

**THE PUBLIC FOSTER CARE SYSTEM  
AND THE TRANSRACIAL PLACEMENT OF  
AFRICAN-AMERICAN CHILDREN:  
EXPLORING THE HISTORY AND THE ISSUE**

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INTRODUCTION

Public agencies' placement of African-American children with non-African-American families for adoption has been the source of ongoing debate among child welfare officials for many years. During the 1960s, the adoption of African-American children by white families was "generally regarded as a socially desirable way to provide families for children who might otherwise grow up in institutions or in a series of foster homes."<sup>1</sup>

In 1972, however, the National Association of Black Social Workers (the "NABSW") issued a resolution vehemently opposing the transracial placement of African-American children, committing to fight against transracial adoptions, and condemning transracial adoption as a form of "genocide," in which the African-American community's children, its most valuable resource, "were being taken from it to satisfy the needs of childless white couples."<sup>2</sup> Many expressed concern that African-American children would lose their

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1. LUCILLE J. GROW & DEBORAH SHAPIRO, *BLACK CHILDREN - WHITE PARENTS: A STUDY OF TRANSRACIAL ADOPTION* i (1974).

2. OWEN GILL & BARBARA JACKSON, *ADOPTION AND RACE: BLACK, ASIAN AND MIXED RACE CHILDREN IN WHITE FAMILIES* 2 (1983).

culture, in addition to losing their biological families.<sup>3</sup> As a result, the number of African-American children placed across racial lines decreased from an all-time high of approximately 2500 in 1971 to a low of 1076 in 1976.<sup>4</sup> The number of African-American children adopted across racial lines today currently hovers around 1250.<sup>5</sup>

Moreover, national policy changes, such as the passage of the Adoption Assistance and Child Welfare Act<sup>6</sup> (the "AACWA") in 1980, further restrained the practice of transracial adoptive placements. The statute provides federal subsidies to the states for adoptive families.<sup>7</sup> This law was intended to reduce the length of time children spend in foster care by mandating services for birth families, and to achieve early permanency for children by favoring foster parents as adoptive resources.<sup>8</sup> Since foster parents traditionally have been the same race as the children they fostered, increasing the number of foster parent adoptions necessarily decreased the number of children placed across racial lines.<sup>9</sup>

At this point in our history it appears that there are simply not enough African-American families willing and able to adopt all of the African-American children in the foster care system, and the number of African-American children waiting to be adopted continues to increase. The numbers are alarming. In 1988, African-American children made up forty-six percent of the foster care population in the United States.<sup>10</sup> This is shocking when one considers that African-

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3. See LEORA NEAL & AL STUMPH, *TRANSRACIAL ADOPTIVE PARENTING: A BLACK/WHITE COMMUNITY ISSUE* 6 (1993).

4. Arnold R. Silverman, *Outcomes of Transracial Adoption*, 3 *THE FUTURE OF CHILDREN: ADOPTION* 104, 106 (1993).

5. Ruth G. McRoy, *An Organizational Dilemma: The Case of Transracial Adoptions*, 25 *J. OF APPLIED BEHAVIORAL SCI.* 145 (1989).

6. Pub. L. No. 96-272, 94 Stat. 500 (codified as amended in scattered sections of 42 U.S.C.).

7. *Id.*

8. *Id.*

9. Krishna Samantrai, *To Prevent Unnecessary Separation of Children and Families: Public Law 96-272-Policy and Practice*, 37 *SOC. WORK* 295 (1992).

10. NANCY MILLICHAP DAVIES, *FOSTER CARE* 29 (1994).

Americans compose only twelve percent of the national population.<sup>11</sup> Thus, the proportion of children of color in foster care is almost four times greater than in the national population.<sup>12</sup> The situation is critical. African-American children comprise large percentages of the children in foster care in New Jersey (sixty-five percent), Maryland (fifty-seven percent), Louisiana (fifty-four percent), and New York (forty-five percent).<sup>13</sup> There are many reasons for this phenomenon, including societal changes such as the breakdown of the family, loss of support from extended family, financial difficulties caused by increased unemployment and under-employment, substance abuse, and spreading urban blight that eliminates housing and has a demoralizing effect on individuals.<sup>14</sup>

Social workers and other child welfare advocates have addressed the increased need for minority families by expanding the use of single parents, older individuals, couples, and kinship foster homes as adoptive resources.<sup>15</sup> However, the need for families to adopt African-American children continues to grow.

