



# Sibling Statutes, Rules, Operating Procedure & Benchbook

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## Statutes

### **39.001 Purposes and intent; personnel standards and screening.—**

#### (1) PURPOSES OF CHAPTER.

(k) To make every possible effort, if two or more children who are in the care or under the supervision of the department are siblings, to place the siblings in the same home; and in the event of permanent placement of the siblings, to place them in the same adoptive home or, if the siblings are separated while under the care or supervision of the department or in a permanent placement, to keep them in contact with each other.

Subsection added in 1998 – Ch.98-403

### **39.00146 Case record face sheet.—**

(2) The case record of every child under the supervision or in the custody of the department or the department's authorized agents, including community-based care lead agencies and their subcontracted providers, must include a face sheet containing relevant information about the child and his or her case, including at least all of the following:

(c) The personal information of relevant family members and other fictive kin, including, but not limited to, the name and contact information of:

1. The child's parents;

2. The child's siblings, including the location of their current out-of-home placement, if applicable;

3. The child's current caregivers and any previous out-of-home placements;

4. Any other caretaking adults; and

5. All children in the out-of-home placement, if applicable.

(h) If the child has any siblings and they are not placed in the same out-of-home placement, the reasons the children are not in joint placement and the reasonable efforts that the department or appropriate lead agency will make to provide frequent visitation or other ongoing interaction between the siblings, unless the court determines that the interaction would be contrary to a sibling's safety or well-being in accordance with s. 39.4024.

Section added 2021 – Ch.2021-169

### **39.01 Definitions**

(73) "Relative" means a grandparent, great-grandparent, sibling, first cousin, aunt, uncle, great-aunt, great-uncle, niece, or nephew, whether related by the whole or half blood, by affinity, or by adoption. The term does not include a stepparent.

(80) "Sibling" means:

(a) A child who shares a birth parent or legal parent with one or more other children; or

(b) A child who has lived together in a family with one or more other children whom he or she identifies as siblings.

Subsection added in 2014-Ch.2014-224

### **39.01375 Best interest determination for placement.**

The department, community-based care lead agency, or court shall consider all of the following factors when determining whether a proposed placement under this chapter is in the child's best interest:

(8) The child's previous and current relationship with a sibling and if the change of legal or physical custody or placement will separate or reunite siblings, evaluated in accordance with s. 39.4024.

Section added 2021- Ch. 2021-169

### **39.401 Taking a child alleged to be dependent into custody; law enforcement officers and authorized agents of the department.—**

(2) If the law enforcement officer takes the child into custody, that officer shall:(a)

Release the child to:

1. The parent or legal custodian of the child;

2. A responsible adult approved by the court when limited to temporary emergency situations;

3. A responsible adult relative or the adoptive parent of the child's sibling who shall be given priority consideration over a nonrelative placement when this is in the best interests of the child; or

4. A responsible adult approved by the department;

### **39.4015 Family finding.—**

(b) The family-finding program shall provide the department and the community-based care lead agencies with best practices for identifying family and fictive kin. The family-finding program must use diligent efforts in family finding and must continue those efforts until multiple relatives and fictive kin are identified. Family-finding efforts by the department and the community-based care lead agency may include, but are not limited to:

5. Keeping siblings together in care, when in the best interest of each child and when possible.

Section added 2018 Ch. 2018-108

### **39.402 Placement in a shelter.—**

(7)(h) The order for placement of a child in shelter care must identify the parties present at the hearing and must contain written findings:

7. That the department has made reasonable efforts to keep siblings together if they are removed and placed in out-of-home care unless such placement is not in the best interest of each child. It is preferred that siblings be kept together in a foster home, if available. Other reasonable efforts shall include short-term placement in a group home with the ability to accommodate sibling groups if such a placement is available. The department shall report to the court its efforts to place siblings together unless the court finds that such placement is not in the best interest of a child or his or her sibling.

