

New England Journal of Public Policy

Volume 25 | Issue 1

Article 5

9-22-2013

Transracial Foster Care and Adoption: Issues and Realities

Fern L. Johnson
Clark University

Stacie Mickelson
Clark University

Mariana Lopez Davila
Clark University

Follow this and additional works at: <http://scholarworks.umb.edu/nejpp>

 Part of the [Family Law Commons](#), [Family, Life Course, and Society Commons](#), [Public Policy Commons](#), [Social Policy Commons](#), and the [Social Welfare Commons](#)

Recommended Citation

Johnson, Fern L.; Mickelson, Stacie; and Davila, Mariana Lopez (2013) "Transracial Foster Care and Adoption: Issues and Realities," *New England Journal of Public Policy*: Vol. 25: Iss. 1, Article 5.
Available at: <http://scholarworks.umb.edu/nejpp/vol25/iss1/5>

This Article is brought to you for free and open access by ScholarWorks at UMass Boston. It has been accepted for inclusion in New England Journal of Public Policy by an authorized administrator of ScholarWorks at UMass Boston. For more information, please contact library.uasc@umb.edu.

Transracial Foster Care and Adoption: Issues and Realities

Fern L. Johnson, Stacie Mickelson, and Mariana Lopez Davila

The article places transracial foster care and adoption into a broader perspective that highlights social and cultural factors and the reasons for controversy about this adoption option. The first section describes the demographics of children in the foster care system. This is followed by an overview of requirements for approval as foster and adoptive parents in Massachusetts and information about the laws governing transracial adoption. The controversy over transracial adoption is laid out by explaining the race-blind and race-matching positions. Policy priorities are outlined that take into account the main points of controversy. The final section focuses on growth in the multiracial and multiethnic population and how it will continue to shape transracial adoption. Race significantly structures peoples' perceptions, which must be recognized. But race can overly determine judgments and policy decision. A balance is necessary to ensure that the overarching priority emphasizes the needs of children.

Transracial adoption (the adoption of a child of one race by a parent or parents of another race) has grown rapidly since the middle of the twentieth century. The adoption of South Korean children by white U.S. families began in the mid-1950s after the Korean War, but the adoption of black children by whites within the United States remained largely off limits until the 1960s because of racism, segregation, and laws in many states disallowing racial mixing in both marriage and adoption. The Civil Rights movement that culminated in the Civil Rights Act of 1964 dislodged “racial matching” as the default adoption option and opened up the possibility for transracial adoption. By 1972, enough whites had adopted black children to prompt the National Association of Black Social Workers (NABSW) to issue a policy statement arguing against the adoption of black children by whites. Although it is impossible to estimate the effect of this policy statement with any precision, it certainly influenced many white social workers and potential white adoptive parents to rethink the advisability of transracial adoption and curtailed the rate of such adoptions.

Transracial adoption continues to be controversial, but it is now more accepted because of several changes over the years that have softened the impact of the NABSW position and widened the context for thinking about the pros and cons of creating multiracial families through adoption. In the decades since the passage of the Civil Rights Act, racial thinking has continued to change. U.S. demographics are on the move away from a majority white America, and social practices such as interracial dating and marriage have become more common. The result is a society that includes a sizeable number of people who claim more than one race as part of their identity.

Fern Johnson is a professor of English and a participating faculty member in the Communication and Culture Program at Clark University, Worcester, Massachusetts. She was assisted by two students in the Psychology Department.

And although a body of research exists on adoption and its impact on children, few studies focus specifically on transracial adoption, which is still a less developed field. Transracial adoption, and the foster care placements that precede it, had grown sufficiently by the early 2000s to be readily identified as one possibility for white adults considering adoption. In 2008, the Evan B. Donaldson Adoption Institute, a leading national organization focused on adoption policy and practice, published a comprehensive report on transracial adoption and the research related to it, titled *Finding Families for African American Children: The Role of Race and Law in Adoption from Foster Care*. The report identifies several key challenges that may be heightened for children of color who are adopted transracially: (1) dealing with being “different,” and especially with having a different skin color, (2) difficulty developing a positive racial identity when compared with children of color who are adopted by parents of the same race, and (3) learning how to cope with racial and ethnic discrimination. Although the report does not advise against transracial adoption, the assessment of research that is presented raises important issues to be considered and cautions about the wisdom of a race-blind approach to adoption, advising that “whether adopted by Black or White parents, children’s best interests are served by ongoing connections to their racial heritage.”¹

The purpose of this article is to place transracial foster care and adoption into a broader perspective that includes the social and cultural factors surrounding this practice and controversy associated with it. Massachusetts provides a case example to illustrate issues common to adoption in general and transracial adoption in particular. Although we focus on the adoption of black children by white adoptive parents, many of the points we make are relevant more broadly to interracial adoption and the adoption of Hispanic children by non-Hispanic whites. The article is organized into five topics: (1) demographic information about children in the foster care and adoption system, (2) requirements for approval as a foster or adoptive parent, (3) an overview of laws governing race and adoption, (4) viewpoints on transracial adoption, and (5) a current assessment and future prospect for the meaning of race in a changing U.S. society, and in Massachusetts, and how this relates to the issue of race and adoption.

