

Right of Foster Children to Contact with Relatives and Friends

A Fact Sheet Prepared by the Youth Law Center

Do children in foster care have the right to contact and visit with family and friends?

Children in foster care have the right to contact family members and to contact and visit with brothers and sisters unless prohibited by the court. They also have the right to have social contacts with people outside of the foster care system, such as teachers, mentors, and friends. Unless prohibited by the court, children in foster care have the right to make and receive confidential telephone calls and send and receive unopened mail.¹

Do children in foster care have a right to live with their brothers and sisters?

Siblings should be placed together unless it is not in the best interest of one or more of them.² If siblings are not placed together in the same home, the social worker must explain why and what efforts are being made to place them together, or why those efforts are not appropriate.³

What if a child cannot live with his or her brothers and sisters?

Foster care providers must respect the right of children in foster care to contact and visit their brothers and sisters unless prohibited by the court.⁴ When it is not possible for siblings to live together, the child welfare agency must make a diligent effort to provide for ongoing and frequent interaction among siblings, unless the court determines that sibling interaction is detrimental.⁵

What if parental rights are terminated?

If parental rights are terminated, diligent efforts must be made by the child welfare agency to provide for ongoing and frequent interaction among siblings in the permanent plan.⁶

¹ Cal. Wel. & Inst. Code §16001.9(a)(6),(7),(9) & (15).

² Cal. Wel. & Inst. Code §§ 306.5,16002(a).

³ Cal. Wel. & Inst. Code §§ 306.5 (emergency removal), 362.1(a)(2) (visitation orders), 366(a)(1)(D)(i)(III) (periodic status review),366.1(f)(1)(C) (court report), 16002(b) (general sibling placement provisions), 16501.1(f)(9) (case plans); MPP 31-206.311(case plans).

⁴ Cal. Wel. & Inst. Code §§ 362.1(a)(2), 16001.9(a)(7); 22 CCR. §§ 83072(c)(1)(A) (small family homes), 84072(c)(5)(B) & (20) (group homes), 86572(a)(10) & (12) (crisis nurseries), & 89372(a)(3))(foster family homes).

⁵ Cal. Wel. & Inst. Code § 16002(b).

⁶ Cal. Wel. & Inst. Code § 16002(b).

What if the child is placed for adoption?

If the child is placed for adoption, the adoption agency must take steps to facilitate ongoing sibling contact unless the court determines that sibling interaction is detrimental to the child.⁷ With the consent of the adoptive parents, the court may include provisions for the adoptive parent(s) to facilitate post adoptive sibling contact in the final adoption order.⁸ The order may be enforced by the court, but violation of the order will not affect the validity of the adoption or impair the ability of the adoptive family to move, either within or outside California. The adoptive parents may terminate sibling contact if they determine that it poses a threat to the health, safety, or well being of the adopted child; however, they must notify the court within ten days, specifying the reasons why continued contact poses a threat.⁹

What about other people who are important to the child?

The social worker must ask any child who is ten years old or older and who has been in out-of-home placement six months or longer, to identify individuals who are important to him or her. The social worker may ask younger children to provide that information, as appropriate. The social worker must also make efforts to identify other individuals who are important to the child, consistent with the child's best interest.¹⁰ Information about individuals who are important to the child must be included in court reports,¹¹ and the court must determine whether the child welfare agency has made efforts to maintain the child's relationships with these individuals.¹² Whenever the court orders a child who is ten years old or older to remain in long-term foster care, it must determine whether the child welfare agency has made reasonable efforts to maintain the child's relationships with individuals who are important to the child, consistent with the child's best interest, and may make any appropriate order to ensure that those relationships are maintained.¹³

⁷ *Id.* at § (e).

⁸ Cal. Wel. & Inst. Code § 366.29(a).

⁹ Cal. Wel. & Inst. Code § 366.29(b).

¹⁰ Cal. Wel. & Inst. Code §§ 366.1(g), 16501.1(i).

¹¹ Cal. Wel. & Inst. Code § 366.1(g).

¹² Cal. Wel. & Inst. Code § 366(a)(1)(B).

¹³ Cal. Wel. & Inst. Code §§ 366.21(g)(3) (status review hearings), 366.22(a) (permanency review hearing).