(9)(b) If siblings who are removed from the home cannot be placed together, the department shall provide to the court a recommendation for frequent visitation or other ongoing interaction between the siblings unless this interaction would be contrary to a sibling's safety or well-being. If visitation among siblings is ordered but will not commence within 72 hours after the shelter hearing, the department shall provide justification to the court for the delay.

### **39.4021 -Priority for Out of Home Placements**

(1) LEGISLATIVE FINDINGS AND INTENT.—The Legislature finds that it is a basic tenet of child welfare practice and the law that a child be placed in the least restrictive, most family-like setting available in close proximity to the home of his or her parents which meets the needs of the child, and that a child be placed in a permanent home in a timely manner.

(2) PLACEMENT PRIORITY.—

(a) When a child cannot safely remain at home with a parent, out-of-home placement options must be considered in the following order:

1. Nonoffending parent.
2. Relative caregiver.
3. Adoptive parent of the child's sibling, when the department or community-based care lead agency is aware of such sibling.
4. Fictive kin with a close existing relationship to the child.
5. Nonrelative caregiver that does not have an existing relationship with the child.
6. Licensed foster care.
7. Group or congregate care.

(b) Except as otherwise provided for in ss. 39.4022 and 39.4024, sibling groups must be placed in the same placement whenever possible and if placement together is in the best interest of each child in the sibling group. Placement decisions for sibling groups must be made pursuant to ss. 39.4022 and 39.4024.

(c) Except as otherwise provided for in this chapter, a change to a child's physical or legal placement after the child has been sheltered but before the child has achieved permanency must be made in compliance with this section. Placements made pursuant to s. 63.082(6) are exempt from this section.

Section added 2021, Ch. 2021-169

### **39.4022 Multidisciplinary Teams**

#### (4) Participants

(b) Based on the particular goal the multidisciplinary team staffing identifies as the purpose of convening the staffing as provided under subsection (5), the department or lead agency may also invite to the meeting other professionals, including, but not limited to:

5. A mental health professional with expertise in sibling bonding, if the department or lead agency deems such expert is necessary;

#### (5) Scope of Multidisciplinary Team

4. Placement decisions for a child as required by subparagraph 1., subparagraph 2., or subparagraph 3. which involve sibling groups that require placement in accordance with s. 39.4024.

5. Any other important decisions in the child's life which are so complex that the department or appropriate community-based care lead agency determines convening a multidisciplinary team staffing is necessary to ensure the best interest of the child is maintained.

(b) A multidisciplinary team convened under this section may address multiple needs and decisions under paragraph (a) regarding the child or sibling group for which the team is convened during the same staffing.

#### (6) ASSESSMENTS.—

(c) To adequately prepare for a multidisciplinary staffing team meeting to consider a decision related to a child 3 years of age or younger, all of the following information on the child which is known at the time must be gathered and considered by the team:

3. The prospective caregiver's ability and willingness to:
  - f. Ensure frequent family visits and sibling visits.

Section added 2021, Ch. 2021-169

### **39.4023. Placement and education transitions**

(c) 4. The multidisciplinary team and the individuals listed in subparagraph 3. must consider, at a minimum, all of the following factors when determining whether remaining in the school or program of origin is in the child's best interest or, if not, when selecting a new school or program:

- c. Whether the child has siblings, close friends, or mentors at the school or program of origin.

Section added 2021, Ch. 2021-169

### **39.4024 Placement of siblings; visitation; continuing contact.—**

#### (1) LEGISLATIVE FINDINGS.—

(a) The Legislature finds that sibling relationships can provide a significant source of continuity throughout a child's life and are likely to be the longest relationships that most individuals experience. Further, the placement of siblings together can increase the likelihood of achieving permanency and is associated with a significantly higher rate of family reunification.

(b) The Legislature finds that it is beneficial for a child who is placed in out-of-home care to be able to continue existing relationships with his or her siblings, regardless of age, so that they may share their strengths and association in their everyday and often common experiences.

