

Adoption and foster care placement of Black children in Minnesota

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Report by the State
Council on Black Minnesotans

Adoption and Foster

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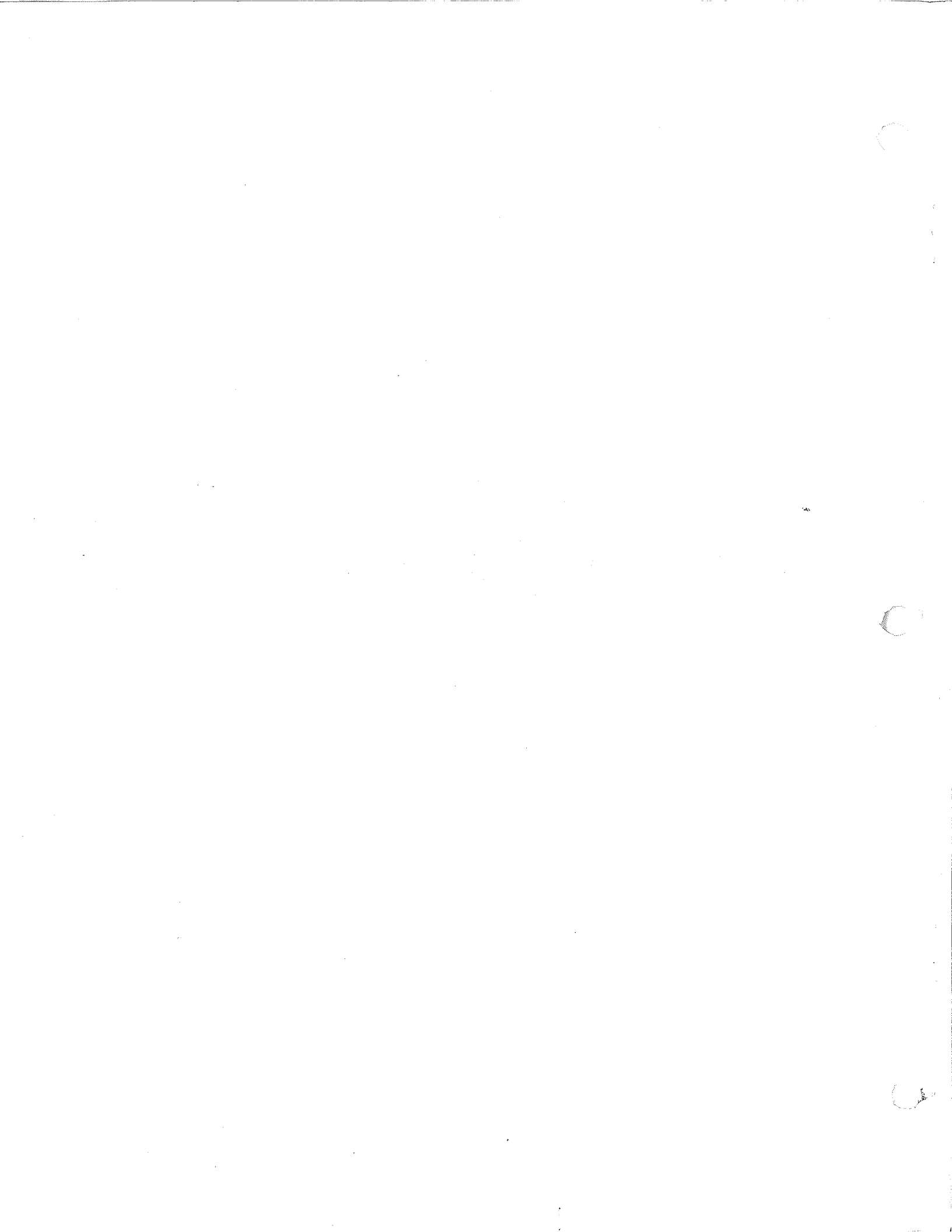
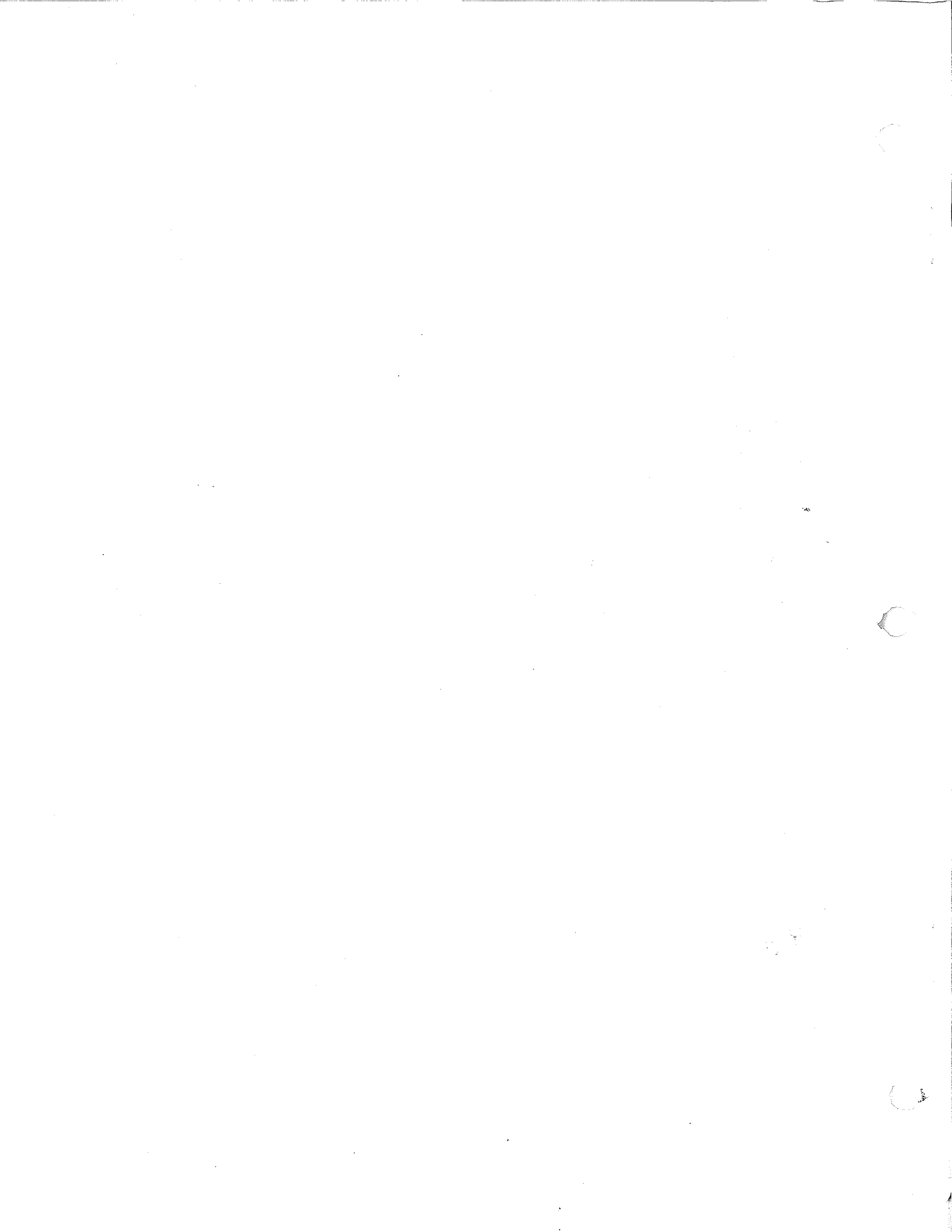


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I. INTRODUCTION

In January 1982 the Council on Black Minnesotans held a public hearing on the adoption and foster care of Black children in Minnesota. The hearing was held in response to a recommendation of the Council's Black Women's Legislative Task Force and others who were concerned about the relatively high incidence of transracial adoption of Black children in Minnesota. Our objective was to gather data for the purpose of developing and advocating public policy on this issue.

