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### Informational Letter

<b>Transmittal:</b>	07-OCFS-INF-04
<b>To:</b>	Commissioners of Social Services Executive Directors of Voluntary Authorized Agencies
<b>Issuing Division/Office:</b>	Strategic Planning and Policy Development
<b>Date:</b>	June 8, 2007
<b>Subject:</b>	Keeping Siblings Connected: A White Paper on Siblings in Foster Care and Adoptive Placements in New York State
<b>Suggested Distribution:</b>	Directors of Social Services Foster Care Supervisors Adoption Supervisors Home Finding Supervisors Staff Development Coordinators
<b>Contact Person(s):</b>	Any questions concerning this release should be directed to the appropriate Regional Office, Division of Development and Prevention Services: BRO – Linda C. Brown (716) 847 – 3145 <a href="mailto:Linda.Brown@ocfs.state.ny.us">Linda.Brown@ocfs.state.ny.us</a> RRO – Linda Kurtz (585) 238 – 8200 <a href="mailto:Linda.Kurtz@ocfs.state.ny.us">Linda.Kurtz@ocfs.state.ny.us</a> SRO – Jack Klump (315) 423 – 1200 <a href="mailto:Jack.Klump@ocfs.state.ny.us">Jack.Klump@ocfs.state.ny.us</a> ARO – Glenn Humphreys (518) 486-7078 <a href="mailto:Glenn.Humphreys@ocfs.state.ny.us">Glenn.Humphreys@ocfs.state.ny.us</a> YRO – Patricia Sheehy (914) 377 – 2080 <a href="mailto:Patricia.Sheehy@ocfs.state.ny.us">Patricia.Sheehy@ocfs.state.ny.us</a> NYCRO – Brenda Smalls (212) 383 – 1788 <a href="mailto:Brenda.Smalls@ocfs.state.ny.us">Brenda.Smalls@ocfs.state.ny.us</a> Native American Services – Kim Thomas (716) 847 – 3123 <a href="mailto:Kim.Thomas@ocfs.state.ny.us">Kim.Thomas@ocfs.state.ny.us</a>
<b>Attachments:</b>	Yes
<b>Attachment Available Online:</b>	Yes

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
92 ADM-24					

## I. Purpose

The purpose of this Informational Memorandum (INF) is to transmit to social services districts and voluntary authorized agencies a practice guidance paper, "Keeping Siblings Connected: A White Paper on Siblings in Foster Care and Adoptive Placements in New York State." This paper, developed by the Office of Children & Family Services (OCFS) in conjunction with Welfare Research Incorporated (WRI), provides social services districts and voluntary authorized agencies with a framework for practice to strengthen sibling bonds for children placed in foster care or adoptive placement.

## II. Background

OCFS regulations, which took effect on July 26, 1988, for the first time provided regulatory requirements that govern the placement of siblings together in foster care or adoptive placement. Chapter 854 of the Laws of 1990 evidenced support for this practice by the New York State Legislature. The statutory language strengthened the practice requirements even more by mandating regular visiting and communication for separated siblings and by adding that both placement together and visiting for separated siblings is *presumptively* in the child's best interests, unless contrary to the child's health, safety or welfare. OCFS regulations were amended effective September 25, 1991, in order to fully incorporate the statutory requirements of Chapter 854. On June 8, 1992, Administrative Directive 92 ADM-24 was issued. That directive remains in effect, and child welfare staff should review it and take all necessary steps to comply with the policies therein. The directive is attached to this INF and also available at:

<http://ocfs.state.nyenet/policies/external/1992/ADMs/92-ADM-24 Foster Care, Adoption; Requirements for Siblings Placement, Visitation and Communication.pdf>

Fifteen years have passed since these policies and practices were promulgated. In recent years, as part of the Child Welfare Program Improvement Plan, OCFS has begun "Youth in Progress" (YIP), an initiative that is part of the Adolescent Services Workgroup committed to promoting youth voice and empowering youth. This group has identified that the placement of siblings together and sibling visitation are vital to their need for family connections and has identified these issues as priorities.

In addition, the federal Child and Family Services Review (CFSR) has developed assessment criteria regarding keeping siblings together in foster care and visits between separated siblings in foster care. New York State and social services districts are accountable for performance with regard to these key indicators of effective practice.

Furthermore, a 2006 performance audit by the Office of the State Comptroller (OSC) was completed to assess statutory and regulatory compliance with sibling placement decisions and visitation between separated siblings in foster care. OSC found that improvement was needed in both of those areas. Fifty cases in five upstate social services districts were reviewed. The separation decision was found to be adequate in 78% of the cases reviewed. Only 60% of the required sibling visits were documented in the cases reviewed. OSC's findings and recommendations were instrumental in OCFS's decision to issue this paper. A similar audit is currently underway in New York City, Administration for Children's Services.

### **III. Program Implications**

*Keeping Siblings Connected: A White Paper on Siblings in Foster Care and Adoptive Placements in New York State* emphasizes the importance of the sibling bond 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.

Given the need to focus on sibling relationships, the white paper addresses the benefits as well as the challenges of taking siblings into account in every foster care and adoptive placement and every visiting plan. The paper includes 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 and adoption.

Based on Social Services Law and the Family Court Act, the Administrative Directive 92 ADM-24, "Foster Care, Adoption: Requirements for Siblings Placement, Visitation and Communication" spells out casework requirements of 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.

Throughout the white paper are quotes from youth in foster care speaking from their own experiences about placement and visits with siblings. Through 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. The YIP team sees family visits as a priority issue.

The starting point for a discussion of siblings is the current policy that children entering foster care or adoption should be placed together with their siblings unless contrary to the health, safety, or welfare of one or more of the children. This should be an ongoing process and not a one-time decision at initial placement. Given the expectation that siblings be placed together, agencies 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.

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; agency staff must document reasons for separating siblings in the Family Assessment and Services Plan (FASP).

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. 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 FASP.

After a review of other states' policies and a discussion of benefits and challenges to placing siblings together and sibling visitation, the white paper presents recommendations for practice:

### **Recommendations for Sibling Placement**

- Recognize the right of siblings to be placed together.
- Increase training for caseworkers and supervisors on sibling placement.
- Recruit foster homes for sibling groups.
- Train foster/adoptive families on sibling issues.
- Enhance assessment procedures.
- Include youth in the decision to place siblings together.
- Consider older siblings as placement options.
- Monitor placement decisions for opportunities to place siblings together.

### **Recommendations for Sibling Visits**

- Recognize and reinforce throughout the agency the requirements for sibling visits.
- Increase training for caseworkers and supervisors on sibling contact.
- Include youth in planning and decisions about visits with siblings.
- Broaden the definition of visits beyond the minimum contact requirements.
- Never use visits as a method of discipline.
- Enhance the ability to visit older siblings.
- Coordinate the provision of services to the family.
- Facilitate visits with half-siblings, step-siblings, and adopted siblings.
- Facilitate visits with siblings who are not in placement.
- Enhance training of foster and adoptive parents about the importance of sibling contact.

The white paper includes the section *Before and After Adoption*, which addresses sibling issues in adoption. Siblings and half-siblings who are freed for adoption must 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. 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.

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. Contact with siblings may continue in several ways, including a contact agreement as part of a conditional surrender.

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.

*/s/ Nancy W. Martinez*

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