

**FISCAL IMPACT OF PROPOSED LEGISLATION**

**Measure: SB 123 - A**

Seventy-Seventh Oregon Legislative Assembly – 2013 Regular Session  
Legislative Fiscal Office

*Only Impacts on Original or Engrossed  
Versions are Considered Official*

Prepared by: Kim To  
Reviewed by: Laurie Byerly  
Date: 4/16/2013

**Measure Description:**

Requires Department of Human Services to adopt rules to establish Oregon Foster Children's Bill of Rights.

**Government Unit(s) Affected:**

Department of Human Services (DHS)

**Summary of Expenditure Impact:**

	<b>2013-15 Biennium</b>	<b>2015-17 Biennium</b>
General Fund	\$87,412	\$107,795
Federal Funds	95,920	116,791
<b>Total Funds</b>	<b>\$183,332</b>	<b>\$224,586</b>
Positions	1	1
FTE	0.75	1.00

**Local Government Mandate:**

This bill does not affect local governments' service levels or shared revenues sufficient to trigger Section 15, Article XI of the Oregon Constitution.

**Analysis:**

House Bill 123 A-Engrossed requires the Department of Human Services (DHS) to establish the Oregon Foster Children's Bill of Rights. DHS must ensure that each foster child has certain essential rights including (1) the ability to complain about unsatisfactory or inappropriate care and placement services without fear of retaliation; (2) transportation to court and citizen review board hearings; and age-appropriate, up-to-date written information regarding how and to whom the foster child may contact with complaints. The bill requires DHS to establish a hotline available to foster children at all times to allow foster children to make complaints regarding their care, safety and well-being. DHS must provide a transition toolkit, and the following written information to foster children 14 years old or older:

- How to establish bank accounts, and obtain a copy of a credit report.
- How to acquire a driver license.
- How to remain in foster care after reaching 18 years of age;
- The availability of tuition and fee waiver for foster children.
- How to obtain medical, dental, vision and mental health services.

DHS must provide age-appropriate information regarding the existence of the Oregon Foster Children's Bill of Rights, including posting this information in residences; foster homes, licensed agencies. The bill also requires DHS to conduct an annual review of the Oregon Foster Children's Bill of Rights with each foster child.

The Department of Human Services estimates the fiscal impact of this bill to be \$183,332 Total Funds and 0.75 FTE for the 2013-15 biennium; and \$224,586 Total Funds and 1.00 FTE for the 2015-17 biennium. Should this bill become law, DHS anticipates adding one Operations and Policy Analyst 3 position in the Governor's Advocacy Office to answer the hotline calls. The expenditure impact also

includes training costs, as well as the cost of creating, printing and distributing the transition toolkits and other written informational materials required by the bill listed above.

In addition to the printing costs, and the cost of staffing the hotline, DHS may incur additional costs in the future as the licensed child placing agencies contracts are updated to reflect the requirements of this bill. At this time, the Department of Human Services cannot predict the fiscal impact of this cost.

**REVENUE: No revenue impact**

**FISCAL: Fiscal statement issued**

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<b>Action:</b>	Do Pass as Amended and Be Printed Engrossed and Be Referred to the Committee on Ways and Means
<b>Vote:</b>	5 - 0 - 0
<b>Yeas:</b>	Knopp, Kruse, Shields, Steiner Hayward, Monnes Anderson
<b>Nays:</b>	0
<b>Exc.:</b>	0
<b>Prepared By:</b>	Misty Freeman, Legislative Policy Intern
<b>Meeting Dates:</b>	3/21, 4/11

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**WHAT THE MEASURE DOES:** Requires Department of Human Services (DHS) adopt rules establishing Oregon Foster Children’s Bill of Rights. Directs DHS conduct periodic review to ensure bill of rights complies with principles outlined in measure. Requires DHS promote foster child involvement in state foster care and child welfare policy. Clarifies foster youth guaranteed rights under U.S. Constitution, federal law, Oregon constitution, state law, administrative law and case law. Directs DHS share age-appropriate information about court hearings and other rights within 60 days of placement. Updates list of contacts for foster youth under DHS purview. Removes restrictions on use of hotline. Applies to foster children in substitute care on or after effective date of act.

**ISSUES DISCUSSED:**

- Oregon Foster Youth Connection 2012 conference
- Foster youth not familiar with their rights or process
- Personal experiences in foster care
- Oregon’s foster youth population
- System safeguards
- Foster Parents Bill of Rights
- Proposed amendment

**EFFECT OF COMMITTEE AMENDMENT:** Clarifies foster youth guaranteed rights under U.S. Constitution, federal law, Oregon constitution, state law, administrative law and case law, in addition to rights in measure. Directs Department of Human Services (DHS) share age-appropriate information about court hearings and other rights, to provide information within 60 days of placement. Updates list of contacts for foster youth under DHS purview. Removes restrictions on use of hotline.

