



**National Resource Center for  
Family-Centered Practice and Permanency Planning**  
*at the Hunter College School of Social Work*

# **INFORMATION PACKET:**

## ***Siblings in Out-of-Home Care***

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Information contained in this packet includes summaries of issues, legislation, statistics, research evidence, model programs, and recommended websites and literature pertaining to siblings in out-of-home care. It should be useful to:

Social work practitioners  
Graduate students and teachers of social work  
Foster care and adoptive parents  
Biological parents of siblings in out-of-home care  
Siblings in out-of-home care  
Adoption agencies  
Child welfare agencies  
Funding sources  
Child welfare policy makers  
The general public

## Summary

In recent years attachment theorists have paid attention to the emotional attachments of siblings and their importance to each other. The plight of siblings separated from each other in foster care and adoption has also received attention, resulting in more efforts to place siblings together in out-of-home care, or to enable siblings placed separately to contact or visit each other.

Siblings can be a powerful source of emotional support and comfort to each other in the aftermath of separation from their parents and in the face of transitioning into new living arrangements. Siblings who have been removed from dysfunctional and abusive homes can form especially meaningful and supportive relationships to compensate for what they lacked in parenting. It is also thought that siblings can help each other repair and minimize some of the long term psychological damage resulting from poor parenting (Shlonsky, et.al., 2005). Such damage, particularly when it involves the failure of the mother/infant relationship during the first three years of life, includes the inability to form future healthy attachments and the tendency to repeat the maladaptive parenting patterns with the next generation (Stern, 1985), (Bowlby,1988).

Separating siblings who have been temporarily or permanently removed from their parents can severely intensify grief and trauma. In some cases sibling separations can be even more traumatic than separation from parents (CASCW Practice Notes, 2000). On the other hand children from dysfunctional families can form maladaptive and destructive relationships and it might then be in their best interest to be separated.

Decisions about sibling placement and visitation pose challenging questions. Do siblings have inherent rights and should they therefore have legal rights to remain

together or stay in contact, or should such decisions be based on values that emphasize needs and best interests in individual cases vs. rights. Legal rights, because they are enforceable, would protect “best interest” arguments for keeping sibling groups together. Legal rights would ensure that courts and the child welfare system would not allow bureaucracy, arbitrary decisions as well as lack of funds and resources to cause the separation of siblings who should remain together. Only compelling and well informed arguments would justify the separation of siblings.

## **Legislation**

**National Law:** Despite the fact that the First Amendment of the US Constitution recognizes the right to intimate association and the Fourteenth Amendment recognizes due process protection of family relationships, the Constitution has yet to recognize rights of siblings in out-of-home care (Shlonsky, et. al, 2005). The prominent “Adoption of Hugo” case in 1998 involved an attempt by attorney Susan Dillard to bring the sibling rights issue before the US Supreme Court after the Massachusetts Supreme Court refused to overturn a trial court decision to separate two strongly and healthily attached siblings, Hugo, age 4, and his sister, age 7. The court found no reason to presume that interests in keeping siblings together should be given special consideration over other factors. The US Supreme Court refused a hearing of the case and therefore the question of constitutional rights has yet to be resolved (National Leadership Symposium, 2002), (Dillard, 1999).

**State Law:** Legal efforts to protect siblings’ interests in out-of-home placements and visitation are made at the state level. These efforts have been steadily increasing with most states now recognizing the importance of sibling ties in permanent

placement and foster care (Hegar in Mallon & Hess, 2005). Trial cases involving sibling rights and best interests have been either class action suits against state child welfare agencies in their handling of sibling issues, or individual cases of sibling separations (Hegar in Mallon & Hess, 2005).

State laws and regulations vary in their approach along a spectrum of presumptions that siblings should remain together unless convincing factors indicate otherwise, in which cases the state often uses the term “rights” (Hegar in Mallon & Hess, 2005), to simply mandating that sibling relationships be taken into account, but weighed as only one of many factors regarding placement decisions (Shlonsky, et al.2005).

