



CDSS

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**DEPARTMENT OF SOCIAL SERVICES**

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GOVERNOR

REASON FOR THIS TRANSMITTAL

- State Law Change
- Federal Law or Regulation Change
- Court Order
- Clarification Requested by One or More Counties
- Initiated by CDSS

January 14, 2016

ALL COUNTY LETTER NO. 15-100

TO: ALL FOSTER CARE AGENCIES  
 ALL COUNTY CHILD WELFARE DIRECTORS  
 ALL COUNTY CHILD WELFARE SERVICES PROGRAM MANAGERS  
 ALL LICENSED ADOPTION AGENCIES  
 ALL PUBLIC ADOPTION AGENCIES  
 ALL CDSS STATE ADOPTION OFFICES  
 ALL CHIEF PROBATION OFFICERS

SUBJECT: CHANGES IN SIBLING VISITATION FOR CHILDREN IN THE  
 DEPENDENCY AND JUVENILE JUSTICE SYSTEM WITH THE  
 PASSAGE OF SENATE BILL (SB) 1099, (CHAPTER 773,  
 STATUTES OF 2014)

REFERENCE: [PUBLIC LAW \(PL\) 110-351; SECTION 206 OF \(FOSTERING CONNECTIONS TO SUCCESS AND INCREASING ADOPTIONS ACT OF 2008\); ASSEMBLY BILL 743; ALL COUNTY LETTER 13-33; WELFARE AND INSTITUTIONS CODE \(W&IC\) SECTIONS \[358.1\]\(#\), \[361.2\]\(#\), \[362.1\]\(#\), \[366\]\(#\), \[366.1\]\(#\), \[366.3\]\(#\), \[388\]\(#\), \[706.5\]\(#\), \[706.6\]\(#\), \[727.3\]\(#\), \[778\]\(#\), AND \[16002\]\(#\)](#)

This All County Letter (ACL) provides information about new sibling visitation requirements authorized through the passage of [SB 1099, \(Chapter 773, Statutes of 2014\)](#) and effective immediately. These requirements apply to county child welfare workers and probation officers.

Federal and state law recognizes the importance of sibling relationships for children placed in foster care. The court making an order for an out-of-home placement of a child under W&IC section 361.2 is required to consider the nature of the relationship between the child and any siblings and the appropriateness of developing or maintaining the sibling relationships. Efforts must be made to place siblings together and if they are not placed together, to provide frequent visitation. Assembly Bill (AB) 743 (Chapter 560, Statutes of 2010) amended California statute to be consistent with federal law to require a social worker to make diligent efforts to place children together, unless it would be

“contrary to the safety and well-being of any of the siblings” to make those efforts. In addition, siblings not placed together must be provided visitation unless the social worker documents the reason why visitation would be contrary to the safety or well-being of any of the siblings and the court finds by clear and convincing evidence that sibling interaction is contrary to the safety or well-being of either child.

### **New Requirements When the Juvenile Court Orders Removal of a Child**

The SB 1099 added consideration of whether there are any non-dependent siblings in the physical custody of the parent, to the factors that the court must consider regarding sibling relationships in making placement decisions under W&IC section 361.2(j). The section now requires that the court consider all of the following:

- *whether there are any siblings under the court’s jurisdiction, or any non-dependent siblings in the physical custody of a parent subject to the court’s jurisdiction;*
- *the nature of the relationship between the child and his or her siblings;*
- *the appropriateness of developing or maintaining the sibling relationships pursuant to W&IC section 16002; and*
- *the impact of the sibling relationships on the child’s placement and planning for legal permanence.*

If the siblings are not placed in the same home, W&IC section 16002 provides that the court then has the authority to develop a visitation plan for the siblings, including those in the physical custody of a parent, unless it has been determined by clear and convincing evidence that visitation is contrary to the safety or well-being of any sibling.

### **New Requirements When Addressing Sibling Visitation in Court Reports**

The W&IC section 358.1(d) sets forth detailed requirements on the issue of sibling relationships which must be addressed in the social worker's social study or evaluation. The social study or evaluation discussing sibling relationships must be received in evidence and considered before the court can render a disposition decision, and it must be updated and reviewed at subsequent review hearings. The SB 1099 added clarity to these requirements by specifying additional information social workers must document regarding whether or not sibling visitation will take place. The information must be documented in case plans and court reports to be presented at court hearings.