(c) The Legislature also finds that healthy connections with siblings can serve as a protective factor for children who have been placed in out-of-home care. The Legislature finds that child protective investigators and caseworkers should be aware of the variety of demographic and external situational factors that may present challenges to placement in order to identify such factors relevant to a particular group of siblings and ensure that these factors are not the sole reasons that siblings are not placed together.

(d) The Legislature also finds that it is the responsibility of all entities and adults involved in a child's life, including, but not limited to, the department, community-based care lead agencies, parents, foster parents, guardians ad litem, next of kin, and other persons important to the child to seek opportunities to foster sibling relationships to promote continuity and help sustain family connections.

(e) While there is a presumption in law and policy that it is in the best interest of a child going into out-of-home care to be placed with any siblings, the Legislature finds that overall well-being of the child and family improves when the person or team responsible for placement decisions evaluates the child's sibling and family bonds and prioritizes the bonds that are unique drivers of the child's ability to maintain and develop healthy relationships. The person or team with an understanding of the need to balance all attachment bonds of a child and the potential need to prioritize existing and healthy sibling relationships differently than a potential or unhealthy sibling relationship over a healthy existing bond with a caregiver will result in more stable and healthier placements for all children in out-of-home care.

#### (2) DEFINITIONS.—As used in this section, the term:

(a) "Lead agency" means a community-based care lead agency under contract with the department to provide care to children in foster care under chapter 409.

(b) "Multidisciplinary team" has the same meaning as provided in s. 39.4022.

(c) "Sibling" means:

1. A child who shares a birth parent or legal parent with one or more other children; or
  2. A child who has lived together in a family with one or more other children whom he or she identifies as siblings.
- (3) PLACEMENT OF SIBLINGS IN OUT-OF-HOME CARE.—
- (a) General provisions.—
1. The department or lead agency shall make reasonable efforts to place sibling groups that are removed from their home in the same foster, kinship, adoptive, or guardianship home when it is in the best interest of each sibling and when an appropriate, capable, and willing joint placement for the sibling group is available.
  2. If a child enters out-of-home care after his or her sibling, the department or lead agency and the multidisciplinary team shall make reasonable efforts to initially place the child who has entered out-of-home care with his or her siblings in the sibling's existing placement, provided it would not jeopardize the stability of such placement and it is in the best interest for each child.
  3. When determining whether to move a child from a current placement to a new placement when such change is initiated by a sibling relationship, all relevant factors must be considered by the multidisciplinary team to ensure that the child is best served by the decision. A uniform policy that does not consider and apply a balancing test to ensure all existing attachment bonds for a child and his or her siblings are honored and evaluated holistically may result in placement decisions or changes of placement decisions that may result in additional trauma.
  4. The department and the court are not required to make a change in placement, whether such change is to the physical residential address of the child or the legal custody of the child, to develop a relationship between siblings which did not exist at the time a child is placed in out-of-home care and must determine whether the change in placement is contrary to the child's safety and well-being by evaluating all of the factors in this section and ss. 39.01375, 39.4022, and 39.4023.
- (b) Factors to consider when placing sibling groups.—
1. At the time a child who is a part of a sibling group is removed from the home, the department or lead agency shall convene a multidisciplinary team staffing in accordance with s. 39.4022 to determine and assess the sibling relationships from the perspective of each child to ensure the best placement of each child in the sibling group. The multidisciplinary team shall consider all relevant factors included in s. 39.01375 and this section, including, but not limited to, the existing emotional ties between and among the siblings, the degree of harm each

child is likely to experience as a result of separation, and the standard protocols established by the Quality Parenting Initiative under paragraph (d).

2.a. If the department or the appropriate lead agency is able to locate a caregiver that will accept the sibling group and the multidisciplinary team determines that the placement is suitable for each child, the sibling group must be placed together.

b. If the department or appropriate lead agency is not able to locate a caregiver or placement option that allows the sibling group to be placed together in an initial placement, the department or lead agency must make all reasonable efforts to ensure contact and visitation between siblings placed in separate out-of-home care placements and provide reviews of the placements in accordance with this section.

