



OFFICE  
FOR  
CIVIL  
RIGHTS

**Office for Civil Rights**

U.S. Department of Health  
and Human Services

200 Independence Avenue, SW.  
H.H.H. Building, Room 509-F

Washington, D.C. 20201

**TELEPHONE**

1-800-368-1019

**E-MAIL**

ocrmail@hhs.gov

**TDD**

1-800-537-7697

[www.hhs.gov/ocr](http://www.hhs.gov/ocr)

# PROTECTION FROM RACE, COLOR OR NATIONAL ORIGIN DISCRIMINATION IN THE CHILD WELFARE SYSTEM

What federal laws protect individuals from unlawful discrimination based on race, color or national origin in the child welfare system?

Title VI of the Civil Rights Act of 1964 (Title VI) protects people of every race, color, or national origin from discrimination in programs, activities, and services administered by child welfare agencies and state court systems.

The Multiethnic Placement Act (MEPA) of 1994, as amended by the Removal of Barriers to Interethnic Adoption Provisions of the Small Business Job Protection Act of 1996, protects individuals from discrimination on the basis of race, color or national origin in foster care and adoption programs and activities.

## Who is protected from discrimination under these laws?

Title VI protects all children, parents, grandparents, caregivers, foster and adoptive parents, kinship guardians, and individuals seeking to become foster or adoptive parents who interact with federally funded recipients. This protection is provided regardless of whether an individual is a U.S. citizen, as long as citizenship is not an eligibility requirement of the program. Title VI also protects individuals from retaliation, intimidation, and coercion they may suffer for asserting their Title VI rights or participating in a Title VI complaint, investigation, or other proceeding.

MEPA prohibits child welfare agencies from delaying or denying the placement of a child into foster care or for adoption on the basis of the race, color or national origin of the foster or adoptive parent or the child. MEPA also prohibits child welfare agencies from denying to any individual the opportunity to become a foster or adoptive parent, on the basis of the race, color or national origin of the prospective parent or the child.

## Which child welfare programs are covered?

Title VI and MEPA apply to *all* recipients of federal financial assistance. Covered recipients may include state and local child welfare agencies, private and non-profit child placing agencies, contractors that provide child welfare services, federally-funded service providers (i.e. parent education programs, domestic violence programs, visitation programs, etc.), and state court systems.

## Examples of covered child welfare programs, services, and activities may include:

- Investigations
- Assessments
- In- and out-of-home services
- Child removals
- Guardianship
- Foster care
- Adoption
- Parent-child visitation
- Prevention services
- Reunification services
- Hearings
- Counseling services
- Parenting skills courses
- Child protective services
- Termination of parental rights

If you believe that a child welfare agency, foster care or adoption agency, child welfare service provider or state court system is violating federal law, you can file a complaint with OCR at: <http://www.hhs.gov/ocr/civil-rights/complaints/index.html>.

Individuals who believe they have been discriminated against should file a complaint within 180 days of when the act or omission occurred.

General information about civil rights and child welfare issues can be found at: <http://www.hhs.gov/ocr/civil-rights/resources/specialtopics/adoption/index.html>

Language assistance and auxiliary aids and services for OCR matters are available and provided free of charge. OCR services are accessible to individuals with disabilities and persons with limited English proficiency.