The hearing lasted four hours and was open to testimony from all interested persons. In addition, the hearing record remained open to written submissions for two weeks following the date of the hearing. In all, nineteen people testified and five submitted letters and other forms of written material after the hearing.

The testimonies and written submissions are summarized in the addendum to this report. These data represent a broad cross-section of the adoption and foster care system, and are the impetus for many of our recommendations. Our evaluation of the testimony and other available research and data on adoption and foster care of Black children is reported here.

Most adoption and foster care professionals agree that the guiding principal and perhaps overall objective of an adoption or foster care placement should be to serve the child in his or her best interest; a sometimes nebulous goal which inherently calls for application of subjective, personal judgment. But, if the overall objective seems unclear, the considerations which frequently compete to serve the overall objective are more precise. They may include a desire to provide:

- (1) racial or ethnic preservation;
- (2) religious preservation;
- (3) a permanent home;
- (4) the least restrictive placement alternative;
- (5) close proximity to relatives, or
- (6) a particular school or community; and
- (7) substitute care (foster care or group homes) least costly to the public.

Clearly the priority applied to each consideration would largely depend on the unique circumstances of the child and may also be affected by whether the child is to be affected by whether the child is to be adopted or placed in foster care. Still, there is disagreement among knowledgeable persons from case to case as to which among the competing considerations most legitimately serves the best interest of the child.

Concerning adoption, we found that there is a considerable disparity between the numbers of transracially adopted Black children and white children in Minnesota. Ninety-eight percent (98%) of white children are adopted by white parents while only twenty percent (20%) of Black children are adopted by Black parents.

This situation is alarming, particularly in view of the state's Department of Public Welfare responsibility to set standards and rules and coordinate adoptions. But it also gives rise to several important questions:

- (1) Is transracial adoption in the best interest of the Black child?
- (2) What factors contribute to the disparity between the incidence of transracial adoptions of Black and white children?
- (3) Are there policies or practices employed by private or public adoption agencies which encourage intraracial adoption of white children and transracial adoption of Black children or conversely, which discourage transracial adoption of white children and intraracial adoption of Black children?
- (4) Assuming intraracial adoption is the preferred practice, what can be done to stimulate increased adoption of Black children by Blacks?

Concerning foster care placement we found there was considerably less data collected and reported on this subject than adoption. Until recently, the Minnesota Department of

Public Welfare (DPW) did not compile an annual report on foster children containing such information as the children's legal status, demographic characteristics, location and length of stay in foster care.

Foster care data is collected for each "fiscal account" (a local unit of government which pays for substitute care, in most cases a county) and is not compiled and reported to show state-wide figures. Also relevant is the fact that applicants for state or county social services are not required to identify their race, sex or religion, or that of their children.

The question of data collection and reporting is not superficial to our examination of foster care and adoption. A recent report of the National Urban League stated that "our concern is that (the) unavailability and non-uniformity of data on adoption and foster care ha(s) profound implications for placement of the black youngster because this lack of knowledge impede(s) adequate planning procedures for the placement of black children in permanent homes".¹

We have concluded that the best interest of Black children may be best served by the initiation of several changes in adoption and foster care law, policy and practice.

II. STATISTICAL OVERVIEW²

2,186 adoption decrees were granted in Minnesota including 100 adoptions of Black children during the 1981 fiscal year (the period beginning July 1, 1980 thru June 30, 1981). During that same period, 1,573 children were "placed"³ in adoptive homes for the mandatory minimum period of three months. 96 of the 1,573 "placements" were Black children.

71 of 100 Black children adopted in fiscal 1981 were adopted by white mothers; 20 by Black mothers; one by an Asian mother; and six were adopted by mothers of unreported racial identity.

1,284 of 1,305 (98 percent) white children adopted in fiscal 1981 were adopted by white mothers; one was adopted by an Indian mother; eighteen were adopted by mothers of unreported racial identity (1.4 percent); and no white child was reported adopted by a Black mother.

Public and private agencies placed Black children with adoptive families living in 82 of 87 Minnesota counties in fiscal 1981. And, although statistics are unavailable, we know that Black children are placed in foster homes all over the state.⁴

III. STATE AND FEDERAL LAW PROVIDING FOR PRESERVATION OF RACE

Minnesota Law and Rules

Minnesota law governing juvenile court dispositions of petitions requesting foster care placement or termination of parental rights provides that the court should attempt to place a child with a family that has the same ethnic origin as the child:

Minnesota Statutes 1980, Section 260.181,

Subd. 3. [PROTECTION OF RELIGIOUS AND ETHNIC AFFILIATION.] The Court, in transferring legal custody of any child or appointing a guardian for him under the laws relating to juvenile courts, shall place him so far as it deems practicable in the legal custody or guardianship of some individual holding the same religious belief and the same ethnic origin as the parents of the child, or with some association which is controlled by persons of like religious faith and ethnic origin as the parents. The court may require the county welfare agency to continue efforts to find a guardian of like religious faith or ethnic origin when such a guardian is not immediately available.

It is important to note that this statutory provision governs foster care placements and not adoptive placements. Existing Minnesota law does not establish criteria or standards for the use of ethnic origin or race as a factor in determining an adoptive placement.

Regarding foster care placements, the law provides that children should be placed with a foster parent or guardian that has the same race and religion--unless the court deems consideration of these factors impracticable.

This provision does not provide direction as to which placement factor--race or religion, should be the predominant consideration if both cannot equally be accommodated. Similarly, the law does not define when or under what circumstances a court may determine a same race placement to be impracticable.

The DPW rules on adoption and foster care establish guidelines for "protecting the child's heritage". The adoption rule provides that:

- (a) The local social service agency shall, without undue delay, seek an adoptive home which will meet the child's special needs. Special needs include sibling ties, racial or religious heritage, and health, social, and educational needs.
- (b) The local social service agency shall make reasonable efforts to provide and preserve the child's heritage by placing the child:
 - (1) In an adoptive home of similar background;
 - (2) In an adoptive home which is knowledgeable and appreciative of the child's heritage.

The foster care rule states that:

The local social service agency shall provide for the preservation of the child's religious, racial, cultural, and ethnic heritage through:

- (1) Placement if possible and indicated in a foster home of similar background;
- (2) Education of the foster parents as to the importance of the heritage of the child;
- (3) Education of the foster parents as to customs and values of that particular group.

These rules do not establish an ordered process by which to evaluate various placement factors, nor do they establish the weight or gravity to be attached each individual and competing consideration. And though both rules provide that race or ethnic background should be considered in placing a child, it is not compulsory or dispositive.

Unfortunately, the rules are so broad and vague that they do little more than establish a standard of good faith practice. However, absent good faith, there is nothing in the law or rules to encourage or require compliance and certainly no penalty for violation.

This weakness in the law is especially disturbing given the fact that adopted white children are afforded a type of de-facto protection of their heritage. White children in Minnesota are almost exclusively adopted by white parents. Conversely, Black children are disproportionately adopted by whites and other non-Black parents.

