

<b>Policy Title:</b>	Multiethnic Placements – OAR		
<b>Policy Number:</b>	I-E.2 413-070-0000 thru 0033		<b>Effective Date:</b> 07-07-2000

Approved By: *on file*

Date Approved:

Policy

Forms, etc.

Definitions

References

Contact

### Reference(s):

- Child Welfare Policy I-E.1.1, Working with Relatives Towards Permanency for Children  
[http://www.dhs.state.or.us/policy/childwelfare/manual\\_1/i-e11.pdf](http://www.dhs.state.or.us/policy/childwelfare/manual_1/i-e11.pdf)
- Child Welfare Policy I-E.2.1, Placement of Indian Children  
[http://www.dhs.state.or.us/policy/childwelfare/manual\\_1/i-e21.pdf](http://www.dhs.state.or.us/policy/childwelfare/manual_1/i-e21.pdf)
- Child Welfare Policy I-E.2.2, Placement of Refugee Children  
[http://www.dhs.state.or.us/policy/childwelfare/manual\\_1/i-e22.pdf](http://www.dhs.state.or.us/policy/childwelfare/manual_1/i-e22.pdf)
- Child Welfare Policy I-E.3.1, Placement Matching  
[http://www.dhs.state.or.us/policy/childwelfare/manual\\_1/i-e31.pdf](http://www.dhs.state.or.us/policy/childwelfare/manual_1/i-e31.pdf)
- Child Welfare Policy I-G.1.1, Non-Relative Current Caretaker Adoption Planning  
[http://www.dhs.state.or.us/policy/childwelfare/manual\\_1/i-g11.pdf](http://www.dhs.state.or.us/policy/childwelfare/manual_1/i-g11.pdf)
- Child Welfare Policy I-G.1.3, Adoption Applications  
[http://www.dhs.state.or.us/policy/childwelfare/manual\\_1/i-g13.pdf](http://www.dhs.state.or.us/policy/childwelfare/manual_1/i-g13.pdf)
- Child Welfare Policy II-B.1, Certification Standards  
[http://www.dhs.state.or.us/policy/childwelfare/manual\\_2/ii-b1.pdf](http://www.dhs.state.or.us/policy/childwelfare/manual_2/ii-b1.pdf)
- Small Business Job Protection Act of 1996 "Removal of Barriers to Interethnic Adoption" (IEPA)
- Indian Child Welfare Act
- Multiethnic Placement Act of 1994, P.L. 104-188
- Social Security Act Amendments of 1994, P.L. 103-432
- Adoption and Safe Families Act of 1997, P.L. 105-89
- Title VI of Civil Rights Act of 1964
- ACF-IM-CB-97-04, June 6, 1997
- ACF-IM-CB-98-03, May 11, 1998
- 45 CFR Parts 1355, 1356, and 1357, 1/25/2000

## Form(s) that apply:

- None referenced.

## Rules:

### **Purpose**

**413-070-0000**

The Multiethnic Placement Act of 1994 as amended by the Small Business Job Protection Act of 1996, Section 1808, "Barriers to Interethnic Adoption" apply to all activities of SOSCF and to all private child placement and adoption agencies who receive federal funds of any kind, directly or indirectly. The purpose of MEPA was to (1) decrease the length of time a child waits to be adopted; (2) prevent discrimination in foster care and adoption; and (3) promote the recruitment of ethnic and minority families that reflect the children in the public child welfare system. These rules establish a policy of non-discrimination in SOSCF's and entity's practice of foster and adoptive placement of children, and in the recruitment and selection of family resources. In the case of an Indian child, SOSCF and entity shall follow Indian Child Welfare Act and SOSCF Policy I-E.2.1, Placement of Indian Children.

**Statutory Authority: ORS 418.005**

**Stats. Implemented: Multiethnic Placement Act of 1994, and "Small Business Job Protection Act of 1996, "Removal of Barriers to Interethnic Adoption"**

**Title VI of Civil Rights Act of 1964**

### **Definitions**

**413-070-0010**

**(1) "Cultural Heritage"** means the language, customary beliefs, social norms, and material traits including, but not limited to the dress, food, music and dance of a racial, religious or social group that are transmitted from one generation to another.

**(2) "Entity"** means any organization or agency (e.g., a private child placing agency) that is separate and independent of the State agency; performs functions pursuant to a contract or subcontract with the State agency, and receives federal funds.

**(3) "ICWA"** means the Indian Child Welfare Act, P.L. No. 95-608, codified at 25 USC §§ 1901-1963, which the Congress of the United States adopted in 1978 "to protect the best interests of Indian children and to promote the stability and security of Indian tribes and families" 25 USC § 1901.

**(4) "Interethnic Adoption Provisions of the Small Business Job Protection Act of 1996 (IEPA)"** means Section 1808 of the act which is entitled "Removal of Barriers to Interethnic Adoption", and affirms and strengthens the prohibition against discrimination in adoption or foster care placements, and is codified in 42 U.S.C §671(a)18.

(5) "**Multiethnic Placement Act of 1994**" means federal statutes which prohibit discrimination based on race, color or national origin as considerations in adoption and foster placements.

(6) "**Race**" means American Indian or Alaska Native, Asian, Black or African American, Native Hawaiian or Other Pacific Islander, White.

