

Keeping Siblings Connected:

*A White Paper on
Siblings in Foster Care
and Adoptive Placements
in New York State*

New York State Office
of Children and Family Services

ACKNOWLEDGMENTS

The New York State Office of Children and Family Services (OCFS) wishes to thank the people who contributed to this white paper:

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BACKGROUND

"A lot of kids don't know that kids can ask to be placed together. They don't know what their rights are. The caseworkers should know to keep the siblings together. The caseworker should ask."

"Everything should be determined on a case-by-case basis—no 'cookie cutter' or 'one size fits all' rules."

"Maybe visits could be at one of the foster homes instead of at a room at DSS. Or maybe a park or somewhere that seems less formal—somewhere where you could do normal stuff."

At regional meetings and retreats, youth in foster care in New York State are speaking from their own experiences about placement and visits with siblings. Through Youth in Progress (YIP), the state's foster care youth leadership advisory team, young people have the opportunity to express their concerns, desires, and recommendations related to siblings. Their voices will be heard throughout this white paper.

With the increasing emphasis on child welfare practice that is family-centered and strength-based, viewing sibling contact as integral to the child's well-being has come into focus. This white paper addresses the benefits as well as the challenges of taking siblings into account in every placement and every visiting plan. Included here is a summary of the statutes and regulations regarding siblings, a review of policies in other states, a discussion of issues, and recommendations for improving placement and visits with siblings for children in foster care.

Although the 1992 Administrative Directive 92 ADM-24, "Foster Care, Adoption: Requirements for Siblings Placement, Visitation and Communication," has been published for some time, it has been apparent that more attention needs to be paid to sibling issues. Based on Social Services Law and the Family Court Act, the ADM spells out casework requirements of the New York State Office of Children and Family Services (OCFS). The ADM, along with this white paper, serves as a reminder to local district and voluntary authorized agency staff of the importance and necessity of paying attention to siblings as an integral part of child welfare casework practice.

Underlying New York State regulations¹ is the understanding that the sibling bond is important to children's development and emotional well-being. Siblings are family, and the connection to family helps give children their identity as well as their feeling of belonging in the world. Sibling contact gives children continuity with their family even when circumstances require separation from their parents. Conversely, the loss experienced by children who must be separated from their parents because of safety or other reasons is only compounded by the loss of contact with their siblings.

¹ 18 NYCRR 421.2, 421.8, 421.18, 430.11, 431.10

The sibling question has enormous consequences for the field of child welfare. A large majority of children in foster care have a sibling who has also been removed from the home. Until recently, however, the sibling factor has had lower priority in decision-making, partly because of immediate needs that seem more pressing at the time. Many other reasons intervene to prevent a clear focus on the importance of siblings. This white paper addresses these challenges to prioritizing sibling placement and contact, and offers guidance on enhancing the sibling bond whenever it is in the children's best interests.

SIBLING PLACEMENT

"You should have at least one family member with you in the same house. It might help for you to be together."

"Placing some of the siblings together is a start, but the agency or county should work hard to eventually place all the siblings in the same household. The situation should always be re-evaluated and reassessed."

"Give the agency some credit—they are doing their best. Not every house can accommodate 5 children. Don't leave one by themselves; have it split 3-2. Keep the communication lines open between the two homes."

Sibling placement policy—summary

Current law and regulations maintain that children entering foster care or adoption must be placed together with their siblings unless contrary to the health, safety, or welfare of one or more of the children.² This is the starting place from which practice flows according to the needs and circumstances of the family. As noted above by a youth in foster care, considering placing siblings together should be an ongoing process and not a one-time decision at initial placement.

Given the expectation that siblings be placed together, the agency must make diligent efforts to identify a foster or adoptive home willing and able to accept the placement. This includes identifying a relative willing to provide kinship care to all of the children or some of them while providing opportunities for continuing contact among the siblings.

The term "sibling" as used in this white paper includes "half-siblings," children who have one parent in common.

