

**National Resource Center for Foster Care and Permanency Planning
Hunter College School of Social Work –
A Service of the Children’s Bureau/ACF/DHHS**



NRCFCPP Sibling Practice Curriculum

Handout 1.1: SIBLINGS IN FOSTER CARE – TRAINING AGENDA

Welcome	9:00 a.m.
Introductions with Warm-up Exercise - Siblings Over Time	9:05 a.m.
Myths and Truths about Siblings	9:40 a.m.
The Sibling Relationship Across the Lifespan	10:25 a.m.
Break	10:50 a.m.
Personal Testimonial	11:05 a.m.
The Sibling Bond and Children in Foster Care	11:20 a.m.
In Your State	11:45 p.m.
Lunch	12:05 p.m.
What Makes Good Practice?	1:15 p.m.
In the Courts	2:15 p.m.
Resources and Challenges	2:30 p.m.
Break	2:40 p.m.
Case Reviews	2:55 p.m.
Commitment to Action and Wrap-Up	4:25 p.m.



Handout 1.2: SIBLINGS IN FOSTER CARE – LEARNING OBJECTIVES

Session Objectives

At the end of Module 1, you will be able to:

- articulate the importance of sibling relationships in your own life and the lives of others;
- differentiate between myths and truths about the separation of siblings in child welfare cases;
- explain the importance of gathering data on siblings in child welfare;
- describe some of the negative effects of separation on siblings in out-of-home care; and
- identify legislation and policy that covers siblings in care in your state.

At the end of Module 2, you will be able to:

- describe good casework practice in the areas of casework decision-making, recruitment, preparation of resource families, supporting/retaining resource families, placements, and separated siblings;
- recognize the role of the courts in ensuring good practice with sibling groups;
- prepare for court hearings in order to present relevant and appropriate information;
- recognize the supports and limitations presented by state policies and legislation in working with sibling groups; and
- describe at least one area in which your personal practice with sibling groups can be improved.



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Handout 1.3: SIBLINGS IN FOSTER CARE – STATISTICS

(Adapted by NRCFCPP from Statistics on Siblings in Out-of-Home Care from Casey Family Programs National Center for Resource Family Support)

How many children are really placed with their siblings in out-of-home care? Articles most likely to be read by the general public provide varying statistics for the percent of brothers and sisters separated in care:

- between 25 and 75% (Bernstein, 2000)
- 75% (Phillips, 1998; Hochman, Feathers-Acuna, & Huston, 1992; CASCW, 2000)
- an estimated 80-85% (Newberger, 2001)

These figures are usually taken from small studies, and the articles that present them don't provide detailed information on what the numbers mean. A few jurisdictions have begun collecting more comprehensive information:

- In California, 68% of the 90,049 children in child welfare supervised care on July 1, 2003 had at least one sibling in out-of-home care. Of these, 66% were placed with "some or all" of their siblings – but only 42% were placed with all of their siblings. Percents vary considerably depending on (1) number of children in the sibling group and (2) type of placement (CWRC, n.d.):
- New York City has records of sibling placements back to 1985. The percent of children in placement who had at least one sibling during that period of time varied from 55% to 69%. Of siblings who entered care on the same day, the percent placed together has increased over that time period, although there has been considerable fluctuation in the intervening years. However, when siblings do not enter care on the same day, those who come into care late are placed with those already in care less than 33% of the time. As in California, the type of placement is also significant: 92% of sibling groups entering kinship care on the same day are placed together; this decreases to 78% of those placed in foster homes and 37% placed in congregate care facilities (NYC ACS, 2001).

- In an 18-month period, 4.1% of New York City's 1,973 children waiting to be adopted were being planned for separately from their brothers and sisters. However, in the rest of New York State, 19.6% of 1,114 waiting children were being planned for separately (NYSCCC, 2001).

Many studies point to the percent of children placed with one or more siblings and express high percentages in a positive light, but fail to identify the percent of children placed with all siblings. Materials written by youth and foster care alum often reflect the loss and grieving experienced as a result of separation from one or more siblings, even though placement is with other members of the sibling group. This seems to reflect a difference in point of view: child welfare professionals view placement of any siblings together as a success, but children and youth view it as a failure unless all siblings are placed together.

