

Fostering Sibling Connections

Desired Outcome

To establish a process by which children who have been adopted or are in foster care are more often placed with siblings, or if separated, can petition to visit their siblings to maintain sibling relationships.

Current Situation

- Siblings should be a source of comfort and stability to children as their relationships to the adults in their lives change. Therefore, Ohio law should allow siblings to petition for visitation and preserve their legal sibling relationships.
- Currently, Ohio law allows the relationship between a parent and a child to control the relationship between siblings. In other words, siblings are legally siblings because they have the same legal parents.
- As a result, adopted children are legally severed from their siblings, and it is unclear whether coming into permanent custody (termination of parental rights) ends a sibling relationship.
- Although federal and state law requires children in foster care be given the opportunity to visit siblings, this right can be withheld by caseworkers without direct judicial consideration and does not extend beyond adoption.

Proposed Changes to Sibling Relationships Under Ohio Law

- For the purposes of this provision, define sibling to be those sharing at least one biological or adoptive parent or raised in the same household as siblings. This broad definition allows those who consider themselves siblings to get into court. The judge may then take the amount of time living in the same household, blood relationship, and other factors into account when granting visitation.
- Clarify that, in line with the federal Fostering Connections Act, a public children services agency “shall” make reasonable efforts to place siblings together and maintain frequent contact, unless it is not in their best interests, rather than “strongly encouraged to” or “should” make reasonable efforts.
- Explicitly state the sibling relationship extends beyond a permanent custody order and adoption in order to allow for inheritance, notification for placement in substitute care, and the right to petition for visitation.
- Specifically allow for siblings (minors and adults) to petition for visitation where at least one of them is in the custody of juvenile court or has been adopted. Visitation would be granted only when it was in the child’s best interests per judicial discretion.

For more information

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