² FCA § 1027-a; 1055(i)

To separate siblings, an assessment or consultation with other professional staff such as a licensed psychologist, psychiatrist, other physician, or certified social worker is required to determine that placement together would be contrary to the health, safety, or welfare of one or more of the children. Factors to be considered include age, health and developmental differences, emotional relationship, individual services needs, attachment of the individual siblings to separate families/locations, and continuity of environment standards. As with all activities related to siblings, agency staff are required to document reasons for separating siblings in the Family Assessment and Services Plan (FASP).

When for reasons of safety, children need to be placed on an emergency basis, and no foster home is available for all of the siblings, the siblings must be reunited within 30 days unless contrary to their health, safety, or welfare.³

To further facilitate the placement of siblings together, the law requires setting the date certain for the permanency hearing for a child who is entering foster care to coincide with the previously established date certain of a sibling or half-sibling who is currently in foster care, unless the sibling or half-sibling entered foster care under Family Court Act (FCA) Article 3 or 7.⁴

Other state policies for sibling placement

A number of other states have specific sibling placement policies as well (NRCFCPP, 2005a). California's policy only states that the worker must document diligent efforts to place siblings together and reasons why they were not placed together; the law, however, provides the sibling relationship greater protection by requiring clear and convincing evidence to show why siblings should not be placed together and/or have contact (Shlonsky, et al., 2005).

Kentucky's policy states that "when placing a child in foster care, the initial placement plan should be to place siblings together, unless circumstances exist that would not be in the child's best interest. The sibling bond is irreplaceable. Connections between siblings and significant others should be maintained to preserve the child's emotional well-being and self-esteem." The policy is linked to a tip sheet, which lists possible reasons for separating siblings, and a placement decision-making matrix.

Maine's policy was written with youth in care who are members of the Youth Leadership Advisory Team. It states that "placement of siblings together should be made a priority in case planning and implementation of the case plan. Valid reasons must be identified and documented for not placing siblings together." It recognizes the need to separate siblings in some situations, but requires that these cases "be assessed on a case-by-case basis with the intent to strengthen the relationship and possibly reunite the children in the future."

In Michigan, second line supervisory approval is required for a placement that separates or maintains separation of siblings.

³ FCA § 1027-a

⁴ FCA § 1055(b); 1089

Minnesota requires placement of siblings together “at the earliest time possible.” Out-of-home placement plans require documentation of efforts to place siblings together, and a plan for reuniting siblings placed separately in foster care. The state is unusual in stating reasons that are not acceptable for continued separation: failure to find a placement, sibling aggression, parentification (a child assuming the role of parent), inability of a family to meet the needs of a large group, and previous disruptions.

States have different time frames for making efforts to reunite separated siblings. In Texas, “diligent efforts to reunite the siblings should occur within 60 days, and these efforts must be documented. In the event siblings cannot be reunited within 60 days, continued documentation of all efforts to reunite the siblings must be kept in the record and addressed at the initial and subsequent Permanent Planning Team meetings.” Indiana’s policy states that if siblings are separated, they must have contact within 48 hours and are to be placed together within 10 business days.

See the National Resource Center for Family-Centered Practice and Permanency Planning’s *Policies on Placing Siblings in Out of Home Care* (December 28, 2005) for links to state policies: <http://www.hunter.cuny.edu/socwork/nrcfcpp/infoservices/siblings.html>.

Benefits of placing siblings together

“Practice wisdom and limited research support the basic premise that children experience better outcomes when placed with their siblings. These outcomes include greater stability, fewer emotional and behavioral problems, fewer placements, and fewer days in placement” (Groza, et al., 2003). Research is limited partly because of the complexity of the issues, which are explored below.

As articulated in the sibling policy of New York City’s Administration for Children’s Services (ACS), placing siblings together lessens the trauma of removal, reinforces the importance of family relationships, facilitates visits and communication between children and their parents, and expedites the management and delivery of social work services to the children and their families.

In a proposed assessment tool to help caseworkers make complex decisions about placement, Groza (2003) lists possible benefits of placing siblings together and benefits of placing them separately based on the family’s specific circumstances. Expressed in simple, to-the-point language, benefits of placing siblings together occur when the children:

- do not have to experience another loss (can begin to heal).
- have a shared history (sense of roots).
- learn to work through their problems rather than running from them.
- feel safer in a new home when they are with their siblings.
- are better able to attach to caregivers when the sibling attachment has not been damaged.
- have other people in the family that look like them.

