

Center for *Children's* Advocacy

University of Connecticut School of Law, 65 Elizabeth Street, Hartford, CT 06105

TESTIMONY IN SUPPORT OF RAISED BILL NO. 1007 AN ACT CONCERNING PERMANENCY PLACEMENTS

March 3, 2015

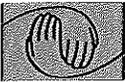
By Jay E. Sicklick, Esq.

Deputy Director – Center for Children's Advocacy, Inc.

Thank you for providing the Center for Children's Advocacy with an opportunity to submit testimony to the Children's Committee. I submit this testimony as the Deputy Director of the Center for Children's Advocacy and as an attorney who has worked for over 15 years on issues involving children's health and child welfare. The Center for Children's Advocacy ("CCA") is the largest non-profit legal organization in New England devoted exclusively to protecting for and advocating on behalf of the legal rights of children. CCA is affiliated with the University of Connecticut School of Law and provides holistic legal services for poor children in Connecticut communities through individual representation, education and training, and systemic advocacy.

We strongly support the passage of Raised Bill No. 1007, An Act Concerning Permanency Placements.

The two areas that SB 1007 covers, the augmentation of and amendments to permanency plans for children in the custody of the Department of Children and Families ("DCF") (Section 1), as well as the right of a child to petition the probate court for post-adoption sibling contact (Section 2) are extremely important factors in supporting a child's right to have a voice in the permanency planning process, as well as to maintain contact with siblings when the child and his/her sibling(s) are adopted by different families. This testimony will focus on the critical need to invest in children who are adopted by different families the fundamental right to maintain contact after they leave the custody of the Department.



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The existing landscape while supportive of sibling visitation for children in DCF care does not support a child's right to maintain post-adoption sibling contact.

To date, at least 32 states, including Connecticut, have established sibling placement and visitation statutes or agency policies to provide for sibling visitation while children are in foster care. Most states have statutory or regulatory provisions requiring that children be placed together if possible, and if not, mandating or strongly encouraging that the children have regular contact. Other states have created "Bills of Rights" for children in foster care and include within these statutes the right to maintain contact between siblings. A few states do not specifically mandate visitation or require reasonable efforts for contact to be made. Rather, these states permit petitions for visitation to be brought when the children are in foster care. However, there are only *seven* states that that permit a court to impose post-adoption visitation or contact between siblings without regard to an agreement

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between adoptive parents and third parties.¹ SB 1007 seeks to carve a pathway for children and youth in DCF care to maintain the right to visit sibling(s) and maintain those important sibling relationships as individuals committed to DCF *after* they are adopted by different families.²

The legal landscape supports the premise that maintaining contact with siblings in foster care and post-adoption placements promotes better outcomes and creates emotional support for children and youth.

Federal law has addressed the important issue of keeping siblings together in the foster care system. The *Fostering Connections to Success and Increasing Adoptions Act of 2008* addresses the requirement that states make reasonable efforts to maintain sibling contact in order to receive federal funds. Advocates and scholars who have proposed post-adoption contact statutes argue that any statutory scheme must ensure that consideration of the sibling relationship first occurs during a termination of parental rights proceeding – and the best interest of the child standard should be the guiding criterion for courts considering whether to preserve the sibling relationship. Ideally – post adoption sibling contact should be *presumed to be in the child’s best interest* when that contact was maintained while the children were placed in foster or congregate care.³ Court ordered post-adoption contact is an avenue to ensure ongoing sibling relationships even when the adoptive parents do not appreciate the importance of such contact or when there are logistical constraints precluding an agreement between the parties regarding contact.⁴

The bill will foster the lifelong connections for siblings even when permanent reunification is not feasible.

CCA has represented several children over the past seventeen years who have been separated by DCF during the commitment process and unfortunately ended up being adopted by different families. Most recently, a young CCA client in DCF care client saw his two younger sisters adopted by different families. While regular visitation between the three siblings occurred when all three children were in DCF care, our client who remained in DCF care has not been able to maintain consistent contact with either sibling in recent months. He has no recourse other than to continually ask his foster-parent to call the adoptive parents and arrange a visit. For an eight year old who has been in and out of DCF care for the past three years, the only constant in this child’s life has been the contact and connection to his two younger siblings. Unfortunately, the future does not provide an opportunity to maintain that contact – absent a legal right to petition the Probate court to

¹ These states are: Arkansas: Ark. Code Ann. § 9-9-215(c). Florida: Fla. Stat. § 63.0427. Illinois: 750 Ill. Comp. Stat. 5/607. Maryland: M.D. Code Ann., Fam. Law § 5-525.2(b)(1). Massachusetts: Mass. Gen. Laws ch. 119, § 26B(b). Nevada: Nev. Rev. Stat. § 125C.050. South Carolina: S.C. Code Ann. § 63-3-530(A)(44).

² See Conn. Gen. Stat. §§ 45a-715(j), (k).

³ See Randi Mandelbaum, *Delicate Balances: Assessing the Needs and Rights of Siblings in Foster Care to Maintain Their Relationships Post-Adoption*, 41 N.M.L. Rev. 1, (2011) at 44.

⁴ See Annette Ruth Appell, *Reflections on the Movement Toward A More Child-Centered Adoption*, 32 W. New Eng. L. Rev. 1 (2010) at 6.

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create such an opportunity. This legal right – which is supported by clinically and legally for children in foster care, should be continued after these most vulnerable children leave the child welfare system. SB 1007 gives our young client and score of other children the legal right to seek visitation and contact in order to maintain critically important sibling relationships after their exposure to the child welfare system end.

Respectfully Submitted,



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Deputy Director