



Policy on Sibling Placement, Separation and Visitation

Overview

This policy outlines the requirements to place siblings together for foster care and adoption, considerations regarding separating siblings for the purpose of adoption, and the obligation to facilitate visitation if siblings are separated.

Reason for Policy

These policies and procedures ensure that children under guardianship of the commissioner are able to maintain their family connections to the greatest extent possible, including the opportunity to grow up with their siblings through placement together in foster and adoptive homes whenever feasible.

Applicability

This policy is applicable to sibling placements, separation, and visitation of all children under guardianship of the commissioner.

Policy

- I. Legal requirements for siblings, as defined by Minn. Stat., section 260C.007, subd. 32, to be placed together in foster and adoptive homes, or agency responsibility to ensure visitation, if separated, are as follows:
 - Responsible social service agencies must provide due diligence to place siblings together for foster care and adoption; agencies must facilitate visitation between separated siblings.
[Minn. Stat., section 260.012 (e)(4)]
 - Court required to review responsible social service agency's reasonable efforts to place siblings together at the emergency removal hearing, and each subsequent hearing, if siblings are not placed together.
[Minn. Stat., section 260C.178, subd. 1 (k)]
 - Responsible social service agencies must place siblings together whenever possible, unless it is determined not to be in the best interest of a sibling after weighing the benefits of separate placements against the benefits of sibling connections for each child; agencies must develop plans for visitation among separated siblings as part of the Out-of-home Placement Plan (OHPP).
[Minn. Stat., section 260C.193, subd. 3 (g)]
 - Responsible social service agencies must place siblings together at the earliest possible time, unless it is documented that placement together would be contrary to the safety or well-being of any of the siblings, or it is not possible after reasonable efforts by the responsible agency. Agencies must provide frequent visitation or other on-going interaction between siblings when separated, unless documented that contact would be contrary to the safety or well-being of any of the siblings.
[Minn. Stat., section 260C.212, subd. 2 (d)]

- Responsible social service agencies must make every effort to place siblings together for adoption. If recommending siblings be separated for the purpose of adoption, agencies must submit a request to the court. After conducting a hearing, the court must make an order regarding the children's best interests as related to the separation request.
[Minn. Stat., section 260C.617]

Procedures

I. Notification of siblings:

- At the point the Minnesota Department of Human Services (the department) is informed a child has been ordered under guardianship of the commissioner, staff will conduct a search to determine if the child has siblings who either are currently or were previously under guardianship of the commissioner.
- If a sibling is found, department staff will send written notification to the county agency responsible for the siblings, or to multiple county agencies, if applicable.
- Notification to responsible county agencies is intended to assist in making placement decisions and guide permanency planning for siblings.
- Department staff will not send notice if they have documentation that a responsible county agency already knows about a child's sibling(s).

II. Sibling placement decisions:

- Federal law (Fostering Connections to Success and Increasing Adoptions Act), state law, best practice literature, and national research support placing siblings together in foster and adoptive homes, and documents many benefits to placement together.
- The decision to place siblings together or separate them must be based on the best interest of the children. This requires significant assessment.

III. Responsible social service agency assessment of sibling placements:

- Conduct an individualized determination of each sibling's needs based on the 10 best interest factors in Minn. Stat., section 260C.212, subd. 2 (b).
- Utilize team decision making.
- Consider each sibling's current needs as well as future needs.
- Use an assessment tool, such as Sibling Decision Making Matrix, developed by Northeast Ohio Adoption Services. Available as Appendix B of the final report of [The Sisters and Brothers Together Project](#).
- Refer siblings for a formal sibling attachment assessment.

IV. Potentially appropriate reasons to separate siblings:

- After exhaustive recruitment efforts, the responsible social service agency has been unsuccessful in locating an appropriate adoptive home for the sibling group.
- One sibling is physically, emotionally or sexually abusive toward another sibling **and** therapeutic interventions have been unsuccessful in ameliorating the behavior.
- Siblings will be adopted separately by relatives, and the plan was determined appropriate through a Family Group Decision Making process.

- Birth parents have executed consents to adopt under Minn. Stat., section 260C.515, subd. 3, agreed to by the responsible social service agency and approved by the court, identifying separate adoptive parents for siblings.
- Siblings will be legally separated (i.e., one sibling will be legally adopted, another will remain in foster care), but remain in the same physical location.

V. Court approval required to separate siblings for the purpose of adoption:

- If the responsible social service agency assesses that sibling separation is in the best interest of one or more of the siblings, the agency must submit a request to court.
- If siblings are under the jurisdiction of more than one court, the judges conducting reviews shall communicate with each other about the siblings' needs and coordinate planning by agencies involved in decision making for the siblings.
- Notice must be provided to all persons entitled to notice under Minn. Stat., section 260C.627, including the child's foster or prospective adoptive parent(s); foster, adopting or adoptive parent(s) of the child's siblings; or relative(s) with permanent legal and physical custody of the child's sibling(s).
- The court must schedule the matter for hearing.
- The court may order sibling separation when it finds:
 - The responsible social service agency's reasonable efforts to place the siblings together were unsuccessful, and further efforts would significantly delay the adoption of one or more of the siblings, therefore, not in the best interests of the siblings; or
 - It is not in the best interests of one or more of the siblings to be placed together after reasonable efforts were made by the responsible social service agency to alleviate the issues that preclude the siblings from safely living together.

