

NUMBER

#18-68-15

DATE

August 1, 2018

OF INTEREST TO

County Directors

Social Services Supervisors and
Staff

Tribal Social Services Directors
and Staff

County Attorneys

Tribal Attorneys

ACTION/DUE DATE

Please read information and
prepare for implementation

EXPIRATION DATE

August 1, 2020

Foster Care Sibling Bill of Rights

TOPIC

The 2018 Foster Care Sibling Bill of Rights legislation.

PURPOSE

Provide guidance on the Foster Care Sibling Bill of Rights legislation and the attached commissioner's form.

CONTACT

Kim Lemcke, independent living coordinator, 651-431-4686, or
kim.lemcke@state.mn.us

SIGNED

NIKKI FARAGO

Assistant Commissioner

Children and Family Services Administration

TERMINOLOGY NOTICE

The terminology used to describe people we serve has changed over time. The Minnesota Department of Human Services (DHS) supports the use of "People First" language.

I. Foster Care Sibling Bill of Rights

The 2018 Minnesota legislative session established a Foster Care Sibling Bill of Rights for children who enter foster care. [Laws of Minnesota 2018, Chapter 188, Section 3]

Sibling relationships are empowering and critically important over the course of a lifetime. These relationships most often are the longest meaningful connections in life. For children/youth entering foster care, being supported by their siblings can promote safety, well-being and a sense of security. Sibling separation can cause long-term trauma that will likely interfere with future relationships that they try to build. For the welfare of children, where one sibling is removed from the home, or all are removed but in separate placements, their legal right is to remain connected and should not be limited unnecessarily.

Current and former foster youth, who are members of the Minnesota Youth Leadership Council, proposed that Minnesota adopt a sibling bill of rights. These youth were inspired during a national youth conference where they learned how youth leaders from other states have passed similar language with the goal of keeping sibling families intact.

Effective August 1, 2018, child welfare agency staff shall provide a copy of the attached Sibling Bill of Rights Commissioner's Form to children at the time they enter foster care, and to adult siblings of a child entering foster care, when known, and to their foster care provider. The form should be signed by the child, caseworker, and foster care provider. This should also be documented in a case note in the Social Service Information System (SSIS).

All children already in care on August 1, 2018, adult siblings of these children, and their foster care providers, shall also be provided a copy of the Sibling Bill of Rights by the responsible child welfare agency.

Americans with Disabilities Act (ADA) Advisory

This information is available in accessible formats for people with disabilities by calling (651) 431-3725 (voice) or toll free at (800) 627-3529 or by using your preferred relay service. For other information on disability rights and protections, contact the agency's ADA coordinator.

Sibling Bill of Rights Commissioner's Form

Sibling relationships are empowering and critically important for them over the course of a lifetime. These relationships are bonds and most often are the longest meaningful connections in life. For those who enter foster care, being supported by their siblings can promote safety, well-being and a sense of security. Sibling separation can cause long-term trauma that would likely interfere with future relationships that they try to build. For the welfare of children, where one sibling is removed from the home, or all are removed but in separate placements, their legal right is to remain connected and should not be limited. See [Minnesota Statutes, sections 260.012e\(4\)](#); [260C.212](#), subdivision 2(d); and [260C.208](#).

Siblings have a right to:

- Be placed with each other when possible to remain a family. Give adult siblings a chance to be a foster parent, adoptive parent, or gain custody over younger siblings to keep families together.
- Be placed in homes close by each other, if they cannot be placed together, to facilitate frequent and meaningful contact, including phone, internet, social media, FaceTime, skype, etc. Siblings will be provided with a phone number, email, and/or address, and access to updated photos by email or mail.
- Be actively involved in each other's lives if they choose. Share celebrations including birthdays; holidays; graduations and other school events; extracurricular activities; cultural customs, including speaking their native language; and other meaningful milestones.
- Be informed about changes in each other's placements, including being notified of discharge from placements, new placements, as well as discharge from foster care. Siblings will be allowed to maintain contact with other siblings who remain in care. Every effort should be made to ensure contact among siblings in care and those not in care.
- Predictable and regular visits that shall not be withheld as a behavioral consequence. Unless verifiable safety concerns exist, siblings should not be kept from each other. Visits can be monitored, but should not be supervised unless there is a safety risk. Youth, caregivers, caseworkers, and parents are all responsible for ensuring that siblings have contact. All parties will coordinate dates and times, transportation, and other accommodations to ensure contact occurs. This should be outlined in their service plan. Due to the normalcy provision, caseworkers do not need to give permission for visits or possible sleep overs, but foster parents should still communicate with and inform caseworkers that these activities are occurring. The judge should also be updated on sibling connections at every hearing.
- Be included in permanency planning decisions relative to siblings. They should know what expectations are for continued contact when a sibling is adopted or custody is transferred to a relative.

Child/Youth

Foster Parent

Social Worker

Date

For questions or complaints, contact the Office of Ombudsperson for Families by mail, phone, or email.
Provide the following information:

- Name, address and telephone number
- A description of the situation
- Names and dates of birth of children involved in the case
- Tribal affiliation of children, if applicable, and
- Names and contact information of caseworkers and other agency or service providers.

Office of Ombudsperson for Families

[1450 Energy Drive, Suite 106](#)

St. Paul, Minn. 55108

651-603-0058, (888) 234-4939

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