful for creating diversity in the pool of foster and adoptive parents. Arizona pointed out not only the targeted marketing campaigns that increased the number of homes for children, but also the use of market segmentation to find prospective families.

However, states sometimes still struggle to meet their recruitment goals, particularly depending on the geographic region. These states also noted the challenges involved in finding families for children who are older or have special needs. Furthermore, some states with relatively little diversity in their overall parent population have even less diversity in their pool of prospective foster and adoptive parents. As a result, these states have less room to consider race when matching children to foster and adoptive homes.

The interviews included explicit questions about how states uphold the MEPA provision related to preventing discrimination against potential foster parents. Although the policy and practices for ensuring that families are not discriminated against are relatively unclear from interviewees' responses, the stakeholders we interviewed consistently noted that, even when children indicated a preference for a family of a particular race, other foster parent characteristics take precedence.

The three states noted that most children are adopted by their current foster parents or by relatives. Throughout the interviews, state officials emphasized natural connections, and some mentioned that relying on natural connections is the new practice focus. All three states use the Wendy's Wonderful Kids model, which conducts child-specific recruitment, and the Wendy's Wonderful Kids website reflects a steadily growing number of jurisdictions with which the program is engaged.

For the smaller percentage of children for whom the state had not identified a potential adoptive parent by the time a permanency plan is established, the state typically used a child-specific approach to recruit adoptive parents. When states placed a child transracially, they aimed to educate foster and adoptive parents about the child's identity and how to support connections with other children or families of similar backgrounds. This effort often included particular optional trainings for adoptive parents.

Finally, while states highlighted the need to preserve children's identity and sometimes conflate race with culture, one respondent who has written on this topic believed that the emphasis on racial identity could inadvertently bias staff against transracial adoption and create challenges for families adopting transracially. Although the stakeholder interviews did not find examples of this discrimination happening in practice, it is nonetheless a concern among some.

Considerations for future research

Future research could take a more detailed look at a greater number of states in order to gain a comprehensive understanding of how they have both improved the availability of adoptive homes and boosted the number of adoptions for minority children. Additionally, although Oregon reflected on its adoption rates within the context of other permanency outcomes, it is important to also understand the nuances and priorities of particular states, and how this context affects the practices that states use with regard to MEPA and adoption.

Finally, the scope of our study did not include objectively measuring the extent to which the states have avoided discrimination. Future research should incorporate the voices of prospective adoptive parents regarding their perceptions of the adoption matching process, particularly prospective adoptive parents who considered adopting children of a different race.