This article will explore the history of African-American involvement in the child welfare system, and argue that because of changing social dynamics and the large number of African-American children involved in the foster care system, transracial adoption may

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11. Graciela M. Castex, *Providing Services to Hispanic/Latino Populations: Profiles in Diversity*, 39 SOC. WORK 288, 289 (1994).

12. Another example may help illustrate the point. In the state of California during that same year, 40% of the children waiting to be adopted were African-American; however, African-Americans represented only 18% of the children placed for adoption. In contrast, white children constituted 37% of the adoption program population, but represented 55% of those children placed for adoption. Judith K. McKenzie, *Adoption of Children with Special Needs*, 3 THE FUTURE OF CHILDREN: ADOPTION 62, 69 (1993). Current studies of California's child welfare system indicate that the likelihood of a white child being adopted is four times greater than that of an African-American child. Richard P. Barth, *Adoption Research: Building Blocks for the Next Decade*, 73 CHILD WELFARE 627 (1994).

13. McKenzie, *supra* note 12, at 68-69. The rate for New York State includes a rate of 90% for New York City. *Id.* In both Chicago and Detroit, 80% of the children in foster care are African-American. *Id.*

14. See DAVIES, *supra* note 10, at 29.

15. KAREN LIPTAK, *ADOPTION CONTROVERSIES* 77 (1993).

be a useful alternative for providing many African-American children with families and permanent homes.

#### I. THE MOVEMENT OF AFRICAN-AMERICAN CHILDREN INTO THE CHILD WELFARE SYSTEM

African-American communities historically have met most of the care needs of children separated from their birth parents. During the period of slavery, the first African Americans had little, if any, control over maintenance of the family unit.<sup>16</sup> Children separated from parents by sale or death were cared for by other members of the slave community; thus, caregivers were not always related by blood. Kinship and "quasi-kinship" networks that developed throughout the South and characterized African-American family life continue today.<sup>17</sup> Another characteristic of the slavery period that still shapes family composition and relationships today is the acceptance of single mothers and children born outside the marital relationship.<sup>18</sup> Generally, children were accepted without regard to parentage.

Until the latter part of the nineteenth century, many children who were not cared for by relatives or other members of their community were left to fend for themselves.<sup>19</sup> Many lived in "poor houses" with adults who were afflicted with a variety of social, mental, and medical problems.<sup>20</sup>

The first formal out-of-home care provisions were orphanages founded by private charities or churches in the latter part of the nineteenth century; note, however, that orphanages for children of color were limited.<sup>21</sup> The majority of African-American children

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16. Bonnie Thornton Dill, *Our Mothers' Grief: Racial Ethnic Women and the Maintenance of Families*, in RACE, CLASS AND GENDER: AN ANTHOLOGY 215, 220 (Margaret L. Andersen et al. eds., 1992). Studies estimate that 77% of slave marriages were disrupted by the sale or death of one of the spouses. *Id.* at 220.

17. *Id.*

18. *Id.* at 221.

19. See Burton Z. Sokoloff, *Antecedents of American Adoption*, 3 THE FUTURE OF CHILDREN: ADOPTION 17, 19 (1993).

20. See DAVIES, *supra* note 10, at 21; Sokoloff, *supra* note 19, at 19.

21. DAVIES, *supra* note 10, at 21.

without parents were still cared for by family members or friends, and this tradition of "informal adoption" carried over to the twentieth century.<sup>22</sup>

The breakdown of these family and community support systems commenced when African Americans began migrating from the rural South to the urban centers of the North during the early part of the twentieth century.<sup>23</sup> African Americans migrated to the industrial North with the same expectations other immigrant groups had, such as better employment and educational opportunities, better housing, and an overall better quality of life.<sup>24</sup> However, for African Americans the opportunities were limited. They joined the urban poor, and became dependent upon the public welfare system to meet needs previously met by the extended family, including the out-of-home care of children.<sup>25</sup>