### **Summary of State Legislation**

(National Leadership Symposium, 2002; Casey Family Programs, 2002, Shlonsky A.et al., 2005, Hegar in Mallon & Hess, 2005)

At least 26 states consider sibling placement issues in their legislation.

Considerations vary from simple statements indicating intention to keep siblings together to more detailed requirements to include sibling in planning and placement decisions.

#### **Issues covered by various state laws fall into several general categories:**

***Right to or provision for maintaining contact:*** Arizona, Louisiana, Maryland,

Massachusetts, Minnesota, New Hampshire, New Jersey, New York, Oklahoma, South Carolina, Washington

***Sibling relationship considered in determining “best interest”:*** Illinois, Maryland, New Mexico, New York, Washington

***Requires the child welfare agency to prepare a description of efforts made to keep siblings together and/or provide reasons siblings are not placed together:*** Arizona,

Arkansas, Colorado, Minnesota, New York, Washington

*Provisions for post-permanency visits with siblings:* Arizona (guardianship), California, Florida, Louisiana, Maryland, Massachusetts

*Requires the child welfare agency and/or court to consider siblings in placement and/or permanency planning:* California, Colorado, Connecticut, Florida, Illinois (adoption cases), Mississippi, Missouri, Nevada, New York, Oklahoma, Texas (adoption cases)

*Provides for an exemption from limits on the size of a foster home when placing a sibling group:* Colorado, Indiana, Maine

*Placement and/or visits to be considered at periodic reviews:* Delaware

*Statement of legislative intent to support sibling relationships:* California, Colorado, Florida, Oklahoma, Texas, Washington

### **Summary of Most Progressive Laws** ( from Shlonsky et al., 2005)

California, New York and Illinois, which collectively have approximately one third of the entire population of children in foster care, have been leaders in legislation and policymaking on the issue of siblings in out-of-home care and have some of the most advanced laws to date protecting sibling rights.

#### **California**

California has the most advanced and specific legislation regarding sibling placements. California presumes that siblings should maintain their relationships (if not by same placement then by contact) and establishes greater protection for sibling groups

by requiring clear and convincing evidence to show why siblings should not be placed together and /or have contact.

California legislation:

**1-** attempts to ensure that siblings are placed together in foster care regardless of whether they have been removed from their home as a group at the same point in time or individually at separate times (unless compelling reasons concerning best interests of one or more siblings argues against it).

**2-** states its intention to develop resources and funding sources to keep sibling groups intact.

**3-** requires that sibling interests be considered at each stage of the placement process from initial removal to either reunification or final adoption.

**4-** mandates specific steps that must be taken by the Court and the Department of Social Services promoting the interests of sibling groups, including documentation and review of efforts made to place siblings together.

**5-** requires provisions for post adoptive sibling contact when siblings are placed separately.

**6-** limits parental control over decisions regarding post adoptive sibling contact by allowing siblings, not just their parents, to determine these decisions. (Louisiana legislation also has this provision).

**7-** asserts that in some cases best interests of a sibling group can override decisions to terminate parental rights.

## **New York**

New York statutes establish presumptions, standards, and guidelines but they do not establish a “right” to sibling association.

### **New York Statutes:**

**1-**New York law presumes that siblings should be able to maintain their relationships once removed from their homes. The law, however, does not specify whether this pertains only to siblings who have grown up in the same home, or to all siblings. Court decisions in individual cases have held that there is no reason to place siblings together if they have never met.

**2-**New York law mandates that if siblings are not placed together, the state must make provisions for visits in the permanency petition. However the state does not have to facilitate these visits.

## **Illinois**

Illinois statute requires that when a child needs to be placed in adoption the Department of Children and Family Services must find out if any biological sibling of the child has been adopted. If a sibling has been adopted, the Department must do every thing it can to locate the adoptive parents of the sibling and notify them of the availability of the child for adoption. If the adoptive parents want to adopt the sibling the Department must consider those parents for adoption unless evidence indicates that it would not be in the child’s or the child’s sibling’s best interests.