3. If all the siblings are unable to be placed in an existing placement and the siblings do not have an existing relationship, when determining whether to move any child who is part of the sibling group from his or her current placement to a new placement that will unite the sibling group, the department or lead agency must consider all of the following additional factors:

a. The presence and quality of current attachment relationships, including:

(I) The quality and length of the attachment of the child to both the current and prospective caregiver;

(II) The age of the child at placement with the current caregiver and the child's current age as well as the ages of any siblings;

(III) The ease with which the child formed an attachment to the current family;

(IV) Any indications of attachment difficulty in the child's history; and

(V) The number of moves and number of caregivers the child has experienced.

b. The potential of the new caregiver to be a primary attachment figure to the sibling group by ensuring care for each child's physical needs and the willingness and availability to meet each child's emotional needs.

c. The quality of existing sibling relationships and the potential quality of sibling relationships that can be formed between the children.

d. The consideration of any costs and benefits of disrupting existing emotional attachments to a primary caregiver to place children in a new placement with siblings, including:



- (I) The length and quality of the established and current primary attachment relationships between the siblings and between the siblings and their current caregivers; and
- (II) Relationships between any other siblings and whether such relationships appear adequate and not stressful or harmful.

e. The ability to establish and maintain sibling visitation and contact pursuant to this section in a manner and schedule that makes sense for an infant or young child if it is determined that the infant or young child is to remain with his or her primary caregivers rather than be placed with his or her siblings.

f. The ability to establish and maintain contact with the sibling and new caregiver as part of a transition plan developed in accordance with paragraph (c) and s. 39.4023 before changing the child's placement to allow the child, his or her siblings, and new caregiver to adjust and form bonds.

(c) Transitioning a child after a determination.—If after considering the provisions and factors described in paragraphs (a) and (b) it is determined that the child would benefit from being placed with his or her siblings, the transition of the child to the new home must be carried out gradually in accordance with s. 39.4023.

(d) Standards for evaluating sibling placements.—The department, in collaboration with the Quality Parenting Initiative, must develop standard protocols for the department and lead agency which incorporate the provisions and factors described in paragraphs (a), (b), and (c) and any other factors deemed relevant for use in making decisions about when placing siblings together would be contrary to a child's well-being or safety or decisions providing for frequent visitation and contact under subsection (4).

(4) MAINTAINING CONTACT WHEN SIBLINGS ARE SEPARATED.—

(a) Regular contact among a sibling group that cannot be placed together, especially among siblings with existing attachments to each other, is critical for the siblings to maintain their existing bonds and relationships or to develop such bonds and attachments, if appropriate. The following practices must be considered in helping to maintain or strengthen the relationships of separated siblings:

1. Respect and support the child's ties to his or her birth or legal family, including parents, siblings, and extended family members, must be provided by the caregiver, and he or she must assist the child in maintaining allowable visitation and other forms of communication. The department and lead agency shall provide a caregiver with the information, guidance, training, and support necessary for fulfilling this responsibility.