The DPW adoption rule simply requires the adoption agency to provide for the "special needs" of a child (of which racial preservation is but one) and that the agency "preserve the child's heritage" by making "reasonable efforts" to place a child in a home of similar background or one that is knowledgeable of the child's heritage. The "special needs" requirement is vague in that it does not distinguish between or prioritize special needs. Apparently, any or none of the "special needs" may be

complied with in making a placement. The rule also requires that agencies only "seek" (but not necessarily find) a home to meet a child's special needs.

The heritage preservation requirement of the adoption rule is too broad to have specific impact on Black children because it fails to specify or prioritize the type of heritage (e.g., racial, religious, cultural, educational, etc.) that is to be protected. It also requires only "reasonable" efforts (when special efforts may be necessary) to protect the child's heritage.

The DPW foster care rule is equally broad and vague providing that the foster care agency shall preserve the child's religious, racial, cultural, and ethnic heritage through placement "if possible" in a foster home of similar background. Absent such a match, the social service agency could place the child with foster parents whom they would educate as to the child's cultural values and racial heritage and customs.

This provision obviously does not compel intraracial placement. Racial preservation is ranked equally with other considerations, all of which may be nullified by compliance with any one of them. In short, the rule can be satisfied by simply placing a child with a foster family having a "similar" background or by educating the foster family about the child's race, religion, culture, or ethnicity.

Federal Law

Two federal laws directly impact state involvement in adoption and foster care placement of certain children. The federal Indian Child Welfare Act establishes "minimum federal standards for the removal of Indian children from their families and placement of such children in foster or adoptive homes which will reflect the unique values of Indian culture..."⁷ The Adoption Assistance and Child Welfare Act of 1980⁸ appropriates funds to enable each state to provide foster care and adoption assistance for children eligible for assistance under the state's guidelines.

The Indian Child Welfare Act provides that "(i)n any adoptive placement of an Indian child under state law, a preference shall be given, in the absence of good cause to the contrary, to a placement with (1) a member of the child's extended family; (2) other members of the Indian child's tribe; or (3) other Indian families".⁹ A similar pattern is established for the foster care placement of an Indian child under state law.

In addition, the Indian Act allows under certain conditions Indian tribes to monitor the adoption and foster care placement of Indian children and to employ their own order of placement preferences. The Act also provides that any adoption of an Indian child within ten days of birth is automatically nullified.

The Adoption Assistance and Child Welfare Act appropriates several hundred millions of dollars to state agencies to provide adoption and foster care assistance to children and families. State agencies receiving dollars under this Act are required to comply with detailed reporting procedures and develop plans in accordance with numerous and specific guidelines. A state must have an approved plan which among other requirements:

- (1) provides that the plan is in effect and mandatory in all political subdivisions of the state;
- (2) provides that in the administration of its programs it will establish and apply personnel standards on a merit basis;
- (3) provides that the state will monitor and conduct periodic evaluations of its adoption and foster care activities carried out under federal law;
- (4) provides opportunity for any state agency to challenge the placement of any child receiving federal assistance on the basis of neglect, abuse, or exploitation; and
- (5) provides specific goals (and a specific plan to achieve the goals) as to the maximum number of children who at any time during the fiscal year beginning October 1, 1983 will remain in foster care.

The Child Welfare Act also requires each state to submit statistical reports with respect to the legal status, demographic characteristics, location and length of stay in foster care of each child in foster care for whom federal dollars are paid.

Other State Law

The California State Assembly is currently considering a bill which seeks to protect the ethnic heritage of Black children placed for adoption or foster care in California. The proposed California Black Child Welfare Act would provide that in determining the proper adoptive or foster placement of a Black child, first priority would be given to placing the child with relatives; if placement with relatives could not be made or would be detrimental to the child, placement would be made with a family of the same racial or ethnic identification as the child's; and if that were not possible placement would be made with a family of a different race, ethnicity or culture. ¹⁰

We are unaware of other federal or state laws providing similar direction for adoption and foster care of Black children or children of other races or ethnicities.

IV. WAITING BLACK CHILDREN

The National Urban League estimates "(t)here are nearly 50,000 blacks in foster care who are potentially available for adoption".¹¹ Witnesses at our hearing testified that 40 percent of the nation's minority children waiting for permanent homes are Black and that a disproportionate number of Minnesota's several hundred waiting children are Black. ¹²

While these estimates are useful in determining the magnitude of the problem, most figures are believed to under-

estimate severely the number of adoptable or potentially adoptable Black children. Official estimates of the numbers of children waiting to be adopted "...do not, of course, take account of independent actions (i.e. informal or unofficial adoptions) or of the children for whom adoption might be sought if mothers were not discouraged because of the dearth of adoptive homes".¹³

The dilemma presented by the large number of Black children legally freed for adoption and waiting for a permanent home is further complicated by the fact that Black children are adopted at a rate much slower than other children, which means they remain in substitute care for longer periods of time. Moreover, Black children are less likely than other youngsters to be adopted.¹⁴

The most common explanation for the large pool of waiting Black children is that there is strong resistance or opposition to adoption and foster care from the Black community, rather than any negligent or intentional failure on the part of the system. This explanation includes the suggestion that most Blacks fundamentally oppose the concept of adoption and that the Black community is largely unaware of the need for adoptive and foster homes for their children.

But some experts argue, and we agree, that the Black community has a rich heritage of providing adoption and foster care services to its children. Indeed, some argue that "the myth

of 'no Black homes available' is a social agency cop-out for not devising innovative and creative ways of facing up to the problem--a perfect example of 'benign neglect'".¹⁵

Consider the following:

In a recent study of two-parent black families, Herzog (1965) found that when black families were compared with white families of the same education, income and social status, the proportion of black families that adopted was as high as that of white families. This study proved that attitudes about adoption are more related to income and family composition rather than apathy toward adoption; that blacks are equally as interested in adopting as whites who are in a position to adopt; and blacks are equally as informed about adoption.¹⁶

Another author argues that "...non-whites, when financially able, adopt at a higher rate than whites".¹⁷

Obviously, the question of why there are so many waiting Black children is significant in developing insight or direction into possible solutions. What is clear is that more homes are needed for waiting Black children and that the Black community is the natural and logical place to recruit.

V. RECRUITMENT

The strongest point of agreement among the many people who testified at our hearing is that there is a compelling need for improved and expanded recruitment on the part of private and public agencies to find Blacks to adopt or provide foster care for Black children.¹⁸ The problem is that there is a large pool of waiting Black children in Minnesota (and in the U.S.) and that existing methods of finding an ample number of homes for these children have failed.

Inadequate and ineffective recruitment in Black communities on the part of adoption agencies is often cited as a major reason for the disproportionately high percentage of Black waiting children. Dr. Anita Brooks, Associate Professor, Department of Afro-American Studies, University of Minnesota testified that "it is the general concensus of most agencies that Blacks do not adopt and thus Black children are placed in white homes without proper or legitimate attempts to recruit a Black family".¹⁹ Dr. Brooks stated further that there are Black homes available for Black children, but that a vehicle is needed for adoption agencies to gain access to the supply.