References

Bernstein, N. 2000, Feb. 16. Torn to pieces. Salon. Retrieved December 29, 2003 from <http://www.salon.com/mwt/feature/2000/02/16/siblings/>

Child Welfare Research Center (CWRC). (n.d.) Child welfare supervised foster care supplementary reports: Sibling tables. [Online]. Retrieved December 29, 2003 from <http://cssr.berkeley.edu/cwscmsreports/pointintime/fostercare/childwel/siblings.asp>

Hochman, G., Feathers-Acuna, E., & Huston, A. (1992). The sibling bond: its importance in foster care and adoptive placement. Washington, DC.: National Adoption Information Clearinghouse. Retrieved December 29, 2003 from http://naic.acf.hhs.gov/pubs/f_siblin.cfm.

New York City Administration for Children's Services (NYC ACS). (2001). Progress on ACS reform initiatives: Status report 3. New York.: Author. Retrieved December 29, 2003 from <http://www.ci.nyc.ny.us/html/acs/html/whatwedo/opireport.html>

New York State Citizens' Coalition for Children, Inc (NYSCCC). (2001). NYS CCC's sibling report. [Online]. Retrieved April 17, 2002 from <http://www.nysccc.org/Siblings/sibreport99.htm>

Newberger, J. 2001, June 1. Growing up together. Connect for Kids. Retrieved December 29, 2003 from <http://www.connectforkids.org>



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Handout 1.4: THE EMOTIONAL BURDEN OF SEPARATION

- For most children separated from their siblings, it means losing the only significant relationship they have known.
- Children placed in out-of-home care suffer many losses. First and foremost, they are separated from their parents and possibly other family members. Unless the placement is within the community, they are separated from neighbors, friends, schoolmates, teachers, and the security of a familiar environment. Additional losses may include those of pets, possessions, extended family, babysitter or child care workers, and other trusted adults in the community (Dougherty, 2002).
- Separating siblings in foster care or through adoption adds to their emotional burden. When separated from siblings, they experience the grieving process all over again.
- Being placed together with siblings adds to a child's feeling of safety in a strange environment (Jewett, 1978)
- Studies have shown that even babies experience depression when they are separated from their brothers and sisters. In one study it was found that a 19-month-old girl was better able to cope with separation from her parents than from her siblings. The children in this family were placed in different foster homes resulting in the baby's loss of speech, refusal to eat, withdrawal and an inability to accept affection. This pattern persisted even after she was reunited with her parents. It was not until her brothers and sisters rejoined the family that this little girl resumed her former behavior. (Meyendorf, as cited in Hegar, 1988).
- Siblings separated in foster care experience trauma, anger and an extreme sense of loss. Research suggests that separating siblings may make it difficult for them to begin a healing process, form attachments and develop a healthy self-image (Hegar, 1988.)
- Sometimes it is only through their siblings that children have been able to gain any positive esteem. When they see good qualities in a brother or sister, they are less likely to see themselves as "a bad kid from a bad family." Siblings are often able to reveal to each other parts of themselves that they are reluctant to share with anyone else, thus strengthening the bond between them.
- The early ties siblings form remain even when they are separated in foster care or through adoption. Today a greater number of former foster children are searching for their siblings than are searching for their biological parents.

References

Dougherty, S. (2002). *Grief and loss in fostering*. Washington, DC: Casey Family Programs National Center for Resource Family Support. Available: <http://www.hunter.cuny.edu/socwork/nrcfcpp/support-and-retention/loss-and-grief.html>

Hegar, R.L. (1988, Sept.). Sibling relationships and separations: Implications for child placement. *Social Service Review*, 446-467.

Jewett, C.L. (1978). *Adopting the older child*. Harvard, MA: Harvard Common Press.



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Handout 1.5: SIBLINGS IN OUT-OF-HOME CARE BIBLIOGRAPHY

(Adapted by NRCFCPP from Annotated Bibliography from Casey Family Programs National Center for Resource Family Support)

Bank, S.P. & Kahn, M.D. (1982). *The sibling bond*. New York: Basic Books.

The authors present their view of the nature of the sibling bond based on their experience treating siblings in a psychotherapeutic setting.