To provide a context for the policy perspectives presented here regarding the placement system for children needing homes, it is useful to begin by highlighting four fault lines that are important to transracial adoption. First, the older children are, the more difficult it is to move them from foster care to adoption. Second, a disproportionate number of children in the child placement system are black and Hispanic. Third—as already highlighted—foster care and adoption operate in the context of a decades-long controversy about the importance and appropriateness of racial matching between the child and the foster and adoptive parents. These three fault lines are complicated by a fourth, which is a racial imbalance between children waiting for homes and prospective parents. In the Massachusetts state system through which children move from foster care to adoption, more white parents want to adopt than there are white children waiting for homes (this imbalance is also a national reality), and children of color are less likely than white children to be placed in a permanent home. As the Donaldson report points out, legislative efforts to amend these discrepancies by promoting transracial adoption have not significantly improved placement statistics. In the following pages, we describe the positions of advocates on both sides of the transracial adoption debate and explore methods for increasing the number of permanent placements of children into loving, stable homes. In the background are findings by the U.S. Civil Rights Commission, which reported in 2007 that from 2001 to 2005, the rates for adopting African American children were around 30%, compared with rates for other racial and ethnic groups, which ranged from 40% to 50%.²

Demographic Perspectives on Foster Care and Adoption: Who Are the Children Waiting for Homes and Families?

Massachusetts Court data for 2008 indicate that 2,272 children were adopted in the state, with approximately one-third (712) of these adoptions occurring through the public agency system.³ Data from the U.S. Department of Health and Human Services shows that between 2003 and 2011, the number of public agency adoptions in the state was relatively stable, ranging from a high of 874 in FY2006 to a low of 712 in FY2008. For FY2011, the number was 724.⁴

Adoptions through state agencies are one component of the placement system, but they occur in the broader context of the many children for whom the state is responsible at any given time. The Massachusetts Department of Health and Human Services annual report for 2011 indicated that 7,355 children under the age of 18 years were in the placement system in Massachusetts. Of those, 5,702 were in some form of foster care (see Figure 1) and the rest (n = 1653) in other arrangements such as group homes as well as “on run” from placement.⁵ For those in foster care, roughly 31% were with kin, 29% in unrestricted care, and 26% in what is referred to as intensive foster care (IFC)—a designation for a contract arrangement with various agencies and organizations for placement of children with emotional, behavioral, or medical issues. Adoption was the service plan goal for 32% (2,368) of these children and family reunification, the highest priority, was the goal for 37%; by comparison, for the United States overall in 2011, adoption was the goal for 25% and family reunification for 52%.⁶ The median ages for these waiting children are shown in Table 1. With the exception of children of Native American heritage, most would be long past the baby/infant/toddler stage. Native American children in the placement system are covered by the Indian Child Welfare Act of 1978, which is a Federal law granting Native American Indian Nations and Tribes certain rights in cases of adoption involving tribal members.⁷

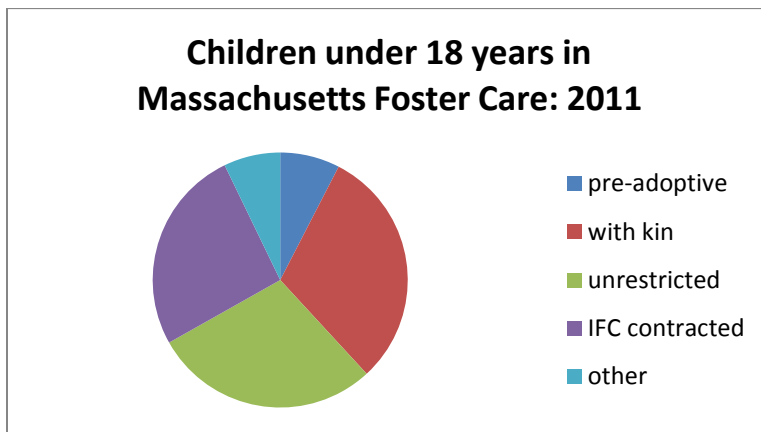


Figure 1. Source: Evan B. Donaldson Adoption Institute, *Finding Families for African American Children: The Role of Race and Law in Adoption from Foster Care* (New York: Author, 2008), <http://www.adoptioninstitute.org/publications/MEPApaper20080527.pdf>.

Table 1. Ages of Children in Massachusetts Foster Care by Race and Ethnicity, 2012

Race and Hispanic ethnicity of child	Median age
White/non-Hispanic	11.1 yrs
Black	12.7 yrs
Hispanic/all races	11.7 yrs
Asian	14.4 yrs
Native American	4.5 yrs

Source: Commonwealth of Massachusetts, *Department of Children and Families Quarterly Report, Fiscal Year 2012, 3rd Quarter* (Boston: Department of Children and Families, 2012), <http://www.mass.gov/eohhs/docs/dcf/reports/2012/fy12-quarter3.pdf>.

