

February 4, 2008

To: Honorable Senator Suzanne Chun Oakland, Chair
FROM: Linda Santos, President & CEO, Foster Family Programs of Hawai'i
RE: SB 3053

Hearing: February 5, Tuesday, at 1:15 PM, Capitol Conference Rm. 106

Purpose: House Bill 3053 – Specifies that the Family Court may grant reasonable visitation with their siblings before and after adoption or award of legal guardianship.

Introduction: I am Linda Santos, President and CEO of Foster Family Programs of Hawaii. We provide services to prevent foster care placement; support children and families involved in out of home placement; and assist young adults emancipating from the foster care system.

Agency Position: Foster Family Programs supports the intent of this bill which provides and specifies post-adoption contact of siblings for children involved in out of home placements, before and after adoption or award of legal guardianship.

The removal of a child from his or her family is an extremely traumatic experience for any child. Sibling connections are important to preserve even if it is necessary to terminate the parental rights of the birth parents. Sibling visitation should be an integral part of the long-term permanent planning process for children adopted or in legal guardianship.

Some experts in the field of psychology believe that aside from the parent-child relationship, the sibling relationship is the most important relationship in a child's development. Other experts state that the sibling relationship provides a context for social development, in that siblings teach one another social skills through their long-term interactions. From these social interactions the child develops a foundation for later learning, personality development, and the proper context of sex roles. As stated by one court: A sibling relationship can be an independent emotionally supportive factor for children in ways quite distinctive from other relationships, and there are benefits and experiences that a child reaps from a relationship with his or her brother(s) or sister(s) which truly cannot be derived from any other.

The United States Supreme Court has not yet declared that siblings, per se, have a constitutional right to visit one another, but some legislators argue that when the state separates siblings and denies them the opportunity to visit one another, the state has deprived the siblings of a constitutionally protected right to associate with each other.

It is in this regard the Foster Family Programs of Hawai'i supports this bill to provide visitation of siblings in out of home placement, before and after adoption or guardianship.

Thank you for the opportunity to testify.

LINDA LINGLE
GOVERNOR



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February 5, 2008

MEMORANDUM

TO: Honorable Suzanne Chun Oakland, Chair
Senate Committee on Human Services and Public Housing

Honorable Brian T. Taniguchi, Chair
Senate Committee on Judiciary and Labor

FROM: Lillian B. Koller, Director

SUBJECT: S.B. 3053 RELATING TO SIBLING VISITATION

Hearing: Tuesday, February 5, 2008, 1:15 p.m.
Conference Room 016, State Capitol

PURPOSE: The purpose of this bill is to affirm that the Family Court may grant children reasonable visitation with the children's siblings before and after adoption or an award of legal guardianship.

DEPARTMENT'S POSITION: The Department strongly supports this Administration bill. This bill will ensure that children have the opportunity to maintain family connections with their siblings even after they are legally separated due to an award of adoption or legal guardianship, pursuant to the Child Protective Act, chapter 587, Hawaii Revised Statutes (HRS).

The power of sibling bond is a persistent theme in sibling studies. In some cases, sibling relationships are more influential than any other, including those with parents.¹

The bonds between siblings can be the most enduring relationships in these children's lives. Glover (1997) found that "the relationships people share with siblings are often the longest-lasting they will ever have. Siblings are there from the beginning, and they are often still around after parents, and even spouses and children are gone."

Youth in foster care often report that their relationships with their siblings are most important to them and that the separation from brothers and sisters is the most painful aspect of their foster care experiences.²

The attached document (Attachment A), "Evidence Based Practice and Research that Support Sibling Connections," contains additional references and resources.

Sibling relationships can and should last a lifetime. These relationships help to maintain a family connection and a sense of family identity, which is increasingly more important and more difficult in these days of smaller families, longer life spans and increased mobility.

This proposed legislation seeks to provide siblings who have entered foster care pursuant to chapter 587, (HRS), and have become separated from each other through the processes of adoption and the awarding of legal guardianship, with the

¹ Center for Advanced Studies in Child Welfare, University of Minnesota, Practice Notes Issue No. 13, January 2003

² Fostering Families Today [<http://www.adoptinfo.net/fftsotlight5.html>]

opportunity to maintain a connection with some of the most important people in their lives - their brothers and sisters.

Prospective adoptive parents and legal guardians, and the Family Court will need to consider providing children with the opportunity for reasonable on-going contact and visitation between siblings, after the adoption or legal guardianship, as they come to the decision to proceed with the adoption or legal guardianship.

Although there may be a situation where it is not in the child's best interests to maintain relationships and visitation with all siblings, reasonable on-going contact and visitation with siblings must be presumed to be an inherent right and in the child's best interest.

Thank you for this opportunity to testify.

**Evidence Based Practice and Research that Support Sibling Connections
(includes children in foster care's needs for visitation with siblings)**

- “The relationships people share with siblings are often the longest-lasting they will ever have. Siblings are there from the beginning, and they are often still around after parents, and even spouses and children are gone.” (Glover, 1997, as cited in Kernan, 2005)
- “Siblings placed together use their relationships to understand who they are.” (Herrick & Piccus, 2005 as cited in Kernan, 2005)
- Children in kinship care visit siblings and birth parents more frequently than in non kin care. (GAO, 1999; Chipungu, Everett, Verdieck & Jones, 1998)
- Kinship care supports better family connections with siblings and other family members for children than non kin care. (GAO, 1999, LeProhn and Pecora, 1994)
- In Hawaii, relative/kin caregivers are more likely to support primary/biological caregiver and sibling visits than non-kin caregivers. (English & Newlin, 2007)
- Results from the first round of Child and Family Services Reviews in all states indicated a strong association between visiting with parents and siblings and the outcomes of reunification, guardianship, and placement with relatives. (Children’s Bureau, 2004 as cited in Child Welfare Information Gateway)

References

- Kernan, E. (2005). Keeping siblings together: Past, present and future. *Youth Law News, Journal of the National Center for Youth Law*, 26 (#4), 1-8.
- United States General Accounting Office/ Health, Education and Human Services Division. (1999). *Report to the Chairman, Subcommittee on Human Resources Committee on Ways and Means, House of Representatives, Foster Care: Kinship care quality and permanency issues* (GAO/HEHS-99-32). Washington, D. C.: U. S. General Accounting Office.
- Chipungu, S., Everett, J., Verdieck, M. & Jones, H. (1998). *Children placed in foster care with relatives: A multi-state study*. Final Report. Washington, D. C. : U. S. Department of Health and Human Services, Administration for Children and Families, Administration on Children, Youth and Families.

LeProhn, N. & Pecora, P. (1994). *Summary of the Casey Foster Parent Study*.

English, D. & Newlin, P. (2007). *Hawaii placement decision review (Children age birth to three years)*. Retrieved February 4, 2008, from [http://www.hawaii.gov/dhs/protection/social_services/child_welfare/Hawaii Placement Decision Review final Report June 2007](http://www.hawaii.gov/dhs/protection/social_services/child_welfare/Hawaii_Placement_Decision_Review_final_Report_June_2007).

Child Welfare Information Gateway (2006). *Sibling issues in foster care and adoption: 8. Maintaining ties between separated siblings*. Retrieved February 4, 2008, from <http://childwelfare.gov/pubs/siblingissues/siblingissues8.cfm>

Other Recommended Reference:

New York State Office of Children and Family Services (2007). *Keeping siblings connected: A white paper on siblings in foster care and adoptive placements in New York state*. Retrieved February 4, 2008, from <http://www.nysccc.org/Siblings/SiblingWhitePape.pdf>