Sibling Rights in Oregon Foster Care

Disclaimer: The following material provides a general summary of Oregon law related to sibling connections in foster care. This summary was developed in 2025 and 2026 through a collaborative effort of pro bono attorneys, advocates, and individuals with lived experience as part of the National Network of Fostering Sibling Connections. While efforts have been made to ensure accuracy, laws, regulations, and policies may change, there can be mistakes, and this summary may not reflect the most current legal developments or the full scope of applicable law. This information is provided for educational and informational purposes only and is not intended to serve as legal advice, nor does it create an attorney-client relationship. The material should not be relied upon as a substitute for obtaining legal advice from a qualified attorney regarding a specific situation. Individuals seeking guidance about their rights or obligations should consult a licensed attorney or appropriate legal professional in their jurisdiction. *If you have updated information, or would like to submit changes please join our efforts and email cathy.krebs@americanbar.org.*

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1.Foster Youth Bill of Rights

Oregon has a Foster Siblings' Bill of Rights, enumerated in ORS 418.607, which specifically enumerates the rights of foster youth regarding their relationships with siblings. The rights are codified in ORS 418.608. These rights include:

(1) To obtain substitute care placements together whenever safe and appropriate.
(2) To maintain contact and visits with siblings while placed both in and out of substitute care placements, including contact by telephone and electronic communication, as safe and appropriate.
(3) To be provided with transportation to maintain contact and have visits with siblings.
(4) To be placed with foster parents and caseworkers who have been provided with training on the importance of sibling relationships.
(5) To ensure that contact with siblings will be encouraged in any adoptive or guardianship placement, as safe and appropriate.
(6) To have a sibling contact plan that has been developed as a result of the active engagement and participation of siblings and that is complied with as part of any substitute care placement.
(7) To have more private or less restrictive communication with siblings as compared to communications with others who are not siblings, as safe and appropriate.
(8) To be immediately and timely notified of placement changes or catastrophic events affecting a sibling, as safe and appropriate.
(9) With respect to a foster child's rights under this section:
    (a) To receive a document setting forth such rights as is age-appropriate and developmentally appropriate within 60 days of the date of any placement or any change in placement;
    (b) To have a document setting forth such rights that is age-appropriate and developmentally appropriate on each occasion that a foster child's case plan is considered and reviewed;
    (c) To have access to a document setting forth such rights that is age-appropriate and developmentally appropriate at the residence of all foster parents and child-caring agencies; and
    (d) To be informed of such rights on at least an annual basis.
(10) To be provided with an explanation in an age-appropriate manner as to why contact with a sibling is or has been denied or prohibited.

(11) To have the rights under this section apply regardless of whether the parental rights of one or more of the foster child's parents have been terminated, as safe and appropriate.
(12) To request that the foster child's attorney advocate on behalf of the foster child for contact and visits with siblings:

(a) While the foster child is in foster care;

(b) When the court is considering whether to order visitation between the foster child and the foster child's siblings under ORS 419B.367; and

(c) When decisions are made regarding post-adoption contact between the foster child and the foster child's siblings. [2017 c.36 §2]

The Oregon Department of Human Services (DHS) is required to adopt rules establishing and implementing these rights, which are reflected in the Oregon Administrative Rules (OAR) for Child Welfare Programs. OAR 413-010-0180-0185.

2. Statutory Definition of Siblings

Oregon law defines "sibling" broadly for the purposes of foster care and adoption. Under OAR 413-010-0000(57), a "Sibling" means one of two or more children or young adults who are related, or would be related but for a termination or other disruption of parental rights, in one of the following ways: (a) By blood or adoption through a common *parent*; (b) Through the marriage of the legal or biological parents of the children or young adults; or (c) Through a legal or biological parent who is the *registered domestic partner* of the legal or biological parent of the children or young adults.

3. Preference for Sibling Placement

Oregon law establishes a strong preference for placing siblings together in foster care and adoption. (OAR 413-010-0180) and OAR 413-110-0130. If siblings are separated, DHS must make diligent efforts to reunite them in substitute care, provided it is in the best interests of the children, regardless of each child's permanency plan. Documentation of these efforts is required and regular contact must be ensured unless it is not the best interests of the child or siblings.

4. Guidance for Sibling Contacts

If siblings cannot be placed together, Oregon law requires that the Department consider factors such as the ability of the caregiver to maintain safe, long-term contact with siblings. DHS must make diligent efforts to reunite separated siblings and ensure regular contact unless it is not in the best interests of the children. The Foster Siblings' Bill of Rights guarantees the right to frequent and meaningful contact, and children are entitled to participate in the development of a sibling contact plan, which must be updated annually. This contact includes, but is not limited to face-to face, telephonic, letters and electronic communication.