Barbell, K. (1995, Winter). Is our family focus wide enough to include siblings? *Children's Voice*, 4-5, 24. Retrieved from the Internet December 30, 2003 at <http://www.hunter.cuny.edu/socwork/nrcfcpp/policy-issues/cwla-article-siblings.html>

Makes the case that a family focus in child welfare decision-making must include attention to siblings, and outlines steps agencies must take to improve policy and practice to promote better outcomes for sibling groups.

Center for Advanced Studies in Child Welfare. (2000). Siblings in foster care: Maintaining the ties that bind. *CASCW Practice Notes*, 9. Retrieved from the Internet December 30, 2003 at http://ssw.che.umn.edu/cascw/practice_notes.htm.

Practice tips from various sources.

Depp, C.H. (1983, March/April). Placing siblings together. *Children Today*, 14-19.

An adoption worker rebuts some arguments for separating siblings and looks at ways to prepare families and support them after the adoption of sibling groups.

Dougherty, S. (2001). *Foster children's life books: A caseworker's handbook*. Columbia, SC: University of South Carolina.

A guide to working with a child in creating a lifebook; includes both instructions for completing various pages and information for using the process as a therapeutic tool.

Drapeau, S., Simard, M., Beaudry, M., & Charbonneau, C. (2002). Siblings in family transitions. *Family Relations*, 49(1), 77-85.

This research looked at the effects of separation on siblings who were split through parental divorce and through foster care placement.

Fahlberg, V.I. (1994). *A child's journey through placement* (pp. 260-264) London: British Agencies for Adoption & Fostering

In this section on sibling relationships, the author presents both advantages and disadvantages to placing sibling together. She also discusses some factors to be considered in assessing families for the adoption of sibling groups.

Flack, C., Hamill, R., Kosa-Grab, C. & Smith, J. (1996). Teamwork challenge: Placing a sibling family group. *ACWA Issues Papers*, 10. [Online]. Retrieved from the Internet December 30, 2003 at http://acwa.asn.au/ACWA/publications/issuepapers/Paper_10.html.

Practical casework considerations in placing sibling groups of three or more.

Gleeson, J.P., & O'Donnell, J. (1997). Understanding the complexity of practice in kinship foster care. *Child Welfare*, 76(6), 801-836.

Points out that the placement of siblings in kinship care is often complicated.

Groza, V., Maschmeier, C., Jamison, C., & Piccola, T. (2003). Siblings and out-of-home placement: Best practices. *Families in Society: The Journal of Contemporary Human Services*, 84(4), 480-490. Retrieved from the Internet March 24, 2004 at <http://www.alliance1.org/fis/>

Reviews literature on sibling relationships and siblings in out-of-home care, and lays out best practice solutions in the areas of agency philosophy and procedures, supporting resource families, and case decision-making.

Hegar, R.L. (1988, Sept.). Sibling relationships and separations: Implications for child placement. *Social Service Review*, 446-467.

A multidisciplinary literature review of research on sibling relationships and sibling separation, concluding that the importance of sibling ties should be respected in foster care placements.

Hochman, G., Feathers-Acuna, E., & Huston, A. (1992). *The sibling bond: its importance in foster care and adoptive placement*. Washington, DC: National Adoption Information Clearinghouse. Retrieved from the Internet December 30, 2003 at http://naic.acf.hhs.gov/pubs/f_siblin.cfm

Contains an overview of what is known about sibling issues in out-of-home care, including a look at the intensity of the sibling bond, reasons frequently given for separating siblings, research findings that indicate these reasons may be faulty, and guidelines for decision-making in sibling placement.

Jewett, C.L. (1978). *Adopting the older child*. (pp. 160-163). Harvard, MA: The Harvard Common Press.

The author makes a case for finding adoptive placements that allow siblings to stay together, providing post-adoption supports for families that adopt siblings, and, when siblings are separated, helping them resolve issues of loss, grief, guilt, and jealousy.

Jordan Institute for Families. (1997). Why separate siblings? *Children's Services Practice Notes*, 2(4). Retrieved from the Internet December 30, 2003 at http://sswnt7.sowo.unc.edu/fcrp/Cspn/vol2_no4.htm

Brief review of reasons commonly given for separating siblings, and factors that should be considered.