# Fact Sheet

## US Siblings in Foster Care Statistics:

*National statistics are not available and state data is limited. The following data concern children in the California child welfare system.<sup>1</sup> California has the highest population of children in child welfare supervised foster care.*

On July 1, 2005 in the California child welfare supervised foster care system there were:

- 83,091 children under age 19 in the child welfare system.
- 55,534 children (67% of those in care) in sibling pairs or groups.
- 44.4% of these children were placed with all of their siblings.
- 67.2% were placed with at least 1 sibling.
- 55.6% were separated from at least one sibling.
- 32.8% were separated from all of their siblings.

**Type of placement and size of sibling group are significant factors in the likelihood that all siblings will be placed together:**

### **Type of Placement: % placed with ALL siblings**

Kinship care:	57.1%
Non-relative family foster care:	36.0%
Group care:	8.5%

### **Number of siblings: % placed with ALL Siblings**

2 children:	61.1%
3 children:	44.2%
4 children:	31.6%
5 children:	22.9%
6 or more children:	13.2%

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<sup>1</sup> Needell, B., Webster, D., Armijo, M., Lee, S., Cuccaro-Alamin, S., Shaw, T., Dawson, W., Piccus, W., Magruder, J., Exel, M., Conley, A., Zaman, J., Smith, J., & Dunn, A. (2005). *Child Welfare Services Reports for California*. Retrieved [month day, year], from University of California at Berkeley Center for Social Services Research website. URL: <<http://cssr.berkeley.edu/CWSCMSreports/>>

Other sources of information indicate that:

- Smaller groups are more likely to enter on the same day than larger groups (New York City Administration for Children's Services, 2001).
- Relatives are more likely to find joint placements for siblings than unrelated foster care parents or foster care providers (Leathers, 2005).
- The Federal Child and Family Service Review's (CFSR) recently included efforts to place siblings together on its onsite portion of the review, an indicator that the needs of siblings in out-of-home care is attracting more serious attention.

### **Research Findings:**

- Much of the research and literature on siblings in out-of-home care has relied on perceptions of practitioners (Shlonsky et al., 2005). Practice guidelines tend to favor same placements (Leathers, 2005).
- Few empirical studies to date have tested sibling placement outcomes and patterns due to the complexity of factors involved, for example problems in simply defining and qualifying the term "sibling relationship." Definitions used in research have generally been related to biological, legal and shared residence factors (Shlonsky et. al., 2005) and have generally not factored in children's perceptions of their siblings (Shlonsky et al., 2005).
- Outcome measures used in empirical studies on same placements are often based on rate of placement disruption. Using this measure, findings from recent studies, according to Hegar (Mallon & Hess, 2005) and Leathers (2005), suggest that placements in which siblings remain together are generally more stable compared

with non sibling placements. Empirical studies have also shown that siblings placed together have good or better outcomes on other standard child welfare measurements than siblings placed apart, although these outcomes may or may not be related to these factors (Shlonsky et al., 2005), (Leathers, 2005).

- A study conducted by Aldridge and Coutley (1976) suggested that reunification with biological parents is more likely when siblings are placed together (Leathers, 2005).

**Positive Trends** (Dillard, S. in National Symposium, 2002)

- Awareness of the emotional and psychological significance of sibling bonds and attention to the issue of sibling rights is steadily increasing.
- More attorneys are advocating for sibling rights which in turn affects court decisions and legislation.
- Increasing empirical studies and practice literature should advance the cause of sibling rights and needs in out-of-home care.