The foster care of white children became an acceptable practice during the latter portion of the nineteenth century.<sup>26</sup> Children who were abandoned by their parents or otherwise left unsupervised began to appear in large numbers in orphanages in the newly-industrialized cities of the North.<sup>27</sup> In 1853, the Children's Aid Society, founded by Charles Loring Brace in New York City, became the first agency to seek foster homes for "vagrant" children.<sup>28</sup> Homeless children were gathered and sent to rural communities where they were fostered or informally adopted, or where they worked to earn their room and

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22. NANCY BOYD-FRANKLIN, *BLACK FAMILIES IN THERAPY: A MULTISYSTEMS APPROACH* 42, 52-53 (1989).

23. JOANNE M. MARTIN & ELMER P. MARTIN, *THE HELPING TRADITION IN THE BLACK FAMILY AND COMMUNITY* 63 (1985).

24. *Id.* at 64.

25. *See generally* LEON F. LITWACK, *NORTH OF SLAVERY* 153 (1961) (discussing economic discrimination and the exploitation of African Americans in the nineteenth century).

26. *See generally* Elizabeth S. Cole & Kathryn S. Donley, *History, Values and Placement Policy Issues in Adoption*, in *THE PSYCHOLOGY OF ADOPTION* 273, 275 (David M. Brodinsky et al. eds., 1990).

27. DAVIES, *supra* note 10, at 20, 21.

28. *Id.* at 21; Sokoloff, *supra* note 19, at 19.

board.<sup>29</sup> In cases where families wanted official recognition of an adoption, they registered with the local officials much as one would file a deed to real estate.<sup>30</sup> During the latter part of the nineteenth century and the early part of the twentieth century, individuals wishing to adopt could apply to their state legislature for a special bill recognizing an adoption.<sup>31</sup>

Note that few states at that time had adoption legislation.<sup>32</sup> Infants presented a special problem because they had to be nursed, a need that could not be met by institutions.<sup>33</sup> The mortality rate for infants placed in orphanages grew so high that by the early 1900s, mothers were encouraged to keep their infants during a six month nursing period or board them out to the homes of wet nurses.<sup>34</sup> This changed, however, in the 1920s with the development of infant formulas made from cows' milk; thus, very young infants could now be placed with non-nursing mothers.<sup>35</sup> Consequently, by 1929 all states formulated adoption legislation.<sup>36</sup>

Our current system of foster care has its roots in Title V of the Social Security Act of 1935,<sup>37</sup> which provides federal funding for services for neglected and abused children, including foster care.<sup>38</sup> During this period following the enactment of the statute, African-American children were "boarded out" to other African-American

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29. ALFRED KADUSHIN & JUDITH A. MARTIN, *CHILD WELFARE SERVICES* 347 (1988). Charles Loring Brace is considered the spearhead of the "orphan train movement." See Cole & Donley, *supra* note 26, at 275-76.

30. Cole & Donley, *supra* note 26, at 275.

31. *Id.*

32. *Id.* at 275-76. In 1851, Massachusetts became the first state to enact an adoption statute. *Id.* at 275.

33. Sokoloff, *supra* note 19, at 21.

34. *Id.* In some orphanages, the death rate was as high as 95%. Cole & Donley, *supra* note 26, at 276.

35. Cole & Donley, *supra* note 26, at 276. Sokoloff, *supra* note 19, at 21.

36. Sokoloff, *supra* note 19, at 21.

37. Social Security Act of 1935 (Old Age Pension Act), Pub. L. No. 104-333, 49 Stat. 620 (codified as amended in scattered sections of 42 U.S.C.).

38. *Id.*; see JOAN BARTHEL, *FOR CHILDREN'S SAKE: THE PROMISE OF FAMILY PRESERVATION*, 56 (1992).

families and received no other services from the child welfare system.<sup>39</sup> Under the law the children were deemed neglected or abused by their birth parents, and the system simply provided alternative home care for them.

