Welcome to Cultural Issues in Permanency Planning

Your Discussion Questions

1. Why is it important for assessors to understand the relationship of culture and child development?

2. What do assessors need to know about culture and the family assessment?

3. Why must assessors be able to identify cultural barriers created by agency policy?

4. Why is it important to understand all aspects of transracial/transcultural placements?

5. Why must assessors be culturally competent?
Cultural Competence Is Important to Families.

If culture is important to children and families, workers need to be culturally competent.

A culturally competent worker can...

- Make good family assessments
- Make good child assessments
- Make good matches
- Establish positive working relationships that continue through both the pre and post finalization process
So what does cultural competence look like?

Culturally Competent Workers Must Be Able to:

- determine difference between normal, abnormal, and culturally based developmental patterns;
- establish a trusting, professional relationship with clients;
- communicate with children and families of other cultures;
- assess a child’s understanding of his/her own culture based on age and developmental level;

Culturally Competent Workers Must Be Able to:

- help families make accurate self-assessments regarding their ability to care for children of another culture or race;
- educate all families regarding cultural issues in placement;
- ensure that training regarding cultural issues in placement is available for all families who adopt or foster;
- adequately prepare the child and family for placement;
Culturally Competent Workers Must Be Able to:

- provide culturally appropriate support services to assist the family;
- identify community resources that families can access to assist them in parenting children with cultural needs;
- recruit and train families from various cultural groups.

Styles of Verbal Communication

- Dialogue
- Discussion
- Debate
- Argument
Ground Rules

- Participants are free to discuss racial/cultural issues without concern that they will be personally attacked or labeled.
- Participants will respect the ideas of one another and will keep an open mind.
- Participants will have an opportunity to hear others and be heard by them.
- Others?

Taking It to Your Job

What is culture?

Culture is...

a system of values, beliefs, attitudes, traditions, and standards of behavior that governs the organization of people into social groups and regulates both group and individual behavior.
Workers may have very different cultural backgrounds. This may:

- present barriers to communication
- interfere in a trusting, working relationship
- hamper the worker’s ability to do a fair and appropriate assessment
- obstruct the worker’s effort to provide culturally appropriate services

Taking It to Your Job

Exploring My Own Culture
Who Are These Kids?
Identifying and Validating the Child’s Culture

Culture
Development
What cultural factors might impact development?
Cultural Issues in Permanency Planning

Culture and Child Development

Taking It to Your Job

What are the cultural implications for development?
Development of Racial/Ethnic Identity

STAGES OF RACIAL/ETHNIC IDENTITY FORMATION
IN NON-MINORITY PERSONS

Stage One: No social consciousness
Stage Two: Acceptance
Stage Three: Resistance
Stage Four: Redefinition
Stage Five: Internalization

STAGES OF RACIAL/ETHNIC IDENTITY FORMATION
IN PEOPLE OF COLOR

Stage One: Pre-encounter
Stage Two: Encounter
Stage Three: Awakening/Immersion
Stage Four: Internalization
Struggle for Identity

1. What were the feelings of the young adults growing up in multi-racial families?
2. Do you feel that these young adults have been able to develop a positive racial identity?
3. How did the adoptive parents assist with the racial identity formation?

4. Did the parents unwittingly create any barriers for their children?
5. What should the agency’s role be in supporting families who parent transracially?
6. What were some of the suggestions the young adults made for families and systems?

Critical Incidents

Re-evaluating  Personal Development
Taking It to Your Job

Racial, Ethnic, Identity Formation

Context of Communication

Context--Refers to the degree to which a culture depends upon the “context” (or medium) in which the message is sent.

High context: the culture depends less on verbal communication and more on non-verbal or implicit messages such as gestures, facial expressions, environmental cues, and moods.

Low context: the culture depends more on verbal interactions and the use of precise, logical, direct verbal statements.
Cultural Issues in Permanency Planning

**Culture and Communication**

Meaning of Eye Contact

Social Distance and Touching

**Culture and Communication**

Informality and Formality

Calling someone by his first name

Context and meaning of words

**Who are these families?**

Cultural Issues in Assessment
Assessment Categories

- Motivation/Expectations of Adoption
- Personal and Emotional Maturity
- Stability and Quality of Interpersonal Relationships
- Resilience, Coping Skills, and History of Stress Management

Assessment Categories

- Openness of Family System
- Parenting Skills and Abilities
- Empathy and Perspective-Taking Ability
- Entitlement
- Ability for Hands-On Parenting
- Lifelong Commitment

Assessment – A Look in Depth

Discuss your selected category and identify two or three possible cultural differences which may be observed and potentially misunderstood.
Who Are These Agencies?

