Sibling Rights in Washington State

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

This summary was reviewed and finalized by Karrina Guilbault who is a Managing Attorney at the Children's Representation Program at the Washington State Office of Civil Legal Aid.

1. Foster Youth Bill of Rights

Washington State does not have a Foster Youth Bill of Rights. There was a bill introduced in 2025 to codify the rights of children and youth in foster care, but the senate declined to take further action on the bill. The Washington State Department of Children, Youth & Families (DCYF) has an official publication titled "Rights of Children and Youth in Foster Care." This publication outlines that children have the right "to be placed in a home with [their] siblings whenever possible" as well as the right "to maintain regular contact or visits with siblings when separated, unless the court orders that contact or visits are not appropriate." (Rights of Children and Youth in Foster Care)

2. Statutory Definition of Siblings: Who Counts as a Sibling?

Washington State law regarding foster youths defines "sibling" as a child's birth brother, birth sister, adoptive brother, adoptive sister, half-brother, or half-sister. For Indian children, the definition of "sibling" may also include relationships as defined by the law or custom of the Indian child's tribe. (RCW § 13.34.030(26)) (RCW § 13.38.040)

3. Preference for Sibling Placement: Keeping Siblings Together

Washington State law requires the court to consider whether it is in a child's best interest to be placed with siblings. The court is also directed to consider the child's existing relationships and attachments when determining placement. (RCW § 13.34.130(3)). There is a presumption that such placement is in the best interest of the child, provided that (i) the court has jurisdiction over all siblings subject to the order, or the parents of a child for whom there is no jurisdiction are willing to agree and (ii) there is no reasonable cause to believe that the health, safety, or welfare of any child subject to the order would be jeopardized, or that efforts to reunite the parent and child would be hindered. The court may also order placement of a child with a stepsibling if the child has a relationship and is comfortable with the stepsibling. (RCW § 13.34.130(7))
Washington State law also mandates consideration of sibling relationships when matching children to foster homes. (RCW § 13.34.260)

4. Guidance for Sibling Contact: Right to Stay in Touch

Washington State law requires the court to consider whether it is in the child's best interest to have contact or visitation with siblings. There is a presumption that sibling contact and visitation is in the best interest of the child, provided that (i) the court has jurisdiction over all siblings subject to the order, or the parents of a child for whom there is no jurisdiction are willing to agree, and (ii) there is no reasonable cause to believe that the health,

safety, or welfare of any child subject to the order would be jeopardized, or that efforts to reunite the parent and child would be hindered. (RCW § 13.34.130(7))

Additionally, when a child is taken into custody and in shelter care, Washington State law requires that the placement be willing to facilitate the child's visitation with siblings, if such visitation is part of DCYF's plan or is ordered by the court. (RCW § 13.34.060(2)) Placement with a relative, or other suitable person approved by the court, is contingent upon cooperation with DCYF's case plan and compliance with court orders, including those related to sibling contacts. (RCW § 13.34.065(5)(f))

DCYF may not limit visitation or contact between a child and sibling as a sanction for a child's behavior or as an incentive to the child to change his or her behavior. (RCW § 13.34.136(2)(b)(iii)(A)). Any exceptions, limitations, or denial of contact or visitation must be approved by the supervisor of the department caseworker and documented, and may be challenged in court. (RCW § 13.34.136(2)(b)(iii)(B))

When considering a permanency plan of care, the court is directed to consider the child's relationships with the child's siblings in accordance with RCW § 13.34.130(7). Whenever the permanency plan for a child is adoption, the court shall encourage the prospective adoptive parents, birth parents, foster parents, kinship caregivers, and the department or other agency to seriously consider the long-term benefits to the child adoptee and his or her siblings of providing for and facilitating continuing postadoption contact between the siblings. To the extent that it is feasible, and when it is in the best interests of the child adoptee and his or her siblings, contact between the siblings should be frequent and of a similar nature as that which existed prior to the adoption. If the child adoptee or his or her siblings are represented by an attorney or guardian ad litem, the court shall inquire of each attorney and guardian ad litem regarding the potential benefits of continuing contact between the siblings and the potential detriments of severing contact. (RCW §13.34.136(6))

5. Social Service Requirements Regarding Reporting Sibling Placement & Contact

Washington State Law requires DCYF to encourage the maximum sibling contact possible, when it is in the best interest of the child. (RCW § 13.34.136(2)(b)(ii)(A)). DCYF is directed to rely upon community resources, relatives, foster parents, and other appropriate persons to provide transportation and supervision for visitation to the extent that such resources are available, and appropriate, and the child's safety would not be compromised. (RCW § 13.34.136(2)(b)(ii)(D)).