In 1961, an amendment to the Social Security Act of 1935, which created the Aid to Families with Dependent Children-Foster Care Program,<sup>40</sup> contributed to the growth in the number of African-American children entering the public foster care system nationwide. The states interpreted the amendment as prohibiting federal payment of foster care funds to relatives of the child.<sup>41</sup> Thus, to receive federal funds for foster care, the states had to place children in non-relative foster homes, rather than in kinship foster homes. The states, eager to supplement the cost of foster care with federal funds, eagerly complied with the law. As a result, the public system became disproportionately populated with African-American children.<sup>42</sup> This practice continued for almost two decades until 1979 when the United States Supreme Court ruled in *Miller v. Youakim*<sup>43</sup> that for purposes of federal foster care payments, relative homes meeting foster home licensing standards were eligible for the same reimbursement as nonrelative homes. Since that time there has been increased reliance on kinship homes.<sup>44</sup>

During the 1960s, there were also significant changes in American culture that led to a sharp decline in the number of white infants available for adoption. Scientific technology provided the birth control pill, values evolved to include greater acceptance of single mothers, and laws changed to allow freedom of choice regarding the

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39. See generally *McRoy*, *supra* note 5, at 146. Note, however, that adoption and institutional care were generally available for white children through the child welfare system. *Id.*

40. Social Security Amendments of 1961, 42 U.S.C. § 1313 (1988).

41. Rebecca Hegar and Maria Scannapieco, *From Family Duty to Family Policy: The Evolution of Kinship Care*, 74 CHILD WELFARE 200, 207 (1995).

42. *Id.* at 207.

43. 440 U.S. 125 (1979) (striking down Illinois' interpretation of federal eligibility standards for the AFDC-FC program).

44. Hegar & Scannapieco, *supra* note 41, at 208.

termination of pregnancy.<sup>45</sup> These social changes in conjunction with the legal changes led to the placement of a large number of children with white families. Additionally, child welfare officials were looking to shorten the length of time children remained in foster care. The climate was right: families wanted to adopt and children were available. Transracial placements were officially initiated.

## II. TRANSRACIAL PLACEMENTS AND SOCIAL DYNAMICS

African-American children have been the group most frequently placed for adoption by public agencies across racial, ethnic, and cultural lines during the latter half of the twentieth century. Between 1960 and 1976, approximately 12,000 African-American children were adopted by white families through public agencies.<sup>46</sup> The majority of the other transracial or cross-cultural adoptions have been handled by private agencies, across international borders. For example, between 1953 and 1981, 38,000 children from Korea were brought to the United States to be adopted predominately by white families.<sup>47</sup> In the post World War II era, children from the eastern European regions of Germany, Estonia, and Latvia, and later from Japan were brought to the United States for adoption.<sup>48</sup> They were followed, some twenty years later, by thousands of children from Vietnam.<sup>49</sup> At one time all of these countries had liberal policies regarding the "placing out" of their children, which were conceivably fostered by harsh economic conditions, the breakdown of societal norms due to war, and the simple inability to meet the needs of the large number of abandoned or orphaned children.

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45. McRoy, *supra* note 5, at 147; see CHERI REGISTER, ARE THOSE KIDS YOURS? AMERICAN FAMILIES WITH CHILDREN ADOPTED FROM OTHER COUNTRIES 6 (1991); Hegar & Scannapieco, *supra* note 41, at 207.

46. Silverman, *supra* note 4, at 105.

47. Arnold R. Silverman & William Feigelman, *Adjustment in Interracial Adoptees: An Overview*, in THE PSYCHOLOGY OF ADOPTION 187, 188 (David M. Brodinsky et al. eds. 1990).

48. RITA JAMES SIMON & HOWARD ALTSTEIN, TRANSRACIAL ADOPTION 11-12 (1977).

49. *Id.*



Today we see a large number of children, approximately 1000 per year, brought to the United States from Central America and South America.<sup>50</sup> These so-called Latin American "adoptions," arranged primarily through private agencies, more than likely involve children born to poor parents or single mothers of Indian, African, or mixed ancestry.<sup>51</sup> They involve the children of the very poor, whose cultures are being plummeted into the twenty-first century. They are children from societies that are rapidly changing from agrarian to industrialized economies and whose families have become victims of urbanization. They are surrendered by their parents, sometimes under questionable circumstances, due to extreme poverty and a chance for a better life.<sup>52</sup> They leave behind a rich heritage and a culture that is centuries old.