Kang, H. (2002). *Sibling relationship in out-of-home care: Literature review*. Urbana-Champaign, IL: Children and Family Research Center. Retrieved from the Internet April 13, 2004 at <http://cfrcwww.social.uiuc.edu/respract/bestpracbibs.htm>

Literature review covering studies on sibling separation patterns and factors, differences between children placed with siblings and those placed apart, and the influence of sibling placement on child functioning.

Kaufman, M. & Walton, D. (1981). *The placement of a large sibling group: A cooperative approach*. Washington, DC: US Department of Health and Human Services.

In an interview format, an adoption worker and a foster care worker describe the cooperative process by which they placed seven siblings together in one adoptive home.

Keck, G.C. & Kupecky, R. (1998). *Adopting the hurt child: Hope for families with special needs kids*. (Ch. 8: Siblings: The old, the new, the feelings! pp. 119-130). Colorado Springs, CO: Pinon Press.

The authors recommend that siblings might be placed together even in those cases usually cited as reasons for separation, such as (1) sibling abuse, positing that abusive or aggressive behaviors will continue in separate placements, with different victims; and (2) the parentified child, whose emotional state may be harmed by the loss of younger siblings. Also discussed are cases in which the adoption of one member of a sibling pair is disrupted, and the effects of the adoption of children with special needs on biological children in the family.

O'Connor, R. (1998, June-July). Separating siblings: Guiding principles. *MARNmemo*. Retrieved from the Internet December 30, 2003 at <http://www.betterendings.org/FosterCare/MFspecial.htm>.

Summary of 1993 Minnesota guidelines to be followed by agencies seeking to place siblings in separate adoptive placements.

Silverstein, D.N. & Roszia, S.K. (1999). Openness: A critical component of special needs adoption. *Child Welfare*, 78(5), 637-651.

This article looks at open adoption, often considered in infant adoption, as a way to recognize all of a child's relationships, including those with siblings. Because children with special needs are often adopted after abuse or neglect in their birth families, openness can be more challenging to the birth family, the adoptive parents, and to the child.

Staff, I. & Fein, E. (1992). Together or separate: A study of siblings in foster care. *Child Welfare*, 71(3), 257-270.

This study focused on pairs of siblings placed by a private long-term foster care agency, looking at the relationship between placement disruption and placement with and without the paired sibling. The researchers found that sibling pairs placed together were more likely to remain in their first placement than those placed separately, but that of disrupted placements, it was more likely for both members of a placed-together pair to experience disruption.

Timberlake, E.M. & Hamlin, E.R. (1982). The sibling group: A neglected dimension of placement. *Child Welfare*, 61(8), 545-552.

The authors focus on ways in which sibling groups can help their members deal with issues of separation and loss from one another as well as from the family of origin.

Ward, M. (1984). Sibling ties in foster care and adoption planning. *Child Welfare*, 33(4), 321-332.

The author discusses the importance of sibling ties to children and offers recommendations for maintaining ties through the placement process. She stresses the need to consider the wishes and needs of the children in making placement decisions.



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Handout 1.6: SIBLING LITIGATION CASE SUMMARIES

(Adapted by NRCFCPP from Proceedings of the National Leadership Symposium on Siblings in Out-of-Home Care from Casey Family Programs National Center for Resource Family Support)

Recent Cases:

<p><u>State, Div. Child & Fam. Servs. v. Dist. Ct.</u> 119 Nev. Adv. Op. No. 68 (2003)</p>	<p>The Nevada Supreme Court ruled that the state must provide a teenager in foster care with information about the adoptive placements of her biological siblings. Specifically, the Court ordered the state to provide the addresses of the two adoptive families so that the teenager can serve the adoptive parents with petitions for sibling visitation. The Court found that the state agency defied a previous family court order to develop a sibling visitation plan with prospective adoptive parents before the children were permanently placed. Moreover, the Court rejected the state's argument that releasing the adoption records would make families less likely to adopt. Available: http://www.leg.state.nv.us/scd/119NevAdvOpNo68.html</p>
<p><u>Abraham L. v. Superior Court</u> (Los Angeles County Dept. of Children and Family Services) Cal.App.4th [No. B164765. Second Dist., Div. Seven. (2003)</p>	<p>Three siblings were placed in 2 different kinship homes. At the six-month review the juvenile court terminated reunification efforts and set a hearing to select permanent plans for all three children, on the basis of the age of the youngest child, who was under age 3. The Appeals Court determined that was incorrect on a number of grounds, including: "the Department's report failed to address the closeness and strength of the bond between the Children; the appropriateness of maintaining the Children together; the detrimental effect of severing sibling ties; or the wishes of the older children, who are clearly mature enough to indicate their preferences."</p>
<p><u>In re Adoption of Pierce</u> No. 02-P853, 2003 Mass App Lexis 644 (Mass. Ct. App. Jun. 16, 2003)</p>	<p>A Massachusetts Court of Appeals dismissed an appeal brought by the child's half-sister concerning a trial court's order dispensing with consent of the biological parents. The court held the half-sister lacked standing because there is no constitutionally protect liberty interest in sibling visitation.</p>

