

Need to Know Series:  
Sibling Placement  
and Visitation



## Youth In Progress

New York State Foster Care  
Youth Leadership Advisory Team

*“The mission of Youth In Progress is to enhance and advance the lives of today’s and tomorrow’s youth by supporting their sense of self and responsibility. To do this, we pledge to educate everyone involved in the various systems Youth In Progress members represent to the realities of this experience.”*

## Coming into foster care with siblings

New York State requires siblings (including half-siblings) who have been placed into the custody of a commissioner of a local department of social services to be placed together when coming into foster care, unless placement together is not in the best interests of one or more of the siblings. Your caseworker is required to try hard to place you and your sisters and/or brothers (siblings) together, if they need to be in foster care.

## Coming into residential placement with the Office of Children and Family Services (OCFS)

The Division of Juvenile Justice and Opportunities for Youth (DJJOY), within the NYS Office of Children & Family Services (OCFS), is committed to the maintenance and strengthening of family ties. However, it is sometimes difficult to maintain such ties when youth must be temporarily placed in residential facilities for extended periods. To overcome some of these difficulties, DJJOY encourages regular family visits to youth in OCFS facilities and also assists families by placing the youth in the same geographic location when possible, so visits can be frequent.

## What is a sibling?

Siblings are children born to the same parents. In other words, they are your brothers and sisters. Half-siblings are children who share one parent together.

“ The first few days it's hard because you're in a new setting...  
You don't know anyone so you're a little scared. ”

## Why is it important siblings be placed together?

Research and youth tell us that there are many benefits to siblings being placed together. They include:

- being placed together helps siblings cope with separation from their family;
- youth feel safer placed together in a new home if they are with their siblings;



- 🌀 youth are better able to adjust to the new home and the people in it;
- 🌀 youth have a shared bond and history, which helps siblings to not feel alone;
- 🌀 youth learn how to work through family issues together as a group instead of by themselves; and
- 🌀 family connections with siblings are kept in case youth are not able to reunite with their parents.

## What if we aren't placed together?

If you and your siblings are not placed together when you first enter foster care, the agency and workers should continue to find another setting which will reunite all of you. If you and your siblings are placed separately on an emergency basis, all of the siblings must be reunited within 30 days unless it is not good for you or one of your sibling's health, safety, or welfare. Your foster care placement can be a kinship placement with a relative, placement with a non-relative you already know, or in a foster home with people you haven't met before. Some youth are not placed in foster homes because their needs require a group home or another group setting.

If you and your siblings are placed separately, ask your caseworker why. Be sure to tell your caseworker why it is important to you to be placed with your siblings, and your feelings about being separated from them.

If youth in a residential placement with OCFS would like to talk to someone about placement with their sibling, they can talk to the facility case manager or the community services case manager.

“ A lot of kids don't know that kids can ask to be placed together. ”

## What prevents siblings from being placed together and who decides?

A local district or agency can only decide that siblings should not be placed together after consulting with, or having an evaluation done by, a professional such as a licensed psychologist, psychiatrist, physician or certified social worker. For youth in a residential placement with OCFS, there may be a decision not to keep the siblings or relatives of a youth in the same facility.



Some justified reasons for siblings to not be placed together include:

- 🌀 age differences among the siblings;
- 🌀 health and developmental differences among the siblings;
- 🌀 the relationship of the siblings to each other;
- 🌀 individual service needs;
- 🌀 attachment of the siblings to separate families/locations; and
- 🌀 other issues around continuity of environment, health, safety, or welfare of one or more of the siblings.

If the sibling group is large, there may not be a single foster home which has room for all the siblings to be placed together initially. Other issues include siblings who need different levels of care, and defining who is a sibling. The rules apply to siblings and half-siblings in foster care, but you may have a sibling relationship with a step sibling or other youth. Also, you may have a sibling still at home or an adult sibling.

## How will I see my siblings if we are not placed together?

If you are not placed with your siblings, then you should have regular visits with your siblings every two weeks. If you are placed apart from your siblings and there is a great distance between the foster homes (or other placement setting, such as a group home), contact between you should be regularly made by phone, e-mail or letter.

If you are in a residential placement with OCFS, opportunities will be provided to residents for visitation, telephone, mail and video conference communications. The facility will assist you with the best times that these visits can take place.

## Visitation basics for youth in foster care

Your caseworker will set up a plan for you to visit your siblings or half-siblings who are in foster care. Your caseworker will work with your foster family (if you are in a foster home) and agency staff to set up the plan. The plan includes where, when, and how often visits will occur; who will be there; whether or not someone from the county or agency needs to be there; and transportation arrangements. Your caseworker will also give each of you a copy of the written visitation plan so it is clear to everyone.



The plan can be changed by the worker after assessing the need based on the youth's situation. Phone calls and e-mails may be arranged between face-to-face visits. (Your caseworker will also set up visitation plans for you to see your parents and other close family members, in most cases.)

