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'The Family will always be the basis of human society.'

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EDITORIAL

Does the non-separation of siblings always protect the best interests of every child in the group?

The principle of non-separation of siblings in alternative care and adoption has become a well-recognised principle in child protection proceedings. However, safeguarding the latter is a challenge particularly when separation is necessary in the best interests of the child.

There is no doubt now that the UNCRC, as well as the Guidelines for the Alternative Care of Children, protect the family as, in principle, the most suitable environment for the development, protection and wellbeing of children¹. This family

includes, in many cases, siblings, which may result in parental separation having an important impact on the

dynamics of the sibling relationship. Thus, it becomes essential to reflect on what it means to protect the family, including the group of siblings, when preventing family separation and/or when determining potential alternative care options or adoption. The ISS/IRC is well aware of the

challenges for professionals when assessing their particular circumstances, as well as of the reality of limited family-based care for larger groups of siblings and complex access to support. Furthermore, in the present debates, the definition of siblings may be quite inclusive, if one considers not only biological siblings, but also foster siblings, kin siblings, social siblings – and perhaps even genetic siblings in medically assisted reproduction...

Best interest determination: Collective approach vs/and an individual assessment?

The determination of a child's best interests – a key principle in all child protection proceedings – includes the assessment of a wide variety of personal, family, social, legal and other elements (see p. 4), including 'the child's relationships with siblings' (Para. 62 of the Guidelines). How can one then assess and determine, in parallel and together, the best interests of each of the siblings, whether in maintaining them in their family of origin or in exploring potential alternative care or

adoption? It is a task of balancing a huge amount of individual and collective needs and circumstances, which requires extensive skills and tools for social workers and psychologists, and in ensuring each child's participation in this process (see p. 8). Indeed, one option may benefit one of the siblings, whilst another option may be more in the best interests of another...

When is it necessary to decide a separation of siblings, even though the international legal framework clearly promotes their non-separation? In exceptional situations, what is the best means to ensure that all children are protected and their best interests ensured? Is an in-depth assessment by competent authorities and professionals undertaken in each case rather than an automatic determination? Whilst extensive research has demonstrated the importance of keeping siblings together, recent research has also demonstrated that maintaining siblings together is not always the best decision, and, if taken, could ultimately result in placement or adoption breakdown (see p. 5). For example, siblings may need to be separated when there has been abuse by one sibling against the other(s). The obligation to undertake such assessment of each sibling and of the group as a whole is therefore essential to prevent further family disruption and trauma in the future.

Best interest determination: Alternative care and adoption options available?

Whilst experts agree that residential care should be an option of last resort for most children in need of alternative care, the Guidelines are truly realistic insofar that they agree that 'exceptions to this principle may be warranted in order to prevent the separation of siblings' (Para. 22 of the Guidelines). Furthermore, whilst family-based care should be a priority, the challenge of identifying, assessing and authorising, for example, foster families able and willing to care for a group of siblings is also a reality – even though financial incentives to care for a larger group might be a ground to accept, which should nonetheless also be questioned as a motivation. The situation is similar when raising awareness, assessing and ensuring the suitability of adoptive families willing to adopt a group of siblings².

What other specific forms of care could also be considered for groups of siblings? Some

communities have opted to support child-headed households (see Monthly Review No. 170 of March 2013), where the eldest child usually assumes the care of his or her younger siblings. Whilst this is a means of preventing further family separation and disruption, the recognition of these households, and assessing the willingness and capability of the 'head-sibling', must be accompanied by the provision of solid and ongoing support and services to ensure the protection of all members of the group (Para. 37 of the Guidelines). The provision of support, *i.e.* access to basic services, housing and economic support as well as support of social workers as part of a family-strengthening and social policy, to all these forms of families is key to ensuring the success of these options. Indeed, assuming the care of a group of siblings may represent an additional challenge – on the finances, living arrangements, work conditions, etc.– which may result in potential stress and potential subsequent breakdowns.

Best interest determination: Safeguards in place in case of separation?

The preservation of contact between separated siblings as another key principle (Paras. 17 and 62 of the Guidelines) is also relevant in other situations, such as migration or in open adoption (see p. 8). May contact always be beneficial, safe or appropriate for a group of siblings? Indeed, may it not result in exposure, pressure, concerns, feelings of responsibility and guilt, etc. for the other siblings? However, contact may also play an important role when planning and assessing options for permanency for children on the move, and the relationship between the siblings, including potential family tracing, should be a fundamental element of this determination (see Step 5 of [ISS's practical guide to protecting children on the move](#)).

Finally, is due consideration given to the potential separation of siblings in the context of the current development of domestic and international surrogacy arrangements? Similarly to donor-conceived persons (see Monthly Review No. 218 of January-February 2018), the latter may, in the future, have an interest in searching, not only for their surrogate and/or donor, but also for their potential 'surrogate' siblings. Is the protection of the rights to identity and origins of

these children, including any potential relationship to siblings, not related to the establishment of search support mechanisms,

including DNA databases (see Monthly Review No. 198 of January 2016 and No. 218 of January-February 2018)?

Families, whether of origin, foster, adoptive or other, may include groups of siblings, whose dynamics, needs and interests may change in cases of separation from their parents. The relationships amongst the siblings and with other parties involved must be at the heart of any determination of these children's best interests – aimed at maintaining them together or when separation is necessary. Do the new forms of parentage as well as migration not further reiterate the need and obligation to assess the child's essential relationship to his or her siblings as part of family and child protection proceedings?

The ISS/IRC team,
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