There are numerous explanations for why traditional or standard recruitment is ineffective in attracting Black applicants. One of the most important, albeit basic reasons is that:

(In moving from white to (Black) adoptions we are moving from what economists would call a 'seller's market', where demand exceeds supply, to a 'buyer's market', where supply exceeds demand. In a seller's market the seller has little to do but choose between buyers, but under reverse circumstances a great deal of affirmative effort is required. Without a doubt, certain procedures have developed in agency adoption practice which have primary usefulness in deciding between a large number of applicants, which have little or no meaning when the number of children to be placed exceeds the number of applicants.²⁰

To our knowledge, Hennepin County Community Services is the only public agency in Minnesota that has a recruitment program or plan designed specifically to attract prospective Black adoptive or foster parents. Public and private agencies alike appear to do little in the way of specialized recruitment of Blacks. Rather, they tend to rely almost exclusively on their traditional referral sources, namely word of mouth and general media advertisements. This practice clearly has not worked.

Everyone concerned seems to agree that extraordinary recruitment efforts (meaning, recruitment specifically targeted to Blacks) are necessary to effectively increase the pool of prospective Black adoptive and foster parents. And yet, ordinary efforts are still being employed by public and private agencies. We believe that "(t)he ultimate solution to the provision of homes for Black youngsters is a constant recruitment effort within the Black community on several fronts: public relations, use of the news media, use of professional groups, use of church and fraternal groups, and use of group meetings and professional contacts of successful Black adoptive parents".²¹

VI. RECORD KEEPING AND DATA RESOURCES

There is a paucity of data available from state and county social service agencies regarding children placed in substitute care (group and foster homes) in Minnesota. In addition, there is little uniformity in the data from county to county.

We had hoped and expected to find a wide range of information concerning foster children and their families compiled by county and statewide, including such data as children and family demographic profiles (e.g., race, religion, age, parents' occupations and employment status, number and age of other children, etc.), length of stay in substitute care, number and location of previous placements, and whether care had been parent initiated or court ordered.

We found that, until recently, each county set its own rules regarding the specific information it required of social service applicants (within parameters set by law) and that the state (DPW) did not compile and report statewide data on children in substitute care and their families.

State implementation of the federal Adoption and Assistance Child Welfare Act of 1980 will do much to alleviate our concerns. Under this federal law and the Minnesota counterpart county social service agencies will submit to the state a range

of statistical reports on children in foster care including legal status, demographic characteristics and location and length of each stay in foster care. DPW expects its first report to be completed and available in June 1982. However, the report will not include cross-tabulations of variables by race.

We believe the absence of race specific data in the DPW foster care report is a mistake which should be remedied immediately. Our concern is that Black children "in foster care are deprived of . . . rational service delivery, because of the woefully inadequate information base that underpins practice".²²

While the lack of data affects all children placed in substitute care, we believe Black children are impacted worse because they are disproportionately represented among Minnesota's waiting children and they are less likely to be adopted. Since Black children will likely remain in foster care longer than other children, it is especially important that the state require of each county race specific tabulations and that the DPW compile such data in a statewide report. This will allow social service planners to develop adequate procedures for the placement of Black youngsters in permanent homes.²³

VII. RECOMMENDATIONS

Racial Preservation

1. Legislation should be enacted establishing clear and compelling standards for the use of race or ethnic background as factor in determining the placement of a child who is being considered for foster care or adoption. We advise that such legislation should be modeled after the California Assembly Bill and the Indian Child Welfare Act (both discussed in this report).
2. The Minnesota Department of Public Welfare should promulgate and adopt new rules consistent with the above recommendation.

Recruitment

1. The governor and legislature should direct the Department of Public Welfare to require local welfare agencies to affirmatively recruit Black adoptive and foster parents. DPW should also be directed to hire or retain expert consultants to advise them on recruitment of Black parents.
2. The legislature should appropriate and earmark funds to the Department of Public Welfare to establish a pilot project for recruitment of Black adoptive and foster parents. This project should take the form of a technical/professional services contract to be granted and administered by the department and should be housed in or part of an existing Black community based organization (e.g., Hallie Q. Brown Community Center; Phyllis Wheatley Community Center; Sabathani Community Center or the

Minneapolis or St. Paul Urban Leagues.

General

The Commissioner of Public Welfare should create a Black Foster Care and Adoption Advisory Task Force to render advice and counsel to the commissioner on all matters relating to law, rules or practice affecting the adoption or foster care of Black children.

Record Keeping

The governor and legislature should direct DPW to compile an annual report on foster care with statistical data for each county and statewide. Such data should include the legal status, race, location, length of stay in foster care and other demographic information for all children in foster care. The report should also include cross-tabulations of variables by race.

Monitoring

Legislation should be enacted creating local foster care review boards to review the placement and care of children after a specified period in foster care.

Footnotes

- 1
2 (Facilitating Black Adoptions, National Urban League, Inc.,
3 1979).
4 Data Source: Minnesota Department of Public Welfare, "Adoption
5 Annual Report Year Ending June 30, 1981".
6 Minnesota Law requires that a child reside (i. e. be "placed")
7 with a prospective adoptive family a minimum of three months
8 before an adoption decree may be granted.
9 Council on Black Minnesotans, "Public Hearing on Adoption and
10 Foster Care Placement of Black Children in Minnesota"; January
11 27, 1982. Hereinafter: "Public Hearing on Adoption". Testimony
12 of J. Whitner, page five and B. Doan, page ten.
13 12 MCAR Section 2.200
14 12 MCAR Section 2.204
15 Public Law 95-608
16 P.L. 96-272 [H.R. 3434; June 17, 1980].
17 P.L. 95-608 Sec. 105 (a) (b).
18 California Legislature, 1981-82 Regular Session, Assembly Bill
19 No. 2384.
20
21 Facilitating Black Adoptions, op. cit. See testimony of J.
22 Anderson, page ten and G. Weissam, page seven.
23 "Public Hearing on Adoption", op. cit. See testimony of J.
Anderson, page ten and G. Weissam, page seven.
Edwin Riday, "Supply and Demand in Adoptions", Child
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Taddiken, and Glapion.
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BACKGROUND ON CBM

The Council on Black Minnesotans is a state agency created in July 1980 to research the broad spectrum of issues affecting 53,000 Black citizens throughout the state and report to the governor and legislature with recommendations for legislation or other initiatives which may benefit Black people.

The CBM is comprised of seven public members appointed by the governor and four ex-officio legislative members appointed by the Minnesota Senate and House. The agency staff complement consists of an executive director, research analyst, government/community liaison, and administrative secretary.

The Council is essentially a research and lobbying agency and does not engage in individual advocacy assistance except in instances where such cases have broad systemic impact.

The Council is supported by four task forces (Black Women's Legislative Issues; Economic Development; Housing and Affirmative Action; Criminal Justice; and Health, Education and Welfare) and provides research and public policy development in these and other areas.

Black Women's Legislative Task Force of the CBM

In June of 1981 the CBM began developing a task force to address Black Women's issues. The impetus for the task force was the Council's desire to provide direct involvement of Black women in identifying issues and shaping objectives for legislative consideration. Further, the Council realized that Black women are generally hardest hit by societal ills such as inflation, recession, crimes against the person, unemployment and racism and thus issues that are specific to the needs of Minnesota's Black women should be given prominence in the formulation of an overall Black legislative agenda.

Several women were invited to attend a meeting on June 2, 1981 to discuss the Council's presumption that a Black Women's Task Force would be a valuable instrument in developing Black public policy. Upon validation of that presumption, invitations were extended to over 100 individuals and organizations of Black women to participate in developing legislative issues which would reflect their concerns.

The BWLTF, comprised of approximately 40 women, emerged from the individuals who responded to our invitation. The task force established two primary objectives for itself: (1) to identify and prioritize legislative objectives and (2) to develop a list of issues and tasks which require further research on development by the CBM.