2. Provide adequate support to address any caregiver concerns and to enhance the caregiver's ability to facilitate contact between siblings who are not in the same out-of-home placement and promote the benefits of sibling contact.
  3. Prioritize placements with kinship caregivers who have an established personal relationship with each child so that even when siblings cannot be placed together in the same home, kinship caregivers are more likely to facilitate contact.
  4. Prioritize placement of siblings geographically near each other, such as in the same neighborhood or school district, to make it easier for the siblings to see each other regularly.
  5. Encourage frequent and regular visitation, if the siblings choose to do so, to allow the children to be actively involved in each other's lives and to participate in celebrations, including, but not limited to, birthdays, graduations, holidays, school and extracurricular activities, cultural customs, and other milestones.
  6. Provide other forms of contact when regular in-person meetings are not possible or are not sufficient to meet the needs or desires of the siblings, such as maintaining frequent contact through letters, e-mail, social media, cards, or telephone calls.
  7. Coordinate, when possible, joint outings or summer or weekend camp experiences to facilitate time together, including, but not limited to, activities or camps specifically designed for siblings in out-of-home care.
  8. Encourage joint respite care to assist the caregivers who are caring for separated siblings to have needed breaks while also facilitating contact among the siblings, including, but not limited to, providing babysitting or respite care for each other. A child being moved temporarily as respite care for the purpose of providing the primary caregiver relief and encouraging and facilitating contact among the siblings does not constitute a placement change or require the convening of a multidisciplinary team.
  9. Prohibit the withholding of communication or visitation among the siblings as a form of punishment.
- (b) The court may not limit or restrict communication or visitation under this subsection unless there is a finding that the communication or visitation between the child and his or her siblings is contrary to the safety or well-being of the child. If the court makes such a finding, and services are available that would reasonably be expected to ameliorate the risk to the child's safety or well-being that are the basis of the court's finding and that may result in the communication and visitation being restored, the court must direct the department or community-based care lead agency to immediately provide such services.

(5) SUBSEQUENT REVIEWS.—

(a) The department and the lead agency shall periodically, but at least once every 6 months, reassess sibling placement, visitation, and other sibling contact decisions in cases where siblings are separated, not visiting, or not maintaining contact to determine if a change in placement is warranted unless the decision to not place a child with his or her sibling group was made due to such placement being inappropriate, unhealthy, or unsafe for the child.

(b) If a child in a sibling group who has been placed in an out-of-home care placement with his or her siblings does not adjust to the placement, the lead agency must provide services to the caregiver and sibling group in accordance with s. 39.4023(3) to try to prevent the disruption of the placement. If after reasonable efforts are made under s. 39.4023(3), the child still has not adjusted to the out-of-home placement, a multidisciplinary team staffing must be convened to determine what is best for all of the children. The multidisciplinary team shall review the current placement of the sibling group and choose a plan that will be least detrimental to each child. If the team determines that the best decision is to move the child who has not adjusted to a new out-of-home placement, the team must develop a transition plan in accordance with ss. 39.4022 and 39.4023 which ensures the opportunity for the siblings to maintain contact in accordance with subsection (4) of this section.

(c) If it becomes known that a child in out-of-home care has a sibling of whom the child, department, or lead agency was previously unaware, the department or lead agency must convene a multidisciplinary team staffing within a reasonable amount of time after the discovery of such sibling to decide if the current placement or permanency plan requires modification.

(6) ADDITIONAL REQUIREMENTS AND CONSIDERATIONS.—

(a) The department shall promptly provide a child with the location of and contact information for his or her siblings. If the existence or location of or contact information for a child's siblings is not known, the department must make reasonable efforts to ascertain such information.

(b)1. If a child's sibling is also in out-of-home care and such sibling leaves out-of-home care due to emancipation or reunification with his or her parent or guardian, the child must be allowed to communicate with that emancipated or reunified sibling, if the emancipated sibling or the reunified sibling and his or her parent consent.

2. If a child's sibling is also in out-of-home care and such sibling leaves out-of-home care for any reason, including, but not limited to, the reasons in subparagraph 1. and communication is not occurring, the child has a right to have the court consider the appropriateness of continued communication with his or her sibling. The court shall consider the recommendation of the department or community-based care lead agency and any other information deemed relevant by the court.

3. If a child's sibling leaves out-of-home care because he or she is adopted, the child may be allowed to have continued communication with the sibling either by consent of the adoptive parent or by order of the court in accordance with s. 63.0427.

(c) The department or the lead agency must document in writing any decision to separate siblings in the case file as required in s. 39.00146 and document the decision in the Florida Safe Families Network. The documentation must include any efforts made to keep the siblings together, an assessment of the short-term and long-term effects of separation on each child and the sibling group as a whole, and a description of the plan for communication or contact between the children if separation is approved.