- have a shared biological/genetic history that can be used to predict future physical/medical needs based on the eldest child.

Benefits to separating siblings occur only when other factors intervene, such as:

- the child is living with a family that s/he has lived with for a significant period of time and has formed an attachment; moving the child will result in a significant loss.
- the child will be physically and emotionally safer remaining separated.
- the child has such special needs that separating him/her will allow the family to meet those needs.

Underlying the benefits noted above is that placing siblings together furthers the promotion of lifelong family relationships. Growing up with siblings, children keep their family connection and have the opportunity to form long-lasting, durable relationships.

Sibling placement—issues and concerns

Although the goal of child welfare practitioners is to recognize the importance of the sibling bond and to place siblings together whenever possible and safe for the children, it is not always met for a number of reasons. Challenges in practice include:

- lack of available foster and adoptive homes willing to accept siblings
- insufficient community support for families caring for sibling groups
- varying ages of siblings
- size of the sibling group
- siblings entering care at different times
- sibling with needs for different levels of care
- defining who is a sibling
- need for caseworker training in sibling relationships
- need for supervision regarding placement decisions

The shortage of foster homes able and willing to care for sibling groups is partly attributed to limited physical space. Caseworkers may need to be reminded that exceptions can be made for placing sibling groups together. The law states that exceptions can be made for boarding additional children if they are siblings or half-siblings, or if they are siblings or half-siblings of a child already living in the home.⁵

Another more complex issue arises when families may not accept a sibling group because they are already caring for other children placed in the home, as well as their biological children. The question then becomes, should the children already in the home be moved (and further disrupted) to allow siblings to be together?

⁵ SSL § 378

The need of foster and adoptive families for support, including respite, financial assistance, and counseling services, is real and ongoing. The extent of agency and community support can greatly influence the amount and viability of resource families.

A 2005 longitudinal study (Wulczyn) of children entering foster care in New York City between 1985 and 2000 found that certain sibling group characteristics—sibling group size, ages of the siblings, and placement type—influence whether siblings will be placed together and remain together over time (intactness). The study found that when the number of siblings is smaller, the likelihood of placement in the same setting is higher,⁶ as it is when the children in sibling groups are closer in age (less than six years apart between the first child entering care and the next sibling). It found that sibling groups placed in kinship care have a much higher likelihood of remaining intact compared to those placed in foster boarding homes; in group facilities, sibling groups are almost five times as likely to be separated.

Whether children enter care together is crucial: if they are not placed together on the same day, they are much less likely to be placed with a sibling. Unfortunately, the Wulczyn study found that “siblings entering care together (i.e., on the same day) make up less than one-half of the sibling groups that eventually enter placement.” When siblings do enter foster care at the same time, the likelihood of intact placement is high.

The Wulczyn study concludes that “it is critical to place children together from their initial placement forward. This requires a commitment to having foster care resources available to accommodate siblings, especially for larger sibling groups. For children entering foster care after their siblings, it means identifying children immediately as part of a group and uniting them in their first placement, unless the decision is contraindicated by the needs of any given sibling.”

An additional point about age concerns the placement of siblings who are far apart in age. When it may appear that efforts need not be made to place an infant or toddler in the same home as a sibling teenager, the opposite may be true. The adolescent may value this relationship as a means of experiencing family and connection. In the future, s/he may provide important support to the younger sibling. Asked whether a baby should be placed in the same home as an older sibling, some of the youth from Youth in Progress responded: “It should at least be a consideration.” “Definitely, it may make the younger child’s transition into the system a lot easier.” “Yes, so the baby can grow up with someone in the family.” “Yes, if the foster family can cope with both children’s needs.”

The issue of sibling needs for different levels of care is most challenging. The assessment by a qualified professional should determine whether the needs of a sibling are such that a specialized setting is required. However, it is important to keep in mind that children with special needs have the universal need to be loved, to belong, and to feel safe, and that they should not automatically be placed separately from their siblings. Instead, living with their siblings may help satisfy those

⁶ In New York State, 2005 data show that statewide 64% of all groups of two siblings, 51% of groups of three siblings, and 27% of groups of four or more siblings were placed together as of December 31, 2005.

universal needs. A better solution is to recruit and train foster and adoptive families who can care for children with special needs and their siblings (Casey, 2003).