ADDENDUM:

Synopsis of

PUBLIC HEARING ON ADOPTION AND FOSTER CARE PLACEMENT

OF BLACK CHILDREN IN MINNESOTA

January 27, 1982

CONTENTS

Introduction and Background:

Testimonies:

Katherine Harp
Ruth Weidell
Dick Burtis
Maretta Spencer
Tom Regan
Jackie Whitner
Dr. Anita Brooks
Dara Caesar
Judge Earl Gustafson
Gary Weissam
Marena Krammer
Carol Saunders
Mary Price
Patricia Hickman
Jacqui Thompson
John Taddiken
Judith Anderson
Michael Glapion
Bob Doan

The Council on Black Minnesotans public hearing on foster care placement and adoption of Black children in Minnesota was called to order by Steven L. Belton, Executive Director of the Council at 1:00 p.m., January 27, 1982 in room 118 of the State Capitol Building.

Council members and staff present were: Mr. Belton; Senator Linda Berglin; Leilani Gibbs; Katherine Harp; Clarence Harris, Chair, CBM; Robert Hickman; Reginald Kent; Patricia McBride; Representative Ken Nelson; and Representative Randy Staten.

OPENING STATEMENT

Mr. Belton opened by stating that the objective of the hearing was to gather information and data for the purpose of developing a position and recommending policy or legislation on the adoption and foster care placement of Black children in Minnesota. Mr. Belton stated that the Council's Black Women's Legislative Task Force had listed this subject matter as one of its chief concerns and had urged the Council to conduct hearings on this matter. Mr. Belton read into the record a resolution of the task force. The resolution cited the large number of Black children being placed in white foster and adoptive homes and stated that this practice was detrimental to Black children, Black families, and the Black community.

Mr. Belton stated that the hearing would be open to testimony from any interested party, a large number of whom had contacted the Council prior to the hearing and requested time to testify. He stated further that it was the intention of the the Council to hear each person who wished to testify and thus he would request that witnesses limit their remarks to a time limit of ten minutes or less. In addition, the executive director stated that the official record of testimony would be kept open for two weeks following the date of the hearing and that anyone interested in submitting written testimony or supplementing their oral testimony in writing would have until February 10, 1982 to make submissions. Following these remarks Mr. Belton called the first witness:

KATHERINE HARP, Research Analyst, Council on Black Minnesotans

Ms. Harp reported that at the direction of the Council on Black Minnesotans she researched the question of whether Minnesota or any other state had a law or bill addressing the issue of adoption and foster placement of Black children in that state. Ms. Harp reported that there is a bill currently in the California Assembly which seeks to protect the ethnic heritage of Black children placed for adoption or foster care in California. Ms. Harp reported that existing California law does not establish criterion for the use of ethnic background as a factor in determining placement of a child under consideration for adoption or foster placement. On the federal level, the Indian Child Welfare Act, a 1978 law, provides uniform standards for adoption and foster care placement of Indian children.

The California bill would provide that in determining the proper foster placement of a child, priority shall first be given to placing them with relatives; and if placement with relatives cannot be made or is detrimental to the child, placement shall if possible be made with a foster parent of the same racial or ethnic identification as the child; and if that is not possible placement shall be made with a family of a different racial background or ethnic identification where there is evidence of sensitivity to the child's race, ethnicity, and culture.

This bill would also establish preferences in determining the adoptive placement of a Black child. First it would require that a Black child be adopted with a relative; if a relative is unavailable or such placement is detrimental to the child, the child should be adopted by a family with the same racial background or ethnic identification; if the child cannot be adopted pursuant to these requirements within ninety days, the child should be adopted by a family with a different racial background or ethnic identification where there is evidence of sensitivity to the child's race, ethnicity, and culture.

Under the California bill a preference expressed by the parents for maintaining a child in a similar religious background would be given priority over the preference of placing the child in a similar racial background.

The federal Indian Child Welfare Act was passed, according to Ms. Harp, at the insistence of the Indian community because 25 percent of the adoptions and foster care placements of Indian children were in non-Indian foster and adoptive homes and in many instances those children had been judicially removed from an Indian home.

The Indian Act provides placement criteria for Indian children similar to the criteria of the California bill and additionally provides that the Indian tribe may monitor the adoption and foster care placement of the child.

Ms. Harp also reported that a unique feature of the Indian Act is that any adoption of an Indian child within ten days of birth is automatically nullified. This provision is to provide a period of time for the Indian mother to consider the gravity of relinquishing her parental right to her child.

RUTH WEIDELL, Supervisor, Adoption Unit, Minnesota Department of Public Welfare

The role of the Department of Public Welfare Adoption Unit (hereinafter DPW) according to Ms. Weidell, is to set standards and rules for adoption in Minnesota and to coordinate adoptions between agencies and the court system. DPW's standards for adoption are outlined in rule 12 MCAR 2.200, Section C. The standards include provisions for both court termination of parental rights and parental relinquishment of such rights. The Commissioner of Public Welfare is statutorily assigned as the child's guardian where parental rights have been terminated or relinquished. The Commissioner then places the child with a county service agency which attempts to find an adoptive home to meet the child's needs.

Under the DPW's guidance the local social service agency will try to provide an adoptive home with an ethnic background similar to the child's or, they may place the child with a family that is knowledgeable and appreciative of the child's heritage.

Ms. Weidell stated that foster parents of a child may also be considered to adopt the child if the foster home is able to meet the special needs of the child and the foster child has become an integrated member of the family. If a foster child is older than an infant, it is required to have lived in the foster home for twelve consecutive months to be eligible for adoption by the foster parents. Further, the foster home must be the best suited home or comparable to any other home available to the child.

According to the DPW's annual report on adoption, 71 out of 100 Black children adopted in Minnesota were adopted by white parent(s), 20 by Black parent(s), two by Indian parent(s), one by Asian parent(s), and six were adopted by parent(s) of unknown racial identity.

DICK BURTIS, Adoption Supervisor, Hennepin County Community Services

Mr. Burtis stated that Hennepin County pioneered the move toward transracial adoptions in Minnesota. The push for transracial adoptions was brought about by the apparent lack of availability of Black families for Black children waiting to be adopted.

Hennepin County has traditionally handled a very small number of Black adoptions. In 1981, only three Black children were adopted through Hennepin County Community Services. Two of the three children were adopted by Black families and one was adopted by a white family.

According to Mr. Burtis, Hennepin County Community Services now feels that same race adoption is preferable to transracial adoption. The agency also feels that bi-racial children should be adopted by bi-racial parents. Mr. Burtis noted the difficulty of getting statistics of the success ratio of white families adopting bi-racial children as opposed to Black families adopting Black children. He cited the reticence of adoptive families to discuss their experiences, noting that many adoptive families feel threatened by such questioning or view it as an invasion of privacy.

All children that come to Hennepin County Community Services for adoption are placed on the state register ("the Blue Book") of waiting Children. This provides state wide exposure and enhances the possibility of early adoption.

There are currently six Black families in Hennepin County waiting for home study to be completed. The "Thursday's Child" program on a local television station is largely responsible for the relatively large number of Black families waiting for home study, according to Mr. Burtis.

MARETTA SPENCER, Program Director of Post-Legal Adoption Services, Children's Home Society (CHS)

Ms. Spencer submitted written testimony which she read to the Council. Ms. Spencer began by stating that the objective of adoption is to serve children in their own best interest. It is to provide family membership and permanence for those whose birth givers are unable or unwilling to provide parenting for these children. Ms. Spencer stated her belief that our society respects individuals regardless of race or color and that marriage between persons of unlike racial identity is socially permissible. Ms. Spencer described a new spirit of welcoming the preservation of ethnic diversity which she attributed to the rise of Black consciousness. New directions for planning permanency for Black children have emerged from this social change, according to Ms. Spencer, and are followed by CHS.

Ms. Spencer reported that her agency has arranged for support and counseling services to be made available to white families who have adopted Black or mixed race children. This was accomplished by hiring five Black social workers to work with the families who adopted transracially, by referral to other agencies that provide similar services and by cooperation in several studies. CHS has also purchased appropriate library materials.

Ms. Spencer concluded that the positive quest for racial identity is more problematic for transracially adopted children than for intraracially adopted children. However, several factors influence the shaping of a positive racial identity including parental attention to the Black child's heritage, the residential and school location of the adopted child, and the child's access to role models and peers of the same race. Ms. Spencer also noted a great variation in the ability of individual families to handle Black identity. Most families have welcomed the assistance of Black social workers, according to Ms. Spencer.

TOM REGAN, Director, Children's Home Society (CHS)

Mr. Regan opened by reiterating Ms. Spencer's point that the guiding principle used by CHS is that adoption exists to meet the needs of children.

Mr. Regan stated that CHS follows placement guidelines set by the state of Minnesota. CHS also has its own placement policies including the following: (1) Healthy Black and bi-racial infants are placed in families of the same race except where a white mother requests that her bi-racial child be placed in a white home. (2) If a family of the same race is not registered with the agency or is otherwise unavailable, an effort is made to find a family outside the agency within the state of Minnesota. (3) Minnesota's waiting children, which typically are older Black, Hispanic and mixed race children with special physical or emotional needs will be placed in white homes if families of the same race are not available. Single parents can also make application for adoption of these older children.

Mr. Regan stated his belief and CHS's position that as a child grows older and if it has special needs, the issues of race, religion or geographic location are secondary to whether the child has a caring family--of any color.

CHS receives its healthy infant referrals largely through their pregnancy counseling department. Mr. Regan observed that most Black mothers choose to parent their children which is reflected in the relatively small number of Black infants available for adoption. In 1980, CHS had seven Black or bi-racial children available for adoption of which four were healthy infants and two were older with emotional problems.

Children's Home Society employs a waiting period before a family

can start receiving referrals for adoption. The waiting period includes a period of application and registration followed by evaluation and home study. Usually a family must wait at least a year and a half before receiving a child referral. Economics is not a criteria for family selection. Fees are charged to the adopting family on a sliding scale. The average cost for adopting a healthy infant through CHS is \$1,200 with the maximum cost \$1,700. For Minnesota's waiting children the maximum fee is \$300. Subsidy for adoption costs is also available.

Children's Home Society is a non-profit, sectarian agency which provides many child welfare programs--one of which is adoption services.

Mr. Regan stated that Children's Home Society's objective is to have five prepared Black families waiting to receive a healthy Black referral at any one time. This would be ideal because it would allow the birth mother (who participates in the selection of an adoptive family) as well as the agency to have a choice of two families.

Mr. Regan also stated that it was important for the Black community to assist in providing homes for older Black children with special needs, most of whom are now being placed in white homes.

DR. ANITA BROOKS, University of Minnesota, Department of Afro-American Studies

Dr. Brooks stated that she had several concerns to be discussed and only a few recommendations. They are as follows: (1) Ethnocentric personal values on the part of whites are typically manifested in agency adoption policies to the detriment of Black children. For example, Black people historically care for their out-of-wedlock births through their extended family or network kinship. Dr. Brooks stated that it has been documented that 90 percent of the out-of-wedlock births of Black infants are adopted whether formally or informally, in their existing homes. Yet it is the general consensus of most agencies that Blacks do not adopt and thus, Black children are placed in white homes without proper or legitimate attempts to recruit a Black family. There are homes available for our Black children, Dr. Brooks stated, but what is needed is a vehicle by which agencies can gain entrance in the Black community and into the supply of available Black homes. Also of significance is the fact that until 1940 public agencies did not even deal with the adoption of Black children. When public agencies finally started placing Black children it was bi-racial children (part white and part Black) that were placed, not "Black-Black" children. (2) Dr. Brooks expressed concern with the lack of training and cognitive flexibility by agency social workers and personnel which is reflected in their inability to apply a cultural mode different from their own to their judgments and actions. (3) Dr. Brooks noted a problem finding homes for older Black children, children

with special needs, and Black children with especially dark complexions. The majority of "Black" children that are adopted are in fact bi-racial and are presumably fair in complexion or at least more fair than what she described as "Black-Black" children. The preference for adopting bi-racial or lighter skinned Blacks is motivated by racism, according to Dr. Brooks. (4) Dr. Brooks stated that white adoptive parents must face the consequences of adopting a Black child or a child with mixed racial heritage. Literature shows that the primary relationships with these children's families are sacrificed. Another consequence is the loss of status and community recognition for the adoptive child and the family. Inter-family conflicts grow, according to Dr. Brooks, as the family and child grow older. Stereotypes, conflict in values and assumptions are responsible for the increase in family conflict. Sexual stereotypes begin to emerge in the family and child when the child begins to grow out of adolescence. A mixed child should not have to choose one culture over the other; there should be no cultural loyalty. (5) Supportive services are needed for whites who adopt Black children. Unfortunately, longitudinal studies are not available to offer insight into what has happened to these children after adoption. It is vital that the adopted Black or mixed race child have support outside the home from someone of the same culture.

JACKIE WHITNER, foster parent; State Board of Foster Care; Foster Parent Association

Ms. Whitner opened by stating she and her husband have been foster parents for the past ten years and that many Black children have been placed in her home subsequent to placement in white foster homes. Ms. Whitner stated that in all instances where Black children were placed in her home after previous placement in a white foster home, the children had suffered numerous emotional and behavioral problems, many of which they have carried on into adulthood.

Ms. Whitner discussed three specific cases where Black children were placed in her home for foster care after previous placement in white foster homes. In all three cases the children had been placed in a rural setting where they felt isolated from other Blacks and were treated poorly--even alienated by their white foster families. The Black children were required to stay at home during family social outings, and if the foster family received white visitors the Black children were required to stay out of sight. The children were constantly reminded of their "nappy" hair and "alligator" skin and in one case a young Black girl was sexually abused by the foster family's sixteen year-old-son. Ms. Whitner described one young lady as now having psychosomatic illness and being a chronic pill taker. She looks for attention but is unable to make friends, has no contact with peers, and has no hobbies or interests.

Ms. Whitner recommended that a thorough search be made by private and public agencies to find Black foster care and adoptive homes.

Ms. Whitner stated her preference that Black children be placed in adoptive or foster care homes which have at least one Black parent as opposed to placing a Black child in a home with no Black parent.

DARA CAESAR, adoptive and foster parent; Minnesota Black Child Development Institute

Ms. Caesar testified about her (and her family's) recent experience in attempting to adopt a young Black child. Ms. Caesar stated that the experience had been quite painful for her entire family. Ms. Caesar testified that her family was approached by Hennepin County Welfare to determine if they were interested in adopting a Black infant. The Caesars were excited about the prospect of adopting a Black child and began the lengthy home study process. Prior to completion of the home study another eligible Black couple adopted the same child. Ms. Caesar and her family were quite hurt by the "loss" of the child. Shortly after this time, another Black infant became legally free for adoption and with the Caesars' home study completed they were again asked by the county if they wished to adopt a Black child.