(7) EXEMPTION.—Placements made pursuant to s. 63.082(6) are exempt from this section.

(8) RULEMAKING AUTHORITY.—The department shall adopt rules to implement this section.

Section added 2021 -Ch.2021-169

### **39.4085 Goals for dependent children; responsibilities; education; Office of the Children's Ombudsman.—**

(1)

(h) To be placed in a home with no more than one other child, unless they are part of a sibling group.

(o) To enjoy regular visitation, at least once a week, with their siblings unless the court orders otherwise

Subsections added 1999- Ch.99-206

(3)(a) The case manager or other staff shall, at a minimum, provide verbal and written:

2. Information to a child about laws and requirements relating to the topics of nurturing care, personal safety, and protection from abuse, abandonment, and neglect; normalcy and what that means for a child in out-of-home care; education; participation in court proceedings; participation in permanency planning, transition planning, and other case planning; placement, visitation, and contact with siblings, family, and other individuals who are important to the child; and access to food, clothing, shelter, and health care.

Subsection added 2023. Ch.2023-248

### **39.5086 Kinship navigator programs.—**

(c) "Relative" means an individual who is caring full time for a child placed in out-of-home care by the court and who:

1. Is related to the child within the fifth degree by blood or marriage to the parent or stepparent of the child; or

2. Is related to a half-sibling of that child within the fifth degree by blood or marriage to the parent or stepparent.

Section added 2018, Ch. 2018-108.

### **39.521 Disposition hearings; powers of disposition.—**

(3) When any child is adjudicated by a court to be dependent, the court shall determine the appropriate placement for the child as follows:

- (c) If no fit parent is willing or available to assume care and custody of the child, place the child in the temporary legal custody of an adult relative, the adoptive parent of the child's sibling, or another adult approved by the court who is willing to care for the child, under the protective supervision of the department. The department must supervise this placement until the child reaches permanency status in this home, and in no case for a period of less than 6 months. Permanency in a relative placement shall be by adoption, long-term custody, or guardianship.

### **39.522 Postdisposition change of custody.—**

(2)(b)1. In a hearing on the change of physical custody under this section, there shall be a rebuttable presumption that it is in the child's best interest to remain permanently in his or her current physical placement if:

- a. The child has been in the same safe and stable placement for 9 consecutive months or more;
- b. Reunification is not a permanency option for the child;
- c. The caregiver is able, willing, and eligible for consideration as an adoptive parent or permanent custodian for the child;
- d. The caregiver is not requesting the change in physical placement; and
- e. The change in physical placement being sought is not to reunify the child with his or her parent or sibling or transition the child from a safe and stable nonrelative caregiver to a safe and stable relative caregiver.

3. This presumption may not be rebutted solely by the expressed wishes of a biological parent, a biological relative, or a caregiver of a sibling of the child.

### **39.6012 Case plan tasks; services**

(1) The services to be provided to the parent and the tasks that must be completed are subject to the following:

(3) In addition to any other requirement, if the child is in an out-of-home placement, the case plan must include:

- (a) A description of the type of placement in which the child is to be living.
- (b) A description of the parent's visitation rights and obligations and the plan for sibling visitation if the child has siblings and is separated from them.

**39.6221 Permanent guardianship of a dependent child.—**

- (2) In its written order establishing a permanent guardianship, the court shall:
- (e) Specify the frequency and nature of visitation or contact between the child and his or her siblings;

**39.6231 Permanent placement with a fit and willing relative.—**

- (3) In its written order placing the child with a fit and willing relative, the court shall:
- (e) Specify the frequency and nature of visitation or contact between the child and his or her siblings;

**39.701 Judicial review.—**

- (2)(c) In its deliberations, the court and any citizen review panel shall seek to determine:
- 7. The frequency, kind, and duration of contacts among siblings who have been separated during placement, as well as any efforts undertaken to reunite separated siblings if doing so is in the best interests of the child.

