



**FACILITATING SIBLING RELATIONSHIPS**  
ASSEMBLY BILL 2488 (Leno)

- The sibling relationship, for many, is the longest lasting relationship in their lifetime. For children who have been abused or neglected, this bond is that much more critical; these siblings depend on one another as they seek to cope with trying circumstances. Indeed, often former foster youth are more inclined to search for siblings than for their biological parents.<sup>1</sup>
- As of October 1, 2004, 56,721 children in California – over two-thirds of the 84,389 children in foster care -- had at least one sibling in out-of-home care. Of these youth, an astounding 58% were separated from one or more of their sisters or brothers.<sup>2</sup>
- California leads the nation in legislative efforts to preserve foster children's sibling relationships.<sup>3</sup> The Legislature has also clearly expressed its support for postadoptive sibling contact.<sup>4</sup> However, current law makes it difficult, and in some cases impossible, for siblings to find each other when one or more of them has been adopted.

*The Problem* -- Family Code section 9205 prohibits the State Department of Social Services (DSS) or an adoption agency from releasing sibling contact information post-adoption unless each sibling has reached the age of 21 and each has filed a confidentiality waiver. The birth parents' consent is also required if the sibling remained in their custody until age 18. Moreover, DSS and adoption agencies are not allowed to solicit a waiver from a sibling or birth parent.

- California law makes it extremely difficult and in some cases impossible for siblings to find each other after one or more of them have been adopted. In contrast, some states facilitate siblings seeking to find one another by allowing a confidential intermediary to contact siblings and birth parents if necessary and obtain their consent; other states allow the courts to decide whether to release identifying information.<sup>5</sup>
- Imagine two siblings who were separated in foster care and the younger sibling was adopted. In order to make contact, the older sibling first must wait till he or she turns 21 to file a request for contact and waiver. Then, the older sibling is left to simply wait and hope that when his or her younger sibling reaches 21, he or she will know to also file a confidentiality waiver. In addition, the siblings may have to locate and get their birth parents to consent as well. With so many hurdles and no assistance, post-adoptive sibling contact is unlikely to ever happen.

*The Legislative Solution* -- Amend Family Code section 9205 to:

- Allow siblings who seek contact with one another to petition the court to appoint a confidential intermediary. The intermediary will have access to the adoption records and may locate and attempt to obtain the consent of the other sibling, adoptive parents and or birth parents (when necessary).
- Lower the minimum age of consent from 21 to 18 years of age.

<sup>1</sup> National Adoption Information Clearinghouse, U.S. Dept. of Health & Human Services, Administration for Children & Families, *The Sibling Bond: Its Importance in Foster Care and Adoptive Placement* (1992), pp. 2-4, at <[http://naic.acf.hhs.gov/pubs/f\\_sibling.cfm](http://naic.acf.hhs.gov/pubs/f_sibling.cfm)> (Jan. 26, 2006).

<sup>2</sup> Center for Social Services Research, University of California, Berkeley, Child Welfare Services Reports, Siblings Tables, *Child Welfare Sibling Placement From CWS/CMS* (Mar. 2005), at <[http://cssr.berkeley.edu/CWSCMSreports/Highlights/data/sibs\\_q3\\_04\\_v21.pdf](http://cssr.berkeley.edu/CWSCMSreports/Highlights/data/sibs_q3_04_v21.pdf)> (Jan. 26, 2006).

<sup>3</sup> Casey Family Programs, National Leadership Symposium on Siblings in Out-of-Home Care (May 19-20, 2002), Policy: Legislation, p. 27, at <[http://www.casey.org/NR/rdonlyres/2A9833A8-327A-4F6B-987C-260AC552F6C1/136/casey\\_sibling\\_proceedings.pdf](http://www.casey.org/NR/rdonlyres/2A9833A8-327A-4F6B-987C-260AC552F6C1/136/casey_sibling_proceedings.pdf)> (Jan. 26, 2006); see also Welf. & Inst. Code, §§ 306.5, 358.1(d), 366(a)(1)(D), 366.1(f), 366.26(c)(1)(E), 388(b), 366.29, 16002; Fam. Code, § 8616.5.

<sup>4</sup> See Welf. & Inst. Code, §§ 366.29, 16002(e); Fam. Code, § 8616.5.

<sup>5</sup> National Adoption Information Clearinghouse, U.S. Dept. of Health & Human Services, Administration for Children & Families, *Access to Family Information by Adopted Persons: Summary of State Laws* (June 2004), pp. 2-3, at <<http://naic.acf.hhs.gov/general/legal/statutes/infoaccessapall.pdf>> as of Jan. 26, 2006).