<p><u>Aristotle P. v. Johnson</u>, 721 F. Supp. 1002 (N.D. Ill.) (1989)</p>	<p>Acting on a motion to dismiss a class action (§1983) civil rights suit seeking injunctive relief against the Illinois Dept. of Children and Family Services, the trial court ordered that siblings who were separated while in state custody were entitled to proceed with their claim that they possessed a constitutional right to visitation. The court noted that foster children's relationships with their siblings are especially important because their relationships with their parents were often non-existent or tenuous. The case later resolved with a consent decree.</p>
<p><u>Adoption of Hugo</u>, 428 Mass. 219 (1998), cert. denied sub nom. Hugo P. v. George P., 526 U.S. 1034 (1999)</p>	<p>The Massachusetts Supreme Judicial Court upheld a trial court decision to separate a four-year-old boy from his seven-year-old sister. The Court refused to recognize a presumption in favor of maintaining a sibling relationship after parental rights are terminated. The Court held that the sibling relationship is just one factor in determining best interests and is not entitled to any special status. U.S. Supreme Court denied a writ of certiorari seeking recognition that siblings possess a fundamental right in maintaining their familial relationship that is protected by the Constitution and that child's familial relationship with a sibling should not be severed without proof, by clear and convincing evidence, that severance would be in the child's best interest.</p>
<p><u>Adoption of Vito</u>, 431 Mass. 550 (2000)</p>	<p>A trial court has the authority to order post-adoption visits between a child and his mother and siblings, even without the agreement of the pre-adoptive parent.</p>
<p><u>Bell v. Milwaukee</u>, 746 F.2d 1205 (7th Cir. 1984)</p>	<p>Court denied plaintiff children the right to seek compensation in a civil rights suit for damages to a sibling relationship. Court expressly refused to attach Constitutional significance to the sibling relationship saying it was "clearly different" from the closely guarded parent-child relationship.</p>
<p><u>B.H. v. Johnson</u>, 715 F.Supp. 1387 (N.D.Ill. 1989)</p>	<p>Federal District Court held that children who had been removed from their homes had no Fourteenth Amendment due process right to sibling visitation.</p>
<p><u>Black v. Beame</u>, 419 F.Supp. 599 (S.D.N.Y. 1976), aff'd 550 F.2d 815 (2d Cir. 1977)</p>	<p>Federal Circuit Court upheld District Court decision that there is no Constitutional obligation to insure children with a "given type of family life." Mother voluntarily placed four of her fifteen children. The ones not in care sued for visitation. No Fourteenth Amendment protection to keep the family together. State did not "interfere" in this family's life.</p>
<p><u>E.N.O. v. L.M.M.</u>, 429 Mass. 824, cert. denied, 528 U.S. 1005 (1999)</p>	<p>Upheld visitation order with <i>de facto</i> parent (former guardian) after child was returned to father. The child's interest in maintaining ties counters the father's custodial rights and parental prerogatives.</p>