International transracial and cross cultural adoptions appear to mirror the flow of history, through periods of prosperity and despair. In times of crisis, nations seem willing to allow their children to be "placed out" for adoption. However, as conditions change, liberal adoption policies also change. In Korea, for example, the government has attempted to reverse the trend of "foreign adoption" of its children. The government has made great strides in changing the nature of inheritance laws, once a major factor in the prominence of foreign adoptions, and has given financial support to in-country adoptions.<sup>53</sup> In addition, in 1974, the Korean government furthered its position on domestic adoptions by passing laws that mandated the adoption of one Korean child by a Korean family for each child adopted outside of Korea.<sup>54</sup> The number of Korean children adopted by Americans has decreased from nearly 6000 per year to approximately 1000 to 2000 children per year.<sup>55</sup>

The only other group of children placed in large numbers across cultural or ethnic lines by public agencies is Native American

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50. Silverman, *supra* note 4, at 105.

51. REGISTER, *supra* note 45, at 15.

52. *Id.* at 8.

53. *Id.* at 12.

54. McRoy, *supra* note 5, at 149.

55. Silverman, *supra* note 4, at 104-05.

children.<sup>56</sup> A study conducted in 1978 found that two percent of all children legally freed for adoption in the United States were Native American, and they were being adopted at a rate twenty times greater than the rate for other groups of children.<sup>57</sup> Moreover, approximately eighty-five percent of the Native American children placed for adoption were placed with white families.<sup>58</sup> As previously noted, however, the passage of the Indian Child Welfare Act of 1978<sup>59</sup> effectively ended the placing out of Native American children with non-Native American families.<sup>60</sup> With the aid of federal legislation, Native American communities were able to gain control of "their most precious possession."

In light of these historical developments, one cannot help but ask what has happened in the African-American community to prevent it from re-gaining control of its children. Surveys show that white families adopted twenty-three and thirty-three percent of the total number of African-American children placed for adoption in 1968 and 1969, respectively.<sup>61</sup> This preceded, however, the NABSW's 1972 public announcement that it would oppose the transracial adoption of

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56. SIMON & ALTSTEIN, *supra* note 48, at 68.

57. *Id.* In the state of Minnesota in 1972, one out of four Native American children under one year of age was adopted. *Id.* By 1978 in Minnesota, 90% of all non-related Native-American adoptions were transracial. *Id.* There are similar statistics for the states of South Dakota, Wisconsin, and Washington. *Id.*

58. Silverman, *supra* note 4, at 107.

59. 25 U.S.C. § 1901 (1996).

60. The relevant provision of the Act provides:

The Congress hereby declares that it is the policy of this Nation to protect the best interests of Indian children and to promote the stability and security of Indian tribes and families by the establishment of minimum Federal standards for the removal of Indian children from their families and the placement of such children in foster or adoptive homes which will reflect the unique values of Indian culture, and by providing for assistance to Indian tribes in the operation of child and family service programs.

*Id.* § 1902.

61. CHARLES H. ZASTROW, *OUTCOME OF BLACK CHILDREN-WHITE PARENTS TRANSRACIAL ADOPTIONS* 6 (1977).

children,<sup>62</sup> which sparked great interest in the legal adoption of African-American children by African-American families. African-American families had always informally adopted African-American children whose parents were unable or unavailable to care for them, and it was now time for African-Americans to move into the legal adoption system and become formally involved in the child welfare system.

