

Alaska provisions relating to sibling relationship, placement, contact info, and visitation while in state custody

AS 47.14.100(r)

(r) The department shall make reasonable efforts to place siblings in the same placement if the siblings are residing in the same home when taken into the custody of the department. If siblings are not placed together after reasonable efforts have been made, the case supervisor for the division with responsibility over the custody of children shall document in the file the efforts that were made and the reason separating the siblings for placement purposes is in the best interest of the children. If it is in the best interests of the children to maintain contact, the department shall provide each sibling with contact information for the other sibling and encourage the children's caregivers to provide opportunities for contact between the siblings. In this subsection, "sibling" means two or more persons who are related by blood, adoption, or marriage as a child of one or both parents.

AS 47.10.080(p)

(p) If a child is removed from the parental home, the department shall provide reasonable visitation between the child and the child's parents, guardian, and family. When determining what constitutes reasonable visitation with a family member, the department shall consider the nature and quality of the relationship that existed between the child and the family member before the child was committed to the custody of the department. The court may require the department to file a visitation plan with the court. The department may deny visitation to the parents, guardian, or family members if there is clear and convincing evidence that visits are not in the child's best interests....

(w) The court shall recognize a presumption that maintenance of a sibling relationship, including with a sibling who is related by blood, marriage, or adoption through one parent, is in a child's best interest.

Other States

This website is a state-by-state compilation of laws relating to post-adoption visitation between siblings:

<https://adoptioncouncil.org/paca-state-review/>

Here is Washington's law:

Washington - Wash. Rev. Code Ann. § 26.33.295; § 26.33.420; § 26.33.430

Involvement of the Child?

Rule Language

The legislature finds that the importance of children's relationships with their siblings is well recognized in law and science. The bonds between siblings are often irreplaceable, leading some experts to believe that sibling relationships can be longer lasting and more influential than any other over a person's lifetime. For children who have been removed from home due to abuse or neglect, these bonds are often much stronger because siblings have learned early the importance of depending on one another and cooperating in order to cope with their common problems. The legislature further finds that when children are in the foster care system they typically have some degree of contact or visitation with their siblings even when they are not living together. The legislature finds, however, that when one or more of the siblings is adopted from foster care, these relationships may be severed completely if an open adoption agreement fails to attend to the needs of the siblings for continuing postadoption contact. The legislature intends to promote a greater focus, in permanency planning and adoption proceedings, on the interests of siblings separated by adoptive placements and to encourage the inclusion in adoption agreements of provisions to support ongoing postadoption contact between siblings. ⁽¹⁾ Wash. Rev. Code Ann. § 26.33.420

Court's Role

(2) The court shall not enter a proposed order unless the terms of such order have been approved in writing by the prospective adoptive parents, any birth parent whose parental rights have not previously been terminated, and, if the child or siblings of the child are in the custody of the department or a licensed child-placing agency, a representative of the

department or child-placing agency. If the child is represented by an attorney or guardian ad litem in a proceeding under this chapter or in any other child-custody proceeding, the terms of the proposed order also must be approved in writing by the child's representative. An agreement under this section need not disclose the identity of the parties to be legally enforceable. The court shall not enter a proposed order unless the court finds that the communication or contact with the child adoptee, as agreed upon and as set forth in the proposed order, would be in the child adoptee's best interests. (4) An agreed order entered pursuant to this section may be enforced by a civil action and the prevailing party in that action may be awarded, as part of the costs of the action, a reasonable amount to be fixed by the court as attorneys' fees. The court shall not modify an agreed order under this section unless it finds that the modification is necessary to serve the best interests of the child adoptee, and that: (a) The modification is agreed to by the adoptive parent and the birth parent or parents; or (b) exceptional circumstances have arisen since the agreed order was entered that justify modification of the order. ⁽¹⁾Wash. Rev. Code Ann. § 26.33.295

The court, in reviewing and approving an agreement under RCW 26.33.295 for the adoption of a child from foster care, shall encourage the adoptive parents, birth parents, foster parents, kinship caregivers, and the department or other supervising agency to seriously consider the long-term benefits to the child adoptee and siblings of the child adoptee of providing for and facilitating continuing postadoption contact between siblings. To the extent feasible, and when in the best interests of the child adoptee and siblings of the child adoptee, contact between the siblings should be frequent and of a similar nature as that which existed prior to the adoption. If the child adoptee or known siblings of the child adoptee are represented by an attorney or guardian ad litem in a proceeding under this chapter or in any other child custody proceeding, the court shall inquire of each attorney and guardian ad litem regarding the potential benefits of continuing contact between the siblings and the potential detriments of severing contact. ⁽¹⁾Wash. Rev. Code Ann. § 26.33.430

Legally Enforceable?