Agency Policies and Procedures that Create Permanency Barriers

Cultural Issues in Permanency Planning

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Barriers

- Lack of understanding of cultural norms and values
- Lack of appreciation and value for diversity

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Kidwell Adoption Agency
Policy Manual Review

Cultural Issues in Permanency Planning
In your group discussion, review and highlight culturally insensitive statements or procedures. Decide upon a more culturally competent alternative, and record your answer. Select a speaker to share your findings.

Developing Culturally Competent Policies and Procedures

- Culturally Competent Administration and Staff
- Culturally Sensitive Personnel Practices
- Enlightened Policy Author
- Diverse Review Committee
- Regular Review of All Policies and Procedures

Transracial/Transcultural Placement Issues and Concerns
Parenting Transculturally --
Caring for a child who has experienced a different culture from the parent

Parenting Transracially --
Caring for a child who is of a different race than the parent

Historical Perspective

Transracial Placements

Placement of Native American Children

International Adoptions

International Adoption in the United States

1990: 7,093
2004: 22,911

In 2004, primary sending countries were:
- Russia—5,878
- China—7,033
- South Korea—1,708
- Guatemala—3,252
- Kazakhstan—824

(U.S. Bureau of Citizenship and Immigration Services and U.S. Department of State)
**The Indian Child Welfare Act of 1978**

- Applies to all custody proceedings involving Native American children, under age 18 and unmarried
- Does not apply to adjudicated delinquents
- Child must be a tribal member or eligible for membership
- Tribe determines eligibility or membership
- Tribe has jurisdiction in the removal/placement of NA children
- The tribe must be notified in all cases involving NA child(ren)
- Placement preferences are established by ICWA
- The State of Ohio must comply with ICWA
- Consult The Family, Children and Adult Services Procedural Letter No. 85 for complete information on protocols

**ICWA TIPS:**

1. Ask the child’s family directly
2. Document family members’ responses in writing
3. Gather as much information as possible
4. Contact the NAICC for technical assistance
5. Contact ODJFS for help
6. Document all tribal contacts
7. Educate yourself!

**MEPA: The Multi-Ethnic Placement Act of 1994**

1. An agency or individual cannot delay or deny a child’s placement for foster care or adoption or otherwise discriminate in making a placement decision solely on the basis of race, color, or national origin.

   **MEPA eliminated this kind of policy:** A child can only be placed with a family of the same race, color, or national origin.
2. An agency or individual cannot categorically deny a person to foster or adopt solely on the basis of race, color, or national origin.

MEPA was designed to eliminate this kind of policy: Applicants or approved families may only receive placements of children who are of the same racial/ethnic background as the child. There will be no transracial placements made at this agency.

3. An agency must diligently recruit potential foster/adoptive families that reflect the racial/ethnic diversity of children in care.

Example of MEPA appropriate policy: The agency shall conduct an annual assessment determining the RCNO of children in foster care/adoption and develop a plan to recruit families whose RCNO mirror that of the children needing temporary or permanent homes.

The Multi Ethnic Placement Act of 1994 (MEPA) was amended by the Interethic Adoption Provisions (IEP) Section 1808 of the Small Business Job Protection Act of 1996.

The current law is known as “MEPA, as amended.”

Purposes of MEPA, as amended:
1. Clarify the language of the original law
2. Decrease the length of time children wait to be adopted.
3. Eliminate discrimination on the basis of RCNO of the children or prospective families
4. Facilitate the recruitment and retention of foster and adoptive parents who can meet the distinctive needs of children awaiting placement.
Interethnic Adoption Provisions (IEP) Section 1808 of the Small Business Job Protection Act of 1996

1. States or entities cannot delay or deny a child’s foster care or adoption placement on the basis of the child’s or the prospective family’s race, color, or national origin.

2. States or entities cannot deny any person the opportunity to become a foster or adoptive parent on the basis of race, color, or national origin of the person, or of the child involved.

3. States must diligently recruit potential foster/adoptive families who reflect the racial and ethnic diversity of children in the state who need foster and adoptive homes.

HIGHLIGHTS OF THE REVISIONS

- The terms "solely" and "categorically" were removed.
- Clarified that NO DELAYS or DENIALS are permitted including additional requirements, training, paperwork, etc.
- Law is unchanged regarding recruitment of families that reflect the RCNO of the children in foster care or adoption programs.
- Violations of MEPA, as amended, carry financial sanctions.

FOUR KEY POINTS: MEPA, as amended

A child’s race, color, or national origin cannot be routinely considered as a relevant factor in assessing a child’s best interests.

Social workers cannot assume that needs based on RCNO can be met only by a same RCNO parent.

In making placement decisions, broad or general assumptions about children’s needs or parental suitability are supposed to be put aside in order to place a child with individuals who can love and respond to the child’s distinctive characteristics.