Recent data indicate that the average continuous time in placement for most children of color exceeds that for non-Hispanic white children: 1.3 years for black children and 1.2 years for both Hispanic children and those of Asian background, compared to 1.1 years for non-Hispanic white children. Continuous time in placement for Native American children is 0.9 years.⁸

Comparing 2011 data for children in placement in Massachusetts with 2010 U.S. census data for the state reveals how the demographics of foster care and adoption differ from the overall population demographics. Non-Hispanic white children, in comparison with their presence in the population, are underrepresented among children in placement by 21%: 46% of those in placement compared to 67% of this age group in the population. Black children, however, are overrepresented by 10%: 17% compared to 7%. Similarly, Hispanic children are overrepresented by 11%: 26% compared to 15%. Figure 2 shows the proportions of children in placement in Massachusetts by race and ethnicity, and Table 2 compares the numbers of children in placement for Massachusetts with the state population segment of those under 18 years of age. This information points to an almost certain imbalance in the potential matching of adoptive parents with children of the same racial background.

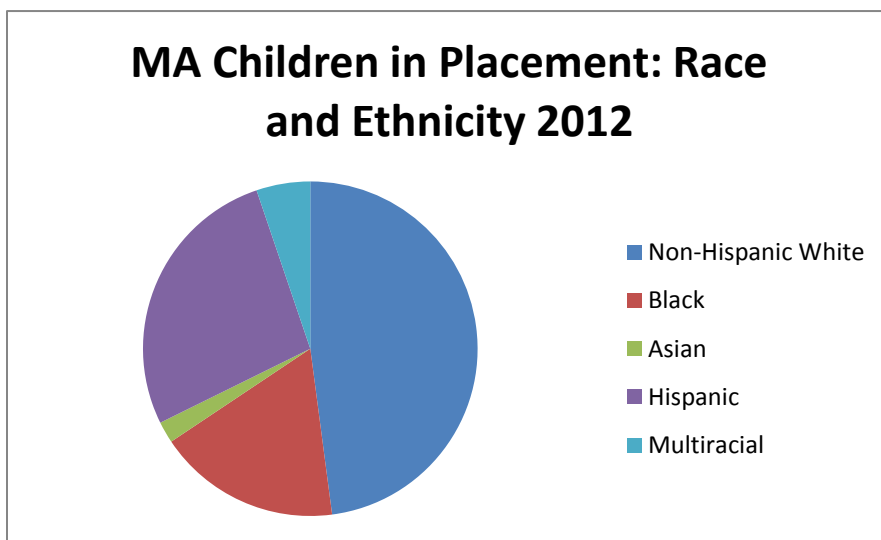


Figure 2. Source: Commonwealth of Massachusetts, *Department of Children and Families Quarterly Report*.

Table 2. Massachusetts Children in Placement (FY 2012) and Massachusetts Population (2010)

Race/ethnicity	Children (<18) in placement system	Children (<18) in Massachusetts population
Non-Hispanic white	4,167 (46%)	955,342 (67%)
Black	1,549 (17%)	103,170 (7%)
Hispanic/Latino/a	2,372 (26%)	210,879 (15%)
Asian	185 (2%)	78,406 (6%)
Multiracial	420 (5%)	Not available

Sources: *Massachusetts Department of Children and Families Annual Profile* (Boston: Author, 2012), <http://www.mass.gov/eohhs/docs/dcf/reports/annual/annual-data-profile-cy2011.pdf>; “Population by Age, Race, and Hispanic Origin (Decennial Census),” Population Reference Bureau, accessed March 14, 2013, <http://www.prb.org/DataFinder/Topic/Rankings.aspx?ind=226>.

Imbalances in race and ethnicity matter to the extent that there is concern about race-matching in placement. Data about the racial imbalances also point to the underlying socio-economic factors leading to the imbalances, which has led to controversy about deeper issues that affect the adoption system. In Massachusetts (as in many other states), children who are in the public agency system and waiting for adoption will not in many cases be placed in a home with parents of the same race and ethnicity.

Requirements for Approval as a Foster or Adoptive Parent

Individuals or couples who apply to be approved as foster or adoptive parents go through a rigorous process of training and assessment to determine their eligibility. All protective services for children, including foster care and adoption, are covered under Title 102 of the Code of Massachusetts Regulations. Personnel with the Department of Children and Families are responsible for deciding the eligibility of potential parents as outlined in their procedures. Agency personnel gather detailed information about the physical space in the home, safety and financial factors, familial relationships and history, as well as the applicant’s emotional, physical, and psychological preparedness. The on-line “Kit” for those interested in foster care and adoption lists “Standards for Eligibility to Apply,” “Standards for Foster/Pre-Adoptive Family Homes,” “Standards for Approval/Licensing,” and thirty-one responsibilities of foster and pre-adoptive parents that are part of the agreement to be made with the Department of Children and Families.⁹ The following standards are examples of those included in the department’s procedures:

- The individual is at least age 18 and is a U.S. citizen or has been granted legal permanent resident status.
- The individual’s home meets the physical specifications that are set forth in the standards and is free of any animal that would pose a danger to a foster child.
- No foster/adoptive child over age 1 year shall share a bedroom with an adult.