How to define a sibling is another area of concern when making placement decisions. Degree or type of sibling includes full siblings, half-siblings, step-siblings, and assumed siblings (in a long-time relationship that takes on the nature of a sibling). Whether the children have lived together and whether they have developed bonds with one another are related considerations.

Practice recommendations for sibling placement

The New York State Handbook for Youth in Foster Care (2007) states:

Your caseworker is required to try hard to place you and your sisters and/or brothers (siblings) together if they need to be in foster care too. If there are no safety or other issues about being together, your caseworker should try to keep you together. If you and your siblings are placed separately, ask your caseworker why.

Recognize the right of siblings to be placed together.

New York law and regulations state that siblings are to be placed together in a foster care or adoptive home unless the placement is determined to not be in the best interests of the children.⁷

Increase training for caseworkers and supervisors on sibling placement.

Training should reinforce the law and regulations of New York State on sibling placement and provide ideas and resources for filling the requirements. Research and developmental information should be provided on sibling relationships and the importance of the sibling bond.

Supervisors should receive training on their responsibility to review and approve case records to determine that documentation is complete regarding diligent efforts to place siblings together. Emphasize training on documentation and why it is necessary; this includes documentation through the CONNECTIONS Family Assessment and Services Plan (FASP) and Progress Notes.

Regarding sibling placement, caseworkers must document in Progress Notes that (1) foster parent(s) or prospective foster parent(s) have been asked whether they will accept a sibling group, if appropriate; and (2) foster parents have been provided with information on the existence and location of all siblings or half-siblings of any child placed with them.

Recruit foster homes for sibling groups.

Increase recruitment for homes that can take siblings and that value the sibling bond. Call on existing foster families for both foster care and adoptive placements of sibling groups. Seek kinship placements whenever possible.

⁷ FCA § 1027-a; 1055(i)

Consider more creative ways of supporting these homes with extra beds, respite (babysitters, day care), logistics, transportation, scheduling of appointments, and solicitation of community donations (Schepard & Liebmann, 2007).

When a child comes into placement, research the records to determine whether there are siblings already in placement or who have been adopted. If so, look to that family as the first placement (NRC for Adoption).

Train foster/adoptive families on sibling issues.

To be most effective, training should acknowledge and emphasize the sibling bond, including drawing on the caregivers' personal experience as a sibling. Offer topics on running a large household with children of differing ages, perceiving/handling conflict among siblings, dealing with a parentified child, and incorporating a sibling with special needs into the family, among others.

Enhance assessment procedures.

Adopt/refine assessment procedures that help caseworkers learn about a child's siblings, including if/where they are placed in care, their relationship to the child being placed, and their developmental needs. Procedures should include questions for the caseworker to ask children about their siblings and preferences. This could include developing a genogram to identify what sibling or sibling-like relationship the child has with other children in the extended family.

Include youth in the decision to place siblings together.

This paper opened with a recommendation from a youth in foster care that the caseworker should ask children about their siblings. Another youth in care in New York State says:

“In general, when children are placed, they don't know how to ask to be placed together and they are not asked for it to be done.”

The Maine Youth Leadership Advisory Team (2002) made this point in its policy recommendations: “Youth should have an opportunity to voice their views about placements, and have their views included in the final placement decision.”

Consider older siblings as placement options.

The Maine Youth Leadership Advisory Team recommends: “An older sibling ought to be considered as a placement option for younger siblings, provided that the older sibling could adequately care for younger siblings with the same support that is provided to foster or adoptive parents and given that there is no danger of specific harm to a youth or it is not contrary to a youth's best interest.”⁸

⁸ Federal law 42 USC 671(a)(19) states that for a state to be eligible for payments under this part, it shall have a plan approved by the Secretary which provides that the state shall consider giving preference to an adult relative over a non-related caregiver when determining a placement for a child provided that the relative caregiver meets all relevant state child protection standards.

Monitor placement decisions for opportunities to place siblings together.