African-American families historically had responded to the need to care for their children, and it was obvious that families were willing and available to adopt, but many adoption agencies had criteria for adoptive families that many applicants found difficult to meet.<sup>63</sup> The process was aided, however, by the AACWA.<sup>64</sup> As previously noted, this law sets aside federal subsidies for the adoption of children with physical and psychological disabilities and for foster families adopting healthy children.<sup>65</sup> The AACWA also mandates services for birth families that expedite the discharge of children from foster care and diminish "foster care drift," placing children in foster care unnecessarily and allowing them to drift in the system indefinitely.<sup>66</sup> The combined effects of the law were astounding. In New York State alone, the overall foster care population dropped a full thirty-four percent from 42,545 in 1978 to 28,015 in 1985.<sup>67</sup>

Many children, however, still needed permanent families. The informal adoption system within the African-American community was nearly saturated.<sup>68</sup> To address this continued need for families, the term "Special Needs" was coined.<sup>69</sup> This category refers to children particularly difficult to place in permanent homes and includes children with physical and mental disabilities; older children; large sibling

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62. *Id.*

63. FRED POWLEDGE, *THE NEW ADOPTION MAZE* 31 (1985).

64. Adoption Assistance and Child Welfare Act of 1980, *supra* note 6.

65. *See generally* Samantrai, *supra* note 9, at 295.

66. *Id.*

67. STATE OF THE CHILD IN NEW YORK STATE 175 (New York State Council on Children and Families 1988).

68. POWLEDGE, *supra* note 63, at 30.

69. McKenzie, *supra* note 12, at 70.

groups; and children of color.<sup>70</sup> Under the classification of "Special Needs," children can be adopted, many across racial and cultural lines, more easily.<sup>71</sup>

### III. SOME FACTS ON TRANSRACIAL ADOPTION

Today, more than 636,000 children are receiving out-of-home foster care services.<sup>72</sup> Additionally, there are more than 36,000 Special Needs children who require adoptive resources.<sup>73</sup> They are children who are mentally, emotionally, or physically challenged; members of a sibling group; older children; children of color; or any combination of the above.<sup>74</sup> It is important to note that fifty percent of those children are African-American or Latino.<sup>75</sup> Statistics and research on transracial adoptions collected by private sources<sup>76</sup> indicate that eight percent of all adoptions involve white adoptive parents and non-white children.<sup>77</sup>

The literature indicates some difference in the socioeconomic status of African-American and of white families seeking to adopt African-American children. African-American families that adopt tend to be members of the lower income or middle classes.<sup>78</sup> White families seeking to adopt African-American children are generally

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70. McKenzie, *supra* note 12, at 62.

71. McKenzie, *supra* note 12, at 70. Subsidies are offered as incentives for families to adopt Special Needs children. Stolly, *supra* note 70, at 37.

72. Richard P. Barth, Mark Courtney & Marianne Berry, *Timing is Everything: An Analysis of the Time to Adoption and Legalization*, 18 SOC. WORK RES. 139, 140 (1994).

73. LIPTAK, *supra* note 15, at 76.

74. Stolly, *supra* note 70, at 37.

75. CONSTANCE POHL & KATHY HARRIS, TRANSRACIAL ADOPTION 61-62 (1992).

76. There are no recent comprehensive statistics on the number of children placed across racial lines. The federal government stopped recording those figures when the National Center for Social Statistics was dissolved in 1975. Stolly, *supra* note 70, at 26.

77. *Id.* at 34.

78. McKenzie, *supra* note 12, at 71.

members of the upper middle class.<sup>79</sup> Additionally, the transracial adopter is usually liberal,<sup>80</sup> motivated to provide a home for a child who might not otherwise be adopted, and is likely to recognize the importance of racial identity to the transracially adopted child.<sup>81</sup>

Transracial adoptions have a success rate of seventy-seven percent; moreover, the disruption rate for transracial placements does not appear to be significantly higher than that for other adoptive placements.<sup>82</sup> The disruptions that do occur tend to be related more to pre-adoptive histories than post-adoptive racial conflicts.<sup>83</sup> These findings are highly significant in light of the tremendous number of children of color in the public welfare system waiting to be adopted. If current patterns continue, fewer than ten percent of the 636,000 children in foster care will ever achieve permanence through adoption.<sup>84</sup>

#### IV. DISCUSSION

Child welfare is reaching a state of crisis. As previously noted, there are over 636,000 children in foster care and the number of children receiving out-of-home care continues to grow.<sup>85</sup> The majority of them are children of color. Furthermore, the number of

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79. Silverman & Feigelman, *supra* note 47, at 198.

