



**U.S. Department of Health  
And Human Services**  
*Office for Civil Rights  
Administration for Children  
And Families*

**U.S. Department of Justice**

*Civil Rights Division  
Disability Rights Section*



Dear Colleagues:

We are pleased to announce that the U.S. Department of Health and Human Services' (HHS) Children's Bureau in the Administration for Children and Families and the Office for Civil Rights (OCR) and the U.S. Department of Justice's (DOJ) Civil Rights Division have entered into a new collaborative partnership to assist state and local child welfare agencies and courts in meeting their responsibilities to promote the safety, permanency, and well-being of America's children and their families while at the same time ensuring compliance with federal civil rights laws. The Children's Bureau administers funds and provides guidance, training, and technical assistance on federal child welfare law. OCR and DOJ enforce a number of civil rights laws that apply to state and local government entities and recipients of federal financial support involved in the child welfare system. Recipients of federal financial assistance, including financial support from the Children's Bureau, are prohibited from discriminating on the basis of race, color, national origin, age, disability and, in the context of their education programs on the basis of sex, and must comply with Title VI of the Civil Rights Act of 1964 (Title VI), Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973 (Section 504), the Age Act of 1975 (Age Act), and the Multiethnic Placement Act of 1994, as amended (MEPA), and their implementing regulations. In addition, state and local government entities must comply with Title II of the Americans with Disabilities Act of 1990.

The goals of the child welfare and nondiscrimination laws are mutually attainable and complementary; for example, ensuring that parents and prospective parents have equal access to parenting opportunities without encountering artificial barriers posed by discrimination improves the lives of the children in their care. However, OCR and DOJ have determined that, in some cases, discriminatory barriers exist that have denied biological, foster, and adoptive parents and prospective parents an equal opportunity to benefit from protections and services offered to others in the child welfare system. They are thus joining with the Administration for Children and Families (ACF) to issue practical guidance to supplement their enforcement activities.

As a first step in this partnership, our agencies are issuing, and attaching to this letter, a technical assistance document that offers guidance and information about the intersection of federal child welfare requirements and federal disability law. This technical assistance responds to a general need for increased awareness by entities involved in child welfare regarding their legal obligations under Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990.

Later this year, ACF, OCR, and DOJ will issue a second technical assistance document that will address the prohibition of discrimination on the basis of race, color, and national origin in child

welfare programs. That document will similarly provide guidance about how to comply with Title VI of the Civil Rights Act of 1964, information about OCR's and DOJ's enforcement work in this area, and resources to assist with compliance.

Thank you for your continued commitment to improving the well-being of children and their families. Please feel free to contact the Children's Bureau, OCR, and DOJ for assistance or if you have further questions.

For ACF and OCR information, please visit:

<http://www.acf.hhs.gov/programs/oro>

<http://www.hhs.gov/ocr/office/about/rgn-hqaddresses.html>

For DOJ's Civil Rights Division, please visit:

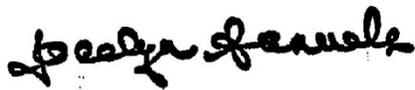
<http://www.justice.gov/crt/>

Sincerely,



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Mark H. Greenberg  
Acting Assistant Secretary for Children and Families  
Administration for Children and Families  
U.S. Department of Health and Human Services



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Jocelyn Samuels  
Director  
Office for Civil Rights  
U.S. Department of Health and Human Services



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Vanita Gupta  
Principal Deputy Assistant Attorney General  
Civil Rights Division  
U.S. Department of Justice