Whenever a child is placed in a foster home, be sure to ask the foster parents if they can take the sibling(s) as well. Regulations state that foster parents must be informed if any child placed with them has siblings or half-siblings, and, if so, their location. Agencies should increase awareness among staff that exceptions allow foster homes to take more children if they are siblings.

If siblings are not placed together, agencies should attempt to place them near one another in the same school, neighborhood, town, or region. If possible, settings should be chosen where the caregiver promotes and facilitates frequent, meaningful contact. The visiting plan and service plan for the family should be constantly monitored for the possibility of placing siblings together. At each Service Plan Review, ask participants whether the children can or should be placed together. Continue to ask children if they wish to be placed together. Over time, children may change their minds about whether they do or do not wish to be placed with their siblings.

SIBLING VISITS

"I don't think it is a total failure if all the siblings are not placed together. Realistically, there is a shortage of foster parents and a shortage of foster parents or facilities that can take multiple siblings . . . as long as there is constant visitation then it's okay and they should also be placed close to each other."

"There should be a law stating that siblings should still be able to visit each other even when one sibling has been adopted."

"I think visiting siblings who aren't in placement is a good idea. You should be able to because you know you have someone in your life out there."

Sibling visit policy—summary

When siblings are not placed together, for whatever reasons, the issue of sibling visits arises.

When siblings are placed separately, agencies are required to make diligent efforts to facilitate biweekly face-to-face contact between siblings and half-siblings, unless it would be harmful to their health or safety or unless geographic proximity precludes visiting. Since "geographic proximity" is not defined, agencies must work with caregivers to determine the children's best interests in relation to available transportation, time, environment, and supervision.

Regular telephone contact and other communication (e.g., e-mail, notes, letters) should be arranged between visits. When in the best interests of all children involved, every effort should be made to coordinate parent-child visits to include the entire sibling group and the parent.

Foster parents must agree to cooperate with the agency in facilitating sibling visits, but the agency is responsible for having the visits take place and documenting them in the Family Assessment and Services Plan (FASP). The requirements for documenting visits are spelled out in 92 ADM-24.

Other states' policies for sibling visits

Policies of other states stress the importance of sibling visits (NRCFCPP 2005b). Some spell out the time frame for visits—monthly, biweekly, weekly (Missouri and Utah)—while others simply state that the visits should be frequent (California, Florida, Georgia, Kansas).

States vary in recognizing certain circumstances that may arise and tying them to requirements for sibling contact. Idaho's policy clearly articulates specific actions that support regular visits: "Write sibling visitation into case and alternate care plans and provide transportation and other supports resource families need to make those visits happen regularly. The plan should clearly state who would be responsible for making sure visits happen." Louisiana recognizes the right of youth 16 and older who do not want visits with siblings as an exception to required visits.

Illinois's policy lists certain conditions that might prevent biweekly visits—court order, request of child, or risk of harm. In Indiana, siblings are to visit biweekly unless one is placed in a residential facility; even then, visits are required but may be reduced to monthly. Kansas' policy is rare in requiring one of the twice monthly contacts to consist of the parents with all of the children, and one of them to be a sibling-only visit. Rhode Island's policy states that termination of parental rights proceedings should not affect the visiting plan for siblings.

In April 2006, Maine passed legislation that requires the custodians of foster youth and parents of adopted youth to facilitate visits between separated siblings (NGA). The passage of LD 1682, *An Act To Support Sibling Rights in Child Welfare Custody Matters* (now Public Law, Chapter 526), was spearheaded by youth in care who are members of the Youth Leadership Advisory Team. The law includes the recommendation to inform and explain to each sibling whenever a visit is cancelled. Similarly, when a youth is moved, siblings should be informed about the move, why it occurred, and the new location.

See the National Resource Center for Family-Centered Practice and Permanency Planning's *Policies on Sibling Visits in Out of Home Care* (December 28, 2005) for links to state policies: <http://www.hunter.cuny.edu/socwork/nrcfcpp/infoservices/siblings.html>.

Benefits of sibling visits

The starting point is to acknowledge and understand the importance of sibling contact to the well-being and emotional growth of children placed in care. When children are not placed together, visits can help maintain the attachment to family and lessen the trauma of being placed apart.