The SB 1099 also confirmed the applicability of provisions regarding sibling relationships to probation youth. The SB 1099 amended W&IC section 706.6 (g) to clarify that probation case plans presented at periodic reviews must include the same information regarding sibling relationships, and to specify factors that the court may consider in making a determination regarding the nature of the child’s sibling relationships. It also

amended W&IC section 16002 to apply the requirements regarding placing siblings together and visitation plans to wards.

**The table below identifies existing and additional required information to be included in the child welfare or probation reports.**

Existing Required Information	Additional Required Information	Child Welfare Reports	Probation Reports
<p>The nature of the relationship between the child and his or her siblings</p> <p>The appropriateness of developing or maintaining the siblings relationships</p> <p>If the siblings are not placed together, why they are not and what efforts are being made to place them together, or why those efforts are not appropriate</p>	<p>The frequency and nature of visits between siblings</p> <p>Whether visits between siblings are supervised or unsupervised and the reasons for any supervision</p> <p>What needs to be accomplished in order to have unsupervised visits</p> <p>The length and location of the visits</p> <p>Any plan to increase visitation between the siblings</p>	<p>Social Study or Evaluation Report; W&amp;IC 358.1(d)(1)(D)</p> <p>Periodic Status Review W&amp;IC 366(a)(1)(D)</p> <p>Permanency Review W&amp;IC 366.3(e)(9)(D)</p>	<p>The Case Plan W&amp;IC 706.6 (g)</p> <p>Case plan presented at periodic status review under W&amp;IC 706.5(c)</p> <p>Case plan presented at permanency review under W&amp;IC 706.5(d)</p>

**Petitioning the Court to Establish a Sibling Relationship and Visitation with Siblings including Non-Dependent Siblings**

Under W&IC section 388(b), any person, including a child or non-minor dependent, may petition the court to assert a sibling relationship, request visitation with, or placement with or near, or consideration when determining or implementing a case plan, with another dependent child. The SB 1099 expanded this provision by adding W&IC section 388(b)(2), which provides that a youth may also petition the court to establish a sibling relationship and visitation with a nondependent child still in the physical custody of a common legal or biological parent.

The SB 1099 extended this same procedure to delinquency proceedings. Under W&IC section 778(b)(1), “any person, including a ward, transition dependent or non-minor dependent,” may petition the court to establish a sibling relationship, request visitation, or to request placement or case planning consideration as specified, with another child under wardship. The W&IC section 778(b)(2) provides that a ward, transition dependent or non-minor dependent, or a court appointed guardian ad litem, may petition the court to

assert a sibling relationship and request visitation with a nondependent sibling who is in the physical custody of a common legal or biological parent. Pursuant to subdivision (b) of section 16002, a request for sibling visitation may be granted under either W&IC section 388 or 778 unless it is determined by the court that sibling visitation is contrary to the safety and well-being of any of the siblings.

**New Requirements When Sibling Interactions are Suspended**

When there has been a judicial suspension of sibling interaction, the reasons for the suspension shall be reviewed at each status review hearing pursuant to W&IC section 366 or 727.3. New language added to W&IC section 16002(c) by SB 1099 states that, in order for the suspension to continue, the court shall make a renewed finding that sibling interaction is contrary to the safety or well-being of either child.

These new requirements were effective January 01, 2015. Claiming instructions will be provided in a forthcoming County Fiscal Letter. If you have any questions or need additional guidance regarding the information in this letter, contact the Permanency Policy Bureau at (916) 657-1858 or at [ConcurrentPlanningPolicyUnit@dss.ca.gov](mailto:ConcurrentPlanningPolicyUnit@dss.ca.gov). Please submit fiscal claiming questions to [fiscal.systems@dss.ca.gov](mailto:fiscal.systems@dss.ca.gov).

Sincerely,

***Original Document Signed By:***

GREGORY E. ROSE  
Deputy Director  
Children and Family Services Division

c: County Welfare Directors Association  
Chief Probation Officers of California  
Judicial Council of California