<u>Honaker v. Burnside</u> , 182 W. Va. 448, 388 S.E. 322 (1989)	Courts may use their equitable power to order sibling visitation, even in the absence of a sibling visitation statute.
<u>In re Clifton B.</u> 81 Cal. App. 4 th 415, 96 Cal. Repr 2d 778 (2000)	In a termination of parental rights case, the trial court's order that was silent on sibling visitation was reversed. Two children were to be adopted. Older child was not. The children were represented by one attorney who did not advocate for post-adoption sibling visitation. Attorney had a conflict of interest and provided ineffective assistance of counsel. Parent was found not to have standing to raise siblings' rights to see one another. Appellate court remanded for a new hearing on post-adoption sibling contact. On remand children were to be represented by separate attorneys.
<u>In re: Daniel W.</u> , 3 Neb. App. 630, 529 N.W. 548 (1995)	Court ordered visitation between Daniel, who was in the custody of his grandmother, and Megan, who was in the custody of the parents. Parents challenged court's authority over Megan. Appeals Court held that the court had jurisdiction over the parents and an ability to fashion plans for its subject children such as Daniel. It also held that courts have equitable power to grant sibling visitation, even in the absence of a statute and even over parents' objection. The benefit to the child outweighs any burden upon the parents.
<u>In re: Darryl T-H.</u> 610 N.W. 2d 475 (Wis. 2000)	Prospective adoptive mother's promise to continue sibling relationship with post-adoption visits with child she was not adopting did not adequately protect children because adoption would sever their legal relationship and render her assurances unenforceable. A court order was necessary.
<u>In re: Elizabeth M.</u> 232 Cal. Repr. 483 (1991)	Court allowed claim that children's due process rights were violated by a failure to order sibling visitation to proceed.
<u>In re: Gault</u> , 387 U.S. 1 (1967)	Because liberty interests are at stake in delinquency cases, children have a right of counsel.
<u>In re: Patricia A.W.</u> 89 Misc. 2d. 368, 392 N.Y.S. 2d 180 (1977)	Trial court ordered agency to develop a plan for integrating the brother, who was in the care of his father, into the lives of two sisters, who were being freed for adoption.
<u>Jesse E. v. N.Y.C. Dept of Social Services</u> , 90 Civ. 7274 (S.D. N.Y. 1990)	Class action suit challenged the practice of separating siblings in foster care as violative of children's freedom of association under the First Amendment, their right to due process and other statutory rights. Settlement in 1993 created sibling's right to be placed together unless contrary to siblings health, safety or welfare. It also created rights of visitation and reunification if children have to be separated temporarily.

<u>Ken R. v. Arthur Z.</u> 546 Pa. 49 (1996)	Children involved in custody disputes have claimed a constitutionally-based interest in either being placed with or in having access to siblings.
<u>L. v. G.</u> 203 N.J. Super. 385, 497 A.2d 215 (Ch. Ct. 1985)	In a case that ordered visits between four emancipated older siblings and two minor children still in the care of their father, the Court found that, even in the absence of legislation, siblings possess the natural, inherent and inalienable right to visit with each other when visits are in the best interests of the child. Even if the pre-adoptive parents are not inclined toward sibling visitation, their opposition can never justify denying sibling visitation.
<u>Matter of Adoption of Anthony,</u> 113 Misc. 2d 26, 448 N.Y.S. 2d 377 (1982)	Family Court ordered sibling contact in an order of adoption. In the absence of an order the 12-year-old child's interest in contact with his biological siblings would not be protected if the adoptive parents later changed their mind. New York trial court's order was based on equity jurisdiction in the absence of a statute.
<u>Meyer v. Nebraska,</u> 262 U.S. 390 (1923)	Recognized a fundamental, constitutionally protected, liberty interest in family integrity.
<u>Michael H. v. Gerald D.,</u> 491 U.S. 110 (1989)	Supreme Court declined to address whether, and under what circumstances, the liberty interest in family integrity recognized for parents protects children's interest in the preservation of their families. Biological connection alone is insufficient to establish fundamental right to associate.
<u>New York ex rel. Sibley v. Sheppard,</u> 54 N.Y. 2d 320 (1981)	Court can order contact between siblings to protect child's best interests even over the opposition of adoptive parents.
<u>Rivera v. Marcus,</u> 696 F.2d 1016 (2 nd Cir. 1982)	The Second Circuit Court of Appeals held that two children had a constitutionally protected liberty interest in preserving their familial relationship with an adult half-sibling with whom they had resided for five years.
<u>Roberts v. United States Jaycees,</u> 468 U.S. 609 (1984)	Not a sibling case, but because of the court's holding that freedom of association protects not just the right to assemble, but also the right to maintain certain intimate human relationships, it may be used to argue that the sibling relationship is protected by the First Amendment right of association.
<u>Sanchez v. Marquez,</u> 457 F.Supp 359 (D. Colo. 1978)	Federal District Court dismissed a claim for damages on the ground that the liberty interest in family integrity encompasses only the relationship between the parent and the child, not sibling relationships.