When visits are regular and frequent, and allow opportunity to connect in a meaningful way, they have many of the same benefits of sibling placement together: less trauma and loss, feeling of belonging, shared history, opportunity to work through problems. The single most important factor in getting children back with their biological families is regular and frequent visits, and it is easier for the birth parents to visit one family foster home than several (Barbell, 1995).

Sibling visits—issues and concerns

Although the goal of child welfare practitioners is to recognize the importance of the sibling bond and to facilitate sibling visits and contacts whenever possible and safe for the children, it is not always met for a number of reasons. Challenges in practice include:

- arranging visits: logistics, transportation, activities
- inadequate staff resources to arrange, supervise, monitor visiting plan
- inadequate assistance from caregivers
- siblings placed in different types of settings
- varying ages of siblings
- defining who is a sibling
- inadequate documentation of visits
- need for caseworker training in sibling contacts
- need for supervision regarding visits

Many of the issues related to sibling visits overlap with those related to sibling placement. Agencies are challenged by a lack of resources (financial, staff, training) to address factors like number, ages, and different types of siblings; varying levels of care; and point of entry into care.

The Youth in Progress team has identified improving family and sibling contacts as a priority. This decision arose out of the participating members' own experiences with lack of frequent, consistent, meaningful contact and inability to be heard on these concerns. Specifically, most problematic areas are visits between youth placed in foster homes and siblings in residential care; visits with older siblings; visits used as a disciplinary tool; supervised visits; communication about visits; and visits with past foster families or others not defined as siblings.

Youth leaders in the YIP team define visits as being face-to-face and having quality time together. They understand that supervision is necessary when safety is a concern but when it is not, they prefer more informal settings, longer visits, and more sibling-only visits. They value being able to visit an older sibling who may be living on his or her own; this is rarely allowed. They also value contact with half-siblings, step-siblings, and adopted siblings. Most important, they want to be consulted about their wishes and have input into visiting plans.

Practice recommendations for sibling visits

The New York State Handbook for Youth in Foster Care states, in bold:

Your caseworker is required to arrange for visits with your siblings at least every 2 weeks.

ACS's *Best Practice Guidelines* (2006) stress: "The importance of sibling visits for older children and youth in care should not be overlooked or underestimated."

Recognize and reinforce throughout the agency the requirements for sibling visits.

When agencies provide every youth in care a copy of the Handbook for Youth in Foster Care, both the agency and the youth are reinforced in the knowledge that the caseworker is required to arrange biweekly visits with siblings.

Develop agency policies regarding visiting plans that address sibling visits as a separate need from parent and child visits. Develop guidelines that define the roles and responsibilities of workers, birth parents, and caregivers for visits between siblings. Conduct regular supervisory reviews that target sibling visits (Minnesota, 2004).

Increase training for caseworkers and supervisors on sibling contact.

Training should reinforce the law and regulations of New York State on sibling contact and provide ideas and resources for filling the requirements. Research and developmental information should be provided on sibling relationships and the importance of the sibling bond.

Supervisors should receive training on their responsibility to review and approve case records so that documentation is complete when siblings are separated. Emphasize training on documentation and why it is necessary; this includes documentation through the CONNECTIONS Family Assessment and Services Plan (FASP) and Progress Notes. The Permanency Hearing Report requires information about sibling visits to be reported to the court.

Regarding visits, caseworkers must document in Progress Notes that (1) foster parents have been informed of the visiting plan for the child's parent(s), guardian(s), siblings or half-siblings; and (2) foster parents have been informed that diligent efforts will be made to facilitate regular biweekly visitation or communication between minor siblings or half-siblings who have been placed apart, unless such contact would be contrary to the health, safety or welfare of one or more of the children or unless the lack of geographic proximity precludes visitation.

Include youth in planning and decisions about visits with siblings.

Although many youth can articulate their preferences, sometimes children are unable to express clearly what they want because of age, developmental level, trauma, fear of authority, or other reasons. Questions phrased objectively and simply are helpful in these situations. For example:

1. Would you like to receive pictures of [sibling], hear about things happening in [sibling]'s life or be able to send them letters or birthday cards?

