

## State Comparison of Sibling Visitation and Contact Laws

This is not an exhaustive list of state laws regarding sibling visitation but are examples of the types of laws states have used to address sibling contact and visitation in foster care and adoption. For a longer explanation of the various ways states have addressed the issue see “Sibling Issues in Foster Care and Adoption” published in 2013 by the Child Welfare Information Gateway and “Delicate Balances: Assessing the needs and Rights of Siblings in Foster Care to Maintain their Relationship Post-Adoption” by Randi Mandelbaum published in the New Mexico Law Review in 2011, specifically pages 11-20.

### Arkansas

**Statute:** A.C.A. § 9-9-215; 9-13-102

**Definition of Sibling:** These sections do not explicitly define sibling but 9-13-102 states “any person who is a brother or sister, regardless of the degree of blood relationship” may petition for visitation.

**Mechanism for Enforcement:** Sibling visitation ordered before an adoption for a child in foster care does not terminate with the adoption. In addition, a sibling or a parent, guardian, or next friend in behalf of the minor may petition the court. It is not limited to siblings in foster care or adopted from foster care.

### California

**Statute:** California Welfare and Institutions Code, Section 16002

**Definition of Sibling:** “Sibling” means a person related to the identified child by blood, adoption, or affinity through a common legal or biological parent.

**Mechanism for Enforcement While Child is in Foster Care:** If siblings are not placed together in the same home, the social worker or probation officer shall explain why the siblings are not placed together and what efforts he or she is making to place the siblings together or why making those efforts would be contrary to the safety and well-being of any of the siblings. When placement of siblings together in the same home is not possible, a diligent effort shall be made, and a case plan prepared, to provide for ongoing and frequent interaction among siblings until family reunification is achieved, or, if parental rights are terminated, as part of developing the permanent plan for the child. If the court determines by clear and convincing evidence that sibling interaction is contrary to the safety and well-being of any of the siblings, the reasons for the determination shall be noted in the court order, and interaction shall be suspended.

When there has been a judicial suspension of sibling interaction, the reasons for the suspension shall be reviewed at each periodic review hearing. In order for the

suspension to continue, the court shall make a renewed finding that sibling interaction is contrary to the safety or well-being of either child.

If a person wishes to assert a sibling relationship with a dependent child or ward, he or she may file a petition in the juvenile court having jurisdiction over the dependent child.

**Mechanism for Enforcement Post Adoption:** The county placing agency convenes a meeting with the child, the siblings of the child, the prospective adoptive parents, and a facilitator for the purpose of deciding whether to voluntarily execute a postadoption sibling contact agreement. This meeting does not need to be held if the county child placing agency determines it would be contrary to the safety and well being of the child or the child does not wish to have such a meeting. The child may petition the court for an order requiring the county placing agency to convene such a meeting.

## Florida

**Statute:** FLA. STAT. § 63.0427

**Definition of Sibling:** None in visitation section.

**Mechanism for Enforcement after Adoption:** At time of adoption, child has right for court to consider post adoption contact with siblings and include in adoption order. Adoptive parents can ask court to review this contact order at any point.

## Massachusetts

**Statute:** MASS. GEN. LAWS ch. 119 § 26B(b)

**Definition of Sibling:** None in visitation section.

**Mechanism for Enforcement in Foster Care:** A child, sibling, parent, legal guardian or the government department with custody of the child may file a petition for sibling visitation in the court committing the child to the custody of the department. Periodic reviews evaluate the effectiveness and appropriateness of sibling visitations. The child's right to petition may only be available after the age of 12.

**Mechanism for Enforcement after Adoption:** Any child over 12 years of age may request visitation with siblings who have been separated and placed in care or have been adopted in a foster or adoptive home other than where the child resides.

## New Jersey

**Statute:** 9:2-7.1

**Definition of Sibling:** No definition in Title 9.

**Mechanism for Enforcement:** Sibling petitions the court and has the burden to prove visitation is in the child's best interests. Factors to be considered in best interest determination is listed. It is not limited to siblings in foster care or adopted from foster care. The New Jersey Supreme court has interpreted the statute to apply to children who have been adopted.