<p><u>Santosky v. Kramer</u>, 455 U.S. 745 (1982)</p>	<p>Parents' liberty interest in being free of improper state interference in the care, custody and management of their children is a fundamental liberty interest protected by the Fourteenth Amendment. Due process requires that the state prove parental unfitness by clear and convincing evidence before depriving parents of custody of their children.</p>
<p><u>Scruggs v. Saterfiel</u>, (1997)</p>	<p>In the absence of a sibling rights statute the trial court declined to order sibling visitation. Deferring to the legislature, the court said it was "not their prerogative to make new rights governing sibling visitation."</p>
<p><u>Smith v. Organization of Foster Families</u>, 431 U.S. 816 (1977)</p>	<p>Supreme Court attempted to define the scope of the family relationships protected by the Due Process clause of the Constitution. Found that the usual understanding of family implies biological relationships and that family relationships usually involve emotional attachments that derive from the intimacy of daily association, entirely apart from state action. Concluded that foster parents have no constitutionally protected liberty interest in their relationship with foster children where parental rights have not been terminated.</p>
<p><u>Stanley v. Illinois</u>, 405 U.S. 645 (1972)</p>	<p>Recognized that parents have a fundamental liberty interest in family integrity. Held that an unwed father could not be deprived of custody of his children without a hearing to determine his parental fitness.</p>
<p><u>Trujillo v. Board of City Commissioners</u>, 768 F. 2d. 1186 (10th Cir. 1985)</p>	<p>In a case where a sister sued for damages for the loss of her familial association with her brother, the Tenth Circuit held that there was a constitutionally protected interest in sibling relationships</p>
<p><u>Whalen v. County of Fulton</u>, 126 F.3d 400 (2nd Cir. 1997)</p>	<p>Even if a child had a liberty interest in associating with biological sibling, he was not deprived of this right where the children had never lived together and where neither visitation nor placement together was in their best interests.</p>



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Handout 2.1: PRACTICE ISSUES: PLACEMENT DECISION-MAKING

- Find out the current location of all siblings at intake. Begin a family history.
- Begin with the assumption that all siblings should be placed together at the first placement, every time.
- When a caretaker requests that siblings be separated, examine the case carefully.
 - Does the request stem from a serious issue, such as sibling abuse, that must be addressed?
 - Is the caretaker unprepared for the task of caring for multiple children, or not receiving sufficient support such as respite?
 - Or does the caretaker have other motives, such as the desire to adopt only one child from the group?
 - Is it the needs of the sibling group or the needs of the resource family that will be served by disrupting the placement?
- Caseworkers should pay special attention to monitoring sibling placements. Families may have difficulty caring for multiple children for some time before the case erupts into a crisis. Attention to the needs of both the children and the resource family from the beginning can pay off in a stable placement.
- One worker should have responsibility for all the children in the sibling group.
- Keep the case files of all children up-to-date with placement information about all the children.
- When a child comes into placement, always 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.
- Always ask the children what their preference is regarding placement with or apart from each other. Explore their preferences.
- Determining the best interest of each individual child includes consideration of the best interest of the sibling group.
- Some agencies will place one child separately because they know the placement is available, allowing siblings to be placed elsewhere because the first family is unable or unwilling to take the group. While permanency for the one child may be achieved, the price to each of the children and the total group may be too high.
- Make sure life books tell the story of the whole sibling group. Include information about court records.



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Handout 2.2: PRACTICE ISSUES: RECRUITMENT

- Recruit specifically for sibling groups; use messages that tap into people's own experience as siblings.
- Seek kinship placements for all children to the greatest extent possible.
- Conduct specific recruitment for sibling groups – reach out to neighbors, co-workers, school staff, others who know some or all of the children.
- Have an adoption party tailored specifically to recruiting families for sibling groups.
- Recruit from among existing resource families – educate them about the need for homes for sibling groups.
- Use resource families who have cared for sibling groups in your recruitment efforts.
- Use the media to publicize the need for families who can keep siblings together; emphasize relationships and the emotional attachment of siblings to one another.