A legal battle ensued because the white foster family that had cared for this Black child since its infancy decided that they too wished to adopt the child. The white family had been told by Hennepin County that because they were white they were ineligible to adopt a Black child. The court decided that it was in the best interest of the child to be adopted by the foster family and not the Caesars. The court decided that a socio-psychological process known as infant bonding, whereby an infant may attach itself to parents and family members without regard to consanguinity, had occurred between the child and the white family and that the infant bonding took precedence over the value of placing the child with a family of the same race.

Ms. Caesar was concerned that the long range psychological implications of a child raised in a white environment far outweigh the bonding issue. A Black family has the necessary support mechanism to help a child cope with racism, Ms. Caesar stated.

Ms. Caesar also stated that the home study conducted by county adoption agencies is irrelevant to Black women and Black parents, and does not accurately gauge the parenting capability of Blacks.

Ms. Caesar recommended that a check and balance system be implemented into state law which would provide clear direction and standards for placement of Black children in adoptive or foster settings similar to the Indian Child Welfare Act (see testimony of K. Harp; page two). Ms. Caesar also suggested that an all out effort to recruit more Black families and Black social workers be instituted immediately.

EARL GUSTAFSON, adoptive parent; Judge, Minnesota Tax Court

Mr. Gustafson testified that eighteen years ago there was a recruitment effort in Minnesota by the Department of Public Welfare to get homes for Black children because there was a substantial number of Black children waiting to be adopted. The Gustafsons, who are white, adopted a Black child. After adopting the child, the Gustafsons began to feel that it was unfair to the child to be living in an all-white community. The Gustafsons felt strongly that the needs of their children came first. So they adopted another Black child and then a third which provided each child with Black (sibling) peers. Finally, they moved from the white community where they were then living and moved to their present home in a racially mixed community.

Judge Gustafson made the following recommendations: The first priority in placing a Black child in an adoptive home should be to find a member of the child's nuclear or extended family. If a family member is unavailable, the child should be adopted by a qualified family of the same race. Judge Gustafson stated that white adoptive parents should not be considered unless they recognize that they alone cannot provide all of the child's needs without the assistance and input of individuals who share the child's cultural and ethnic background.

GARY WEISSAM, Council of OURS - a national organization of adoptive parents; Attorney

Mr. Weissam stated that several hundred children in Minnesota are presently waiting for permanent homes. A disproportionate number of these children are Black, according to Mr. Weissam and they reside in Hennepin and Ramsey Counties. Most of these children are older (than infants), bi-racial, and have physical and emotional handicaps.

The issue of whether Blacks should be placed in the homes of white families is the wrong question, according to Mr. Weissam. Mr. Weissam stated that the single most important standard for placement of a child in an adoptive or foster home is "the best interest of the child". Mr. Weissam believes that it is implicit in this standard that every child should have a permanent home. Therefore, the race or religion of the prospective adoptive or foster parents is a secondary consideration to the availability of a permanent home for the child.

Mr. Weissam stated that public foster care and adoption units are two separate bureaucratic entities and the adoption worker does not take the initiative to refer families to a foster care unit where there may be a waiting child, or vice-versa. Mr. Weissam recommended that measures be taken to unify the adoption and foster care units so that child referrals can flow between them. Also, there is a need for training and sensitizing of white social workers to Black needs and a need for greater employment of Black social workers in private and public agencies.

MARENA KRAMMER: adoptive parent; member of FAMILY

The Krammers have adopted two bi-racial children. Ms. Kramer stated that they have experienced no alienation or racism toward their family from the public or from their close friends. Conversely, they feel their family and community have been very supportive. The Krammers live in a racially mixed community, comprised largely of Blacks and whites, and their children are exposed to both Black and white role models.

Ms. Kramer feels that the disproportionate placement of Black children in white homes results from a lack of the available Black adoptive homes. Ms. Kramer stated that she has taken some positive steps in helping to recruit Black families, but the support of the Black community is needed. Ms. Kramer recommended an all out effort to recruit Black families utilizing churches and community organizations.

CAROL SAUNDERS, foster parent

Ms. Saunders has been a licensed foster parent since June, 1981. She is also waiting to be approved as an adoptive mother. Ms. Saunders is Black and to date has not had a child placed in her home for foster care. She has contacted the county agency which licensed her at least once a month and has consented to have older Black children referred to her home. She was informed by the Department of Public Welfare that one of the reasons for the lag in placement was the economy. Ms. Saunders was told that older children with special needs are sometimes placed in group homes which is less expensive to the county than foster care.

Ms. Saunders stated that the home study process for licensing the home for foster care was extremely tedious and involves a tremendous amount of personal questioning. Ms. Saunders cited this type of extreme personal scrutiny as a reason that many Blacks may be reluctant to become foster or adoptive parents.

Ms. Saunders recommended that older Black children who have been termed "special need cases" and are currently being placed in group homes be referred to foster homes when foster care is available.

MARY PRICE, board member, Survival Skills Institute; board member, Minnesota Black Child Development Institute

Ms. Price testified that the Survival Skills Institute grew out of several Black social workers' need to work directly with young Black mothers in view of the poor success of Hennepin County (white social workers) in working with this group. Ms. Price offered the example of a young Black mother who while hospitalized was approached by a county social worker and urged to give up her child for adoption. The young woman was warned of many unpleasant social and possible legal consequences that might occur if she did not give up her child. After the social worker left, the young mother was depressed to the point that she could not make any decisions in her own best interest or in the best interest of her child. The quality of the relationship between Hennepin County and a Black client is often determined by the racial identity and personal disposition of the social worker, Ms. Price stated. She also spoke of a conflict between Black and white social workers in dealing with the issue of placing Black children.

Ms. Price urged the development of state guidelines which would require public and private agencies to seek out Black adoptive and foster homes for Black children before placing them in white homes. Such standards are needed to act as a check and balance against personal racism on the part of social workers.

PATRICIA HICKMAN, day care provider

Ms. Hickman stated that members of the Black community should be allowed to participate in reviewing the foster and adoptive placement of Black children by public agencies.

JACQUI THOMPSON, former foster parent; Minnesota Black Social Workers Association; member, Black Women's Legislative Task Force of the CBM

Ms. Thompson was concerned that it is difficult and sometimes impossible to get statistics on where Black children are being placed in foster or adoptive settings. She stated that many Black children are "lost" in the system and thus a revision of the Department of Public Welfare's reporting regulations is in order to provide for more accurate data on the foster placement and adoption of Black children in this state.

Ms. Thompson stated that greater publicity is needed in the Black community so that they can become aware of the need for Black foster and adoptive parents. Ms. Thompson also described a lack of sensitivity in white social workers and suggested that training is required to teach them the cultural values and survival skills that a Black child needs.

Ms. Thompson commented that infant-bonding (see testimony of Dara Caesar) can take place at any age, if the family is substantial enough whereby a child or even a teenager will accept the family as their own. Ms. Thompson stated that bonding is not a circumstance peculiar to infants. It may occur at any age.

JOHN TADDIKEN, adoptive parent

Mr. Taddiken testified that he and his wife chose to adopt a bi-racial child from Austin, Texas over eight years ago after three unsuccessful pregnancies. Mr. Taddiken reported that he had experienced no alienation toward the child from his immediate family or community and that there was no loss of support of friends. He stated that his Black friends had been especially supportive. The Taddikens' adopted son attends a day care center where he has Black and white peers. However, Mr. Taddiken stated that it is much easier for a child to grow up in a family of the same race.