2. Do you like seeing or hearing from [sibling]?
3. Would you like to be able to visit with or talk to [sibling] on the phone?
4. Would you like to live in the same home as [sibling]?
5. Do you feel safe with [sibling]?
6. Do you ever feel scared around [sibling]?

... Once the child has identified what he or she wants, social workers should make every effort to follow through on his or her wishes, or clearly communicate to the child why it is not possible. Otherwise, the child might become disempowered and feel as though his or her desires do not matter to professionals (Herrick & Piccus, 2005).

Broaden the definition of visits beyond the minimum contact requirements.

Help siblings who have already been separated from each other have opportunities to maintain their relationship—frequent visits, including overnights; regular telephone contact; and the chance to celebrate important events together—no matter what the emotional and behavioral aftermath. Working on the emotional reactions to visits and contacts between siblings promotes the healthy growth and development of children (Barbell, 1995).

Visit planning should be creative and fluid, responsive to changes in case circumstances, and inclusive of different types of visits (e.g., joint appointments, school and community events, day trips, after-school programs).

Never use visits as a method of discipline.

Speaking about their own experience, youth leaders in the YIP team report that sometimes sibling and family visits are taken away because of a youth's behavior or for an unknown reason. Youth report that sometimes visits are denied as a result of a decision by caseworkers, parents, judges, or adoptive parents. The youth recommend that visits never be taken away as punishment.

Because of the deep issues of attachment and separation that may arise before or after a home visit, children may act out due to feelings of loss and sadness. Seek professional guidance from a mental health expert before making any decisions to limit or end visits solely based on a child's reactions (ACS, 2006).

When visits are cancelled or rescheduled, the caseworker should inform the youth of the reasons for cancellation and the date, time, and place for the rescheduled visit.

Enhance the ability to visit older siblings.

Develop supports for siblings nearing adulthood, who may become able to parent young brothers and sisters if the child welfare system backs them up. For example, foster parents could remain involved with the children and the parenting sibling in a quasi-grandparent role that includes guidance and occasional respite (Barbell, 1995).

One youth in YIP suggested: "Get the sibs qualified in some way—along the lines of how foster parents have to go through training and get an okay. Have them go through a process so they can

be a safe haven.” Another observed: “Foster care is all about permanency and family connections, so why would you stop someone from potentially connecting with a permanent resource?”

Coordinate the provision of services to the family.

Assign one caseworker per sibling group. Refer youth to the same counseling agency when therapy is recommended.

Facilitate visits with half-siblings, step-siblings, and adopted siblings.

“I have a lot of half-siblings and am not allowed to see them because they are not by the same parents as me. How do you feel? It hurts, it shouldn’t matter that they are half. It’s the same thing for step-sibs—if they want the contact. They are still my siblings and I have the right to see them.”

As in the search for absent fathers or other relatives, caseworkers may face the daunting task of identifying and locating siblings (in placement or not) of varying degree or type.

Facilitate visits with siblings who are not in placement.

“You should be able to visit siblings who live on their own as long as it is safe.”

The importance of facilitating visits between children placed in out-of-home care or adopted and those remaining in the home, although not required by law, should be stressed and viewed as best practice.

Enhance training of foster and adoptive parents about the importance of sibling contact.

Emphasize the importance of the sibling bond, sibling placement together, and continued contact when the children are not placed together (Maine YLAT).

BEFORE AND AFTER ADOPTION

“My brother’s adoptive mother won’t let me see him because I am part of his past and she wants him to move on and just be part of their family.”

Siblings and adoption policy--summary

New York State regulations require that siblings and half-siblings who are freed for adoption be placed together in a pre-adoptive home unless placement together is determined to be not in the best interests of one or more of the children. Agencies must inform foster parents if any child placed with them has minor siblings, and, if so, if they are free for adoption.

If children are not placed together, agencies also must discuss with the adoptive parents their willingness to facilitate contact between the adopted child and any siblings, and inform the

adoptive parents of the availability of services, if any, to assist in establishing and maintaining sibling contact.

