

Federal Adoption Laws

Indian Child Welfare Act – PL 95-608 of 1978	
<p>Provisions</p> <ul style="list-style-type: none"> • Placement of Native American children is governed by their tribe, whose authority was legislated by the U.S. Government. • Tribes have the authority to care for Native American children, as well as intercede in court cases regarding adoption. • Tribes can place Native American children with tribal members or with members of other tribes. 	<p>Implications for Infant Adoption</p> <ul style="list-style-type: none"> • If either parent has Native American heritage, a contact must be made to the appropriate tribe to determine if the child qualifies for tribal membership. • If the child qualifies and the tribe chooses to intervene, the tribe will contact relatives for placement. • If extended family members cannot adopt, the tribe has the authority to place the child for adoption.
The Howard M. Metzenbaum/Multiethnic Placement Act (MEPA) of 1994 - PL 103-382, Sections 551-555	
<p>Provisions</p> <ul style="list-style-type: none"> • An agency receiving Federal funds could not deny or delay placement <i>solely</i> on the basis of the race, ethnicity, or national origin of the child or adoptive parent. • An agency could consider “cultural, ethnic, or racial background of the child and the capacity of the prospective foster or adoptive parents to meet the needs of a child of this background as one of a number of factors used to determine the best interests of a child.” • Note: This provision was repealed by IEP. 	<p>Implications for Infant Adoption</p> <ul style="list-style-type: none"> • Adoption agencies receiving Federal funds cannot delay an adoptive placement based <i>solely</i> on race, color or national origin. • Such adoption agencies cannot deny an applicant for adoption or fostering on the basis of race, color or national origin. • In these agency adoptions, birth parent(s) cannot require agencies to specify race, color or national origin of adoptive parents. • In direct consent adoptions, the birth parent(s) may select the adoptive parent(s) of his/her choice.
Removal of Barriers to Interethnic Adoption (IEP) of 1996 – PL 104-188, Section 1808	
<p>Provisions</p> <ul style="list-style-type: none"> • Clarified the intent of MEPA by repealing both the “solely” and permissible language. • Statute now reads “...Neither the state nor any other entity in the state that receives funds from the Federal Government and is involved in adoption or foster care placements may 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.” • Provides financial penalties for any state or private agency receiving Federal funds that violates the provisions of MEPA or IEP. 	<p>Implications for Infant Adoption</p> <ul style="list-style-type: none"> • Does not affect direct consent adoptions facilitated by a private agency provided the agency does not steer the birth parent(s) family selection. • A birth parent completing a direct consent adoption can choose the race, color, or national origin of the adoptive parent(s).
Interstate Compact on the Adoption of Children	
<p>Provisions</p> <ul style="list-style-type: none"> • Ensures that all Title IV-E eligible children continue to receive services when they are adopted across state lines. • Defines universal procedures and responsibilities for sending and receiving states. • Requires notification from sending to receiving states. 	<p>Implications for Infant Adoption</p> <ul style="list-style-type: none"> • Allows for the adoption of infants outside of their originating state boundaries.