- All firearms shall be trigger-locked or fully inoperable and stored without ammunition in a locked area, with ammunition stored separately.
- The individual's schedule would not require that a foster child of preschool age spend an excess of 50 hours a week in child care or that a foster child in the first grade or beyond spend more than 25 hours in child care each week.
- The individual has a stable source of income sufficient to support his or her current household members and a stable housing history.
- The individual possesses the basic ability to read and write in English or in his or her primary language.
- The individual has a working telephone in his or her home for both incoming and outgoing calls.

Requirements for approval as foster and adoptive parents have been cited by the NABSW as one barrier to the placement of children of color, especially black children, in homes with parents of the same race. We return to this issue in the section on "Race-Matching."

The Legal Context for Transracial Adoption: MEPA-IEP

Federal law dating to the mid-1990s governs transracial adoption. Two separate legislative acts are relevant to understanding the legal standing of adoption across race and the continuing controversy about transracial adoption: the Multiethnic Placement Act (MEPA) of 1994 and the Interethnic Adoption Provisions (IEP) of 1996. These acts prohibit race-matching in adoption and also encourage efforts to recruit a diverse pool of potential foster and adoptive parents.¹⁰

The Multiethnic Placement Act (P. L. 103-382)

Historically, adoption agencies gave preference to same-race adoption. But, as noted earlier, changes began after the Korean War, when Americans began adopting Korean orphans. Korean adoption programs opened the way for what was later to become a wider range of international adoption options. The civil rights movement was also significant in fostering greater openness to placing black children with white foster and adoptive parents. Despite these changes, however, the number of children in foster care continued to increase and the pressure to encourage more placement options for children in need of homes became acute. As the pressure grew, so too did concerns about the impact of race on placement.

In 1994, in an effort to address the increasing number of children in foster care, the U.S. Congress enacted the Multiethnic Placement Act (MEPA), applicable to state agencies and other entities that receive funds from the federal government to support child placement services.¹¹ MEPA has three purposes:

1. To prohibit the delay or denial of a child's foster or adoptive placement solely on the basis of race, color, or national origin
 2. To prohibit discrimination in approving individuals as foster and adoptive parents on the basis of race, color, or national origin
 3. To require that state agencies make diligent efforts to recruit foster and adoptive parents who represent the racial and ethnic backgrounds of children in foster care in the particular state
- Failure to comply with this law was stipulated as a violation of Title VI of the Civil Rights Act.

Interethnic Adoption Provisions (P.L. 104-188)

In 1996, MEPA was amended by the Removal of Barriers to Interethnic Adoption Provisions (IEP), which aimed to clarify and strengthen the MEPA legislation. This amendment deleted the word “solely” from MEPA’s prohibition against delaying or denying an adoptive placement on the basis of race and strengthened enforcement. The refinement focused on removing potential ambiguities in defining requirements of MEPA (for example, making judgments based on limited information about the child, not fully focusing on “meeting the needs of the child”).

Also relevant to these legislative acts is the Adoption and Safe Families Act (ASFA) of 1997 (P.L. 105-89), which essentially demands that placement of children be accelerated.

Race-Blind or Race-Matching: Viewpoints on Who Should Adopt Children of Color

The MEPA/IEP legislation is clear that race matching in adoption is not legal. Yet, the legislation also encourages initiatives within the states to identify a diverse pool of potential foster and adoptive parents that is at least in the proportions represented in the state’s population.

It is helpful to conceptualize the differing viewpoints on the issue of racial matching in the placement of children as anchored by two attitudinal poles at odds on both policy and practice, as shown in Figure 3. In reality, the poles are the extremes of a continuum on which balancing the law and taking affirmative steps to ensure nondiscrimination in recruiting prospective foster and adoptive parents are given distinctly different levels of priority and also lead to different policy recommendations. Each end of the continuum is explained here with the intent of showing how reasoning systems come into conflict. At their deepest level, the conflicts involved rest on differing ethical priorities.¹²



Figure 3. Perspectives on race and adoption

The Race-Blind Position

The end of the continuum associated with the Race Blind position is settled law in the strict meaning of the term: all things being equal, placements of children cannot take into account the goal of placing a child of a specific race with foster or adoptive parents of the same race. At its extreme, this position celebrates the idea that “all you need is love” and a stable home environment for the child’s best interest in meeting his or her potential. At its extreme, this

position also implies that white foster and adoptive parents of black children (and all children of color) need little training in race-awareness. As illogical as this implication might seem to many, the idea flows from long-standing integrationist philosophies that stress equality and minimization of racial thinking and race-related social behavior and everyday practices. White parents of a child of color may believe they are benefiting the child by bringing him or her as completely as possible into a family and community system that does not resemble that of the child's birth and early upbringing, and that does resemble the "mainstream" of society.