5. Social Service Requirements Re: Reporting Sibling Placement

OAR 413-070-0081 mandates that caseworkers provide information to the court about the type and amount of sibling contact and involvement during hearings to ensure that sibling relationships are considered in permanency planning. These requirements ensure that the Department's efforts to maintain sibling connections are transparent and subject to oversight.

6. Judicial Oversight of Sibling Placement and Contact

Oregon courts play an active role in overseeing sibling placement and contact. ORS 419A.116 and 419B.476 requires that during reviews or court hearings, the court or local citizen review

board must inquire about the circumstances of the child, including sibling contact and placement considerations. Reviews must occur at least once every six months. The court is responsible for ensuring that DHS is making diligent efforts to place siblings together and to facilitate ongoing contact if joint placement is not possible.

7. Rights of Adult or Non-Party Siblings
There are no separate statutory provisions in Oregon that specifically grant rights to adult or non-party siblings beyond those requiring DHS to prioritize placing siblings together and with relatives generally. However, before considering other adoptive resources, DHS must review its efforts to place siblings together and confirm that no relatives or current caretakers are available for placement (OAR 413-120-0720).

8. Guidance for Sibling Adoption
Oregon's adoption rules prioritize the placement of siblings together for adoption with relatives or current caretakers. Before considering other adoptive resources, DHS must review and document its efforts to place siblings together and confirm that no relatives or current caretakers are available for placement (OAR 413-120-0720).This ensures that sibling relationships are preserved whenever possible in the adoption process.

9. Other Statutory Mentions of Siblings
Oregon statutes and administrative rules contain several references to siblings in the context of child welfare, including placement preferences, contact requirements, and permanency planning. The Foster Youth Bill of Rights and related administrative rules are periodically reviewed to ensure compliance with legislative intent and to address the evolving needs of children in care.

10. Relevant Case Law Interpreting Statutes
There is no Oregon case law directly on point regarding the importance of sibling relationships in placements and adoption decisions. The case law is more anecdotal or dicta, but does show the priority of placement with siblings and in maintaining the sibling relationships regardless of the permanent plan. In Dep't of Human Servs. vs. M.A.N. (In re J.M.N.), 303 Or App 600, 464 P.3d 506 (2020) and Dep't of Human Servs, vs D.F.R.M. (In re A.L.H.V.) 313 Or App 740, 497 P.3d 802 (2021), the Oregon Court of Appeals, used the child's sibling relationship as one of the reasons not to terminate a parent's parental rights as it would also sever the sibling's legal relationship and not be in their best interests. In Dep't of Human Servs. v. C.H. (In re A.H.), 373 Or. 26, 559 P.3d 395 (2024), the court spoke of the child's placement with adoptive parents who had already adopted her siblings, emphasizing the significance of maintaining sibling bonds in the adoption process. The case highlights the judiciary's recognition of the statutory preference for sibling placement and contact.

11. Relationship to Federal Laws [42 U.S.C.A. 671 (a)(31)]
Oregon law is consistent with federal requirements under 42 U.S.C.A. 671(a)(31), which mandate that states make reasonable efforts to place siblings removed from their home in the same foster care, kinship guardianship, or adoptive placement, unless such placement would be contrary to the safety or well-being of any of the siblings. If siblings cannot be placed together, the state must provide for frequent visitation or other ongoing interaction unless it is documented that such contact would not be in the best interests of the siblings. Oregon's statutes and administrative rules require "diligent efforts" to maintain sibling connections, which is at least as rigorous as the federal "reasonable efforts" standard.

Statutory Provisions That Create a Procedure or Mechanism for People to Actually Enforce Their Sibling Rights (Both Contact and Placement)

There is no explicit private right of action or direct statutory mechanism for siblings themselves to independently enforce their rights to contact or placement through the courts.

Under Oregon's Foster Youth Bill of Rights, foster children have the right to be provided with an explanation if contact with a sibling is denied or prohibited (ORS 418.607). OAR 413-010-0180 (3) (c) specifies that foster children are entitled to a sibling contact plan, which must be developed with their active participation and updated annually. While these provisions create clear obligations for DHS and provide for judicial oversight, Enforcement is primarily achieved through administrative processes, case planning, and judicial review during regular hearings.

This draft was reviewed and finalized thanks to the work of Cathy Ouellette, Attorney at Law LLC.