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Introductions



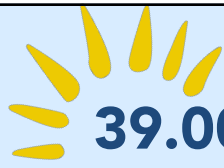
**FLORIDA
YOUTH
SHINE**

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Overarching Goal of Chapter 39 for Siblings

- 1**
Keep Siblings together whenever possible.
- 2**
Frequent visitation and communication when apart.
- 3**
Keep siblings connected.

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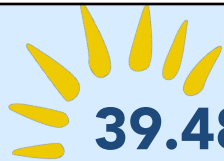


39.001 Sibling Connection added to Purpose of Chapter. (1998)

- (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.

Emphasis supplied.

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39.4805 Goals for Dependent Children (1999)

- (1) The Legislature . . . establishes the following goals for children in shelter or foster care:
- (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

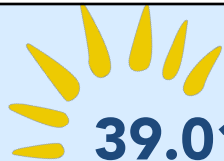
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Who is a Sibling?



- ✓ Abe and Addy have the same birth mom and dad. (full sibs)
- ✓ Beth and Ben have the same dad and different moms. (half sibs)
- ✓ Carl and Candy have different birth parents but were adopted by the same mom and dad. (share legal parents)
 - ✓ Carl's birth parents have a daughter, Cathy who lives with them. (full sibs)
 - ✓ Candy's birth parents have a son Chris who was adopted by another person. (full sibs)
- ✓ Denise's mom and Doug's dad married when the kids were young and they all live together. (step sibs)
- ✓ Ethan lives with his foster parents and their daughter Ellen who he views as a sister.

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39.01 Definitions. (2014)

- (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.

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Keep in Mind

The number of siblings that a child has can only increase.

The termination of parental rights does not dissolve sibling relationships.

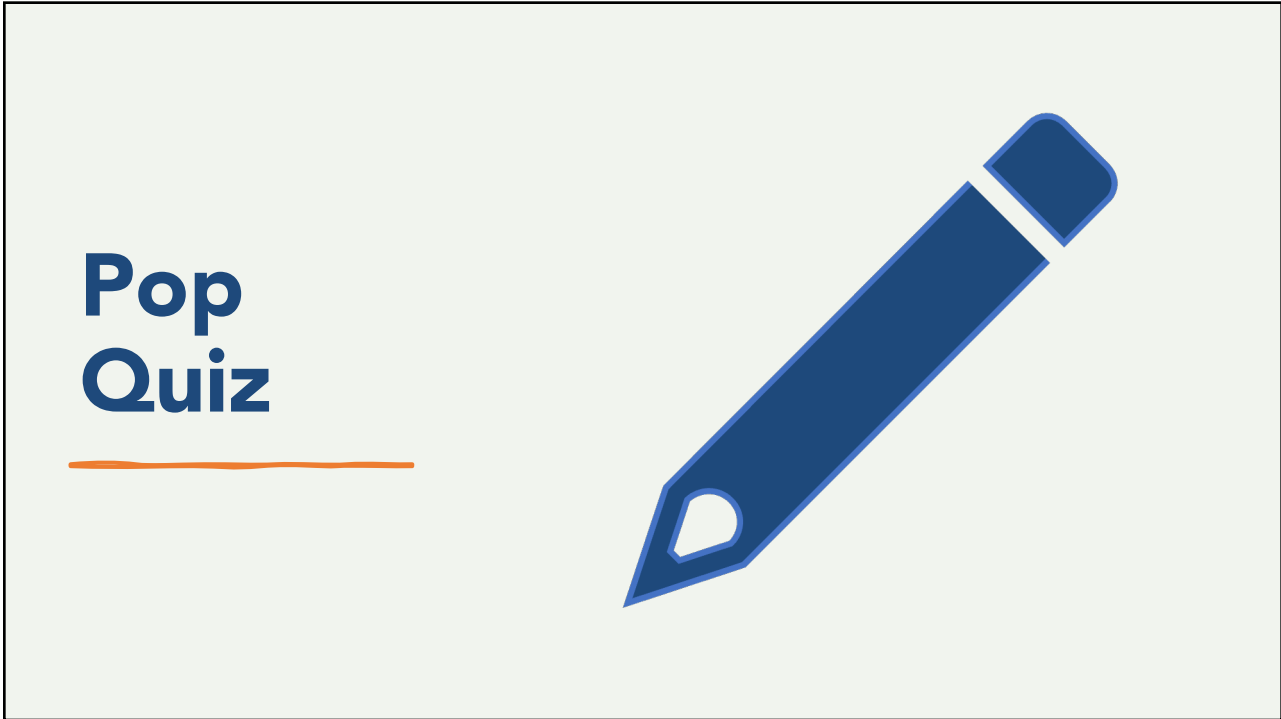
Moving a child away from other children with whom they lived as a family does not dissolve the sibling relationship.

