

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5113 of this title.

§ 5115a. Multiethnic placements**(a) Activities****(1) Prohibition**

An agency, or entity, that receives Federal assistance and is involved in adoption or foster care placements may not—

(A) categorically deny to any person the opportunity to become an adoptive or a foster parent, solely on the basis of the race, color, or national origin of the adoptive or foster parent, or the child, involved; or

(B) delay or deny the placement of a child for adoption or into foster care, or otherwise discriminate in making a placement decision, solely on the basis of the race, color, or national origin of the adoptive or foster parent, or the child, involved.

(2) Permissible consideration

An agency or entity to which paragraph (1) applies may consider the cultural, ethnic, or racial background of the child and the capacity of the prospective foster or adoptive parents to meet the needs of a child of this background as one of a number of factors used to determine the best interests of a child.

(3) “Placement decision” defined

As used in this subsection, the term “placement decision” means the decision to place, or to delay or deny the placement of, a child in a foster care or an adoptive home, and includes the decision of the agency or entity involved to seek the termination of birth parent rights or otherwise make a child legally available for adoptive placement.

(b) Equitable relief

Any individual who is aggrieved by an action in violation of subsection (a) of this section, taken by an agency or entity described in subsection (a) of this section, shall have the right to bring an action seeking relief in a United States district court of appropriate jurisdiction.

(c) Federal guidance

Not later than 6 months after October 20, 1994, the Secretary of Health and Human Services shall publish guidance to concerned public and private agencies and entities with respect to compliance with this subpart.¹

(d) Deadline for compliance**(1) In general**

Except as provided in paragraph (2), an agency or entity that receives Federal assistance and is involved with adoption or foster care placements shall comply with this subpart¹ not later than six months after publication of the guidance referred to in subsection (c) of this section, or one year after October 20, 1994, whichever occurs first.

(2) Authority to extend deadline

If a State demonstrates to the satisfaction of the Secretary that it is necessary to amend

State statutory law in order to change a particular practice that is inconsistent with this subpart,¹ the Secretary may extend the compliance date for the State a reasonable number of days after the close of the first State legislative session beginning after the date the guidance referred to in subsection (c) of this section is published.

(e) Noncompliance deemed civil rights violation

Noncompliance with this subpart¹ is deemed a violation of title VI of the Civil Rights Act of 1964 [42 U.S.C. 2000d et seq.].

(f) No effect on Indian Child Welfare Act of 1978

Nothing in this section shall be construed to affect the application of the Indian Child Welfare Act of 1978 (25 U.S.C. 1901 et seq.).

(Pub. L. 103-382, title V, § 553, Oct. 20, 1994, 108 Stat. 4056.)

REFERENCES IN TEXT

This subpart, referred to in subssecs. (c) to (e), means subpart 1 of part E of title V of Pub. L. 103-382, Oct. 20, 1994, 108 Stat. 4056, which enacted this section, amended section 622 of this title, and enacted provisions set out as notes below. For complete classification of subpart to the Code, see Short Title note below and Tables.

The Civil Rights Act of 1964, referred to in subsec. (e), is Pub. L. 88-352, July 2, 1964, 78 Stat. 241, as amended. Title VI of the Act is classified generally to subchapter V (§ 2000d et seq.) of chapter 21 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2000a of this title and Tables.

The Indian Child Welfare Act of 1978, referred to in subsec. (f), is Pub. L. 95-608, Nov. 8, 1978, 92 Stat. 3069, as amended, which is classified principally to chapter 21 (§ 1901 et seq.) of Title 25, Indians. For complete classification of this Act to the Code, see Short Title note set out under section 1901 of Title 25 and Tables.

CODIFICATION

Section was enacted as part of the Howard M. Metzenbaum Multiethnic Placement Act of 1994 and also as part of the Improving America's Schools Act of 1994, and not as part of title II of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 Act which comprises this subchapter.

SHORT TITLE

Section 551 of Pub. L. 103-382 provided that: “This subpart [subpart 1 (§§ 551-554) of part E of title V of Pub. L. 103-382, enacting this section, amending section 622 of this title, and enacting provisions set out below] may be cited as the ‘Howard M. Metzenbaum Multiethnic Placement Act of 1994.’”