Yes but; (2) Agreements regarding communication with or contact between child adoptees, adoptive parents, siblings of child adoptees, and a birth parent or parents shall not be legally enforceable unless the terms of the agreement are set forth in a written court order entered in accordance with the provisions of this section. Wash. Rev. Code Ann. § 26.33.295



Adoption and Sibling Relationships

For additional information please contact Hannah Ditzenberger, Policy Associate, Children and Families, hannah.ditzenberger@ncsl.org.

Background Information

NCSL did not locate legislation or state statutes that explicitly preserve the legal relationship between biological siblings after an adoption has occurred. In many states, courts encourage the adoptive parents to maintain the bond between siblings through communication and visitation and children may have the right to request communication with their siblings.

In some situations, biological and adoptive families enter [contractual agreements](#) to facilitate contact after an adoption occurs. The agreement may require adoptive parents to update the biological parents about the child. In other situations, the agreement may require visits between the birth relatives and child. Many states and the District of Columbia have statutes that allow biological parents to enter into such agreements. Some states also allow biological siblings and other closer relatives to form contractual agreements with adoptive families. The Child Welfare Information Gateway summarizes these statutes through August 2018 in their [Postadoption Contact Agreements Between Birth and Adoptive Families Publication](#).

In addition, many adopted people attempt to find their biological or former foster siblings. Some states manage [adoption reunion registries](#) as a source of information for individuals who are looking to reconnect with their birth relatives.

Access to adoption records and original birth certificates can also help adopted people find their birth relatives. Most states, territories and the District of Columbia have laws addressing access to adoption records following the finalization of an adoption. The Child Welfare Information Gateway summarizes these statutes through December 2019 in their [Access to Adoption Records Publication](#).

State Statutes: Adoption and Siblings

Below is a chart of state statutes that provide supports for adopted people to reconnect with their siblings or to maintain sibling bonds after an adoption occurs. The chart is not a comprehensive list of all state statutes related to adoption and sibling relationships.

NCSL tracks enacted legislation related to adoption and siblings in the [Child Welfare Enacted Legislation Database](#).

State	State Statutes
Delaware	13 Del.C. § 962

Compiled by the National Conference of State Legislatures, January 2024

Please note: links to external websites and reports are for informational purposes only and do not indicate NCSL's endorsement of the content on those sites.



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	<p>(a) An adoptee 21 years of age or older who has obtained a copy of a vital record under § 3110 of Title 16 may request that a licensed adoption agency assist in locating any of the following:</p> <ol style="list-style-type: none"> (1) Either or both birth parents; (2) If a birth parent is deceased, siblings (full or half) of the birth parent; (3) Birth siblings (full or half) of the adoptee. <p>(b) When a licensed adoption agency locates an individual sought by an adoptee 21 years of age or older, the agency will advise the located individual of the right to make a no-contact declaration. If a no-contact declaration is made either verbally to a licensed adoption worker or in a writing filed with the agency, the agency will so advise the adoptee and no further assistance will be provided. If a no-contact declaration is not expressed, the agency shall immediately advise the searching adoptee of the located individual's current name, address, and telephone number.</p> <p>(c) If requested, the agency shall provide counseling or intermediary services, or both, to the searching adoptee or the located individual, or to both.</p>
<p>Florida</p>	<p><u>West's F.S.A. § 63.0427</u> Agreements for continued communication or contact between adopted child and siblings, parents, and other relatives.</p> <p>(1) A child whose parents have had their parental rights terminated and whose custody has been awarded to the department pursuant to s. 39.811, and who is the subject of a petition for adoption under this chapter, shall have the right to have the court consider the appropriateness of postadoption communication or contact, including, but not limited to, visits, written correspondence, or telephone calls, with his or her siblings or, upon agreement of the adoptive parents, with the parents who have had their parental rights terminated or other specified biological relatives. The court shall consider the following in making such determination:</p> <ol style="list-style-type: none"> (a) Any orders of the court pursuant to s. 39.811(7). (b) Recommendations of the department, the foster parents if other than the adoptive parents, and the guardian ad litem. (c) Statements of the prospective adoptive parents. (d) Any other information deemed relevant and material by the court. <p>If the court determines that the child's best interests will be served by postadoption communication or contact, the court shall so order, stating the nature and frequency of the communication or contact. This order shall be made a part of the final adoption order, but the continuing validity of the adoption may not be contingent upon such postadoption communication or contact and the ability of the adoptive parents and child to change residence within or outside the State of Florida may not be impaired by such communication or contact.</p> <p>(2) Notwithstanding s. 63.162, the adoptive parent may, at any time, petition for review of a communication or contact order entered pursuant to subsection (1), if the adoptive parent</p>