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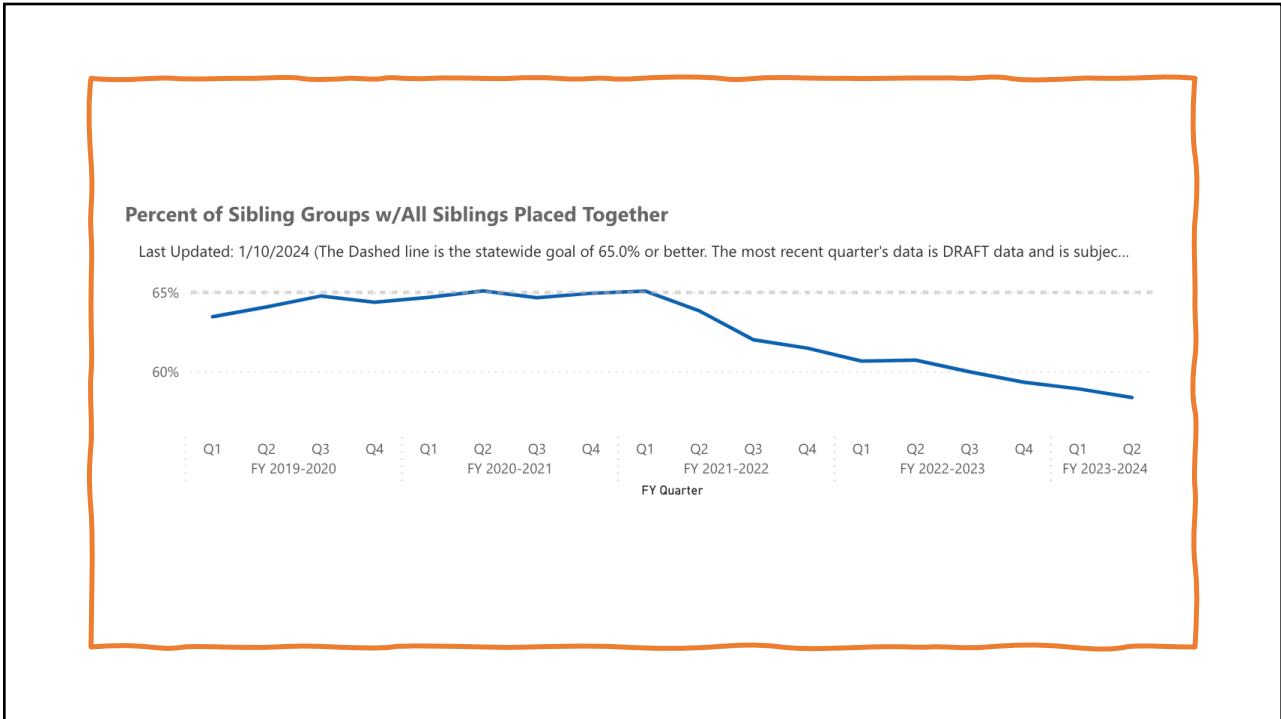
**Goal 1:
Keep
Siblings
Together
Whenever
Possible**