DCYF is required "to the maximum extent possible" to "coordinate and integrate services to children and families… including ensuring that siblings have regular visits with each other, as appropriate." (RCW § 13.34.025(1)(a))

The Washington State Department of Children, Youth & Families (DCYF) has written policies which assist in guiding its compliance with the requirements of the law. DCYF Policy 4254, Family Time and Sibling and Relative Visits outlines that (a) children placed apart from their siblings will have two or more face-to-face visits or contacts per month, unless there is an approved exception, (b) additional approved forms of sibling contact are encouraged to support and maintain sibling relationships (telephone contact, electronic contact through video chat or email), and (c) ongoing visitation is encouraged to promote and maintain the continuity of sibling relationships that existed prior to placement, including siblings who (i) remained in the home at the time of removal, (ii) aged out of foster care, (iii) returned home, (iv) are placed with a non-custodial parent, (v) lived part-time in the home at the time of the sibling's removal. This policy further outlines that the first sibling visit must occur as soon as possible after placement, that sibling visits will continues after a parent's rights are terminated, unless an approved exception applies, that sibling visits cannot be limited or used as a sanction for a child's behavior or as an incentive to change a child's behavior, and that sibling visit plans will be developed within 14 calendar days and in consultation with the out-of-home caregiver and the child, when developmentally appropriate, unless an approved exception applies.

DCYF Policy 43091, Court Report outlines that, when sibling visits will continue as or change to be supervised or monitored, the caseworker must include in the court report evidence obtained to support the recommendation.

When a child is ordered to be removed from the home, DCYF is required to develop a permanency plan within 60 days which must include provisions for maintaining sibling relationships. (RCW § 13.34.136)

Upon entering an order terminating parental rights such that a child becomes legally free, DCYF must report to the court the status and extent of sibling relationships. (RCW § 13.34.210)

6. Judicial Oversight of Sibling Placement and Contact

Courts in Washington State must inquire into the terms and conditions for placement and sibling visitation during a shelter care hearing. (RCW § 13.34.065(4)(k))
If the court places the child in licensed foster care, it must inquire into whether a child will be placed with siblings, and whether court-ordered sibling contact would promote the well-being of the child. (RCW § 13.34.065(5)(j)). If the court places the child in licensed foster care, it may order DCYF to place the child with the child's sibling(s). (RCW § 13.34.065(5)(j))

At disposition, the court must inquire into the efforts made to place siblings together as well as the efforts made to facilitate sibling contact if they are not placed together. (RCW § 13.34.130).
Moreover, during review hearings, which occur at least every six months, the court must consider the child's relationship with siblings in accordance with RCW § 13.34.130(7). (RCW § 13.34.138(5))

At permanency planning hearings, the court is directed to consider the child's relationships with siblings in accordance with RCW § 13.34.130. (RCW § 13.34.145(15))

Any exceptions, limitation, or denial of contact or visitation between siblings may be challenged in court. (RCW § 13.34.136(2)(b)(iii)(B))

7. Rights of Adult or Non-Party Siblings

There is no explicit statutory provision in Washington State that lists rights of adult or non-party siblings.

8. Guidance for Sibling Adoption

Washington State law recognizes the irreplaceable bond between siblings and encourages provisions for ongoing post adoption contact between siblings in adoption agreements to prevent severing the sibling relationship. (RCW § 26.33.420)

The court has the duty to encourage the parties to seriously consider the long term benefits to the adoptee and their siblings for postadoption contact when reviewing and approving an adoption agreement for the adoption of a foster child. To the extent feasible, and when in the best interests of the child adoptee and siblings of the child adoptee, the law recognizes that contact between the siblings should be frequent and of a similar nature as that which existed prior to the adoption. (RCW § 26.33.430)

9. Other Statutory Mentions of Siblings

The Certification of Enrollment of the Engrossed Substitute Senate Bill 577 (58th Legislature 2003 Regular Session) mentions its intent regarding siblings that "It is the intent of the legislature to recognize the importance of emotional ties formed by siblings with each other, especially in those circumstances which warrant court intervention into family relationships. It is the intent of the legislature to encourage the courts and public agencies which deal with families to acknowledge and give thoughtful consideration to the quality and nature of sibling relationships when intervening in family relationships. It is not the intent of the legislature to create legal obligations or responsibilities between siblings and other family members whether by blood or marriage, step families, foster families, or adopted families that do not already exist. Neither is it the intent of the legislature to mandate sibling placement, contact, or visitation if there is reasonable cause to believe that the health, safety, or welfare of a child or siblings would be jeopardized. Finally, it is not the intent of the legislature to manufacture or anticipate family relationships which do not exist at the time of the court intervention, or to disrupt already existing positive family relationships." (5779-S.SL.pdf)

10. Relevant Case Law Interpreting Statutes

In re Dependency of M.S.R, the Washington State Supreme Court recognized that children have a fundamental liberty interest in maintaining family relationships, including those with siblings, as part of their substantive due process rights. (174 Wn.2d 1 (2012))

11. Relationship to Federal Laws [42 U.S.C.A. 671 (a)(31)]

Washington State's requirements regarding sibling placement/contact do not mention whether they are consistent with federal law.

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

One can enforce their postadoption contact rights pursuant to a postadoption agreement. Statutory Provisions allow parties in adoption proceedings to enter into agreements regarding communication or contact between child adoptees, adoptive parents, siblings, and birth parents. However, such agreements are only legally enforceable if set forth in a written court order approved by all relevant parties. Failure to comply with the terms of such an order does not affect the validity of the adoption decree, but the order may be enforced through civil action, with the prevailing party eligible for attorney's fees. (RCW § 26.33.295)

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