

DSS Policy and Procedure Guide

Division 03: Child Welfare

Chapter 08: Adoption

Item 008: Sibling Mutual Consent for Contact

Suggested changes send to: [DSS PSOA](#) Mailbox

Issued: **April 18, 2014**

References: [AB 2488](#); [Family Code 9205](#);
[ACIN I-09-13](#); Title 22, Division 2, Article 3, [Section 35063](#)

Replaces Issue: New

Preamble

Child Welfare Policy and Procedure Guides are meant to be used as tools to relay best practice and staff expectations. It is understood that specific case scenarios may not always align themselves with the stated practices and that at all times what is of paramount importance is the Safety and Well-being of the children we are charged to protect.

Policy

[Assembly Bill \(AB\) 2488](#) allows for siblings of any age to make contact with one another when one or both of them have been adopted. However, both siblings must sign a waiver authorizing the release of their contact information. As an agency that oversees adoptions, the Fresno County Department of Social Services (DSS) must help siblings trying to connect with one another when one or both have been adopted.

For purposes of this section, “sibling” means a biological sibling, half-sibling, or step-sibling of the adoptee.

Purpose

To inform DSS Child Welfare staff of the procedure and forms required for providing contact information to biological siblings post-adoption.

Procedure

Any requests for sibling contact post-adoption are to be forwarded to the Assessment/Adoption program where an Interview Person (“I” Person) of the day shall process the requests.

When Both Siblings are 18 Years Old or Older

The “I” Person shall have the adult requesting sibling contact complete the “*Waiver of Rights to Confidentiality for Siblings*” [Form AD 904A](#), either in person or by mail.

- If the form is completed in person at the DSS, the “I” Person is to complete Part B of the form and make a copy of the adult’s identification (i.e. Driver’s License, Passport, etc.).
- If the form is completed by mail, the adult must have a Notary Public complete Part D of the form and mail to DSS via certified mail.
- If the person is calling Adoptions, the person will be advised that the form is available at the Adoptions office, can be mailed to them, can be emailed to them, or the person can locate the form on the [CDSS](#) website.

Once the form is completed and returned, the “I” Person shall give the waiver to an Adoption Office Assistant (OA).

The OA pulls the sealed Adoption case file and gives the file to an Adoption Social Work Supervisor (SWS).

The SWS assigns an “I” Person to look for a matching waiver in the case file (**note:** this may be a different “I” Person than the one who helped complete the [AD 904A](#) form).

The assigned “I” Person shall look for a matching waiver from the sibling in the case file.

If there is a matching waiver from the sibling, the “I” Person shall provide the adult requesting contact with their sibling’s contact information via form [CWS 0050](#), *Sibling Contact Letter – Waiver*. A copy of the [letter](#) shall be filed in the Adoption case file.

If there is no matching waiver on file, the “I” Person shall advise the adult via form [CWS 0052](#), *Sibling No Waiver – Request for Appointment of Confidential Intermediary*, of the option to complete a “Request for Appointment of Confidential Intermediary” [Form Adopt-330](#) to request that DSS become the adult’s “Confidential Intermediary”, which would give DSS permission to contact the adult’s sibling to see if they also want contact. The “I” Person will help the adult complete the form, if needed, and advise the adult to bring the form along with a blank copy of the “Order for Appointment of Confidential Intermediary” [Form Adopt-331](#) to Juvenile Dependency Court Clerk’s Office.

Upon reviewing the request, the Court can decide to complete the order with or without a hearing. If the Court decides a hearing is needed, Juvenile Dependency Court will schedule the hearing and send notices to all parties. Whether the request is granted or denied, the Court’s order will be provided to the person making the request.

If the Court denies the request, the DSS cannot proceed any further until the sibling also completes a waiver.

If the Court authorizes DSS to be a Confidential Intermediary, the same Adoptions “I” Person will gather addresses, telephone numbers, and any other contact information located in the Adoption file and/or through Adoption Assistance Program (AAP) benefits. Locating efforts are to be recorded in the Adoptions case file. Locating efforts include but are not limited to:

- Calling any known telephone numbers.
- Complete and mail search letters to any known addresses, but at least to the last known address of the sibling via form [CWS 0053](#) and their adoptive parents via form [CWS 0054](#). The letter is to be limited to the following information regarding the adoptee:
 - Male or Female
 - Date of Birth
 - Adoption Date

If contact is made the “I” person shall inform the sibling of the following regarding consent for contact:

- Consent is optional.
- Consent is not required by law.
- Consent will not affect the status of the adoption.

If the sibling signs the waiver, information can be exchanged via form [CWS 0050](#), *Sibling Contact Letter – Waiver*. If the sibling declines to sign the waiver, staff shall not make any further attempts and shall inform the adult seeking contact via form [CWS 0051](#), *Sibling Contact Letter – No Waiver*, that their sibling declined contact. A copy of the letter sent shall be filed in the Adoption case file.

If the “I” Person is unable to locate the sibling after 90 days, the adult seeking contact shall be advised via letter. A copy of the letter will be placed in the Adoption case file.

When One or Both Siblings are Younger Than 18 Years of Age

The procedure is the same as above, except the waiver ([Form AD 904B](#)) is used and must also be signed by one of the authorized adults listed below:

- Adoptive parent.
- Biological parent.
- Legal guardian.
- If the youth is a dependent who has no legal parent or guardian, Juvenile Dependency Court can authorize the waiver.

The authorized adult signing the [AD 904B](#) form must provide the Adoptions “I” Person with the appropriate identification or have the [AD 904B](#) notarized.