80. *Id.*

81. KADUSHIN & MARTIN, *supra* note 29, at 597; POHL & HARRIS, *supra* note 75, at 32.

82. Silverman, *supra* note 4, at 108; Peter Hayes, *Transracial Adoption: Politics and Ideology*, 72 CHILD WELFARE 301, 302 (1993).

83. Silverman, *supra* note 4, at 108. Recent research indicates that racial identity was not a factor in almost half of the disruptions that did occur. The causes, such as health problems, physical and intellectual handicaps, and family catastrophes, could just as easily have caused serious problems in same-race adoptees and biological children. *Id.*

84. Barth et al., *supra* note 72, at 140.

85. Fred H. Wulczyn & Robert M. George, *Foster Care in New York and Illinois: The Challenge of Rapid Change*, 66 SOC. SERVICE REV. 278, 279 (1992). The projection for 1995 was estimated as high as 840,000. *Id.* at 279.

available foster homes continues to shrink,<sup>86</sup> and the children entering foster care are increasingly weak and dependent. They are newborns who have been exposed to drugs prenatally, the children of active substance abusers, the children of the homeless, and children affected in many different ways by HIV and AIDS.<sup>87</sup>

Efforts to increase the recruitment of minority families are ongoing. Statistics indicate that African Americans adopt at a rate higher than other groups;<sup>88</sup> however, there simply are not enough African-American families willing and able to adopt all of the African-American children in need. In contrast, for every single healthy white infant who becomes available for adoption, there are forty couples waiting to adopt.<sup>89</sup> For some white couples and singles, the adoption of a Special Needs child is an expeditious answer;<sup>90</sup> however, there has been great concern about the effect of transracial adoption on the adopted or soon-to-be adopted child.

This concern need not be controlling. White families that adopt African-American children can make changes in their lifestyle that are conducive to their child's psychological development.<sup>91</sup> They can live in integrated neighborhoods and send their children to integrated schools. These families can help African-American children develop positive self-images by providing African-American role models and peers for the child, by acknowledging the child's racial identity and promoting the child's heritage, and also by acknowledging their

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86. The number of foster homes decreased by one third during the late 1980s. James P. Gleeson & Lynn C. Craig, *Kinship Care in Child Welfare: An Analysis of State Policies*, 16 CHILDREN AND YOUTH SERVICES REV. 7, 8 (1994).

87. Howard Dubowitz, Susan Feigelman & Susan Zuravin, *A Profile of Kinship Care*, 72 CHILD WELFARE 153, 153-54 (1993); Richard P. Barth, *Shared Family Care: Child Protection and Family Preservation*, 39 SOC. WORK 515 (1994).

88. This is related to the encouragement of foster parent adoptions. In other aspects, however, African Americans seek adoption at the same rate and for the same reasons as other Americans. See Barth, *supra* note 12, at 630.

89. KATHLYN GAY, ADOPTION AND FOSTER CARE 53 (1990).

90. *Id.*

91. Ruth G. McRoy, Louis A. Zurcher, Michael L. Lauderdale & Rosalie N. Anderson, *Self-Esteem and Racial Identity in Transracial and Inracial Adoptees*, 27 SOC. WORK 522, 526 (1982).

family's status as multi-cultural and multi-racial.<sup>92</sup> With effort, patience, and understanding, white families who adopt children of color can produce adoptees with good self-images and firm racial identities.<sup>93</sup>

By reaching out to white families that have adopted African-American children, African-American social workers and other adoption officials can address many of their concerns about transracial adoptions. They can help provide African-American children with role models and exposure to the "black experience" by hosting cultural events and gatherings. This is by no means a substitute for being raised in an African-American family, however, it is a sincere attempt to help the African-American transracially adopted child understand who he or she is and learn the meaning of his or her cultural heritage.