In the current cultural climate in the U. S., the race-blind position is somewhat compatible with the idea that we are in a *post-racial society*. As a proposition, this description of society rose to prominence after the election of Barack Obama as president and has been supported with information about declining overt discrimination, growth in the number of interracial marriages, and so forth. The race-blind position is controversial, but it is recognizable to most Americans in the form of a clearly established sound-byte—most people know what it means, whether or not they agree with the proposition. In this cultural climate, transracial adoption flows easily as an option to consider when placing children of color with foster or adoptive parents.

The Race-Matching Position

The other end of the continuum gives priority to Race-Matching in the placement of children. One position on transracial adoption holds that children should be placed in homes of like racial and cultural backgrounds. The basic argument is that such placement enhances the development of positive racial identity and coping skills to deal with racism in society.

The National Association of Black Social Workers (NABSW) has been central in promoting this position, beginning in 1972 with the publication of "National Association of Black Social Workers Position Statement on Trans-Racial Adoption."¹³ The opening paragraph made clear the organization's objection to the placement of black children with white adoptive parents: "The National Association of Black Social Workers has taken a vehement stand against the placement of black children in white homes for any reason. We affirm the inviolable position of black children in black families where they belong physically, psychologically and culturally in order that they receive the total sense of themselves and develop a sound projection of their future." The statement argued that transracial adoption served the interests of white parents who wanted children rather than being motivated by altruism for the children involved. The statement also asserted that black children adopted by whites were often identified as "black-white, inter-racial, bi-racial, emphasizing the whiteness as the adoptable quality; a further subtle, but vicious design to further diminish black and accentuate white"—thus perpetuating the "chattel status" of black people. The expression of concern for black children's well-being was lodged in the belief that white parents are ill-equipped to teach children of African ancestry how to navigate discrimination, create coping strategies for racism, and promote a healthy racial identity. Further, the organization expressed the strong belief that more placements of black children with black families could be made if efforts were made by placement services.

To many, this first statement by the NABSW may seem extreme, but at the time, it was an understandable response to a practice that skirted racial issues. By pressing the issue in almost revolutionary terms, the statement was not only in line with other political protests in an era of integrationism but also one that was heard by the social work profession and progressive whites in years to come.

The NABSW has issued subsequent statements, with the most recent statement of 2003 focused more heavily on black family stabilization, as reflected in the title of two documents: “Preserving Families of African Ancestry” and “Kinship Care.” The priorities in the statement on “Preserving Families” include (1) repealing IEPA (here the reference is to MEPA as amended by IEP) and ASFA because “the *law* does not take into consideration the cultural differences of people of African ancestry and the experiences that they face daily due to the racial divide in America”; (2) mandating “culturally competent services from staffing requirements to revise procedural and policy manuals”; (3) mandating county and local boards “to monitor child welfare agencies and outcomes”; (4) enhancing recruitment efforts for prospective black families for children needing placement; (5) and placing greater emphasis on reuniting black children with kin. The last of these points is the subject of “Kinship Care,” which is the NABSW’s position paper on the role of kin as foster family or in lieu of foster family.¹⁴

At present, it is fair to say that the NASWB still opposes—or at least strongly cautions against—whites adopting black children. “Preserving Families,” which is the most recent position statement, stresses “the importance of finding culturally grounded options for children of African ancestry before giving consideration to placing our children outside the community.” Their position does not extend to children who are from other ancestries of color, but some of the reasoning for the organization’s position would be relevant for any transracial child placement.

The Current Environment for Transracial Adoption

The transracial adoption environment today differs from that of the 1970s and successive years. There has been growth in awareness of the cultural factors associated with adopting children of color into homes with white parents and family members, accompanied by increasing numbers of whites who have shown interest in adopting children of color, both domestically and internationally. This increase is thought to be an outgrowth of the civil rights era, a response to the need for children of color to be placed in stable home environments, along with a greater value for diversity in U.S. society.¹⁵ In addition to factors such as the availability of children, Jacobson, Nielsen, and Hardeman note that, “increased acceptance of transracial adoption and interracial marriage and the decline of blatant prejudice are also likely factors associated with the increase in transracial adoption”; yet it is true that transracial adoption rates and acceptance vary from region to region, with the southern region appearing to be “the slowest . . . to accept transracial adoption.”¹⁶

Research is spotty but growing on the impact of transracial adoption on adoptees and the life stories of adoptees in this category. The 2008 Donaldson Institute report summarizes a broad range of studies that bear on how being adopted transracially might affect adoptees and their behaviors, but many of these studies are dated and inconclusive in charting how exactly to interpret the results. Included are some interview studies with adults who were adopted transracially.