**39.810 Manifest best interests of the child.**

For the purpose of determining the manifest best interests of the child, the court shall consider and evaluate all relevant factors, including, but not limited to:

- (5) The love, affection, and other emotional ties existing between the child and the child's parent or parents, siblings, and other relatives, and the degree of harm to the child that would arise from the termination of parental rights and duties.

**63.0427 Agreements for continued communication or contact between adopted child and siblings, parents, and other relatives.—**

(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:

- (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.

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.

(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 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.

## **Florida Administrative Code**

Florida Administrative Code - there is no specific sibling rule. DCF issued a Notice of intent to develop rule in November, 2021 but none was promulgated.

### **65C-16.002 Adoptive Family Selection.**

(3) Siblings.

(a) When considering adoption placement of a sibling group, consideration must include the fact that a sibling relationship is the longest lasting relationship for a child and placing siblings together, whenever possible, preserves the family unit.

(b) In situations where consideration is being given to separating siblings who are in an open dependency case, a sibling separation staffing shall be held. The staffing shall consist of at least three (3) members with adoption experience. The members must consider the emotional ties existing between and among the siblings and the degree of harm which each child is likely to experience as a result of separation. The positives and negatives of keeping the children together must be thoroughly explored, and at least one (1) member must be assigned the role of defending the position of placing the children together. In particularly difficult cases, professionals who have expertise in sibling bonding and adoptions may be consulted.

(c) The decision to separate siblings who are in an open dependency case must be approved in writing and documented in the Florida Safe Families Network (FSFN) by the community based care (CBC) or subcontractor staff charged with this responsibility. The CBC or subcontractor staff shall prepare a memorandum describing efforts made to keep the siblings together and an assessment of the short term and long range effects of separation on the children. The memorandum must also include a description of the plan for post-adoption communication or contact, as described in Rule 65C-16.020, F.A.C., between the children if separation is approved.

(d) If, after placement as a sibling group, one child does not adjust to the family, a decision must be made regarding what is best for all of the children. The adoption staff must review this situation as a team, and choose the plan that will be least detrimental to the children. The staffing shall be conducted as any other sibling separation staffing as prescribed in paragraph (3)(b), of this rule. The decision and rationale must be documented in the FSFN. This documentation must also include the plan for future contact if the decision is to pursue separate placements.

(e) If the Department takes into custody a child who is a sibling of a previously adopted child(ren), the Department, CBC or subcontractor staff shall advise the adoptive parents of this occurrence at the time of removal. If the child becomes available for adoption, the adoptive parents of the previously placed sibling(s) shall be notified and given an opportunity to apply to adopt the child. The application of these adoptive parents will be given the same consideration as an application for adoption by a relative, as described above.

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(5) The following factors must be considered in determining the best interest of the child when selecting an adoptive family and when multiple families apply to adopt the same child.

(a) Attachment. Consideration must be given to the quality and length of the attachment to the current and potential caregiver. The age of the child at placement with current caregiver and the child's current age must be considered in assessing attachment. The ease with which the child attached to the current family and any indications of attachment difficulty in the child's history must be evaluated. The number of moves and number of caregivers the child has experienced will be an important factor in determining the likelihood that the child will form a healthy attachment to a new caregiver.

(b) Siblings. Consideration must be given to whether the potential caregiver is willing to adopt all members of a sibling group.

(c) Kinship. Cultural values and traditions are more likely to be passed on to who have a shared history with extended family. Consideration must be given to the quality of the relationship with a relative seeking to adopt a child. Some children will already know and trust the relative seeking to adopt. If not, the willingness of the relative to participate in pre-placement activities to promote the development of a relationship must be considered.

(d) Permanence. The capacity and willingness of the prospective adoptive parent to access needed services and meet the child's need for permanence must be evaluated. The ability of the prospective adoptive parent to understand the needs of adoptive children in different developmental stages and his or her awareness of the inherent challenges of parenting an adopted child must be carefully considered.

