

Brothers and Sisters – Using the Law to Preserve Sibling Bonds

- I. Introductions
- II. Video – Short video embedded into presentation that demonstrates importance of preserving sibling relationships
- III. Defining the term “sibling”
 - a. Important to demonstrate how the term means different things to different people.
 - b. Capture the different types of siblings and their circumstances
 - i. Types – half-siblings; paternal siblings; foster and step siblings; adopted siblings
 - ii. Circumstances – siblings that have never met; siblings reintroduced to one another after spending significant time apart
- IV. Overview of relevant statutory and case law
 - a. Rights and requirements related to sibling visitation
 - b. Ability of siblings to assert relationship, achieve standing and oppose permanent plan
 - c. Preference for placement of siblings in same home
 - d. Recent developments – SB 1099
 - e. Post-adoption contact
- V. Sibling relationships – Challenges
 - a. Parentified behavior
 - b. Placements – availability; licensing regulations
 - c. Abuse and neglect
- VI. Defining conflicts of interest in representation
 - a. Distinction between potential and actual conflict
 - b. Sources of law for conflicts – Rules of court; cases
- VII. Common scenarios where conflicts arise
 - a. Differing permanent plans
 - b. Visitation rights
- VIII. Assessing for conflict
 - a. Ongoing role of minor’s counsel that begins even before appointment
 - b. Role of court once counsel requests to withdraw
 - c. Points in time – when are conflicts most likely to arise?
- IX. To withdraw from some or all?
 - a. Apply the three-pronged Rules of Court analysis
- X. Hypotheticals(time permitting)