Several recent interview studies have been published, and these are helpful in clarifying the types of issues involved when whites adopt and raise black children (and in some cases, children from other racial and ethnic groups). The studies all rely on creative methods for recruiting volunteer participants, such as word of mouth, “snowballing” (where one participant identifies another potential participant), etc. These methods produce participant groups that are diverse in age, regional background, and circumstances surrounding adoption. Despite these less than ideal research methods, the studies point to difficulties and challenges that may arise in the adopted

individual's development of positive racial identity and cultural affiliation. Gina Miranda Samuels, for example, interviewed twenty-five black-white interracial adoptees aged 19 to 32 whose adoptive parents were white. The themes that ran through the interviews with these individuals—all of whom she characterizes as “success stories”—revolved around (1) the centrality of racial appearance and being “different” from their majority white communities, (2) dealing with “discordant parent-child experiences with race and racism,” and (3) managing social viewpoints (both positive and negative) regarding transracial adoption and multiracial families. In a second analysis of the same interviews, Samuels discusses four identity formation issues: (1) juggling race with claiming a white cultural identity; (2) “learning to ‘be Black’”; (3) biological links to black kinship; and (4) broadly defined bicultural kinship.¹⁷ Although transracially adoption children are able to gain a healthy racial and cultural affiliation, they may take more time to do so than children in same-race families.¹⁸ Reclaiming one's birth culture at some point after childhood—what is termed “reculturation”¹⁹—may also be an integral part of forming a healthy cultural identity.

Balancing the two ends of the continuum of attitudes toward transracial adoption with the realities of law, social practices, values, and attitudes will always come back to meeting the needs of the child and the importance of stable, loving homes where children have a fair chance to succeed in school, in interpersonal relationships, and in developing a life path into adulthood. Black children as well as other children of color will continue to be adopted by white parents, and their white parents will need to consciously learn to be conscious of their white privilege and how race shows up not only in overt acts of discrimination but in subtle ways day after day.²⁰ Even the white person who is highly educated about race and committed to combating racism and racial thinking will miss subtle ways in which race creeps into everyday life. But white people can learn vigilance about race if the priority is there.

Changing U.S. Society and Transracial Adoption

The debate over transracial adoption has evolved along with changes in the demographics and social practices of U.S. society. It is no longer news that the United States is becoming less non-Hispanic white and more racially and ethnically diverse every year. Massachusetts is definitely more diverse than it was when the debate heated up in the 1970s, although it is still less diverse than the United States overall. Figure 4 displays the relative proportions of different racial groups and the Hispanic population for both the country (2010) and the state (2011) as measured by the Census Bureau: Massachusetts has a higher proportion of non-Hispanic whites and lesser proportions of Hispanics, blacks, mixed -race, and American Indians, but the same proportion of those with Asian backgrounds as the United States overall (see Figure 4).²¹ Of particular interest related to race is the category in the census of “2 or more races”—a category that is certain to grow in the coming years, both in Massachusetts and in the United States.

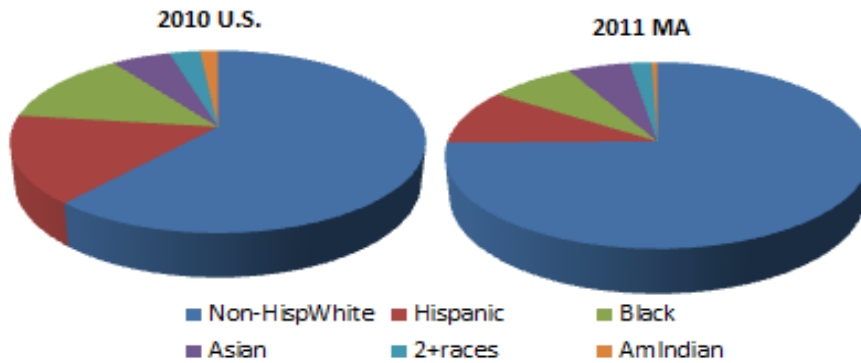


Figure 4. Relative proportions of racial groups in the United States, according to Census Bureau figures for 2010, and in Massachusetts, according to Census Bureau figures for 2011.

As already mentioned, social attitudes and practices are also changing in ways that affect the meaning of race and ethnicity. Marriages between those of different races and ethnicities are on the rise. Statistics compiled by Jennifer Lee show that interracial marriages in the United States rose from 1% of all marriages in 1960 to 7.6% of all marriages in 2008. If we consider only new marriages that took place in 2008, the figure rises to 14.6%, translating to 1 out of every 7 American marriages.” Lee notes, however, that blacks intermarry at lower rates than other nonwhite groups, but the rates in this group have been increasing.²²

These demographic and social factors together point to the strong likelihood that transracial adoption will continue to evolve both as a practice and in the way in which it is viewed. The multiracial families created through adoption will function in the context of a greater number of multiracial families overall. There is no indication that race will recede as a major social construct, but the definition of race will surely not be the same as in the past.

