

Foster Sibling Rights in California

Educational Research Document

(Last updated December 15, 2025)

Disclaimer: The following material provides a general summary of California 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 Children's Law Center of California for reviewing and finalizing this summary.

Sibling Rights in California

1. Foster Youth Bill of Rights

California law provides robust protections for foster youth, including specific rights related to sibling relationships. The California Welfare and Institutions Code ([Welf. & Inst. Code](#)) [§ 362.05](#) establishes a bill of rights for all youth deemed dependents of the juvenile court.

Additionally, [Welf. & Inst. Code § 16001.9](#) sets forth a bill of rights specific to foster youth, which explicitly includes the right: "To visit and contact siblings, family members, and relatives privately, unless prohibited by court order, and to ask the court for visitation with the child's siblings".

2. Statutory Definition of Siblings

California law defines "sibling" broadly to ensure inclusivity in maintaining sibling relationships. Under the Welfare and Institutions Code, 'sibling' means a person related to the identified child by blood, adoption, or affinity through a common legal or biological parent." ([Welf. & Inst. Code §§ 309\(e\)\(1\), 362.1\(c\), 16002\(g\).](#))

Further, [Welf. & Inst. Code § 388\(b\)](#) allows any person, including a child or non-minor dependent, to petition the court to assert a sibling relationship, request visitation with, or placement with or near, or consideration when determining or implementing a case plan, with another dependent child. [Welf. & Inst. Code § 388\(b\)\(2\)](#) extends this right to a youth seeking to establish a sibling relationship and visitation with a nondependent child still in the physical custody of a common legal or biological parent. [Welf. & Inst. Code § 778\(b\)](#) extends this right to the juvenile justice system.

3. Preference for Sibling Placement

California law expresses a strong legislative intent to maintain sibling groups in out-of-home care. [Welf. & Inst. Code § 16002\(a\)\(1\)](#) states "It is the intent of the Legislature to maintain the continuity of the family unit, and ensure the preservation and strengthening of the child's family ties by ensuring that when siblings have been removed from their home, either as a group on one occurrence or individually on separate occurrences, the siblings will be placed together, unless it has been determined that placement together is contrary to the safety or well-being of any sibling."

The responsible local agency is required to make a diligent effort in all out-of-home placements of dependent children and wards in foster care, including those with relatives, to place siblings together in the same placement and to develop and maintain sibling relationships ([Welf. & Inst. Code § 16002\(b\)](#)).

4. Guidance for Sibling Contacts

California law also prioritizes the preservation and strengthening of sibling relationships through visitation. [Welf. & Inst. Code § 16002\(a\)\(2\)](#) provides "[i]t is also the intent of the Legislature to preserve and strengthen a child's sibling relationship so that when a child has been removed from the child's home and the child has a sibling or siblings who remain in the custody of a parent subject to the court's jurisdiction, the court has the authority to develop a visitation plan for the siblings, unless it has been determined that visitation is contrary to the safety or well-being of any sibling."

State guidance, such as [All County Letter \(ACL\) 15-100](#), further details the implementation of these requirements.

5. Social Service Requirements Regarding Reporting Sibling Placement

If siblings are not placed together, the social worker or probation officer must explain why the siblings are not placed together and what efforts are being made to place the siblings together or why making those efforts would be contrary to the safety and well-being of any of the siblings ([Welf. & Inst. Code § 16002\(b\)](#)). Additionally, if it is determined that a child will be placed separately from their sibling, the placing agency must alert the child's attorney and the sibling's attorney no less than 10 days before the proposed change in placement ([Welf. & Inst. Code § 16010.6\(c\)](#)).

6. Judicial Oversight of Sibling Placement and Contact

Judicial oversight is a key component of California's approach. If sibling interactions are suspended, judges are required to make findings by clear and convincing evidence that the suspension is for the safety or well-being of a sibling and must review the grounds for suspension at each periodic check-in hearing. ([Welf. & Inst. Code §§ 16002\(b\), \(c\)](#).) Once a determination has been made by the court that interaction between the siblings can be resumed safely, "that determination shall be noted in the court order and the case plan shall be revised to provide for sibling interaction." ([Welf. & Inst. Code § 16002\(c\)](#).) State guidance on these procedures is provided in [ACL 15-100](#).

Note also, under [Welf. & Inst. Code § 388 \(b\) \(1\)](#) "Any person, including a child or a nonminor dependent who is a dependent of the juvenile court, may petition the court to assert a relationship as a sibling related by blood, adoption, or affinity through a common legal or biological parent to a child who is, or is the subject of a petition for adjudication as, a dependent of the juvenile court, and may request visitation with the dependent child, placement with or near the dependent child, or consideration when determining or implementing a case plan or permanent plan for the dependent child or make any other request for an order which may be shown to be in the best interest of the dependent child." And under [Welf. & Inst. Code § 388 \(b\) \(2\)](#) "A child or nonminor dependent who is a dependent of the juvenile court may petition the court to assert a relationship as a sibling related by blood, adoption, or affinity through a common legal or biological parent to a child who is in the physical custody of a common legal or biological parent, and may request visitation with the nondependent sibling in parental custody."

