

# SIBLING RIGHTS PRIMER

**Disclaimer:** This document is intended solely for educational and informational purposes. The National Network for Fostering Sibling Connections does not provide legal, medical, or other professional advice. Individuals seeking such services should consult a qualified attorney, healthcare provider, or other appropriate professional.

All too often foster youth are separated from their siblings. Approximately 200,000 foster children are separated from one or more siblings in the United States. Over the last year the National Network for Fostering Sibling Connections gathered social workers, judges, lawyers, caregivers, family members, CASAs, researchers, program staff and those with lived experience to explore the reasons for sibling separation, the long term consequences of these separations.

A barrier is that despite several laws on the books that protect sibling connections, most states have failed to provide sibling rights trainings on these laws to those in the best positions to implement these laws. Instead social workers, GALs, judges, lawyers and CASAs are often flying blind when trying to advocate or support sibling sets. Youth themselves, their siblings, and their caregivers are then also at a loss since the professionals in their lives haven't been supported on this topic.



## What we learned:

The research is clear that sibling connections have long term benefits. There's life long harm from severing sibling connections. And there are many laws on the books that can support the providers in a child's life to advocate for their sibling connections.

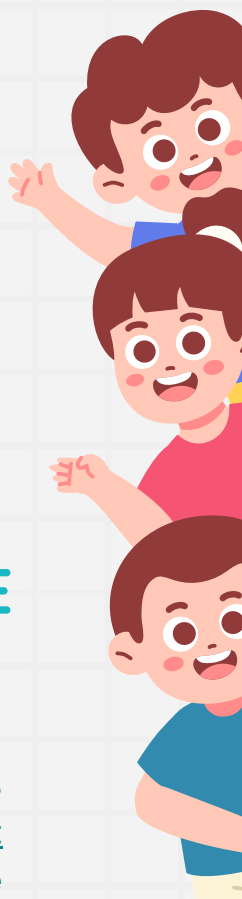
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## RESEARCH SUPPORTS THE IMPORTANCE OF SIBLING CONNECTIONS

For a comprehensive overview of the research on sibling connections and get tangible resources check out : [Sibling Relationships are Sacred: Benefits of Sibling Placement and Contact](#). The links to social science support sibling in-court and out-of-court legal advocacy. Additionally – Sample Motions Are included.

## ABA TOOLKIT EXECUTIVE SUMMARY

“Research shows that the failure to maintain sibling relationships in foster care harms children’s ability to form their identities, deprives them of a vital source of support as they grow and develop, and causes lifelong grief and yearning. Further, direct accounts from youth with lived experience in foster care describe how critical sibling relationships are and the trauma of sibling separation. Roughly two-thirds of children in foster care in the United States have at least one sibling, many of them are separated – often forever – and courts rarely consider the damage such separation causes. Counsel for parents and children should advocate for the placement of siblings together and, when siblings cannot be placed together, for frequent visitation in order to maintain the sibling relationship. The sibling bond is often the most enduring relationship in a person’s life. Maintenance of sibling bonds increases the likelihood of both adoption and reunification, helps improve each child’s mental health, reinforces feelings of stability, shapes identity, and ameliorates educational and adult life competence. Research and lived experience show that continuation of sibling relationships is imperative for children in the child welfare system.”



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## SAMPLE MOTION FOR JOINT PLACEMENT

*They also include a sample motion for joint placement.*

## LAWS HIGHLIGHT THE IMPORTANCE OF SIBLING CONNECTIONS



### FEDERAL LAWS

*Federal statutes require reasonable or active (native youth) efforts to place siblings together and maintain sibling connections.*

***The Fostering Connections to Success and Increasing Adoptions Act of 2008,** requires states to prioritize sibling placement and visitation. unless it would be contrary to the safety or well-being of any of the siblings, Public Law 110-351, specifies that Title IV E placing agencies are to make reasonable efforts -*

- (A) to place siblings removed from their home in the same foster care, kinship guardianship or adoptive placement, unless the State documents that such a joint placement would be contrary to the safety or well-being of any of the siblings; and*
- (B) in the case of siblings removed from their home who are not so jointly placed, to provide for frequent visitation or other ongoing interaction between the siblings, unless that State documents that frequent visitation or on-going interaction would be contrary to the safety or well-being of any of the siblings."*

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## FEDERAL GUIDANCE ON FOSTERING CONNECTIONS TO SUCCESS ELABORATES THAT

- Title IV agencies must make reasonable efforts to place siblings together.
  - Agency policies should be revisited to “ensure that siblings are always placed together unless there is a bona fide safety or well-being concern that prevents placement together or frequent visitation.”
  - If siblings are separated, the agency must document the reasons that are contrary to the safety or well being of the siblings to be placed together.
  - If siblings are separated the agency must make reasonable efforts to facilitate frequent visitation and ongoing interactions.
  - Frequent visitation is defined as (at least monthly) but may be defined as more often under statute.
  - Agencies should also “periodically reassess sibling visitation and placement decisions in cases where siblings are separated or not visiting to determine if a change is warranted.”
  - Agencies should recruit homes that can accommodate sibling sets.
  - Judges play a critical role in sibling connections.
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- U.S. Dep’t. of Health and Human Services, Administration for Children and Families, Guidance on Fostering Connections to Success and Increasing Adoptions Act of 2008 at 22-23 (2010)
  - Highlighted version available [HERE](#)

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## THE PREVENTING SEX TRAFFICKING AND STRENGTHENING FAMILIES ACT OF 2014

- *Law 113-183, requires that the parents of a child's siblings be included as persons to be notified when that child needs placement.*

## THE FAMILY FIRST PREVENTION SERVICES ACT OF 2018

- *Public Law 115-123, permits states to allow the number of foster children in one home to exceed the usual numerical limitation in order to allow siblings to remain together.*



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FOR FOSTERING SIBLING  
CONNECTIONS

GET INVOLVE!

LINK TO CHILDREN'S LAW  
FIRMS