**Arguments Cited for Keeping Siblings Together:**

(Shlonsky, et. al., 2005, Practice Notes from the University of Minnesota Center for Advanced Studies in Child Welfare (CASW), 2000, Herrick and Piccus, 2005)

- Siblings can be of invaluable support to each other in dealing with the trauma of loss and separation from parents. Separation from a sibling in the aftermath of separation from parents can not only increase trauma but it can impede adaptation to the new living arrangements.
- Most children enter the child welfare system due to parental abuse or neglect. Siblings from these homes often cope by forming healthy and meaningful relationships with each other, the disruption of which may cause even more

severe trauma than the stress of separation from their parents. The emotional stability of lasting sibling relationships can even serve to minimize some of the long term psychological damage caused by dysfunctional or disrupted parent/child attachments.

- Sibling relationships preserve a family and cultural history and identity which helps maintain a sense of self.
- Sibling relationships are special kinds of bonds that can be long-lasting and have meaning well into the future. Close sibling relationships are especially valuable today in light of fewer extended families and increased life spans.

**Arguments Cited for Separating Siblings:** (Leathers 2005, Shlonsky, et.al. (2005), National Symposium (2002), Casey Family Programs/National Center for Resource Family Support, Barbell (1995), National Adoption Information Clearing House (1992).

*It is important to note that the arguments for separating siblings (cited below), though sometimes valid, are not always justified. Current information on the significance and benefits of the sibling bond in out- of- home care, and increased supportive resources as well as good practice tips, are making same placements increasingly possible and desirable.*

- Awaiting placement for an entire group or pair of siblings can jeopardize each child's opportunity for permanency because it is usually harder to find permanent placement for groups or pairs of children.
- It is harder to arrange same placement for children initially placed separately.
- It is harder to coordinate same placement when siblings enter foster care at different times, or have different caseworkers.

- One or more siblings may have special needs that cannot be served in the same setting as their siblings.
- Siblings sometimes unite to disrupt placements.
- Some siblings from abusive and dysfunctional homes form destructive relationships with each other.
- Adoptive parents may not want to contend with sibling rivalry.
- “Parentification of a child”: The relationship of an older sibling who has assumed a parenting role with a younger sibling sometimes interferes with the opportunity for the adoptive parent to bond and assume parental authority with the younger sibling. Also, in some cases it is better for the “parentified” child to discontinue this adult role in the interest of preserving his or her own childhood. In other instances this relationship is positive and promotes stability in permanent placement.
- One sibling may favor joint placement while the other does not.
- Siblings with conflicting goals and needs, e.g. children with wide age differences, may be best served in different placements.
- Financial incentives to states showing good adoption rates may deter efforts to wait for sibling group adoption.
- Lack of clear means or research data for assessing when joint placement is warranted can result in splitting sibling pairs or groups who should remain together.
- Lack of clear guidelines as to what qualifies as a sibling group may result in separating children who should be together. This group may include children

who are emotionally attached to each other but who are not biologically or legally related, for example emotionally attached children who are co-residents in foster care. This group may also include biologically related children who did not know each other prior to placement in foster care.

- Government subsidies involved in joint or group placements make sibling placement more expensive.
- Siblings often cannot locate each other.
- Biological, foster and adoptive parents' rights may override practice decisions and children's preferences for joint placement or association.
- Child welfare agency bureaucracy, under-staffing and lack of funds, as well as biases or preferences of practitioners, may impede efforts to place siblings together or to develop systems that support efforts to unite siblings.
- Lack of awareness of the emotional and psychological importance of sibling bonds.

## **Model Programs**

*Information gathered from National Leadership Symposium on Siblings in Out-of-Home Care, Casey Family Programs, Connect for Kids, The Ounce of Prevention Fund of Florida Foster Care Evaluation, Project Visitation, and Youth Law News vol. XXIV No.3 (July-September 2003)*

### **Neighbor to Neighbor**

This Illinois state- funded community-based program, created by the Jane Addams Hull House Association, strives to place sibling groups together in foster care within their own communities. The program offers a variety of social, emotional and educational services that support children, foster caregivers and biological parents. The

program strives to keep siblings together while supporting efforts to reunify them with their families. The program's strategy for attracting and retaining quality foster caregivers involves professionalizing the caregiver role through an annual salary and benefits, in-depth training, and inclusion in a multidisciplinary teamwork approach to casework.