Implications and Conclusions

Massachusetts, like all other states, needs to support both transracial adoption families and African American and other families of color seeking to adopt or care for kin. From a policy perspective, the following priorities offer a reasonable approach to transracial adoption that is sensitive both to conflicting viewpoints and to the needs of children for stable families and home environments:

- Support white parents who adopt transracially by providing sophisticated cultural competence programs as part of pre- and post-adoption support services.
- Enforce the MEPA/IEPA requirement for diligence in recruiting families who represent the racial and ethnic backgrounds of children in foster care and moving toward adoption, and provide sufficient resources, including funding, to support such recruitment.
- Create mechanisms for assessing the experiences of transracial and same-race adoptees.

For white parents who adopt children of color, it is important to recognize and support the child's heritage by making their homes and family life reflective of their new multiracial family identity, by incorporating traditions from the child's birth culture into family traditions, and by "infusing" race into their child-rearing practices.²³ It is also critically important for white parents to examine what they may lack in racial awareness, to be vigilant in their awareness of racial issues and incidents affecting their children, and to reach out to black adults and other transracial adoption families.²⁴

American demographics are shifting, as are assumptions about what a family should look like. More resources are available today than in the past for white parents of children of color. Support groups, online communities, and educational materials assist parents in creating multicultural households that embrace the birth cultures of both parents and children. The state of Connecticut, for instance, has policies that address "cultural competence." One such program trains, financially supports, and monitors care of ethnic skin and hair.²⁵ Assistance for white parents in monitoring the schooling experiences of their children of color is also critical.

At the time when the MEPA was being debated in the U.S. Senate, Randall Kennedy, a professor of law at Harvard University, offered a multi-point critique of the proposed legislation; his concern was not that the legislation would limit race matching in foster care and adoption but that it would allow race to be a consideration as long as undue delays do not impede placement. Kennedy forcefully argued against what he termed "racialism":

Racial matching reinforces racialism. It strengthens the baleful notion that race is destiny. It buttresses the notion that people of different racial backgrounds really are different in some moral, unbridgeable, permanent sense. It affirms the notion that race should be a cage to which people are assigned at birth and from which people should not be allowed to wander. It belies the belief that love and understanding are boundaries and instead instructs us that our affections are and should be bounded by the color line regardless of our efforts.²⁶

Kennedy's statement is worth revisiting today. Race continues to significantly structure peoples' perceptions, which must be recognized. But race can overly determine judgments and policy decisions in ways that are not healthy for individuals or society as a whole. A person's racial identity is neither fixed over time nor the same for all people who might classify themselves in a particular way. Ung, O'Connor, and Pillidge have applied a multidimensional model of racial identity to understanding transracial adoptees. They identify four important adoption-specific pathways for racial identity: individual, family, community, and societal.²⁷

The U.S. population is increasingly multiracial and multiethnic, and this trend will continue in the coming years. More and more people are claiming mixed-race heritage, with the result moving in the direction of less stark boundaries among races. We must therefore carefully examine the adoption placement system to discern ways in which unjust barriers have been created for prospective adoptive parents and to remove these wherever possible. It is equally

important to give more comprehensive attention to the information that white parents who adopt transracially must know and face in order to parent their children of color in ways that help their identity development. They must also be conscious of how race impacts daily life.

The overarching priority in transracial adoption must be the children. The Donaldson Institute report aptly makes the point: “Children in foster care come to adoption with many risk factors that pose challenges for healthy development. For these children, research points to the importance of adoptive placements with families who can address their individual issues and maximize their opportunity to develop to their fullest potential.”²⁸

Notes

¹ Evan B. Donaldson Adoption Institute, *Finding Families for African American Children: The Role of Race and Law in Adoption from Foster Care* (New York: Author, 2008), 43,

<http://www.adoptioninstitute.org/publications/MEPApaper20080527.pdf>.

² Cited in Ruth McRoy and Amy Griffin, “Transracial Adoption Policies and Practices: The U.S. Experience,” *Adoption and Fostering* 36, no. 3 and 4 (2012): 38–49.

³ Child Welfare Information Gateway, *How Many Children Were Adopted in 2007 and 2008?* (Washington, DC: U.S. Department of Health and Human Services, Children’s Bureau, 2011),

<https://www.childwelfare.gov/pubs/adopted0708.pdf>.

⁴ U.S. Department of Health and Human Services, Administration for Children and Families, *Adoptions of Children with Public Child Welfare Agency Involvement by State: FY 2003-FY 2011* (Washington, DC: Author, 2012),

<http://www.acf.hhs.gov/sites/default/files/cb/adoptchild11.pdf>.

⁵ Massachusetts Department of Children and Families Annual Profile (Boston: Author, 2012),

<http://www.mass.gov/eohhs/docs/dcf/reports/annual/annual-data-profile-cy2011.pdf>.

⁶ Child Welfare Information Gateway, *How Many Children Were Adopted in 2007 and 2008?*

⁷ National Indian Child Welfare Association, *Indian Child Welfare Act of*

1978 (Portland, OR: Author, 2013), http://www.nicwa.org/Indian_Child_Welfare_Act/.

