

In foster-care limbo

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Recent problems in the foster-care system provide additional evidence of two well-known facts: 1) foster care is no place for children to grow up; and 2) large and increasing numbers of children are doomed to grow up there. The recent report by the Department of Social Services confirms the explosion in the foster-care population; it shows that almost twice as many children become available for adoption every year as are actually adopted.

But most discussions of the foster-care situation don't give any indication of the degree to which state policies against transracial adoption are responsible for the foster-care limbo in which so many black children live. Hidden in the DSS report is an unanswered question that hints at the problem: "Should children of color be placed in the homes of white families?" The answer is obviously yes, at

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least when the alternative is for them to grow up in foster or institutional care. What is shocking is that the answer embodied in Massachusetts policy is no.

In a recent study, I documented that powerful race-matching policies in Massachusetts mandate that children available for adoption be placed with color-matched families. If they cannot, they are to be held in foster care rather than placed transracially. Since there are not nearly enough black adoptive families for the black children in need of a home, these policies mean that black children are held in foster care for months, years, and often their entire childhood, "waiting" for color-matched families. Meanwhile, large numbers of white families sit on their own segregated waiting lists or are turned away on the ground that no "appropriate" children are available to adopt.

Matching policies affect black children more than white because more than half of the children in foster care are nonwhite, whereas the majority of the eager adoptive applicant pool is white. Some hint of the discriminatory impact is revealed in the DSS statistics showing that white children account for just 45 percent of the adoptable children in Massachusetts but almost 70 percent of the children actually adopted.

My study also showed 1) the devastating impact that race-matching policies have on black children, denying them the opportunity for the permanent homes that child-care professionals agree unanimously are essential to healthy development; (2) the absence of any evidence in research on transracial adoption that there are risks to black children inherent in these adoptions.

In a comment on the study William Pierce, president of the National Committee For Adoption, agrees with my conclusion that "racial-matching policies should be banned because they are doing serious harm to black children."

Massachusetts' race-matching policies are not only unfair to black children. They are financially wasteful, requiring the expenditure of significant resources on foster care for children who could be supported by adoptive families. They are unwise social policy, constituting state endorsement of an illegitimate form of racial separatism. And they are inconsistent with legal and constitutional provisions banning racial discrimination. They cannot be justified as "affirmative action" because of the demonstrable harm they inflict on the black children at issue.

I am not alone in this view. Joan Hollinger, who is the chief staff person for the effort to draft a Uniform Adoption Act, has stated that race-matching policies are "inconsistent with the anti-discrimination principles embodied in our civil rights laws and constitution." The Minnesota Supreme Court recently

accepted a case involving the constitutionality of the state's race-matching law. The NAACP filed an amicus brief supporting a white foster family whose efforts to adopt its black child triggered the state's attempt to remove the child.

Massachusetts officials should not wait for a legal challenge. They should eliminate the kind of racism embodied in race-matching policies and free the children of color living in foster limbo so that they can be placed in available adoptive homes.

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