

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

A N A C T

RELATING TO DOMESTIC RELATIONS - ADOPTION OF CHILDREN

Introduced By: Senator Gayle L. Goldin

Date Introduced: March 15, 2017

Referred To: Senate 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 **15-7-27. Sibling visitation rights.**

4 (a) The provisions of this section shall apply to siblings and half-siblings who:

5 (1) Were separated as minors, as a result of action of the department of children, youth,
6 and families ("DCYF") or similar agency;

7 (2) The parental rights of at least one of the parents of the siblings or half-siblings has
8 been terminated, or the petitioner or the sibling or half-sibling has been adopted; and

9 (3) The petitioner and the sibling or half-sibling had formed a familial bond or
10 relationship prior to their separation as a result of action of the DCYF or similar entity.

11 (b) The family court, upon miscellaneous petition of a sibling or half-sibling for visitation
12 rights for the petitioner's sibling or half-sibling who meets the provisions set forth in subsection

13 (a) of this section, and upon notice to both parents of the child with whom visitation is being
14 sought, and after a hearing on the petition, may grant reasonable rights of visitation with the

15 sibling or half-sibling to the petitioner. For purposes of this section, the sibling and half-sibling
16 includes those who would be deemed siblings or half-siblings, but for the termination of parental

17 rights and adoption. The court, in order to grant reasonable rights of visitation, must find and set
18 forth in writing the following findings of fact:

19 (1) That it is in the best interests of the child that the petitioner be granted visitation rights

1 with the child;

2 (2) That the petitioner is a fit and proper person to have visitation rights with the child;

3 (3) That the petitioner has repeatedly attempted to visit the petitioner's sibling or half-
4 sibling during the thirty (30) days immediately preceding the date the petition was filed and was
5 not allowed to visit the child during the thirty (30) day period as a direct result of the actions of
6 either, or both, parents, foster parents, or guardians of the child;

7 (4) That the petitioner and the sibling or half-sibling had formed a familial bond or
8 relationship prior to their separation as a result of action of DCYF or similar agency; provided,
9 that in making this finding, the court shall be permitted to exercise wide discretion in determining
10 what is a familial bond or relationship sufficient to meet the provisions of this subsection;

11 (5) There is no other way that the petitioner is able to visit the petitioner's sibling or half-
12 sibling without court intervention; and

13 (6) That the petitioner, by clear and convincing evidence, has successfully rebutted the
14 presumption that the parent's, foster-parent's, or guardian's decision to refuse the petitioner's
15 visitation with the child was reasonable.

16 (c) The court may issue all necessary orders relative to the visitation rights granted to the
17 petitioner. Once the petitioner has been granted reasonable visitation rights, notice of any petition
18 seeking a change in custody or visitation shall be served on the petitioner.

19 SECTION 2. This act shall be effective upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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1 This act would provide that siblings and half-siblings who were separated through action
2 of the DCYF or similar entity may petition the family court for visitation with an adopted sibling
3 or half-sibling. The act also sets forth a standard for the court to use in evaluating those petitions
4 filed pursuant to this section.

5 This act would take effect upon passage.

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