

	<b>INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE POLICY</b>	
	<b>Chapter 8:</b> Out-of-Home Services	<b>Effective Date:</b> June 1, 2008
	<b>Section 2:</b> Consideration of Race, Color or National Origin. The Interethnic Placement Act (IEPA)	<b>Version:</b> 1

<b>STATEMENTS OF PURPOSE</b>	<b>OLD POLICY: 403.32</b>
------------------------------	---------------------------

In accordance with federal law, the Indiana Department of Child Services (DCS) will not delay or deny the placement of a child based on the race, color, or national origin of the resource parent or the child involved.

**Note:** An exception may be made when compelling circumstances exist (i.e., the only way to achieve the best interest of the child is to consider cultural heritage).

1. As mandated by federal law, DCS will not consider requests by a parent, guardian, or custodian to place his or her child with resource parent(s) of a specific racial, ethnic, and/or cultural group, regardless of whether the child was voluntarily or involuntarily removed, unless the above note applies;
2. The DCS Local Office Director (LOD) or designee will review and approve or deny all requests to consider the race, color, or national origin of either a child or resource parent(s);
3. Any DCS employee or agent who violates this policy is subject to immediate dismissal or contract revocation; and
4. DCS will follow a separate policy when working with Indian (Native American) children. For additional information, see separate policy [2.12 Indian Child Welfare Act \(ICWA\)](#).

Code Reference

[42 U.S.C. Sec. 1996b: Inter-ethnic Placement Act \(IEPA\)](#)

<b>PROCEDURE</b>
------------------

The Family Case Manager (FCM) will:

1. Determine whether the child's special needs can be met without a race or ethnicity-based placement decision. Any consideration of race or ethnicity must be in the context of an individualized placement decision, when a specific child and a specific family are being assessed for a potential placement;
2. Consult with the FCM Supervisor about any identified compelling circumstances related to race and ethnicity that require consideration as soon as the child comes into out-of-home care;
3. Document the circumstances in the case management system and if necessary seek the advice of a medical or mental health professional;
4. Seek input from his or her Supervisor, if the Child and Family Team (CFT) believe there are compelling circumstances;
5. Ensure the case is staffed with the DCS LOD and the Regional Manager (RM), if the FCM Supervisor believes there are compelling circumstances; and

6. Ensure all case information is forwarded to the DCS LOD or designee for final approval, if the RM believes there are compelling circumstances.

## **PRACTICE GUIDANCE**

### **Addressing Language Barriers**

A language barrier is not justification for consideration of race, color, or national origin. For example, a child who only speaks Spanish may need a Spanish speaking caregiver, but that requirement may be met without consideration of the caregiver's race, color, or national origin.

## **FORMS AND TOOLS**

N/A

## **RELATED INFORMATION**

The Multiethnic Placement Act of 1994 (MEPA)-Inter Ethnic Placement Act (IEP) is consistent with good child welfare practice. Both MEPA-IEPA and good practice require: individual decision making, consideration for all the child's needs beginning from the time the child first comes into contact with DCS, consistent attention to all those needs throughout the child's relationship with DCS and in each placement decision, active recruitment of potential resource and adoptive parents from all segments of the community, development of a pool of resource and adoptive parents that respond to the needs of the children in care, and support and respectful treatment of all prospective parents. Good practice will improve permanence of children and decrease the chances that MEPA-IEP will be violated.

### **Compelling Circumstances**

1. Make individual decisions based on sound child welfare practice and the best interest of the child; and
2. Same-race placements are not required, nor are they prohibited. Similarly, transracial placements are not required, nor are they prohibited. Decisions should be based on a careful assessment of the characteristics and needs of each child and the potential caregivers of the child.

**Note:** For a Guide to MEPA-IEP, see the following website for additional information:

[http://www.acf.hhs.gov/sites/default/files/cb/mepa\\_powerpoint.pdf](http://www.acf.hhs.gov/sites/default/files/cb/mepa_powerpoint.pdf)