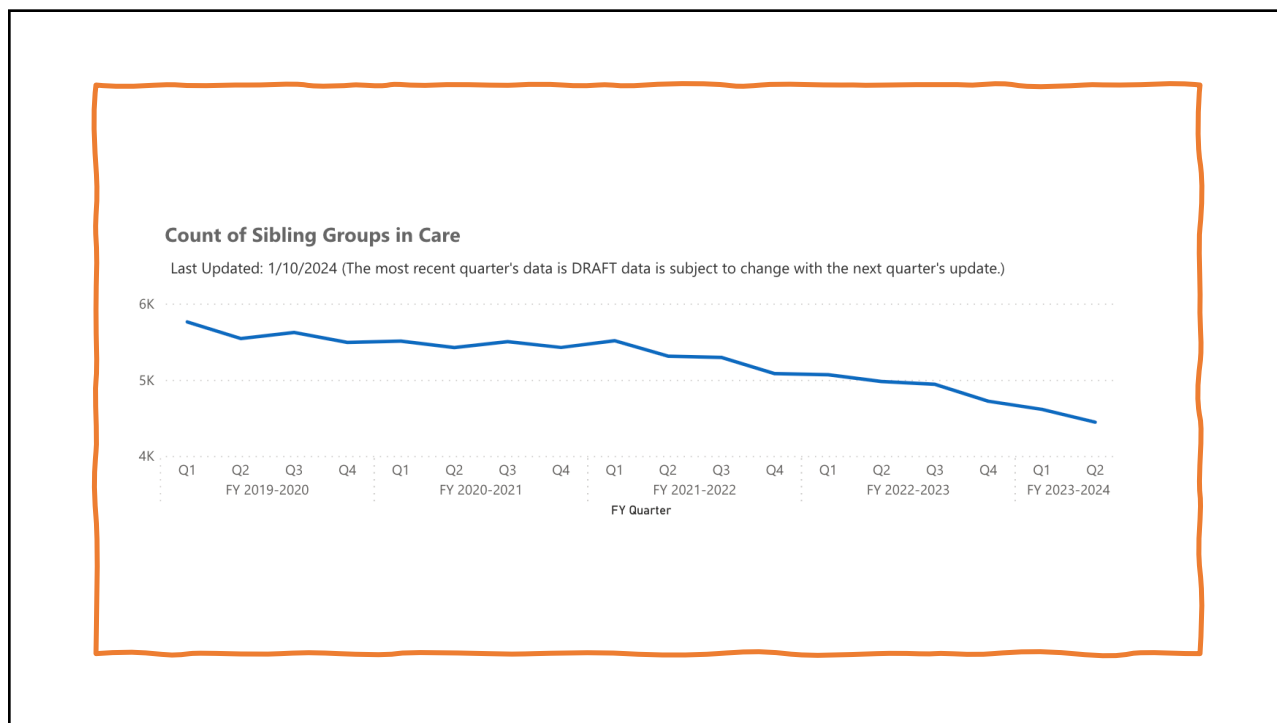
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FYS Experience Questions

- Tell us about your siblings
- Were you placed with them?
- Did you get to stay with your siblings the whole time you were in care?

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Shelter Obligation. Fla. Stat §39.402 (2014)

DCF Must Make Reasonable Efforts to Keep Siblings Together (7)(h)

Preference for Foster Home

Short term placement in group home if needed

DCF must recommend frequent visitation and other ongoing interactions and report to the Court about placement efforts (9)(b)

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Family Finding §39.4015 (2018)

(3) (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.

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Placement Decisions – Best Interest (2021)

- Best Interest Determination Fla. Stat. §39.01375(8)
 - Must consider current and previous relationship with siblings
 - Will the change of legal or physical custody separate or reunite siblings?
- Applies
 - When child taken into care – prior to shelter. §39.401 (8)(h)6
 - When MDTs consider change of placement. §39.4022(6)(a)1
 - Placement of sibling groups §39.4024(3)
 - Postdisposition change of custody §39.522(2)(b)

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Multidisciplinary Team Role 39.4022 (2021)

- Scope of work includes placement decisions for sibling groups.
- When assessing placement for young children (under 3) must consider the ability and willingness of caregivers of young children to ensure frequent family and sibling visits.