**Contact:** [http://www.hullhouse.org/ntc/fact\\_sheet.asp](http://www.hullhouse.org/ntc/fact_sheet.asp)

### **Neighbor to Family**

This program with locations in Daytona Beach, Fort Lauderdale, Orlando and Gainesville Florida, as well as Baltimore, Maryland, Norfolk, Virginia and 4 counties in Georgia, is modeled after Neighbor to Neighbor. The foster caregivers are trained and salaried staff members who receive 24-hour support and benefits and are part of specialized multidisciplinary teams who act as mentors and work with biological parents. Neighbor to Family offers case management, therapeutic and counseling services, permanency planning and other related services. They strive to enable siblings in foster care to live together, close to home in their own communities, while efforts are made to reunite them with their families. Between 1998 and 2002 Neighbor to Family served 42 sibling groups with 143 children, with high rates of joint sibling placement and placement stability (Hegar in Mallon & Hess, 2005).

**Contact:** <http://www.ntf.org>

### **Camp To Belong**

This national non-profit organization, founded by Lynn Price in Colorado (who had been a separated sibling herself), gives siblings in separate foster care, adoptive or kinship placements an opportunity to reunite at its week long -summer camp. Throughout the year Camp to Belong strives to raise public awareness about the plight of siblings in

out-of-home- care and the importance of keeping siblings together or connected when placed separately. Camp-to-Belong also encourages care providers to consider the sibling bond in all temporary and permanent placements.

**Contact <http://www.camptobelong.org/home.htm>**

## **Camp Merry Heart**

Easter Seals Disability Services in New Jersey, which offers nationwide programs and services for individuals and families with disabilities and special needs, also offers a yearly one week summer camp in Hackettstown, New Jersey, where separated foster children and their siblings, with or without disabilities, can reunite. The camp is modeled after Camp to Belong.

### **Contact**

**[http://nj.easterseals.com/site/PageServer?pagename=NJDR\\_camping\\_recreation](http://nj.easterseals.com/site/PageServer?pagename=NJDR_camping_recreation)  
e-mail: Mary Simpson at [msimpson@nj.easterseals.com](mailto:msimpson@nj.easterseals.com)  
call camp office: (908) 852-3896**

## **Project Visitation**

Project Visitation in Hawaii is a collaborative effort of state and private agencies enabling separated siblings in Hawaii foster care to visit each other at least once a month. Trained volunteers take the children to different field trips, such as to the movies or to the park. A monthly party is also organized for all volunteers and siblings. The program's approximately 68 volunteers provide services to more than 100 foster children.

**Contact <http://www.vlsh.org/01/services/PV.htm>**

## **Recommended Websites**

### **The National Resource Center for Family-Centered Practice and Permanency**

#### **Planning at the Hunter College School of Social Work (NRCFCPPP)**

<http://www.hunter.cuny.edu/socwork/nrcfcpp>

The NRCFCPPP at the Hunter College School of Social Work, in collaboration with its partners at the Child Welfare League of America and the National Indian Child Welfare Association, offers the most updated information services to State, Tribal and other publicly supported child welfare agencies to promote family-centered practices that support the safety, permanency and well being of children while meeting the needs of their families. This website offers excellent information and resources concerning sibling issues in out of home care including articles, practice tips, and an outstanding sibling practice curriculum. The National Resource Center for Family-Centered Practice and Permanency Planning is a service of the Children's Bureau—ACF/DHHS.

### **Casey Family Programs**

<http://www.casey.org/Home>

This website offers a wealth of articles, resources and links pertaining to siblings in or at risk of out-of-home care. Since 1966 Casey, a Seattle based national foundation, has served youth in out of home care and their families as well as families at risk of needing out-of-home care. The foundation provides direct services and promotes advances in child welfare policy and practice.

