

LITTLE ROCK

Free Press

News, Arts and Opinion — Biweekly

Black White



Arkansas

Love May Be Color Blind, But Adoption Laws Aren't

by George Oxford Miller

NEFF

SWLR Says
No To Forno

By S. Rich

Single Fathers:

Falling Between The Cracks In Custody?

By John Hofheim

A Black & White Decision?

Love may be color blind, but adoption laws aren't

By George Oxford Miller

In Arkansas today, 2,383 children are living in foster homes in court-mandated separation from their parents, primarily due to sexual and physical abuse. The majority will eventually return to their families when their home situation improves. But 186 will not. Though the actual number varies monthly, this group of 186 will wait in limbo while social workers search for families willing to adopt them.

The Department of Human Services currently has 20 black families and 77 white families waiting to adopt. But they can't make a match with the kids in foster care. Most of the available children are black. Most of the adoptive families are white. Most of these children are classified as "special needs" children. In Arkansas, the special needs designation applies to children of color over two years old, white children over nine years old, sibling groups and kids with emotional, intellectual or medical problems.

On an average, each of these young people will have to wait three years or longer before being adopted. Yet countless studies confirm, and every case worker agrees, that such inordinate delays in finding a permanent family can create a lifetime of emotional and behavioral problems.

The timely placement of children for adoption by the Division of Child and Family Services hasn't always been as bad as it is today. It's been worse. Fortunately, some of the administrative and procedural delays in finding willing families have changed, or soon will. Unfortunately, other problems remain as deeply entrenched in the system as ever.

Pulaski County Circuit/Chancery Judge Joyce Williams Warren described the procedure leading to the adoption of a child in foster care: "After the dependency neglect ruling, the child is placed in foster care and the state has 18 months to develop a case plan that recommends removal of parental rights and adoption, or return [the child] to the family. If adoption is recommended, an adoption packet is prepared. In the past, that has taken six to nine months. Then another 18 to 24 months may pass before a family is approved. By then, the child has been in foster care for three years or longer. I once had to tell a case worker that I'd like to get the child adopted before he's old enough to vote."

Indeed, the DCFS adoption portfolio lists a number of teenagers who will undoubtedly reach voting age before finding an adoptive family.

At least one procedural step in the shuffle from foster care to a loving family recently has been streamlined. The adoption packet, which describes the child's complete case history and the criteria for placement, now is being developed totally by placement specialists in the adoption unit instead of depending on communications back and forth with various county foster care units. Centralizing the responsibility will help close

one of the black holes in adoption that so frustrates Warren.

New computers also will help alleviate delays due to the perennial case overloads carried by placement workers. Billye Burke, Chief Administrator for the Central Offices of In-Home Services, the office which oversees adoption, anticipates a statewide computer network by the end of the year. "With complete information about each child on the main-frame computer," she said, "field workers will find it much easier to match families and children."

The current computer system is limited in the number of variables it can match between the child's and family's requirements. The new system, if approved, also will allow tracking and monitoring of each child's progress through the system before and after placement.

But the children in foster care in Arkansas and across the nation need more than high-tech solutions to get them into loving, permanent homes. Nationwide, 500,000 children are in foster care and 200,000 are available for adoption. Forty percent of those 200,000 are black, a disproportionately large number compared to the population. According to an Arkansas Department of Human Services document, "Too many children remain in foster care because of the disarray at every level of the child welfare delivery system."

Ironically, the problem isn't just bureaucracy, or even a lack of agency-approved families willing to adopt children with severe mental, emotional, and

physical handicaps. In many instances, the problem is race.

The consensus among adoption agency supervisors, social workers, and policy makers is that children should be placed with families of the same race. In Arkansas, the preference for same-race placement is dictated by law. After first considering the child's family, "the court shall give preference to ... a family with the same racial or ethnic heritage as the child; or if that is not feasible, to a family of different racial and ethnic heritage."

In 1991, a minority child eligible for adoption in Arkansas had to wait a full year in foster care before DCFS would even consider applications from white families. State Representative Pat Flanagan of Forrest City introduced a bill to limit the waiting period to six months. "The National Black Social Workers Association came out of nowhere and pressured black legislators to oppose the bill," Flanagan said. "Conservative whites also opposed it." Flanagan withdrew the bill and told the media that he would reintroduce it the day after racism died in Arkansas.

In a paradoxical twist of political and cultural correctness, many African-American activists have a new definition of a racist: a white person who wants to adopt a black child. So contends the National Association of Black Social Workers. Since 1972, the organization has adamantly opposed transracial adoption as "cultural genocide."

As recently as 1991, the group stated that "African American children should not be

placed with white parents under any circumstances," and further contended that even "the most sensitive, loving and skilled white parent could not avoid doing irreparable harm to an African-American child."