(e) Post communication or contact. The willingness and capacity of the prospective adoptive parent to agree with post-adoption communication or contact with siblings or



a significant adult that is determined to be in the best interest of the child must be determined.

### **65C-30.023 Multidisciplinary Team Staffing.**

(7) Sibling Separation.

(a) Prior to the consideration of separate placement for siblings, the child welfare professional shall follow the requirements pursuant to Section 39.4024(3)(a)1., F.S. and complete the Sibling Placement Assessment Tool CF-FSP 5465, (November 2022), incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-14964>.

(b) When siblings are placed in out-of-home care at different time frames, the participants shall follow requirements outlined Section 39.4024(3)(a)2., F.S.

(c) When a sibling of a child in out-of-home care has been identified an MDT staffing must be scheduled within three (3) business days of notification to consider placement of the siblings together.

(d) Participants must follow all requirements pursuant to Sections 39.01375, 39.4021, 39.522(3), F.S., and Rules 65C-16.005, and 65C-16.002, F.A.C., when conducting an MDT staffing for the purpose of separating siblings because of an adoption.

(e) When an action may result in separation of siblings that are currently placed together, the child welfare professional shall follow requirements pursuant to Section 39.4024(5)(b), F.S.

(f) Participants must consider factors pursuant to Section 39.4024(3)(b), F.S, when placing siblings together.

(g) Placement Transition MDT staffngs and Transition Plans must be completed pursuant to Rule 65C-28.024, F.A.C., when a change in placement occurs. The transition plan must outline communication and visitation amongst siblings pursuant to Section 39.4024(4)(a), F.S.; and sibling contact information. The plan should include contact information for emancipated youth and youth that are reunified upon parental consent.

(h) When the determination has been made to separate siblings, follow-up MDT staffings must as outlined in Section 39.4024, F.S.

### **CFOP 170-17. Chapter 10, Family Time/Visitation Plan**

10-1. Purpose. Children who must be separated from parent(s)/legal guardian(s) and siblings should be provided with family time unless there is a court order restricting or preventing visitation. Family time includes visitation and other forms of contact between children and parents, siblings who are separated, and grandparents. "Family time" is meaningful and regular contact which is intended to allow the parent(s)/legal guardian(s) the opportunity to see how their children are doing, gain confidence, demonstrate protective capacities and practice what they are learning. Family time also allows children the opportunity to be with parents and other family members they care about.

## Dependency Benchbook Chapter on Family Visits

Best practices to ensure that sibling connections are supported through family time:

- If the child is a part of a sibling group, are they placed in the same home? If not, what efforts are being made to place the children together? Or if age appropriate, caseworkers should make every effort to place them so that they attend the same school or reside in nearby neighborhoods.
- If the child is a part of a separated sibling group, ensure that visitation is occurring and inquire as to the frequency of the visitation, including visitation with siblings previously placed in adoptive or permanent guardianship homes, if applicable.
- If the child has been victimized by a sibling, the court should consider the recommendations of child's therapist.
- It is recommended that sibling visitation should occur in the least restrictive and most family-like setting available.
- Ensure that the foster parents and caregivers are involved in developing a plan for ongoing sibling contact. If not, the court may need to intervene and issue an order.
- Inquire if the families caring for separated siblings may be able to provide babysitting or respite care for each other, thus giving the siblings another opportunity to spend time together.
- Inquire if an approved relative with a relationship with the children may be willing to have the separated siblings spend a weekend with him or her periodically.
- Be sure the siblings have a chance to visit with a parent together, and thus spend time with each other.
- Parents that have advanced to unsupervised visits or have been reunified with some of the siblings may be able to take siblings to see one another as a family.
- Siblings should write and call each other without supervision unless there is a danger of specific harm to a youth. (The secretary of the Department of Children and Families has stated that "Facebook" is part of normalcy.)
- When a child's placement is changed, ensure that the siblings are informed that a move has occurred and that visitation will continue as scheduled.