**BACKGROUND:** In July 2012, the Oregon Foster Youth Connection, a program of the nonprofit child advocacy organization Children First for Oregon, held a three-day policy-focused foster youth summit. During the summit, foster youth identified the need for the state of Oregon to guarantee their basic rights while in state care. On the final day of the summit, a group of 30 current and former foster youth from around the state presented a set of policy recommendations that included the adoption and promotion of an Oregon Foster Children’s Bill of Rights. The bill seeks to ensure that rights to things like safety, clothes that fit, proper nutrition, and contact with their siblings are communicated to foster youth and substitute care providers, and that foster youth have a safe means to report violations through the hotline.

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*This summary has not been adopted or officially endorsed by action of the committee.*

**A-Engrossed**  
**Senate Bill 123**

Ordered by the Senate April 18  
Including Senate Amendments dated April 18

Sponsored by Senator SHIELDS, Representative KENY-GUYER (at the request of Children First for Oregon) (Pre-session filed.)

**SUMMARY**

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Requires Department of Human Services to adopt rules to establish Oregon Foster Children's Bill of Rights.

**A BILL FOR AN ACT**

1  
2 Relating to rights of foster children.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. As used in sections 1 to 3 of this 2013 Act, "foster child" means a child who**  
5 **is in the legal custody of the Department of Human Services pursuant to the provisions of**  
6 **ORS chapter 418, 419B or 419C and who is or was placed in substitute care with a foster**  
7 **parent, a child-caring agency as defined in ORS 418.205 or an independent residence facility**  
8 **established or certified under ORS 418.475.**

9 **SECTION 2. It is the intent of the Legislative Assembly that each foster child have cer-**  
10 **tain essential rights, including but not limited to the following:**

11 (1) **To have the ability to make oral and written complaints about care, placement or**  
12 **services that are unsatisfactory or inappropriate, and to be provided with information about**  
13 **a formal process for making complaints without fear of retaliation, harassment or punish-**  
14 **ment.**

15 (2) **To be notified of, and provided with transportation to, court hearings and reviews by**  
16 **local citizen review boards pertaining to the foster child's case when the matters to be con-**  
17 **sidered or decided upon at the hearings and reviews are appropriate for the foster child,**  
18 **taking into account the age and developmental stage of the foster child.**

19 (3) **To be provided with written contact information of specific individuals whom the**  
20 **foster child may contact regarding complaints, concerns or violations of rights, that is up-**  
21 **dated as necessary and kept current.**

22 (4) **When a foster child is 14 years of age or older, to be provided with written informa-**  
23 **tion within 60 days of the date of any placement or any change in placement, regarding:**

24 (a) **How to establish a bank account in the foster child's name as allowed under state law;**

25 (b) **How to acquire a driver license as allowed under state law;**

26 (c) **How to remain in foster care after reaching 18 years of age;**

27 (d) **The availability of a tuition and fee waiver for a current or former foster child under**  
28 **ORS 351.293;**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (e) How to obtain a copy of the foster child's credit report, if any;

2 (f) How to obtain medical, dental, vision, mental health services or other treatment, in-  
3 cluding services and treatments available without parental consent under state law; and

4 (g) A transition toolkit, including a comprehensive transition plan.

5 (5) With respect to a foster child's rights under the federal and state constitutions, laws,  
6 including case law, rules and regulations:

7 (a) To receive a document setting forth such rights that is age and developmentally ap-  
8 propriate within 60 days of the date of any placement or any change in placement;

9 (b) To have a document setting forth such rights that is age and developmentally appro-  
10 priate posted at the residences of all foster parents, child-caring agencies and independent  
11 resident facilities; and

12 (c) To have an annual review of such rights that is age and developmentally appropriate  
13 while the foster child is in substitute care.

14 (6) To be provided with current and updated contact information for adults who are re-  
15 sponsible for the care of the foster child and who are involved in the foster child's case, in-  
16 cluding but not limited to caseworkers, caseworker supervisors, attorneys, foster youth  
17 advocates and supporters, court appointed special advocates, local citizen review boards and  
18 employees of the Department of Human Services that provide certification of foster parents,  
19 child-caring agencies and independent resident facilities.

20 (7) To have a hotline phone number that is available to the foster child at all times for  
21 the purposes of enabling the foster child to make complaints and assert grievances regarding  
22 the foster child's care, safety or well-being.

23 **SECTION 3.** (1) The Department of Human Services shall adopt rules establishing the  
24 Oregon Foster Children's Bill of Rights, specifying the rights of foster children consistent  
25 with the provisions of section 2 of this 2013 Act.

26 (2) The department shall periodically review the rules establishing the Oregon Foster  
27 Children's Bill of Rights to ensure that the bill of rights complies with the principles and  
28 requirements set forth in section 2 of this 2013 Act. The department shall promote the par-  
29 ticipation of current and former foster children in the development of the rules constituting  
30 the Oregon Foster Children's Bill of Rights and the development of state foster care and  
31 child welfare policy.

32 **SECTION 4.** Sections 1 to 3 of this 2013 Act apply to foster children in substitute care  
33 with a foster parent, a child-caring agency or an independent residence facility on or after  
34 the effective date of this 2013 Act.

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