## Visitation basics for youth in residential placement with OCFS

The facility may specify an area to be used for family visits for the greatest degree of privacy and comfort for the visitors. The number of visitors that a youth may receive at any given time may be limited based upon staffing coverage and adequacy of available space.

The facility may request prior notice in order that the youth will be available and that the proper visitation site can be prepared. The facility establishes fixed times for visitation. The time established must be reasonable and convenient for most visitors, especially parents. The visiting time schedule must be sufficiently flexible to allow for visits by special arrangements, especially for family members who cannot visit at the regularly established times.

## Who pays for the travel costs?

Your agency or county will provide you and your siblings with money for transportation costs, if needed, or arrange for someone to transport you, such as one of the foster parents. For relatives visiting youth in residential placement, special arrangements may be made for transportation as needed.

## What if there's a problem?

If you can't attend a visitation appointment, make sure you contact your caseworker and explain what the problem is, and see if a change can be made in the plan. If you don't show up for an arranged visit, your siblings may think you don't care and their feelings may be hurt, just like yours might be if they didn't show up for a visit with you.

If you don't feel comfortable with the visiting arrangements for any reason, make sure you talk to your caseworker. If youth in a residential placement with OCFS do not feel comfortable with their visiting arrangements, they should talk to the facility case manager or the community services case manager.



## Can visitation be denied?

The judge can decide as part of the court order that no visitation is allowed or is not allowed for a specific period of time. Usually, such an order is due to safety concerns. If you have questions, you can talk to your caseworker or law guardian.

For youth in residential placement, visitation can be denied if the parent or sibling is not authorized to visit the youth, or if the visitor is under the age of 18 and not accompanied by an adult. Whether you are in foster care or in a residential placement with OCFS, denial of visitation with your parents or siblings may not be a method of discipline.

*“ You should have at least one family member with you in the same house; it might help for you to be together. ”*

## What if my siblings and I are going to be adopted?

New York State also requires that siblings and half-siblings freed for adoption must be placed together in the same adoptive home unless the agency determines that it is not in the best interests of the children/siblings. The reasons that this decision can be made are the same ones that are listed for foster care.

*“ There should be a law stating that siblings should still be able to visit each other even when one sibling has been adopted. ”*

## What if adoptions take place at different times, or one sibling is adopted and another is not?

Your rights are much more limited if you and your siblings are adopted by different parents, or if you are in foster care and your siblings are adopted. Agency staff are required to discuss with adoptive parents the fact that siblings exist, regardless of whether each is free or not free for adoption. They should explain to everyone involved that it is beneficial for siblings to see each other, and assist adoptive parents so that their adopted child maintains contact with his or her siblings, if they are willing.



A formal contract or an informal arrangement between the adoptive parents, birth parents, and siblings may be arranged with court or agency assistance to make sure that you and your siblings continue to see each other.

After a child is adopted, continuing contact with siblings may be allowed in the following ways:

- 🌀 A formal contact agreement approved by the court may provide for communication or contact between the child and the child's siblings. If the contact agreement involves a sibling who is over the age of 14, the sibling must sign, consenting to the agreement. Those who signed the contact agreement or the law guardian for the adopted child may go to court and ask that the formal agreement be enforced if the adoptive parent decides later to discontinue the contact with siblings.
- 🌀 An informal arrangement between adoptive parents and birth parents (for example, in the case of a kinship adoption) may allow contact between the child and birth family members, including siblings. However, informal post adoption contact arrangements not approved by the court are not enforceable. It is possible that adoptive parents may decide not to allow contact between their adopted child and his/her siblings. This is their right.

## How can I locate my adopted siblings?

It is important to remember that termination of parental rights or surrender by your birth parents does not necessarily terminate the rights of siblings. If you were adopted or you want to locate a sibling who is adopted, contact the Adoption Information Registry at the New York State Department of Health. The Registry can help you locate family members, and even facilitate a reunion. There are age requirements for using the Registry. For more information, see the website [www.health.state.ny.us/vital\\_records/adoption.htm](http://www.health.state.ny.us/vital_records/adoption.htm).

*“ I think that family is family, that connections are connections, and that the bond between them (siblings) shouldn't be taken any less seriously no matter how old they get. ”*



# Whom Can I talk to if I have questions?

Your caseworker, agency staff, and foster parents can help get answers to your questions. If you have concerns about other issues, talk to your law guardian, ask the judge questions at your permanency hearing, or go to a trusted adult resource person. For additional help, check the New York State *Handbook for Youth in Foster Care* written by Youth In Progress. Get a copy from your county or agency, or go online at [www.youthinprogress.org](http://www.youthinprogress.org)

Youth in a residential placement with OCFS should talk to their facility case manager or their community services case manager if they have any questions or concerns.

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