[Minn. Stat., section 260C.617]

VI. Documentation that responsible social service agency must submit to court for sibling separation request:

- History of sibling placement, together and separately
- Special needs of one or more of the siblings that necessitates separation based on the safety and well-being of the siblings
- Interventions attempted to alleviate the behaviors or issues that preclude the siblings from safely living together
- Specific recruitment efforts made to identify appropriate adoptive parent(s) for the sibling group, including recruitment methods and length of time efforts were made.
- Permanency plan for each sibling
- Current visitation/contact between separated siblings, and the specific plan for continued on-going visitation/contact between the siblings after adoption finalization.

VII. Special sibling situations:

- Guardianship transfer to the commissioner after the court's acceptance of a consent of parent to adoption, pursuant to Minn. Stat., section 260C.515, subd. 3:
 - If it is determined that the prospective adoptive parent identified in a consent of parent to adoption will not adopt for any reason, the responsible social service agency must reassess sibling placement issues in the children's best interests. If the responsible agency continues to recommend separation, it must bring the matter to court and request findings/order that separation is in the children's best interests, despite the change in the adoption plan.
 - Requesting court approval for separation in the situation described in the bullet immediately above is not required in relation to any of the child's siblings under guardianship of the commissioner who are the subject of consents to adopt under 260C that continue in effect, and that adoption is proceeding by the prospective adoptive parent named in the applicable consent.
- New sibling born or ordered under guardianship of the commissioner when another sibling has a fully executed Adoption Placement Agreement:
 - Responsible agency must assess sibling placement issues based on new information (new sibling born or sibling newly under guardianship of the commissioner).
 - If the responsible agency determines separation is in the best interests of the sibling with the fully executed Adoption Placement Agreement, a formal request to the court to approve sibling separation is not required. However, the agency must inform the court and parties of the new sibling and the permanency plan.
 - The responsible agency must submit to the Minnesota Department of Human Services written notice that the responsible agency has:
 - Reassessed the sibling placement issue based on the new sibling.
 - Asked the adopting parent identified on the fully executed Adoption Placement Agreement if they are willing and capable of adopting the new sibling as well. If the adopting parent is unwilling or unable to adopt the new sibling, or if for any other reason the siblings will not be adopted by the same parent, agency staff has discussed with the adopting parent the benefit of on-going visitation and contact between the siblings.

VIII. Contact between siblings who are separated:

- Communication or contact agreements may be utilized to ensure on-going contact between the siblings after finalization. Specific types of contact may include: Face-to-face visits, phone calls, letters, emails, texts, exchange of photos, webcam or video conferencing, or other reasonable means.
- Contact agreements that include face-to-face visits should address logistics such as: Responsibility for planning, transportation, supervision and expenses; date, time and location; and frequency and duration.

- The terms of the agreement must be approved by the parties to the agreement, and the responsible social service agency.
- The court must find that the communication or contact agreement is in a child's best interest.
- Agreements are legally enforceable when the terms of an agreement are in a written court order issued before or at the time of granting of the adoption decree.
- The court order granting contact must be filed in the adoption file, with the juvenile court as the venue to enforce or modify the agreement.
- Visitation/contact between siblings should not be contingent on the behavior of any of the siblings, or dependent on any of the siblings requesting a visit. It is the adults' obligation to ensure visitation and contact between separated siblings to maintain family connections when safe and appropriate to do so.
[Minn. Stat., section 260C.619]

Form(s) that apply

None

Related Policies and References

None

Training

None

Legal Authority

Minn. Stat., section 259A.01, subd. 23
 Minn. Stat., section 260.012 (e)(4)
 Minn. Stat., section 260C.007, subds. 27a and 32
 Minn. Stat., section 260C.178, subd. 1 (k)
 Minn. Stat., section 260C.193, subd. 3 (g)
 Minn. Stat., section 260C.212, subd. 2 (d)
 Minn. Stat., section 260C.603, subds. 2 and 8
 Minn. Stat., section 260C.617
 Minn. Stat., section 260C.619

Standards

None

Definitions

Child under guardianship of the commissioner: An individual under 18 years of age, who is under guardianship of the commissioner of the Minnesota Department of Human Services by court order, pursuant to Minn. Stat., section 260C.325.

Fully executed Adoption Placement Agreement: Adoption Placement Agreement signed by the pre-adoptive parent(s), representative of the responsible social service agency, and delegated agent of the commissioner of the Minnesota Department of Human Services.

Pre-adoptive parent: An adult who has signed an Adoption Placement Agreement regarding a child. This has the same meaning as adopting parent.

Prospective adoptive parent: An individual who may become a pre-adoptive parent, regardless of whether the individual has an adoption home study approving them for adoption, but who has not signed an Adoption Placement Agreement.

Responsible social service agency: The county social service agency that has legal and financial responsibility for care, custody and control of a child.

Sibling: One of two or more individuals who have one or both parents in common through blood, marriage or adoption, including siblings as defined by the child's tribal code or custom.

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Policy History:

Issue date: January 1, 2015

Effective Date: January 1, 2015

Version 1.0:

August 1, 2012 (revised)

September 15, 2011 (revised)

July 28, 2008 (initial release)

This policy and its procedures remain in effect until rescinded or updated.