In 1988, Sydney Duncan, an African-American child advocate who founded Homes for Black Children in Detroit, Michigan, reached out to white families that have adopted African-American children.<sup>94</sup> In a speech before the North American Council on Adoptable Children ("NACAC"), she noted some of the problems implicated by transracial adoption and argued that African-Americans and whites should work together to provide homes for African-American children and teach them about their heritage.<sup>95</sup> More recently, the National Association of Black Social Workers, although not encouraging transracial adoptions, has also reached out to white families that have adopted African-American children. At the 1992 meeting of the NACAC, the Black Social Workers presented a workshop entitled: "Transracial

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92. See generally *id.* at 525, 526; Ruth G. McRoy, Louis A. Zurcher, Michael L. Lauderdale & Rosalie N. Anderson, *The Identity of Transracial Adoptees*, 65 SOC. CASEWORK 34, 36-39 (1984); GAY, *supra* note 89, at 64.

93. McRoy, *supra* note 91, at 526. Available research indicates two salient factors that affect the child's overall adjustment: the age of the child at placement and acceptance or opposition from friends and family of the adoptive parents. William Feigelman and Arnold R. Silverman, *The Long-Term Effects of Transracial Adoption*, 58 SOC. SERVICE REV. 588, 601 (1984). The success rate for transracial adoptions is similar to the success rate for adoptions overall. Hayes, *supra* note 82, at 302.

94. POHL & HARRIS, *supra* note 75, at 33.

95. *Id.* at 34.

Parenting: It Happens: How White Parents and the Black Community Can Work Together."<sup>96</sup> The organization's willingness to address the issue demonstrates movement towards the healing of old divisions and consideration of what is in the best interest of the child adopted across racial lines.

In assessing transracial adoptions, one must consider the long-term benefits adoptees receive from stable family lives and a sense of belonging. There are many positive results of transracial placements for both parents and children. The adoptive parents gain the experience of parenthood. The child gains a family. The development of self-esteem and self confidence are easier tasks for a child who feels wanted and loved. Moreover, acknowledging this does not negate the transracially adopted child's need to understand his or her ethnic or cultural heritage; these are important parallel lines of development.

Children from many different cultures, countries and ethnic groups have been adopted transracially, and every year, thousands more foreign children are brought to the United States from underdeveloped, poor, or war-torn countries. Studies have shown that most of these children adjust well to their families and environment.<sup>97</sup> Keeping this in mind, we must decide whether it is important for families to provide African-American children with stability, security, and homes.<sup>98</sup>

We can follow the lead of our federal government, which supports the belief that adoptive placement without regard to race or ethnicity is a viable solution to the growing population of legally free children without adoptive resources. The Howard M. Metzenbaum Multiethnic Placement Act of 1994<sup>99</sup> seeks to "promote the best interests of children by decreasing the length of time that children wait to be adopted; preventing discrimination in the placement of children

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96. NEAL & STUMPH, *supra* note 3, at 17.

97. *See generally* Feigelman and Silverman, *supra* note 93, at 592-601.

98. CAROLE MCKELVEY & JOELLEN STEVENS, ADOPTION CRISIS, THE TRUTH BEHIND ADOPTION AND FOSTER CARE 119 (1994).

99. Pub. L. No. 103-382, 108 Stat. 3518 (codified as amended at 42 U.S.C.A. § 5115a (1995)).



on the basis of race, color, or national origin; and facilitating the identification and recruitment of foster and adoptive families that can meet children's needs."<sup>100</sup> The purpose of the legislation is to encourage agencies, local districts, and state governments to recruit minority families to match their foster and adoptive child populations, but when this is not possible, to recruit other families who can meet the special needs of these children. This law has the potential to change not only the child welfare system, but also the nature of adoption in the United States.

These children's futures are clouded and bleak if we are not able to provide them with alternative families, stability, and security. Where there are families and individuals seeking to adopt, they must be treated as any other precious resource; they must be used effectively or lost altogether. There are thousands of children waiting to be adopted who will continue to reside in a series of foster homes or congregate care facilities and never connect with a significant adult. These children deserve a chance to be part of a family, including one that may be interracial or multicultural. Aiding the positive growth and development of all of this nation's children must be the central focus of our efforts.

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100. *Id.*