### **Alaska Adoption Exchange (AAE)**

<http://www.akae.org>

See AAE newsletter article on siblings: [www.akae.org/fall01.html](http://www.akae.org/fall01.html)

The Alaska Adoption Exchange is a statewide exchange whose purpose is to facilitate adoptive placements for Alaskan children who are in the custody of the Office of Children's Services (OCS). Among the children served are those who have special needs and conditions that make them hard to place in an adoptive family. This category includes large sibling groups.

### **New York State Citizens Coalition for Children**

<http://www.nysccc.org/main.htm>

The Coalition is an organization of citizens and approximately 150 volunteer adoptive and foster parent groups throughout New York State, whose mission is to promote systems changes and to mobilize citizens to take responsibility for influencing and changing the systems affecting their lives and the lives of their children. Sibling rights and issues are among the concerns of this group.

The organization's goals include:

- Improving services available to children at risk of or in out of home care
- Increasing citizen involvement in local service planning and delivery
- Require greater public accountability of the New York State Office of Children and Family Services, other systems providing out of home care for children, and local agencies
- Representing the citizen's viewpoint in advocating for improved adoption and foster care services.

### **New York State's Separated Siblings**

[www.nysccc.org/Siblings/sibtitle99.htm](http://www.nysccc.org/Siblings/sibtitle99.htm)

This website which is a page within the New York State Citizens' Coalition for Children website provides a wealth of information and resources pertaining to sibling issues in out-of-home care. It includes articles, a reading list, reports, information on legislation, model programs, and links to other related sites.

### **Youth Leadership Advisory Team (YLAT)**

<http://www.ylat.org>

YLAT is a team of Maine youth in care (in state custody), ages 14-21, engaged in advocacy and education of the government, general public, caregivers, and peers regarding the needs of children and young adults, including sibling groups, in the child welfare system. YLAT members also help develop, guide, and revise the Bureau of Child and Family Services policies in order to create safety, comfort, and opportunities for all kids in care.

### **Connect for Kids (CFK)**

<http://www.connectforkids.org>

Connect for Kids makes the best use of communications technologies, specifically the internet, to give adults, parents, grandparents, guardians, educators, advocates, policymakers, elected officials and others, the necessary tools and information to improve the lives of children, youth and families. The Connect for Kids online publication covers

more than 30 topics related to these issues, including information and resources pertaining to sibling groups in out of home care.

### **Child Welfare League of America (CWLA)**

<http://www.cwla.org>

The Child Welfare League of America headquartered in Washington DC, with regional office throughout the US and in Canada, is committed to engaging people in promoting the well-being of children, youth and their families, and protecting every child from harm. The website provides access to numerous articles and information on siblings in out of home care.

### **American Bar Association (ABA) Center on Children and the Law**

<http://www.abanet.org/child/about.html>

In 1978 the American Bar Association's Young Lawyers Division created the ABA Center on Children and the Law. From modest origins as a small legal resource center focusing exclusively on abuse and neglect issues, the Center has grown into a full-service technical assistance research program addressing a broad spectrum of law and court-related topics on children including legal issues concerning siblings in out-of-home care.

### **The Home for Little Wanderers**

<http://www.thehome.org>

The Home for Little Wanderers is a nationally renowned, private, non-profit child and family service agency providing services to thousands of children and families each year

through 20 programs that are measurably changing lives. The mission of The Home is to ensure the healthy emotional, mental, and social development of children at risk, their families, and communities. They do this through an integrated system of prevention, advocacy, research and direct care services.

**Child Welfare Services (CWS/CMS) Report Performance Indicators Project**

<http://cssr.berkeley.edu/CWSCMSreports/Pointintime/fostercare/childwel/siblings.asp>

This website of the Child Welfare Research Center, at the University of California, Berkeley, provides current data on siblings in the California Child Welfare System.

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