

2025 -- H 5672

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

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A N A C T

RELATING TO DOMESTIC RELATIONS -- ADOPTION OF CHILDREN

Introduced By: Representatives Casimiro, Noret, Donovan, Cotter, Roberts, Read,
Fellela, Serpa, and Spears

Date Introduced: February 26, 2025

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 15-7 of the General Laws entitled "Adoption of Children" is hereby
2 amended by adding thereto the following section:

3 **15-7-14.2. Decree of open adoption / foster placement / guardianship - siblings.**

4 (a) At the time an adoption decree is entered, or at the time of placement in foster homes
5 or at the time any sibling is placed under guardianship in a home, residence or facility and separated
6 from their siblings, the family court shall enter a decree granting post-separation sibling visitation
7 and/or contact between the siblings (hereinafter "post-separation sibling privileges"):

8 (1) Any children that have been separated from their sibling(s) because of or by and through
9 an open adoption, or who have been placed in a foster home or placed under guardianships shall be
10 entitled to and eligible for post-separation sibling privileges. Post-separation privileges shall
11 include, but not be limited to, the right to visit, contact and interact with their siblings pursuant to
12 this section.

13 (2) Any adoptive parent, foster parent, or guardian shall cooperate with the
14 child's/children's wishes, any court order and any administrative investigation to be conducted in
15 order to facilitate the visitation, contact and interaction with the subject children.

16 (b) A court shall grant post-separation sibling privileges if:

17 (1) The court determines that the best interests of the child would be served by granting
18 post-separation sibling privileges;

19 (2) The court finds there is a significant emotional attachment between the separated

1 siblings:

2 (3) The adoptive/foster parents and/or guardians of the children and the birth parents, in
3 the event that the birth parents have custody of one or more other siblings, jointly negotiate and
4 execute a post-separation sibling privileges agreement. Any post-separation sibling privileges
5 agreement shall be negotiated in good faith and if attempts at negotiating such agreement fails, the
6 family court shall consider the facts and circumstances and enter a court order setting forth the
7 terms and conditions of the agreement;

8 (4) The department of children, youth and families and the child's court-appointed special
9 advocate or the guardian ad litem, if one has been appointed pursuant to § 40-11-12, shall cooperate
10 with the adoptive/foster parents and/or guardian and shall recommend post-separation sibling
11 privileges unless, after investigation, the department finds that one or more of the siblings may be
12 at risk of physical or mental harm by one of the other siblings.

13 (5) Any sibling shall have a right to be heard by the family court relative to post-separation
14 sibling privileges; provided that, such child is at least twelve (12) years of age; and

15 (6) The post-separation sibling privileges agreement shall be approved by the court and
16 any request to modify the agreement shall be reviewed by the family court if the adoptive/foster
17 parents and/or guardians are unable to agree to the requested modifications. Any modifications
18 agreed upon by the adoptive/foster parents and/or guardians shall be filed with the court.

19 (e) In the event that court intervention is sought pursuant to subsection (b)(3) of this section,
20 the court may not award monetary damages to either party seeking either a court order establishing
21 post-separation sibling privileges or a modification of those privileges.

22 (f) Any request seeking modification of a previously established post-separation sibling
23 privileges agreement may only be granted by the court if it determines, after a hearing, that the best
24 interests of the child require modification of the agreement. The court may, but is not required to,
25 seek the input of the department before entering any court order modifying said agreement.

26 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO DOMESTIC RELATIONS -- ADOPTION OF CHILDREN

- 1 This act would establish the rights of adoptive/foster children or those in guardianship, to
- 2 have post-separation visitation with their sibling(s).
- 3 This act would take effect upon passage.

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