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Placement Decisions – Priority (2021)

- Priority of Placements Fla. Sta. 39.4021(2)
 - (a) Adoptive parent of sibling is 3d, after nonoffending parent and relative*
 - (b) Siblings must be placed together whenever possible and **if it is in the best interest of each child in the sibling group.**
 - Applies
 - When child taken into care – prior to shelter & at shelter. §39.401
 - Post disposition change of custody §39.522(2)(b)
- *Mirrors CPI initial placement requirement in 39.401(2)3.


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**Whenever Possible Does Not
Mean Always**

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Placement of Siblings - §39.4024(3)(a) (2021)

1. Reasonable efforts to place siblings together when they enter care
2. Reasonable efforts to place children who enter care with siblings who are in care
 - If it won't jeopardize stability of placement & in best interest of each child
3. Before moving a child from a placement to a sibling, MDT must consider all best interest factors

"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. DCF & Court are not required to move children to develop a relationship between siblings.

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Placement of Siblings - §39.4024(3)(b) (2021)

1. MDT to consider the sibling relationship from the perspective of each child – emotional ties, degree of harm.
2. If a caregiver will accept sibling group and the MDT says it is suitable for each child, they must be placed together
If they can't be placed together must be in contact and visitation

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Placement of Siblings - §39.4024(3)(b) (2021)

If there is no existing relationship – before moving a child, must consider

1. Several components of attachment.
2. Can new caregiver be a primary attachment figure.
3. Quality of existing and potential sibling relationships.
4. Costs and benefits of disrupting existing emotional attachments.
5. Ability to establish and maintain sibling visits and contacts if the child remains.
6. Ability to establish and maintain contact with new sibling and new caregiver with a transition plan.

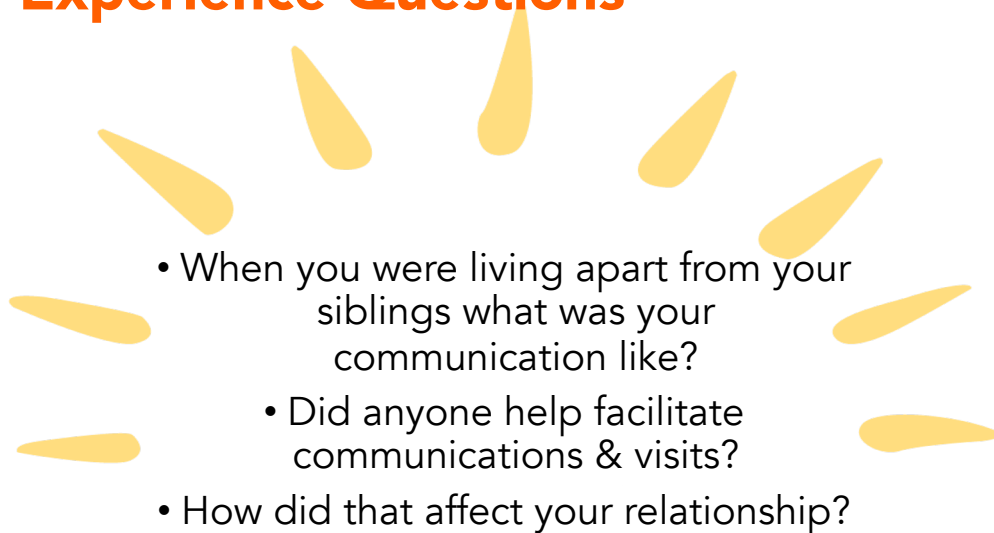
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Goal 2: Frequent Visits & Communication When Apart



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FYS Experience Questions

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- A decorative graphic consisting of several yellow, teardrop-shaped rays arranged in a semi-circle around the text.
- When you were living apart from your siblings what was your communication like?
 - Did anyone help facilitate communications & visits?
 - How did that affect your relationship?

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Maintaining Contact when Separated §39.4024(4)(a)

- Regular contact is critical – to maintain and develop bonds & attachment.
 - Caregivers must respect & support ties and assist with visits and communication
 - DCF/CBC must provide support to address caregivers concern
 - Prioritize kin placements & proximity to promote contact
 - Creative with contact, joint experiences, and respite
 - Withholding communication or visitation cannot be used as a punishment.