(7) "**Title VI of Civil Rights Act of 1964**" Prohibits discrimination on the basis of race, color or national origin under programs receiving federal assistance through the United States Department of Health and Human Services.

**Statutory Authority: ORS 418-005**

**Stats. Implemented: Multiethnic Placement Act of 1994, "Small Business Job Protection Act of 1996, "Removal of Barriers to Interethnic Adoption" Title VI of Civil Rights Act of 1964**

## **Values**

**413-070-0015**

(1) Every child needs and deserves a safe, nurturing and permanent home.

(2) SOSCF should avoid practices which delay permanency for any child.

**Statutory Authority: ORS 418.005**

**Stats. Implemented: Multiethnic Placement Act of 1994, "Small Business Job Protection Act of 1996, "Removal of Barriers to Interethnic Adoption"**

**Title VI of Civil Rights Act of 1964**

## **Policy**

**413-070-0020**

(1) In making placement decisions, SOSCF and entity shall be guided by the best interest of the child. SOSCF and entity placements shall be made in the context of an individualized assessment of the child's total needs, and an assessment of a potential foster or adoptive family's ability to meet those needs.

(2) Refer to SOSCF Policy I-E.1.1, Working with Relatives Towards Permanency for Children, SOSCF Policy I-E.3.1, Placement Matching, and SOSCF Policy I-G.1.1, Non-Relative Current Caretaker Adoption Planning for direction on first consideration of relatives as placement resources, placement matching, and current caretaker adoption planning.

**Statutory Authority: ORS 418.005**

**Stats. Implemented: Multiethnic Placement Act of 1994, "Small Business Job Protection Act of 1996, "Removal of Barriers to Interethnic Adoption" Title VI of Civil Rights Act of 1964**

**Denials Or Delays Of Placement Based On Race, Color Or National Origin Prohibited  
413-070-0022**

(1) Except as provided in (2), SOSCF shall not delay or deny the placement of a child for adoption or into foster care on the basis of the race, color or national origin of the adoptive or foster parent or the child involved, nor shall SOSCF or entity consider the race, color or national origin of a child or of a prospective foster or adoptive parent as factors in making adoptive or foster placement decisions.

(2) SOSCF may consider the race, color or national origin when a particular child presents specific compelling special circumstances (such as an older child's statement of preference) and consideration of race, color or national origin in his/her placement decision is the only way to achieve the best interest of that child.

(3) SOSCF and entity may consider a child's needs related to cultural heritage, such as specific language needs, when making individualized placement decisions. However, SOSCF and entity shall not use routine cultural heritage assessments as a substitute for considering race, color or national origin or otherwise considering the cultural heritage needs of a child in a manner that would circumvent the general prohibition against considering the race, color or national origin of a child when making placement decisions.

(4) SOSCF and entity shall not honor the request of birth parents to place their child who was either voluntarily or involuntarily removed, with adoptive or foster parents of a specific racial, ethnic, and/or cultural group, except as provided in (2) above.

**Statutory Authority: ORS 418.005**

**Stats. Implemented: Multiethnic Placement Act of 1994, "Small Business Job Protection Act of 1996, "Removal of Barriers to Interethnic Adoption"**

**Denial Of Opportunity To Be An Adoptive Or Foster Parent Based On Race, Color, Or National Origin Prohibited  
413-070-0027**

(1) SOSCF and entity shall have an active recruitment program to recruit and retain foster and adoptive parents who reflect the ethnic and racial diversity of children for whom foster and adoptive homes are needed, and who can meet the needs of children waiting placement.

(2) Except as provided in (3), SOSCF and entity shall not deny to any person the opportunity to become an adoptive or foster parent on the basis of the race, color, or national origin of the person or of the child involved, nor shall SOSCF and entity use race, color or national origin to screen or assess prospective foster or adoptive applicants.

(3) SOSCF and entity may consider as a factor when placing a particular child the willingness and ability of the prospective foster or adoptive parent to care for a child of a different race, color or national origin.

**Statutory Authority: ORS 418.005**

**Stats. Implemented: Multiethnic Placement Act of 1994, "Small Business Job Protection Act of 1996, "Removal of Barriers to Interethnic Adoption"  
Title VI of Civil Rights Act of 1964**

**Training**  
**413-070-0030**

The State Office for Services to Children and Families shall provide training to assure compliance with Title VI of the Civil Rights Act of 1964 and, the Multiethnic Placement Act of 1994, as amended by the Interethnic Adoption Provisions of the Small Business Job Protection Act of 1996.

**Statutory Authority: ORS 418.005**

**Stats. Implemented: Multiethnic Placement Act of 1994, "Small Business Job Protection Act of 1996, "Removal of Barriers to Interethnic Adoption"  
Title VI of Civil Rights Act of 1964**

**Exceptions**  
**413-070-0033**

OAR 413-070-0000 to 413-070-0030 do not apply to the placement of children pursuant to the Indian Child Welfare Act.

**Statutory Authority: ORS 418.005**

**Stats. Implemented: Multiethnic Placement Act of 1994, "Small Business Job Protection Act of 1996, "Removal of Barriers to Interethnic Adoption"  
Title VI of Civil Rights Act of 1964**

**Contact(s):**

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