Foster Sibling Rights in Florida

Educational Research Document

Disclaimer: The following material provides a general summary of Florida 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.*

Special thank you to Robin Rosenberg, Florida's Children First for reviewing and finalizing this summary.

Sibling Rights in Florida

1. Overview and Foster Youth Bill of Rights

Florida does not have a formal, statutory Foster Youth Bill of Rights that is specifically codified as such. However, Florida Statute 39.4085 provides a list of "Goals for Dependent Children," which, while not labeled as rights, outlines the expectations and standards for children in the foster care system. Additionally, that statute requires the Department of Children and Families (DCF) to educate children about their rights, and Florida law contains numerous provisions that collectively establish significant protections for sibling relationships in foster care.

2. Statutory Definition of Siblings

Florida law provides a broad and inclusive definition of "sibling." According to Florida Statutes 39.01(83) and 39.4024:

- "Sibling" means:
  - (a) A child who shares a birth parent or legal parent with one or more other children; or
  - (b) A child who has lived together in a family with one or more other children whom he or she identifies as siblings.

This definition ensures that sibling rights extend not only to biological and legal siblings but also to children who have developed sibling-like bonds through shared family experiences.

3. Preference for Sibling Placement

Florida law establishes a clear and strong preference for placing siblings together in out-of-home care, including foster, kinship, adoptive, or guardianship placements. The relevant statutes are:

Florida Statute 39.4021: Outlines the priority for out-of-home placements, stating that, except as otherwise provided, sibling groups must be placed in the same placement whenever possible and if placement together is in the best interest of each child in the sibling group.

Florida Statute 39.4024(3): Requires the department or lead agency to make reasonable efforts to place sibling groups that are removed from their home in the same foster, kinship, adoptive, or guardianship home when it is in the best interest of each sibling and when an appropriate, capable, and willing joint placement for the sibling group is available.

Placement decisions for sibling groups must be made pursuant to the procedures and standards set forth in these statutes, with the best interests of each child as the guiding principle.

4. Guidance for Sibling Contacts

When siblings cannot be placed together, Florida law mandates ongoing efforts to maintain and strengthen sibling relationships. Florida Statute 39.4024(4) emphasizes the importance of regular contact among a sibling group that cannot be placed together, especially among siblings with existing attachments. The statute lists eight factors to consider in helping to maintain or strengthen the relationships of separated siblings, including the frequency, type, and quality of contact. The law requires that, unless contact is deemed inappropriate, regular visitation and communication (including phone calls, mail, and other forms of contact) should be facilitated to preserve sibling bonds.

5. Social Service Requirements Regarding Reporting Sibling Placement

Florida law imposes specific requirements on DCF and its contracted agencies to document and periodically reassess sibling placement and contact decisions Florida Statute 39.4024(5) requires the department and the lead agency to periodically, but at least once every six months, reassess sibling placement, visitation, and other sibling contact decisions in cases where siblings are separated, not visiting, or not maintaining contact, to determine if a change in placement is warranted unless the decision to not place a child with his or her sibling group was made due to such placement being inappropriate, unhealthy, or unsafe for the child.
This ensures that sibling relationships remain a priority throughout the duration of a child's involvement with the foster care system.

6. Judicial Oversight of Sibling Placement and Contact

Florida courts play an active role in overseeing sibling placement and contact. Florida Statute 39.701(2)(c) notes that during judicial review, the court and any citizen review panel must determine the frequency, kind, and duration of contacts among siblings who have been separated during placement, as well as any efforts undertaken to reunite separated siblings if doing so is in the best interests of the child. This judicial oversight provides an additional layer of accountability and ensures that sibling relationships are considered at every stage of the dependency process.

7. Rights of Adult or Non-Party Siblings

Florida law recognizes non-party siblings as "participants" in open dependency cases Florida Statute 39.01(60) defines "participant" for purposes of shelter, dependency, or termination of parental rights proceedings to include any person who is not a party but who should receive notice of hearings involving the child, including siblings whose participation may be in the best interest of the child. While the Florida DCF asserts that non-party siblings do not have a statutory right to file motions, there is ongoing litigation regarding the extent of their rights to participate in proceedings. Participants may be granted leave by the court to be heard without the necessity of filing a motion to intervene.

8. Guidance for Sibling Adoption

Florida law and administrative rules provide specific guidance regarding the adoption of siblings. Florida Administrative Code 65C-16.002(3) addresses several issues relating to siblings in adoption. It requires a sibling separation staffing if an adoption is contemplated that would separate siblings and mandates that the state consider whether the potential caregiver is willing to adopt all siblings. The rule also requires that, when siblings are being considered for adoption, the department must document the reasons for any proposed separation and ensure that all efforts to keep siblings together have been exhausted.

The final order of adoption can include a provision for post adoption communication between siblings. Florida Statute 63.0427

9. Other Statutory Mentions of Siblings
Florida statutes reference siblings in a variety of contexts related to child welfare, including:

- **39.01375**: Best interest determination for placement.
- **39.401**: Taking a child alleged to be dependent into custody.
- **39.4015**: Family finding.
- **39.402**: Placement in a shelter.
- **39.4022**: Multidisciplinary Teams.
- **39.4023**: Placement and education transitions.

- **39.5086**: Kinship navigator programs.
- **39.521**: Disposition hearings; powers of disposition.
- **39.522**: Postdisposition change of custody.
- **39.6012**: Case plan tasks; services.
- **39.6221**: Permanent guardianship of a dependent child.
- **39.6231**: Permanent placement with a fit and willing relative.
- **39.701**: Judicial review.
- **39.810**: Manifest best interests of the child.
- **63.0427**: Agreements for continued communication or contact between adopted child and siblings, parents, and other relatives.

10. Relevant Case Law Interpreting Statutes

While there is no single controlling case that defines the full scope of sibling rights in Florida, the statutory framework is robust and has been cited in various dependency and adoption proceedings to emphasize the importance of sibling relationships and the need for diligent efforts to maintain them.

11. Relationship to Federal Laws
Florida's statutory scheme is consistent with federal law, specifically the Adoption and Safe Families Act (ASFA), 42 U.S.C. § 671(a)(31), which requires states to make reasonable efforts to place siblings together and to maintain family connections. Florida law goes further by specifying the frequency and nature of sibling contact and by requiring regular judicial and administrative review of sibling placement and contact decisions.

12. Enforcement Mechanisms for Sibling Rights

Florida law provides for judicial review and administrative oversight as the primary enforcement mechanisms for sibling rights. While there is no explicit private right of action for siblings to enforce placement or contact rights, the statutory and regulatory framework ensures that sibling relationships are a central consideration in all placement, visitation, and permanency planning decisions. The courts, DCF, and contracted agencies are all required to document, review, and, where appropriate, modify sibling placement and contact arrangements to serve the best interests of the children involved. In addition, Rule 8.345(a), Florida Rules of Juvenile Procedure, allows any interested person to petition the court for modification of a child's placement, which could include efforts to reunite siblings or ensure contact Fl. R. Juv. P. Forms 8.973B and 8.973C provide templates for documenting sibling separation, efforts to reunite siblings, and the frequency and nature of sibling contact Fl. R. Juv. P. Form 8.973C, Fl. R. Juv. P. Form 8.973B.

13. Strongest Argument for Sibling Placement and Visitation: The Florida Legislature expressed its clear intent about the importance of maintaining sibling relationships via placement and visitation in the enactment of Florida Statute **39.4024 Placement of siblings; visitation; continuing contact.** This statute offers the strongest and best argument to support sibling relationships.

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