The Rev. Jesse Jackson, however, disagrees with the NABSW. Testifying before Congress in support of the Multiethnic Placement Act [see sidebar], he declared, "a sense of permanence and the right to be unconditionally loved are essential to the mental well-being of any human."

Various court rulings have also disagreed with the NABSW same-race family position. The Supreme Court

ruled in 1967 that states cannot prohibit interracial marriage and ruled in 1984 that a white child cannot be taken away from a white mother because she married a black man. The Court stated that a "core purpose of the Fourteenth Amendment was to do away with all governmentally imposed discrimination based on race. Classifying persons according to race is more likely to reflect racial prejudice than legitimate public concern ...". Whether the prohibition against state-mandated race preference extends specifically to adoption is being tested by pending cases.

Researchers who have studied mixed-race families for decades also disagree that transracial adoption robs children of their cultural identity and ethnic heritage. For 30 years, American University law and public service professor Rita Simon tracked 204 white families who had adopted black children. She found that minority children growing up in white families did not become confused about their racial identities. "The data in our study, indeed in all the studies that have been done, show that transracial adoptions serve the children's best interest," Simon reported.

Despite convincing scientific research and explicit constitutional law, most adoption advocates agree, in as much as the word "agree" can be applied to the thorny issue of adoption, that the fears expressed by the NABSW cannot and should not be dismissed. When available, black families should have first preference for black children.

But the problem, simply stated, is one of supply and demand. There are not enough black families in Arkansas, or the nation, to adopt the numbers of black children available. According to one adoption advocate in the private sector, some agencies are having to find homes in Europe for African-American babies because of the lack of black families willing to adopt.

The Arkansas Division of Child and Family Services, the NABSW and other national advocacy groups contend that the problem is not lack of black families but lack of recruitment. The DCFS maintains a Black Family Outreach unit with three placement specialists dedicated to finding black families. Besides advertising and publicity, DCFS has provided grant money specifically for recruitment programs, such as Project STARS, which lasted for two years.

Most people agree that, ideally, black children should be reared in black families and acculturated with the values of their black heritage. But in an ideal world, adoption would not exist at all and children wouldn't languish in foster homes while adults argue about the "irreparable harm" done to black children if they are socialized to think like white people.

In the meantime, thousands of black children nationwide and scores in Arkansas are forced to live indefinitely in foster homes.

Ironically, many of those foster homes happen to be headed by white families. And, though discouraged in the past, the current trend is to encourage foster parents to adopt their wards. "About 40 percent of the adoptions that DCFS handles are by foster parents," Burke reported.

But problems arise, as depicted in



puous con-
options." In
children in
ne children
nd nine of
were classi-
y three chil-
lies of a dif-

ent workers
ut to try to
intentioned
children. Ar-
tates with a
quires state
h for same-
dering a dif-
trast, Texas
tion in 1993
sideration in
ge anything?
ross the na-
ave the best
eir attitudes

stitute for
D. C., filed
behalf of a
ed to adopt

first child, a white baby with special
needs. Since then we've had to go out
of state to adopt. Even though our
home study is kept current, the De-
partment of Child and Family Ser-
vices won't consider us for black
children. I know of one child that
we've applied for and another white
couple has applied for that has been
in foster care for more than a year,
and they still won't consider us."

My work is with AASK
(Ask About Special Kids), an organi-
zation that places children with spe-
cial needs nationwide. "The last child
we adopted was advertised on televi-
sion nationwide, but a black family
applied. We took him because no one
else wanted him. We're trying to
adopt another child from Florida
now."

Private adoption agencies don't
have the attitudinal and legal con-
straints of state agencies. Most adop-
tions of healthy babies in Arkansas
and the nation are handled by private
agencies and lawyers.

"Most of our adoptions occur im-



Turnabout is unfair play

*National legislation leaves transracial adoption
in limbo, but bipartisan help (!) may be on the way*

Last year, Sen. Howard Metzenbaum
(D-Ohio) sponsored the Multiethnic
Placement Act, which denied federal
funding to any agency that used race,
color or national origin to delay the
placement of children for adoption. But
in a typical Washington turnabout, in-
stead of easing transracial adoptions,
the final version bill made them more
difficult. "Some bastards at HHS [Depar-
tment of Health and Human Services] inter-
vened and did the bill great harm,"
Metzenbaum told *Newsweek*.

However, the fine print in GOP's Con-

tract With America may
Metzenbaum's grievances. The
reform bill passed by the House W.
Means Committee would deny
funding to agencies that use race as
in placing children for adoption. Beside
restrictions against transracial adoption,
bill would help recruit black fam-
giving tax credit to lower in-
families who adopt. In the
time, HHS is preparing addi-
regulations to make transracial
tions even more difficult.

— George O.