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	<p>believes that the best interests of the adopted child are being compromised, and the court may order the communication or contact to be terminated or modified, as the court deems to be in the best interests of the adopted child; however, the court may not increase contact between the adopted child and siblings, birth parents, or other relatives without the consent of the adoptive parent or parents. As part of the review process, the court may order the parties to engage in mediation. The department shall not be required to be a party to such review.</p>
<p>Illinois</p>	<p>20 ILCS 505/7.4 (I)</p> <p>(i) Post Permanency Sibling Contact Agreement. When a child in the Department's care has a permanency goal of adoption or private guardianship, and the Department is preparing to finalize the adoption or guardianship, the Department shall convene a meeting with the pre-adoptive parent or prospective guardian and the case manager for the child being adopted or placed in guardianship and the foster parents and case managers for the child's siblings, and others as applicable. The children should participate as is developmentally appropriate. Others, such as therapists and mentors, may participate as appropriate. At the meeting the Department shall encourage the parties to discuss sibling contact post permanency. The Department may assist the parties in drafting a Post Permanency Sibling Contact Agreement.</p> <p>(1) Parties to the Post Permanency Sibling Contact Agreement shall include:</p> <ul style="list-style-type: none"> (A) The adoptive parent or parents or guardian. (B) The child's sibling or siblings, parents or guardians. (C) The child. <p>(2) Consent of child 14 and over. The written consent of a child age 14 and over to the terms and conditions of the Post Permanency Sibling Contact Agreement and subsequent modifications is required.</p> <p>(3) In developing this Agreement, the Department shall encourage the parties to consider the following factors:</p> <ul style="list-style-type: none"> (A) the physical and emotional safety and welfare of the child; (B) the child's wishes; (C) the interaction and interrelationship of the child with the child's sibling or siblings who would be visiting or communicating with the child, including: <ul style="list-style-type: none"> (i) the quality of the relationship between the child and the sibling or siblings, and (ii) the benefits and potential harms to the child in allowing the relationship or relationships to continue or in ending them; (D) the child's sense of attachments to the birth sibling or siblings and adoptive family, including: <ul style="list-style-type: none"> (i) the child's sense of being valued; (ii) the child's sense of familiarity; and (iii) continuity of affection for the child; and (E) other factors relevant to the best interest of the child. <p>(4) In considering the factors in paragraph (3) of this subsection, the Department shall encourage the parties to recognize the importance to a child of developing a</p>