In each child’s placement decision, the consideration shall be the child’s individual needs and the ability of the prospective caregiver to meet those needs.
To Avoid Practices that DELAY:

△ No "holding periods"
△ No "search periods"
△ There must be no EXTRA STEPS for transracial placements
△ There cannot be any delays of any kind
△ Relatives must be aggressively sought

To Avoid Practices that DENY:

Utilize comprehensive assessment and permanency planning practices.

FOLLOW THE LAW AND RULES!

GUIDELINES FOR RESPONDING TO FOSTER/ADOPTIVE PARENTS' QUESTIONS OR INQUIRIES...

• NO STEERING
• PROVIDE INFO THAT IS RESEARCH-BASED
• DO NOT SHARE YOUR OPINION!
• ENCOURAGE FOSTER/ADOPTIVE PARENTS TO DO THEIR OWN INFORMATION GATHERING
**DOCUMENTATION PROCEDURES:**

- Indicate whether comments were made before/after diversity training.
- Include in family's homestudy or as an addendum/update.
- Recreate entire conversation including the social worker's comments/responses.
- State what was said by each party.
- Identify who was present during the conversation: household members, agency staff, others.
- State observations.
- Date/time/place of comments.
- Witnesses' dated signatures.

**IMPORTANT NOTE:**

Even when justified, the consideration of RCNO shall not be the sole determining factor in the placement decision and does not equate that only a same-race placement shall be considered. All families who can meet the child's needs shall be considered.

However, if in extreme circumstances which are likely to be rare, a social worker feels that RCNO must be considered, the JFS 01688, "Individualized Child Assessment" process must be followed.

Even when the JFS 01688 is completed, the agency still cannot use RCNO as a reason to seek out homestudies for a same-race placement or use RCNO to differentiate between placements.

RCNO cannot be the sole factor considered in the placement decision-making.

**GEOGRAPHY 101:**

The Ohio Administrative Code (OAC) prohibits the use of "geography" as a proxy for RCNO.

The Adoption and Safe Families Act of 1997 (ASFA) prohibits the denial or delay of placement based on the adoptive parents' geographic location.

Neighborhood-based foster care is not prohibited by MEPA, as amended or ASFA.
Stating that the family would receive a quicker placement if they would only parent children of the same race.

**STEERING IS NON-PERMISSIBLE!**

Describing additional requirements that applicants who desire to parent a child of another RCNO must complete;

Using scare tactics about potential problems the parents would face if they parent a child of another RCNO;

Three questions:

1. **WHAT ARE THE CHILD’S SPECIAL OR DISTINCTIVE NEEDS, BASED ON RACE, COLOR, OR NATIONAL ORIGIN?**
2. **WHY IS IT IN THE CHILD’S BEST INTERESTS TO TAKE THESE NEEDS INTO ACCOUNT?**
3. **WHAT ARE THE CHILD’S OTHER IMPORTANT NEEDS?**

“Only the most compelling reasons may serve to justify the consideration of race, color, or national origin as part of a placement decision. Such reasons emerge only in the unique and individual circumstances of each child and each prospective foster caregiver/adoptive parent.

In those exceptional circumstances when RCNO need to be taken into account in a placement decision, such consideration must be narrowly tailored to advance the child’s best interests. Even when the facts of a particular case allow consideration related to RCNO, this consideration shall not be the sole determining factor in the placement decision.”

OAC 5101:2-42-18.1 & OAC 5101:2-48-13(D)
Every PCSA and PCPA shall designate a person as their MEPA MONITOR (MM).
Non-custodial agencies are not required to have a MM.
The MM reviews and monitors foster care and adoption placement decisions when RCNO is considered a relevant factor.
The MM cannot be the child’s SW or SW Supervisor or the agency’s civil rights coordinator.
When multiple agencies are involved, the child’s custodial agency’s MM will review the placement decision.
BONUS TRIVIA QUESTION

"WHY ARE NATIVE AMERICAN CHILDREN EXCLUDED FROM MEPA, AS AMENDED?"

"THE WHO-WHAT-WHERE-WHEN QUIZ"

Important Abbreviations:

PCSA = Public Children Services Agency—The 88 county agencies in Ohio

PCPA = Private Child Placing Agency—May take custody via voluntary surrenders, conducts homestudies, facilitates adoptions

PNA = Private Non-custodial Agency—Does not take custody, conducts homestudies, facilitates adoptions
Know the law!
- Follow established and approved procedures and protocols
- Follow the “MEPA Standards of Conduct”
- Early identification/speedy notification of kin
- Stay child-focused

Conduct an assessment of the child’s needs
- Document all decisions (Use the ODJFS 01689)
- Actively recruit diverse foster and adoptive families