⁸ Commonwealth of Massachusetts, *Department of Children and Families Quarterly Report*.

⁹ Massachusetts Department of Social Services, *One Child at a Time: Facts about Foster Care* (Boston: Author, n.d.), <http://www.mass.gov/eohhs/docs/dcf/c-fc-adoption-kit.pdf>.

¹⁰ For more information on the provisions of these federal laws, including implementation strategies and problems, see Michelle-Marie Mendez and Frank E. Vandervort, *The Multiethnic Placement Act* (n.p., n.d),

http://www.ssw.umich.edu/public/currentprojects/tpcws/articles/legal_MEPA.pdf; and U.S. Department of Health

and Human Services, Administration for Children and Families, and Office for Civil Rights, *Understanding and Complying with Title VI of the Civil Rights Act of 1964 and the Multiethnic Placement Act of 1994, as amended by the Interethnic Adoption Provisions (IEP)* (Washington, DC: Author, 2009),

http://www.acf.hhs.gov/sites/default/files/cb/mepa_powerpoint.pdf.

¹¹ U.S. Department of Health and Human Services, “Ensuring the Best Interests of Children through Compliance with the Multiethnic Placement Act of 1994, as amended, and Title VI of the Civil Rights Act of 1964,” accessed September 26, 2013, <http://www.hhs.gov/ocr/civilrights/resources/specialtopics/adoption/mepatraingppt.pdf>.

¹² J. F. Smith, “Analyzing Ethical Conflict in the Transracial Adoption Debate: Three Conflicts Involving Community,” *Hypatia* 11, no. 2 (1996): 1–33.

¹³ “National Association of Black Social Workers Position Statement on Trans-Racial Adoption, September 1972,” the Adoption History Project, <http://pages.uoregon.edu/adoption/archive/NabswTRA.htm>.

¹⁴ The two position papers are available from the NABSW website: “Preserving Families of African Ancestry,” at <http://www.nabsw.org/mserver/PreservingFamilies.aspx>; “Kinship Care,” at

<http://www.nabsw.org/mserver/KinshipCare.aspx>.

¹⁵ See Sandra Patton, *Birth Marks: Transracial Adoption in Contemporary America* (New York: New York University Press, 2000).

¹⁶ Cardell Jacobson, Leila Nielsen, and Andrea Hardeman, “Family Trends and Transracial Adoption in the United States,” *Adoption Quarterly* 15 (2012): 84.

¹⁷ Gina Miranda Samuels, “‘Being Raised by White People’: Navigating Racial Difference among Adopted Multiracial Adults,” *Journal of Marriage and Family* 71 (February 2009): 80–94; Samuels, “Building Kinship and Community: Relational Processes of Bicultural Identity among Adult Multiracial Adoptees,” *Family Process* 49 (2010): 26–42.

¹⁸ Colleen Butler-Sweet, “A Healthy Black Identity: Transracial Adoption, Middle-Class Families, and Racial Socialization,” *Journal of Comparative Family Studies* 42, no. 2 (2011): 193–212.

¹⁹ A. L. Baden, L. M. Treweeke, and M. K. Ahluwalia, “Reclaiming Culture: Reculturation of Transracial and International Adoptees,” *Journal of Counseling and Development* 90, no. 4 (2012): 87–399.

²⁰ For a discussion of overt and subtle discrimination, see Marlene G. Fine and Fern L. Johnson, *The Interracial Adoption Option: Creating a Family across Race* (Philadelphia: Jessica Kingsley, 2013).

²¹ “Quick Facts,” U.S. Bureau of the Census, last modified June 27, 2013, <http://quickfacts.census.gov/qfd/states/25000.html>.

²² Jennifer Lee, “A Post-Racial Society or a Diversity Paradox?,” Russell Sage Foundation, accessed May 28, 2013, <http://www.russellsage.org/research/post-racial-society-or-diversity-paradox>.

²³ Jana Wolff, “Raising a Child of Another Race: Deliberate Parenting Can Make a Difference,” *Adoptive Families* 33, no. 2 (March/April 2000), <http://www.adoptivefamilies.com/articles.php?aid=155>.

²⁴ Fine and Johnson, *Interracial Adoption Option*.

²⁵ “Administrative Issues: Ethnic Skin and Hair Care,” Connecticut Department of Children and Families, last modified March 23, 2010, <http://www.ct.gov/dcf/cwp/view.asp?a=2639&Q=410952>.

²⁶ Randall Kennedy, “Orphans of Separatism: The Painful Politics of Transracial Adoption,” *American Prospect*, no. 17 (Spring 1994): 40–42.

²⁷ Tien Ung, Susan Harris O’Connor, and Raymond Pillidge, “The Development of Racial Identity in Transracially Adopted People: An Ecological Approach,” *Adoption and Fostering* 36, no. 3 and 4 (2012): 73–84.

²⁸ Donaldson Adoption Institute, *Finding Families for African American Children*, 6.