

TALKING POINTS FOR TRIAL COUNSEL

Below are key takeaways and talking points from social science research that may help lawyers persuade judges (and the foster care agency) to place children with their siblings. Note that all sources cited in these talking points are discussed, with full citations, in Section V.

A. Children's best interests are served by placing them with siblings after removal from their parents.

- [Separating siblings heightens trauma and damages children's mental health.](#) (Trivedi 2019; McCormick 2010; Smith 2009; Timberlake & Hamlin 1982).
- [Separating siblings leads to identity-formation problems and a lost sense of stability and belonging.](#) (Angel 2014; Kramer et al. 2019; Smith 2009).
- [Placing siblings together reduces trauma caused by removal from parents.](#) (Edwards 2011; McCormick 2010; Laurel et al. 2008).
- [Placing siblings together increases the chances of reunification with parents.](#) (Albert & King 2008; Waid 2015; Laurel et al. 2008).
- [Placing siblings together increases the chances that children will be adopted.](#) (McCormick 2010; Smith 2009).
- [Placing siblings together decreases the likelihood of placement disruptions.](#) (Akin 2011; Sattler et al. 2018; Rolock & White 2016; Font 2021).
- [Siblings in foster care may also look to each other as a unique source of support and help.](#) (Child Welfare Information Gateway 2019; McCormick 2010).
- [Placing siblings together reduces depression, self-blame, and anxiety.](#) (Hegar 2009; Richardson & Yates 2014; Davidson-Arad & Klein 2011; Wojciak et al. 2018).
- [Keeping siblings together improves each child's educational competence and reduces behavioral issues in the classroom.](#) (Richardson & Yates 2014; Kothari et al. 2018; Hegar and Rosenthal 2011).
- [Keeping siblings together improves adulthood social skills.](#) (Bank et al. 2014; Richardson & Yates 2014).

B. If siblings cannot be placed together, children's best interests are served by frequent visitation.

- [Maintaining sibling relationships requires regular contact when they are not placed together.](#) (Child Welfare Information Gateway 2019; Mass. Sibling Bill of Rights 2012).
- [Children desire more contact with siblings after separation.](#) (Helfrich et al. 2013; Smith & Howard 1999; Patton & Latz 1994; Mandelbaum 2011).
- [Frequent sibling visitation leads to better mental health, social competence, and sense of stability and belonging.](#) (Family Futures 2019; National Center for Child Welfare Excellence; McBride 2007; Richardson & Yates 2014; Herrick & Piccus 2005).
- [Frequent sibling contact leads to better financial circumstances later in life.](#) (Richardson & Yates 2014; Helfrich et al. 2013).

C. Federal statutes require efforts to place siblings together and maintain sibling connections.

- [The Fostering Connections to Success and Increasing Adoptions Act of 2008](#), Public Law 110-351, mandates that states make “reasonable efforts” to maintain sibling connections in order to receive federal funding and either place siblings in the same home or provide for frequent visitation or ongoing contact, unless either of these would be contrary to the safety or well-being of any of the siblings.
- [The Preventing Sex Trafficking and Strengthening Families Act of 2014](#), Public Law 113-183, requires that the parents of a child’s siblings be included as persons to be notified when that child needs placement.
- [The Family First Prevention Services Act of 2018](#), Public Law 115-123, permits states to allow the number of foster children in one home to exceed the usual numerical limitation in order to allow siblings to remain together.