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	<p>relationship with siblings including siblings with whom the child does not yet have a relationship; and the value of preserving family ties between the child and the child's siblings, including:</p> <ul style="list-style-type: none"> (A) the child's need for stability and continuity of relationships with siblings, and (B) the importance of sibling contact in the development of the child's identity. <p>(5) Modification or termination of Post Permanency Sibling Contact Agreement. The parties to the agreement may modify or terminate the Post Permanency Sibling Contact Agreement. If the parties cannot agree to modification or termination, they may request the assistance of the Department of Children and Family Services or another agency identified and agreed upon by the parties to the Post Permanency Sibling Contact Agreement. Any and all terms may be modified by agreement of the parties. Post Permanency Sibling Contact Agreements may also be modified to include contact with siblings whose whereabouts were unknown or who had not yet been born when the Judgment Order for Adoption or Order for Private Guardianship was entered.</p> <p>(6) Adoptions and private guardianships finalized prior to the effective date of amendatory Act. Nothing in this Section prohibits the parties from entering into a Post Permanency Sibling Contact Agreement if the adoption or private guardianship was finalized prior to the effective date of this Section. If the Agreement is completed and signed by the parties, the Department shall include the Post Permanency Sibling Contact Agreement in the child's Post Adoption or Private Guardianship case record and in the case file of siblings who are parties to the agreement who are in the Department's custody or guardianship.</p>
Ohio	<p><u>R.C. § 3107.48</u></p> <p>(A) An adopted person age twenty-one or older may submit a request with the department of health for the department to assist the adopted person's birth parent or birth sibling in finding the adopted person's name by adoption pursuant to section 3107.49 of the Revised Code. The adopted person shall submit the request on a form prescribed by the department under section 3107.51 of the Revised Code. If the adopted person provides all the information required by section 3107.51 of the Revised Code on the form, the department shall file it in the adopted person's adoption file and assist the birth parent or birth sibling in finding the adopted person's name by adoption unless the adopted person rescinds the request pursuant to division (B) of this section.</p> <p>(B) An adopted person who has requested under division (A) of this section that the department of health assist the adopted person's birth parent or birth sibling in finding the adopted person's name by adoption pursuant to section 3107.49 of the Revised Code may rescind the request and prohibit the department from assisting the birth parent or birth sibling in finding the adopted person's name by adoption pursuant to section 3107.49 of the Revised Code. The department shall remove the request from the adopted person's</p>



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	<p>adoption file and destroy the request to rescind the request if the adopted person does both of the following:</p> <ol style="list-style-type: none"> 1. Makes a written request to the department; 2. Provides to the department the adopted person's residence address, notarized signature, and two items of identification of the adopted person. <p>(C) An adopted person may submit requests under division (A) of this section and rescind requests under division (B) of this section as many times as the adopted person wishes.</p>
<p>Washington</p>	<p><u>West's RCWA 26.33.420-430</u></p> <p>The legislature finds that the importance of children's relationships with their siblings is well recognized in law and science. The bonds between siblings are often irreplaceable, leading some experts to believe that sibling relationships can be longer lasting and more influential than any other over a person's lifetime. For children who have been removed from home due to abuse or neglect, these bonds are often much stronger because siblings have learned early the importance of depending on one another and cooperating in order to cope with their common problems. The legislature further finds that when children are in the foster care system they typically have some degree of contact or visitation with their siblings even when they are not living together. The legislature finds, however, that when one or more of the siblings is adopted from foster care, these relationships may be severed completely if an open adoption agreement fails to attend to the needs of the siblings for continuing postadoption contact. The legislature intends to promote a greater focus, in permanency planning and adoption proceedings, on the interests of siblings separated by adoptive placements and to encourage the inclusion in adoption agreements of provisions to support ongoing postadoption contact between siblings.</p> <p>The court, in reviewing and approving an agreement under RCW 26.33.295 for the adoption of a child from foster care, shall encourage the adoptive parents, birth parents, foster parents, kinship caregivers, and the department or other supervising agency to seriously consider the long-term benefits to the child adoptee and siblings of the child adoptee of providing for and facilitating continuing postadoption contact between siblings. To the extent feasible, and when in the best interests of the child adoptee and siblings of the child adoptee, contact between the siblings should be frequent and of a similar nature as that which existed prior to the adoption. If the child adoptee or known siblings of the child adoptee are represented by an attorney or guardian ad litem in a proceeding under this chapter or in any other child custody proceeding, the court shall inquire of each attorney and guardian ad litem regarding the potential benefits of continuing contact between the siblings and the potential detriments of severing contact.</p>

What the Research Tells Us: The Impact of Placing Siblings Together and Separating Siblings

"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).