After a child is adopted, continuing contact with siblings may be allowed in several ways:

- A contact agreement executed as part of a conditional surrender may provide for communication or contact between the child and the child's birth parent and siblings, if any. The agreement is signed by the adoptive parent, the birth parent, the agency having care and custody of the child, and the child's law guardian, and must be incorporated into the court order. If the contact agreement provides for contact with a child's sibling who is over the age of 14, the sibling must sign (consent), or the agreement is not enforceable as to that sibling.

The parties to the contact agreement or the law guardian for the adoptive child may go to court and ask that the agreement be enforced if the adoptive parent decides later to discontinue the contact with siblings. The law provides enforcement procedures for post-adoption contact agreements based on the best interests of the child. The law also provides that failure to comply with the terms of a post-adoption contact agreement cannot disrupt an adoption.⁹

- A judge who finalizes the adoption may order that contact between the child and the child's birth family be allowed after the child has been adopted.
- An informal arrangement between adoptive parents and birth parents, (e.g., kinship adoptions) may allow contact between the child and birth family. OCFS, however, encourages contact with the birth family to take place with formal agreements where the rights of the parties may be enforced.

It is important to remember that termination of parental rights or surrender by the birth parents does not necessarily terminate the rights of the child's siblings. Older youth who are adopted or wish to locate a sibling who is adopted can contact the Adoption Registry of the New York State Department of Health. The registry can help locate family members and even facilitate a reunion. There are age requirements associated with registering. For information, see www.health.state.ny.us/vital_records/adoption.htm.

In recognition of the special difficulty of placing more than one child at a time in an adoptive home, every state and the District of Columbia includes membership in a sibling group as one category of "special needs" that may qualify for adoption assistance (NRC Sibling Placement).

⁹ DRL § 112-b

Siblings and adoption issues and concerns

Although policymakers have emphasized children's needs for permanent connections, often achieved through adoption when family reunification is not possible, there are drawbacks to adoption in terms of sibling relationships. An adoptive parent who wishes to start new with a child may decide to sever contact with biological siblings.

As a result, and because older youth may want to keep the connection with other relatives as well, many youth in foster care choose not to be adopted. In New York State, youth who are 14 and older can decide for themselves whether they want to be adopted, although at every Service Plan Review (essentially every six months) caseworkers must ask youth 14 and older about the possibility of adoption as their circumstances and needs change.

McCarthy (2006-07) notes that few states guarantee the right of youth in foster care to continue seeing their adopted siblings, or vice versa. Louisiana and Oregon have passed laws giving youth adopted from foster care the right to maintain sibling contact.

Adoption law, originally written to protect the interests of families adopting infants, has not kept up with the changing times and does not reflect the needs of older children to maintain contact with their siblings. A step forward for New York State is the provision for post-adoption contact agreements (see above); children's advocates recommend further steps that allow for more comprehensive and legally binding ways to retain sibling connections (McCarthy).

CONCLUSION

"Siblings usually want to reconnect with each other as they get older."

"My brothers are all that I have for family as far as I'm concerned."

"I think that family is family, that connections are connections, and that the bond between them (siblings) shouldn't be taken any less seriously no matter how old they get."

Asked whether they feel that bonds with siblings get less or more important as they get older, the YIP youth leaders overwhelmingly responded, "more important." The paper *The Sibling Bond: Its Importance in Foster Care and Adoptive Placement* (NAIC) states: "The bond between brothers and sisters is unique—it is the longest lasting relationship most people have, longer than the parent/child or husband/wife relationship. While the bonds may wax and wane, a person's lifetime quest for personal identity is undeniably interwoven with his or her siblings."

Although there have been “troubling trends” in court decisions regarding siblings—such as seeing the sibling bond as only one of many factors in determining the best interests of the child, with no preference given to the bond—there are also “promising trends” including an increased awareness of sibling rights and the importance of the sibling bond. States are enacting statutes that recognize sibling rights, and clinical literature and research are increasingly available for citing in court (Casey, 2002).

In conclusion, the importance of the relationship with siblings should be considered in all major decisions related to children in out-of-home care, including placement, service planning, and discharge. Going beyond fixed ideas about separating or placing siblings together, recognizing a family’s unique situation, and listening to the children themselves will only lead to more creative and successful outcomes for children and families.

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