FINDINGS AND PURPOSE

Section 552 of Pub. L. 103-382 provided that:

“(a) FINDINGS.—The Congress finds that—

“(1) nearly 500,000 children are in foster care in the United States;

“(2) tens of thousands of children in foster care are waiting for adoption;

“(3) 2 years and 8 months is the median length of time that children wait to be adopted;

“(4) child welfare agencies should work to eliminate racial, ethnic, and national origin discrimination and bias in adoption and foster care recruitment, selection, and placement procedures; and

“(5) active, creative, and diligent efforts are needed to recruit foster and adoptive parents of every race, ethnicity, and culture in order to facilitate the placement of children in foster and adoptive homes which will best meet each child's needs.

“(b) PURPOSE.—It is the purpose of this subpart [subpart 1 of part E of title V of Pub. L. 103-382, see Short

¹ See References in Text note below.

Title note above] to promote the best interests of children by—

“(1) decreasing the length of time that children wait to be adopted;

“(2) preventing discrimination in the placement of children on the basis of race, color, or national origin; and

“(3) facilitating the identification and recruitment of foster and adoptive families that can meet children’s needs.”

SUBCHAPTER III—COMMUNITY-BASED FAMILY RESOURCE PROGRAMS

CODIFICATION

Subchapter is comprised of title II of the Child Abuse Prevention and Treatment Act, Pub. L. 93-247. Titles I and III of that Act are classified to subchapters I (§ 5101 et seq.) and V (§ 5118 et seq.) of this chapter.

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 5101, 5102, 5103, 5104, 5106a, 5106d, 5106e of this title; title 31 section 6703.

§ 5116. Community-based family resource programs

(a) Purpose

The purpose of this subchapter is to assist each State to develop and implement, or expand and enhance, a comprehensive, statewide system of family resource services through innovative funding mechanisms and collaboration with existing education, vocational rehabilitation, health, mental health, employment and training, child welfare, and other social services agencies within the State.

(b) Authority

The Secretary shall make grants to States on a formula basis for the purpose of—

(1) establishing and expanding statewide networks of community-based family resource programs, including funds for the initial costs of providing specific family resource services, that ensure family involvement in the design and operation of family resource programs which are responsive to the unique and diverse strengths of children and families;

(2) promoting child abuse and neglect prevention activities;

(3) promoting the establishment and operation of State trust funds or other mechanisms for integrating child and family services funding streams in order to provide flexible funding for the development of community-based family resource programs;

(4) establishing or expanding community-based collaboration to foster the development of a continuum of preventive services for children and families, which are family-centered and culturally competent;

(5) encouraging public and private partnerships in the establishment and expansion of family resource programs; and

(6) increasing and promoting interagency coordination among State agencies, and encouraging public and private partnerships in the establishment and expansion of family resource programs.

(c) Eligibility for grants

A State is eligible for a grant under this section for any fiscal year if—

(1) such State has established or maintained in the previous fiscal year—

(A) a trust fund, including appropriations for such fund; or

(B) any other mechanism that pools State, Federal, and private funds for integrating child and family service resources; and

(2) such trust fund or other funding mechanism includes (in whole or in part) provisions making funding available specifically for a broad range of child abuse and neglect prevention activities and family resource programs.

(d) Amount of grant

(1) In general

Amounts appropriated for a fiscal year to provide grants under this section shall be allotted to the designated lead agencies of eligible States in each fiscal year so that—

(A) 50 percent of the total amount appropriated for such fiscal year is allotted among each State based on the number of children under the age of 18 residing in each State, except that each State shall receive not less than \$100,000; and

(B) the remaining 50 percent of the total amount appropriated for such fiscal year is allotted in an amount equal to 25 percent of the total amount allocated by each such State to the State’s trust fund or other mechanism for integrating family resource services in the fiscal year prior to the fiscal year for which the allotment is being determined.

(2) Allocation

Funds identified by the State for the purpose of qualifying for incentive funds under paragraph (1)(B) shall be allocated through the mechanism used to determine State eligibility under subsection (c) of this section and shall be controlled by the lead agency described in subsection (f)(1) of this section.

(e) Existing grants

A State or entity that has a grant in effect on May 18, 1994, under the Family Resource and Support Program or the Emergency Child Abuse Prevention Grants Program shall continue to receive funds under such Programs, subject to the original terms under which such funds were granted, through the end of the applicable grant cycle.

(f) Application

No grant may be made to any eligible State under this section unless an application is prepared and submitted to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary determines to be essential to carry out the purposes and provisions of this section, including—

(1) a description of the agency designated by the Chief Executive Officer of the State to administer the funds provided under this section and assume responsibility for implementation and oversight of the family resource programs and other child abuse and neglect prevention activities, and an assurance that the agency so designated—

(A) is the trust fund advisory board, or an existing organization created by executive