Emerging from the research is the clear message that one of the most critical contributions that child welfare professionals can provide for children and youth in care is to preserve their connections with their brothers and sisters. For many children in foster care, being placed with their siblings spares them the experience of yet another loss in their lives and provides with a continuing shared history and being with others who look like them. Studies have shown that when siblings are placed together in foster care, they are:

- More likely to feel safer in the new home
- Less likely to experience emotional and behavioral problems
- More likely to score higher on the Child Behavior Checklist (CBCL)
- More likely to show more positive dealings with peers and function better at school
- More likely to be reunified, adopted or placed in permanent guardian arrangements

(Gass, Jenkins, & Dunn, 2007; Groza, et al., 2003; Hegar, 2005; Hegar & Rosenthal, 2011; Herrick & Pincus, 2005; Leathers, 2005; Shlonsky, et al., 2005; Smith, 1998; Tarren-Sweeney & Hazell, 2005; Webster, et al., 2005).

Studies also indicate that separating siblings when they are in foster care can have negative consequences:

- Separate siblings can experience trauma, anger and an extreme sense of loss that can impact their ability to heal and form attachments.
- Their sense of self esteem may be negatively impacted. When children see positive qualities in their brothers and sisters, they are less likely to see themselves as "a bad kid from a bad family." They are more likely to exhibit problematic behavior than are siblings who are not separated. They may be at greater risk of placement disruption.

(McNamara, 1990, Child Welfare Information Gateway, 2006)



OHIO LEGISLATIVE SERVICE COMMISSION

Nicholas J. Blaine

Fiscal Note & Local Impact Statement

Bill: H.B. 448 of the 132nd G.A.

Status: As Introduced

Sponsor: Reps. LaTourette and Boyd

Local Impact Statement Procedure Required: Yes

Subject: Sibling foster and adoption relationships

State & Local Fiscal Highlights

- A juvenile court, public children services agency (PCSA), or private agency that has custody of a child will be required to make a reasonable effort to place siblings together or allow for sibling visitation. While this is similar to current practices, it is unclear if making it a requirement will result in an increase in costs.
- A juvenile court will realize an increase in court costs if a sibling files a motion to enforce the requirement of reasonable efforts for sibling placement and/or to have visitation with a child in custody of a PCSA or court or after a child has been adopted.
- Upon request, a court will be permitted to waive the cost of proceedings involving sibling visitation, which could result in an increase of costs borne by the court.

Detailed Fiscal Analysis

The bill makes numerous changes to sibling placement by a juvenile court, public children services agency (PCSA), or private agency of fostered and adopted youth. The bill defines a sibling as a person that shares at least one biological or adoptive parent or was raised in the same household as siblings.

Sibling placement

The bill requires juvenile courts, PCSAs, and private child placing agencies to make reasonable efforts to place members of a sibling group together or make reasonable efforts to ensure the siblings have contact with one another; continuing law strongly encourages PCSAs to do so, but does not require it. According to the Public Children Services Association of Ohio, when siblings in public custody are separated they are required to have a visitation plan as part of their case plan. This case plan is reviewed semi-annually and can be amended as needed. As a result, the bill in part codifies a current practice of the courts and PCSAs. However, it is unclear if the change from encouraging to requiring reasonable efforts to maintain contact among siblings will result in an increase in court costs.

Complaints

A sibling or parent, guardian, or guardian ad litem on a minor sibling's behalf, may file a complaint requesting sibling visitation rights. For sibling visitation, the court must consider all of the factors listed in the bill, including the relationship among the siblings, the time the siblings have spent without contact, and the mental and physical health of all parties, among others. Additionally, the court may waive the fees associated with filing the request and the cost of subsequent proceedings if a person requesting sibling visitation files such a motion; waiving court costs will pose a cost to the court that will depend on how frequently complaints are filed and how often the fee is waived. Given that these motions will typically be filed by a child or on behalf of a child, it is possible this court cost may be waived frequently.

Supervision of sibling visitation

The bill specifies that a PCSA cannot be required to provide supervision if the court grants sibling visitation rights, with the exception of domestic violence situations. This will limit any increase in costs to PCSAs. However, if the court orders or suggests supervision, it is possible that a court may need to pay these costs.

Sibling relationship post-adoption

Under current law, legal relationships between an adopted child and his or her relatives are terminated upon adoption. The bill will maintain the sibling relationship after a child is adopted, which may allow for continuing court involvement with the child for sibling visitation. There would be court costs associated with this involvement. It is unclear how often the court will be petitioned in these circumstances regarding issues surrounding the sibling relationship.