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Limits on Contact & Visits §39.4024(4)(b)

- Can only be limited if the court finds that it is contrary to the safety or well-being of the child.
- Court must order DCF/CBC to immediately provide services if they can reasonably be expected to ameliorate the risk to safety or well-being.

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Goal 3: Keep Siblings Connected



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FYS Experience Questions

- FYS has worked on sibling issues for a long time
 - in talking to your peers do you know anyone who lost track of siblings or found out about siblings they didn't know about?
 - How did they feel?

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Right to Know Sibling Location & Contact §39.4024(6)(a)

- DCF must provide children with Location & Contact Information of the siblings
 - If unknown, must make reasonable efforts to get the info.

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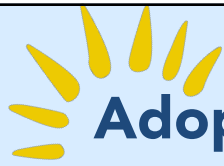
Right to Communication with Siblings Not in Care. §39.4024(6)(b)

1. Children in care must be allowed to communicate with siblings who emancipate or reunify – if the sibling and parent consent.
2. Children in care have the right to have the court consider the appropriateness of continued communication with those who leave care for any reason.

Court considers recommendations of DCF, CBC & other Info.

3. Siblings in care have right to seek continue communication with those who leave to adoption by consent of the adoptive parent or court order per §63.0427 (Agreements for continued communication or contact between adopted child and relatives.)

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Adoption Statutes

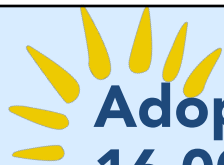
- **63.022 Legislative Intent**

(l) In dependency cases initiated by the department, where termination of parental rights occurs, and siblings are separated despite diligent efforts of the department, continuing postadoption communication or contact among the siblings may be ordered by the court if found to be in the best interests of the children.

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

Child has 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.

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Adoptive Family Selection Rule 65C-16.002

- Decision to separate siblings in an open dependency case must be approved in writing & documented in FSFN
 - Memo must describe the plan for post-adoption communication
- Adoptive parents of previously placed siblings shall be given notice and opportunity to adopt –treated same as relatives.
- Best Interest Factors for Selecting Adoptive Family include
 - Whether caregiver is willing to adopt all siblings
 - Willingness to agree with post-adoption communication or contact with siblings and significant adults.

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Practical Application

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Check the Case Record Face sheet §39.00146

(2)(c) Face sheet must include Name & Contact for:

- **The child's siblings, including the location of their current out-of-home placement, if;**
- All children in the out-of-home placement (potential sibs!)

(2)(h) Must have

- the reasons the children are not in joint placement
- reasonable efforts being made to provide frequent visitation or other ongoing interaction between the siblings

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Ensure Case Plan includes Sibling Visits

39.6012 Case plan tasks; services

(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.

Practice Tip: Consider asking for sibling therapy if the siblings are separated to provide an outlet for them to process their emotions together.

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Raise it at the Judicial Review and Ask for a Follow-up Status Conference

39.701 (2)(c) (7) In its deliberations, the court and any citizen review panel shall seek to determine:

- 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.
- 39.4085(1)(o), has the goal of at least once of week for sibling visitation.

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Insist on Continued Communication Provisions at Finalization

- Adoption Orders §63.0427
- Guardianship Orders §39.6221(2)(e), written order shall
Specify the frequency and nature of visitation or contact between the child and his or her siblings;
- Fit & Willing Relative – §39.6231 (same)

Practice Tip:

Request a copy of the Final Judgment BEFORE the final hearing and the ability to review the sibling's order(s) so that the language in the orders are consistent.

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When in Doubt -Argue Legislative Intent -39.4024(1)

- Importance of sibling relationships
- Beneficial to continue existing relationships regardless of age
- Health connections with sibs are protective factor
- All adults & entities are responsible for promoting relationships
- The presumption of placement with siblings – the overall wellbeing of the child requires a balancing of attachment bonds with siblings and caregivers.

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FYS Experience Questions

