

	<b>INDIANA DEPARTMENT OF CHILD SERVICES</b> <b>CHILD WELFARE POLICY</b>	
	<b>Chapter 8:</b> Out-of-Home Services <b>Section 02:</b> Consideration of Race, Color, or National Origin: The Interethnic Placement Act (IEPA)	
	<b>Effective Date:</b> December 1, 2023	<b>Version:</b> 2

- [Procedure](#)
- [Definitions](#)

- [Forms and Tools](#)
- [Related Policies](#)

- [Legal References](#)
- [Practice Guidance](#)

## POLICY OVERVIEW

*This policy does not affect the provision of the Indian child in the Indian Child Welfare Act (ICWA). See policy 2.12 Indian Child Welfare Act for additional information.*

In accordance with The Multiethnic Placement Act (MEPA) of 1994, as amended by the Interethnic Placement Act (IEPA) of 1996, 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 (including pre-adoptive parents) or the child involved and will make efforts to recruit a diverse group of resource and prospective adoptive parents that match the demographics of children placed in out-of-home care.

[Back to Top](#)

## PROCEDURE

DCS will ensure that a child's placement is not delayed due to a resource parent's, or child's racial, ethnic, and/or cultural group, regardless of whether the child was voluntarily or involuntarily removed.

**Note:** An exception may be considered when compelling circumstances exist that are in the best interest of the child.

To meet the diverse needs and well-being of each child placed in out-of-home care, DCS strives to be sensitive to the child's race and ethnicity and respectful to the child's cultural heritage. It is important to recognize and preserve the child's culture while in out-of-home care.

The Family Case Manager (FCM) will:

1. Identify any compelling circumstances if it appears that a consideration of a child or placement's race, color, or national origin should be considered when choosing a placement for the child. 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 and must be made only if it is necessary to advance the best interest of the child and achieve that purpose;

**Note:** 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 (see policy GA-3 Language Services).

2. Staff with the FCM Supervisor any identified compelling circumstances related to race and ethnicity as soon as the child comes into out-of-home care;
3. Submit a referral to International and Cultural Affairs (ICA) when compelling circumstances exist and additional assistance is needed (see the International and Cultural Affairs Desk Guide);
4. Seek input from the Child and Family Team (CFT) and any other service providers or professionals (if necessary) to discuss any compelling circumstances that should be considered;
5. Document any compelling circumstances that exist in the case management system; and
6. Ensure all case information is forwarded to the DCS LOD or designee for final approval.

The FCM Supervisor will:

1. Staff any identified compelling circumstances of the child or family with the FCM that would require consideration for the child's placement; and
2. Assist the FCM in staffing the case with the LOD if compelling circumstances are identified.

The LOD will:

1. Staff with the FCM and FCM Supervisor to review the identified compelling circumstances; and
2. Staff with the Regional Manager (RM) regarding the compelling circumstances to determine if an exception may be pursued when it is in the child's best interest.

The RM will be available to provide consultation when an exception may be pursued on behalf of the child's best interest.

The DCS Staff Attorney will be available to provide consultation if needed.

The ICA Liaison will:

1. Provide relevant resources that include, but are not limited to:
  - a. Language access,
  - b. Verification of identity (see policy 2.09 Verifying Identity for more information),
  - c. Verification of immigration status (see policy 2.22 International and Cultural Affairs Services for more information),
  - d. Cultural heritage, and
  - e. Immigration and Customs Enforcement (ICE) involvement.
2. Act as the liaison between the consulate, embassy, and ICE;
3. Attend and participate in CFT Meetings as requested (see policy 5.07 Child and Family Team [CFT] Meetings); and
4. Screen and identify if a referral to an immigration attorney is appropriate.

[Back to Top](#)

## RELEVANT INFORMATION

### Definitions

#### Child and Family Team (CFT) Meeting

The CFT Meeting is a process that brings together family, interested people including friends, neighbors, community members, and formal resources (e.g. child welfare, mental health, education and other agencies working with the family for the purpose of:

1. Learning what the family hopes to accomplish;
2. Setting reasonable and meaningful goals;
3. Recognizing and affirming the family strengths;
4. Assessing family needs;
5. Finding solutions to meet family needs;
6. Designing individualized supports and services that match the family's needs and builds on their strengths;
7. Achieving clarity about who is responsible for agreed upon tasks; and
8. Agreeing on the next steps.

#### Resource Parent

For the purposes of DCS Policy, a resource parent includes foster parent, licensed or unlicensed relative or kinship caregiver, and pre-adoptive parent.

#### **Forms and Tools**

- [Children's Bureau: Multiethnic Placement Act \(MEPA\) of 1994](#)
- [Child Welfare Information Gateway- Preparing Families for Racially and Culturally Diverse Adoptions](#)
- [Indiana Adoption Program- Parenting Resources](#)
- [International and Cultural Affairs Desk Guide](#)

#### **Related Policies**

- [2.09 Verifying Identity](#)
- [2.12 Administration of the Indian Child Welfare Act \(ICWA\)](#)
- [2.22 International and Cultural Affairs \(ICA\) Services](#)
- [2.23 Verifying Citizenship or Immigration Status](#)
- [5.07 Child and Family Team Meetings](#)
- [GA-3 Language Services](#)

[Back to Top](#)

#### **LEGAL REFERENCES**

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

[Back to Top](#)

## PRACTICE GUIDANCE- DCS POLICY 8.02

*Practice Guidance is designed to assist DCS staff with thoughtful and practical direction on how to effectively integrate tools and social work practice into daily case management in an effort to achieve positive family and child outcomes. Practice Guidance is separate from Policy.*

### **Compelling Circumstances**

The assessment for compelling circumstances should be based on the totality of information related to the placement including the youth and the proposed placement. There are some factors that may be relevant to an assessment of compelling circumstances. One (1) factor is the child's unique or unusual history related to race, color, or national origin including considerations of traumatic experiences. If there are other factors relevant to the individualized assessment based on the Family Case Manager's (FCM's) knowledge and understanding of the child, those factors should also be considered. If the youth is 14 years of age or older and is being placed for adoption, the youth's request or refusal of placement based on race, color, or national origin may be considered, however, it is important to document whether the request or refusal is in the youth's best interest. If the child is under 14 years of age, the child's request or refusal cannot determine placement absent relevant circumstances in the individualized review leads to determination that consideration of race, color, or national origin is appropriate.

### **Preparing Families for Racially and Culturally Diverse Placements**

Most families will find themselves requiring additional support to raise a child from a different racial or cultural background. The family may face unique challenges as the child develops their own identity. The Children's Bureau provides resources that may assist the resource parent in preparing for the placement of a child with a different racial and/or cultural background. See Children's Bureau: Preparing Families for Racially and Culturally Diverse Adoptions for more information. The Indiana Adoption Program also provides resources for resource families, including guidance on transracial parenting. See the Indiana Adoption Program: Parenting Resources for more information.

[Back to Top](#)