



SPONSOR: Sen. Cloutier & Rep. Baumbach & Rep. Dorsey Walker  
Sens. Delcollo, Hansen, Hocker, Lopez, Richardson,  
Sokola, Sturgeon, Wilson; Reps. K. Johnson, Kowalko,  
Osienski, Ramone, Seigfried

DELAWARE STATE SENATE  
150th GENERAL ASSEMBLY

SENATE BILL NO. 165

AN ACT TO AMEND TITLE 13 OF THE DELAWARE CODE REGARDING DSCYF CUSTODY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1           Section 1. Amend § 2521, Title 13 of the Delaware Code by making deletions as shown by strike through and  
2     insertions as shown by underline as follows:

3           § 2521. Powers and duties of the DSCYF as custodian of the child.

4           Upon the Court granting custody to DSCYF, DSCYF shall be vested with the following powers and duties:

5           (6) To ensure, consistent with DSCYF case and placement planning responsibilities under federal and State  
6     law, that the child's service plan provides the opportunity to participate in age-appropriate or developmentally-  
7     appropriate activities and experiences to promote healthy child and adolescent development.

8           a. The child shall be consulted about the child's wishes regarding sibling contact and the child's service  
9     plan shall provide information on sibling contact.

10          b. If in the best interest of each child, the child's service plan shall do all of the following:

11                 1. Promote frequent contact between siblings in foster care, which may include telephone calls, text  
12                 messages, electronic mail, social media, video calls, and in-person visits.

13                 2. Clarify that sibling contact should not be limited in time or duration to periods of parental contact.

14                 3. Clarify that restriction of sibling visits should not be a consequence for behavioral problems and  
15                 that sibling visits may be restricted only if the visit is contrary to the best interest of a sibling.

16                 4. Ensure the timing of regularly-scheduled sibling visits are outlined in child service plans based on  
17                 individual circumstances and needs of the child.

18          (10) To provide sibling visits as follows:

19                 a. If a child requests an opportunity to visit a sibling, DSCYF shall arrange the visit within a reasonable  
20     amount of time and document the visit.

b. If a child requests an opportunity to visit a sibling on a regular basis, DSCYF shall arrange the visits and ensure that the visits occur with sufficient frequency and duration to promote continuity in the siblings' relationship.

c.1. If, in arranging sibling visits under this paragraph (10) of this section, DSCYF determines that a requested visit between the siblings would not be in the best interests of 1 or both of the siblings, DSCYF shall deny the request, document its reasons for making the determination, and provide the siblings with an explanation for the denial, as permitted under state and federal law.

2. In determining whether a requested visit would be in the best interests of 1 or both of the siblings, DSCYF shall determine whether there is pending a criminal action in any jurisdiction in which either of the siblings is either a victim or a witness. If a criminal action involving 1 or both of the siblings is pending, DSCYF shall consult with the prosecutor for the jurisdiction in which the criminal action is pending before arranging any visit between the siblings, to determine whether the requested visit may have a detrimental effect upon the prosecution of the pending criminal action.

d. Nothing in this section requires or permits DSCYF to arrange a sibling visit if the visit would violate an existing protection order in any case pending in this State or any other state.

Section 2. Amend § 2522, Title 13 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2522. Rights of children in DSCYF custody.

(a) All dependent, neglected and abused children in DSCYF custody under this chapter shall have the following rights in accordance with their ages and developmental levels, unless prohibited by court order:

(6) To contact and visit with their parents, siblings in DSCYF custody, and other individuals, including their own child in DSCYF custody. If ~~such~~ contact or visitation under paragraph (a)(6)a. of this section is inappropriate, the child has the right to be notified of the reason for that decision.

a. To placement in foster care homes with the child's siblings to sustain family relationships, when it is in the best interests of each sibling and when DSCYF locates an appropriate, capable, willing, and available joint placement for the child siblings.

b. To placement in close geographical distance to the child's siblings in order to promote continuity in the siblings' relationship.

c. To obtain temporary respite placements together, when possible.

d. To be placed with foster parents, placed with potential adoptive parents, and assigned to child welfare case workers who have been provided with training on the importance of sibling relationships.

e. To be promptly notified, as permitted under state or federal law, about changes in sibling placement, catastrophic events, or other circumstances, including new placements, significant life events, and discharge from foster care.

f. To be included in permanency planning discussions or meetings for siblings, if appropriate.

g. To maintain frequent and meaningful contact with the child's siblings under this paragraph (a)(6) of this section and § 2521 of this title, if placement together is not possible.

h. To be actively involved in the lives of siblings and share celebrations, if the siblings choose to do so, including birthdays, graduations, holidays, school, extracurricular activities, cultural customs in the siblings' native language, and other milestones.

i. To annually receive contact information for all siblings in foster care, including a telephone number, address, social media accounts, or e-mail address, unless prohibited by state or federal law or by court order, and to receive updated photos of siblings regularly by mail or e-mail, as appropriate.

j. To have more private or less restrictive communication with siblings as compared to communication with others who are not siblings.

k. To expect that the child's advocates under § 9007A of Title 29 advocate on behalf of the child for frequent contact and visits with siblings, unless the child's advocate determines through an independent investigation that the contact is not in the best interests of the child.

l. To have contact with siblings encouraged in an adoptive or guardianship placement.

(15)a. To have these rights explained in an age-appropriate manner, and for youth age 14 and older to sign an acknowledgement that the rights have been explained, and to receive a copy of the rights set forth in this section.

b. To receive an age-appropriate and developmentally-appropriate document from DSCYF providing the rights under this section when any of the following occur:

1. Within 30 days of the date of any placement or any change in placement.

2. When the child's case plan is modified.

3. At each placement where the child resides.

4. No less than 1 time during each 12 month period.

Section 3. This Act is known as "The Foster Child Siblings Bill of Rights".

### SYNOPSIS

This Act recognizes the importance of sibling relationships to promote continuity and sustain family relationships for children in foster care by doing all of the following:

1. Requires a child's service plan include contact information and details regarding sibling visits, unless sibling visits are not in the best interest of either child.
2. Requires DSCYF to arrange visits with siblings when requested by a child, unless the visit is not in the best interest of a child, would violate a protection order, or would have a detrimental effect on the prosecution of a criminal case.
3. Provides a child with specific rights regarding their siblings, including placement near or with siblings if possible, and the ability to maintain frequent and meaningful contact if placement together is not possible.

This Act also requires that a child, age 14 or older receive a written document containing the child's rights regarding placement and contact with siblings.

This Act is known as the "Foster Child Siblings Bill of Rights".

Author: Senator Cloutier