7. Rights of Adult or Non-Party Siblings

California law recognizes the importance of adult and non-party siblings in the lives of foster youth. When a child is placed for adoption, the adoption placement agency or Department of Social Services must:

1. Train the adoptive family on the importance of sibling relationships,
2. Provide the adoptive parents with information about all known siblings, and
3. Where practicable, hold a meeting between the child, the sibling(s), the adoptive parents, and a facilitator to develop a postadoption sibling contact agreement ([Welf. & Inst. Code § 16002\(e\)](#)).

8. Guidance for Sibling Adoption

Siblings are to be assigned to the same social worker when there is a prospective adoptive family that intends to adopt the children as a sibling group. ([Welf. & Inst. Code § 16005](#).)

9. Other Statutory Mentions of Siblings

Numerous California statutes reiterate the requirements of § 16002. For example, [Welf. & Inst. Code § 16501.1 \(case plans\)](#) requires that case plans include provisions for the development and maintenance of sibling relationships as described in Welf. & Inst. Code § 16002. See also §§ [16120](#) and [16124](#) (adoption).

10. Relevant Case Law Interpreting Statutes

There are numerous cases interpreting § 16002, the primary statute governing sibling placement in foster care. Courts consistently emphasize the importance of sibling relationships, but determinations are individualized based on the facts of each case.

T.W. v. Superior Court (2012) 203 Cal.App.4th 30, 42–43 [“The Legislature has declared it is state policy to facilitate the proper placement of every child in residential care in a placement that is in the best interests of the child.”.]

In re L.M. (2019) 39 Cal.App.5th 898, 912, 914 [placement considerations properly considered a forward-looking best interest standard, especially in the context of sibling relationships.]

In re LM (2025) 113 Cal.App.5th 364 (court’s ability to order visitation between a dependent child and their nondependent sibling)

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

California law is consistent with federal requirements under 42 U.S.C. § 671(a)(31), which mandates reasonable efforts to place siblings together and, if not possible, to provide for frequent visitation or ongoing interaction unless contrary to the safety or well-being of any sibling.

12. Enforcement Mechanisms

While California law provides a comprehensive framework for sibling rights in foster care, the primary enforcement mechanisms are through the responsibilities of social services agencies and judicial oversight. Youth and their representatives may petition the court for sibling visitation or placement, and attorneys must be notified of proposed changes in sibling placement. The statutes do not create a private right of action but do provide for court review and agency accountability.

See WIC 366:

- (E) (i) Whether the child has other siblings under the court’s jurisdiction, and, if any siblings exist, all of the following:
- (I) The nature of the relationship between the child and the child’s siblings.
 - (II) The appropriateness of developing or maintaining the sibling relationships pursuant to Section 16002.
 - (III) If the siblings are not placed together in the same home, why the siblings are not placed together and what efforts are being made to place the siblings together, or why those efforts are not appropriate.
 - (IV) If the siblings are not placed together, all of the following:
 - (ia) The frequency and nature of the visits between the siblings.
 - (ib) If there are visits between the siblings, whether the visits are supervised or unsupervised. If the visits are supervised, a discussion of the reasons why the visits are supervised, and what needs to be accomplished in order for the visits to be unsupervised.
 - (ic) If there are visits between the siblings, a description of the location and length of the visits.
 - (id) Any plan to increase visitation between the siblings.
 - (V) The impact of the sibling relationships on the child’s placement and planning for legal permanence.
 - (VI) The continuing need to suspend sibling interaction, if applicable, pursuant to subdivision (c) of Section 16002.
- (ii) The factors the court may consider in making a determination regarding the nature of the child’s sibling relationships may include, but are not limited to, whether the siblings were raised together in the same home, whether the siblings have shared significant common experiences or have existing close and strong bonds, whether either sibling expresses a desire to visit or live with their sibling, as applicable, and whether ongoing contact is in the child’s best emotional interests.

[Welf. & Inst. Code § 366.29](#) allows courts to include provisions for post-adoption sibling contact in adoption orders, provided the adoptive parent(s) consent. However, the validity of the adoption is not contingent on such

contact, and adoptive parents retain the right to terminate sibling contact if it poses a threat to the adopted child's well-being, with written notification to the court [Welf. & Inst. Code § 366.29](#).

Additionally, [Cal Family Code § 8920](#) permits a child who was adopted as part of a sibling group and later separated through readoption to petition the court to enforce a preexisting visitation agreement or to request visitation rights if no agreement exists. The court may grant such requests if it finds that visitation is in the best interest of the child.