

FIVE FEDERAL LAWS AND THE NATIONAL COMPACT

Multiethnic Placement Act (MEPA)

The Multiethnic Placement Act was adopted in 1994 and modified in 1996. 42 U.S.C. §§ 622, 671, 1996a, and 1996b. MEPA applies to any state child welfare system that receives funds from the federal government. It aims to remove barriers to permanency and ensure that adoption and foster placements are not delayed or denied based on race, color, or national origin of either the child or the prospective parent.

Key provisions of the Act:

- Decreases the length of time that children wait to be adopted;
- Prohibits discrimination in adoptive parent licensing, foster care licensing, and child placement on the basis of race, color, or national origin; and
- Facilitates the identification and recruitment of foster and adoptive families that can meet children's needs. 42 U.S.C. § 671(a)(18); 42 U.S.C. § 622(b).

Violations. A violation of the Multiethnic Placement Act occurs when a state:

- Denies 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; or delays or denies the placement of a child for adoption or into foster care on the basis of race, color, or national origin of the adoptive or foster parent or the child. 42 U.S.C. § 671(a)(18)(A),(B); 42 U.S.C. § 1996(b).
- The state is required to provide for the diligent recruitment of potential foster and adoptive families that represent the ethnic and racial diversity of children in the state for whom foster and adoptive homes are needed. 42 U.S.C. § 622(b)(7).

Violations of MEPA could result in a loss of 2% to 5% of the state's Title IV-E funds. 42 U.S.C. § 671(b); 45 C.F.R. § 1355.38(f).
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Consideration of race and ethnicity prohibited. The 1996 amendments removed the statutory language that permitted consideration of the cultural, ethnic, or racial background of the child and the capacity of prospective foster or adoptive parents to meet the child's needs as one of the factors in determining whether a placement is in the child's best interests. See 42 U.S.C. § 671(a)(18).

It is not a violation of MEPA to give preference to relative placements. See 42 U.S.C. § 671(a)(19).

The statute specifically states that MEPA must not be construed to affect the application of the Indian Child Welfare Act. 42 U.S.C. § 1996(b)(3).