Mr. Taddiken suggested there is a need to recruit Black families for adoption and to provide long-range educational programs to inform the Black community of the adoption process and how they may successfully apply to adopt. Mr. Taddiken recommended that any economic incentive to an adoption agency to place a Black child with a white family should be eliminated. Such incentives may exist where a larger fee may be obtained by placing a Black child with a white family which may presumably have a higher income than a competing Black family.

JUDITH ANDERSON, North American Council on Adoptable Children (NACAC)

NACAC is a coalition of adoptive parents who work very closely with the Foster Parent Association. Based in Washington D.C., NACAC does not place children, rather, they work with the organizations and agencies that are involved with the placement of children. Ms. Anderson stated that many thousands of children are "lost" in bureaucratic red tape. There are no available statistics that indicate where are children once they have been placed in foster care or indicate how long they have been placed in their foster homes.

Also, there is a paucity of information on the racial and ethnic background of foster and adoptive children. Ms. Anderson recommended that the legislature create local Foster Care Review Boards to review the placement and care of children after six months of foster care. Forty states are now considering or have passed bills encompassing this recommendation, according to Ms. Anderson.

Ms. Anderson reported that there are 450 adoptive parent organizations and that many of them are Black support groups. 10 percent of NACAC is Black. Also 60 percent of waiting children nationally are minorities of which 40 percent are Black.

Ms. Anderson recommended creation of an adoption agency in the Black community preferably in an existing Black organization such as the Urban League. The advantage of this would be that a Black family wishing to adopt would not have to contact a county agency which may be perceived by the Black community as a white program.

MICHAEL GLAPION, adoptive parent; board member, Children's Home Society

Mr. Glapion stated that the Black community needs to stop blaming white agencies for the problems inherent in placing Black children. The issue, according to Mr. Glapion, is what has the Black community done to aggravate or alleviate this problem.

Mr. Glapion stated that he and his wife had experienced a positive and rewarding experience when they adopted their first child. He reported that while he had initially resented the home study it eventually put he and his wife in better touch with their feelings concerning family relationships, parenting, personal values and children.

Mr. Glapion stated that the Black community needs to reach out to private agencies for adoption referrals as opposed to seeking referrals from county agencies. Mr. Glapion also stated that the Black community should assume some responsibility for sensitizing white social workers to the needs of Blacks.

BOB DOAN, foster parent

Mr. Doan, a resident of Wyoming, Minnesota, has been a foster parent since 1970. He stated that he has two "colored" (Black) foster children which he loves just like his own. There have been incidents of bigotry and racism experienced by Mr. Doan's family in their rural Minnesota community. The Doans have not adopted their two foster children but have changed their surname to Doan.

Mr. Doan reported that he has "colored" friends in the Twin Cities which he visits with his family and that his children have contact with other Blacks.

Mr. Doan recommended that the Council not condemn all whites for the racism of a few. He stated that he hoped white people would continue to support the adoption of Black children.

Written Submissions (on file at CBM office):

Sandra Erickson, Foster Care Consultant, Division of Public Welfare, State of Minnesota: Letter and 12 MCAR 2.204 (rule governing the administration and provision of foster care services).

Anne McManus, Executive Director, Family Services, Inc., Hope International: Letter and agency questionnaire for parents considering foreign or inter-racial adoptions.

Michael J. Glapion, board member, Children's Home Society; adoptive parent: Letter. (See also testimony of Michael Glapion).

Marietta Spencer Program Director of Post-legal Adoption Services, Children's Home Society: Letter. (See also testimony of Marietta Spencer).

Grace Sandness, Adoption Counselor, Crossroads, Inc.: Letter and article describing Ms. Sandness' personal experience with her adopted family.

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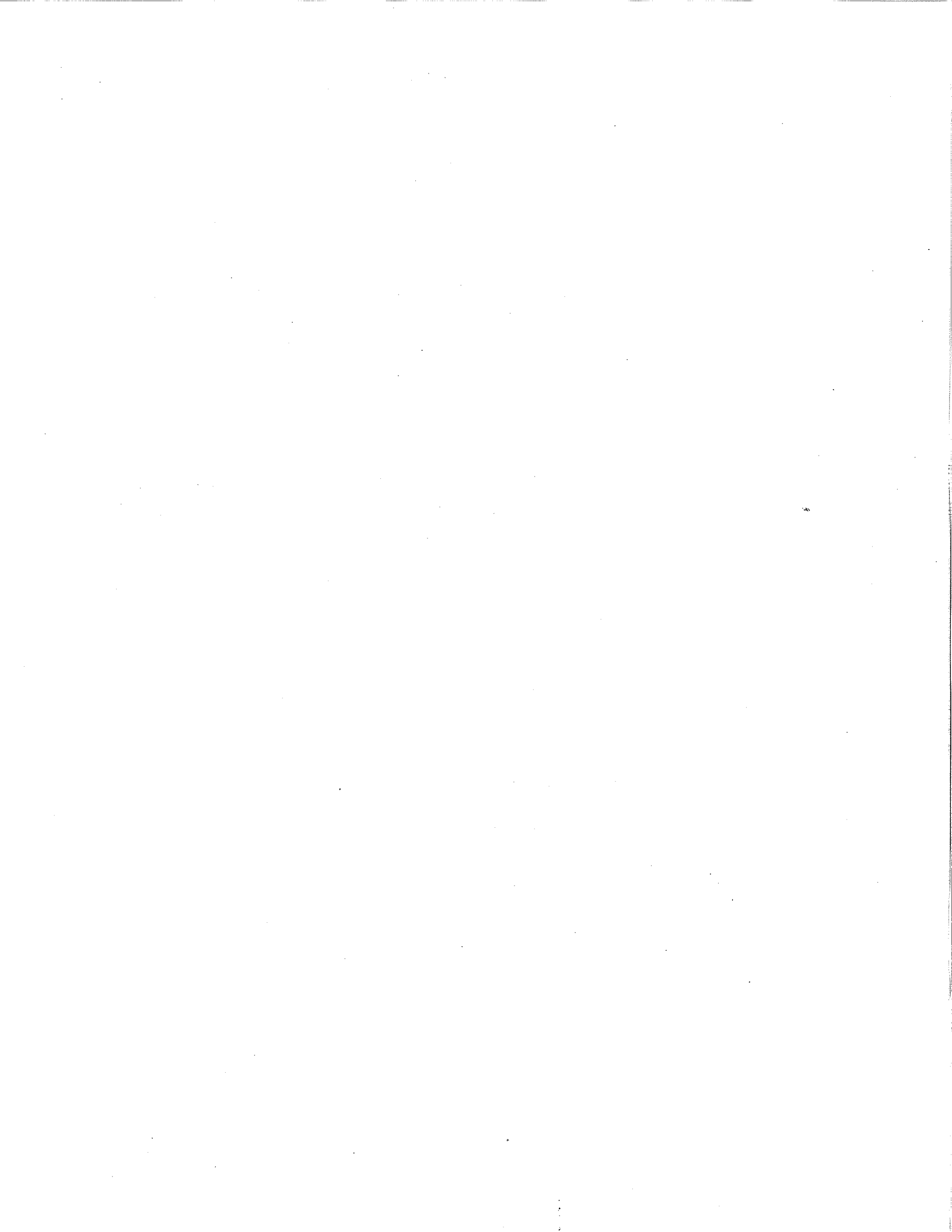
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