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Handout 2.3: PRACTICE ISSUES: PREPARING RESOURCE FAMILIES

Provide training on issues that are connected to taking on several children at one time, including

- logistics and organization skills of large families
- handling the parentified child: how to gradually encourage the child to release responsibility for younger siblings and allow him/herself to be a child
- sibling conflicts: recognizing the difference between “normal” conflict and problematic or abusive behaviors; conflict resolution skills
- incorporating the special needs child into the family along with his/her siblings



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Handout 2.4: PRACTICE ISSUES: SUPPORTING AND RETAINING RESOURCE FAMILIES

- When a family is recruited to foster sibling groups, don't fill up the home with individual children just because the beds are there – save them for groups. Some programs provide a stipend for families without placements, as an incentive to remain with the agency and keep beds open until a sibling group needs placement.
- Provide extra supports to help the family deal with logistics – transportation, assistance with tasks such as school registration, day care, etc.
- Help schedule appointments for children so that resource parents don't have to make multiple trips to doctors, therapists, visits with family, etc.
- Make respite available and accessible.
- Encourage/start support groups in which resource families can share and learn from one another.
- Make sure resource families, especially kinship caregivers, are receiving all the financial support they are entitled to. These may include specialized or difficulty of care foster care rates, adoption subsidies, housing assistance, etc.
- Solicit community members and businesses to help support resource families by donating or providing at a lower cost items such as vans, heavy duty washing machines, paper goods in bulk, bunk beds, etc.
- Provide support for the individual needs of each of the children as well as to the sibling group as a whole; make sure each child has the appropriate components in his/her case plan.



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Handout 2.5: PRACTICE ISSUES: WHEN SIBLINGS ARE SEPARATED

- One worker should continue to have case responsibility for all the siblings.
- Place children in homes as geographically near to each other as possible.
- Have children registered in the same school.
- Write sibling visitation into case plans and provide transportation and other supports resource families need to make those visits happen regularly.
- Monthly visits for an hour are not sufficient. Exceed minimum requirements; facilitate visits more frequently, for longer times, and under conditions in which the children can feel comfortable.
- Educate resource families on the importance of the sibling bond and their role in helping maintain that bond while the children are separated. Encourage activities such as family-to-family visits, joint lunches/dinners, playgroup meetings during foster parent support groups or training, having children join the same neighborhood sports association to play soccer together, etc.
- Help resource families with different members of a sibling group in care set up ways for children to communicate with one another, such as regular telephone calls, providing writing materials for cards and letters, etc.
- Encourage resource families to allow children to use telephone, email or Instant Messenger to chat at least briefly on a daily basis. When families do not have computers or Internet access, explore opportunities to provide this access to them through community groups, small grants, etc.
- Encourage resource families to babysit for one another, or use the same babysitter, child care or respite care provider. It is the social aspect of spending time together in an unstructured way (i.e., not a “visitation”) that is valuable to building and maintaining sibling relationships.

- Ongoing contact should be continued even after one or more children are placed permanently, either in an adoptive home or reunified with birth parents.
- When one or some of a sibling group are adopted, an open adoption that encourages continuing contact should be pursued.
- Children in foster care may live in homes with other children (foster, adopted, or birth children) to whom they are not related, but with whom they develop ties. Help children who move on to another placement, adoption, or reunification to maintain connections with these children, as well. Ask the children – respect their wishes.
- Use life books to make sure each child maintains a record of his/her family and sibling connections. Consider bringing children together to work on their life books in a fun atmosphere (not the agency office).
- Look for opportunities to bring separated siblings together in settings such as reunion camps that are specifically geared to helping children connect with their brothers and sisters.

**National Resource Center for Foster Care and Permanency Planning
Hunter College School of Social Work –
A Service of the Children’s Bureau/ACF/DHHS**



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Handout 2.6: COMMITMENT TO ACTION

(Adapted by NRCFCPP from Commitment to Action from Casey Family Programs National Center for Resource Family Support)

My Practice with Siblings in Out-of-Home Care

My state’s statutes/policies support good practice with siblings in out-of-home care in the following ways:

My state’s statutes/policies present challenges to good practice with siblings in out-of-home care in the following ways:

In order to take advantage of supports or to overcome challenges, I will take the following steps/actions to improve my own practice or that of my agency: