

Senate Bill 123
Relating to rights of foster children

Senate Bill 123 requires the Department of Human Services (DHS) to adopt rules establishing the Oregon Foster Children’s Bill of Rights. The agency also has to ensure that every child and youth in foster care gets a document setting out those rights. The bill establishes a special hotline phone number for foster children to make complaints and assert grievances regarding care, safety, or well-being.

The fiscal impact for the bill includes costs for publications, the hotline, and a new position within the Governor’s Advocacy Office. The position will be dedicated to answering the hotline and focused entirely on children involved in the foster care system. The budget to cover these expenditures, at \$87,412 General Fund and \$95,920 Federal Funds, and one position (0.75 FTE) has been added to the DHS budget plan.

The Human Services Subcommittee recommends SB 123 be reported out do pass.

Joint Committee on Ways and Means

Carrier – House: Rep. Keny-Guyer
Carriers – Senate: Sen. Winters
Sen. Shields

Revenue: No revenue impact

Fiscal: Fiscal statement issued

Action: Do Pass the A-Engrossed Measure

Vote:

House

Yeas:

Nays:

Exc:

Senate

Yeas:

Nays:

Exc:

Prepared By: Laurie Byerly, Legislative Fiscal Office

Meeting Date: June 6, 2013

WHAT THE MEASURE DOES: Requires the Department of Human Services (DHS) to establish the Oregon Foster Children’s Bill of Rights. Requires 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. Requires DHS to establish a hotline for foster children to make complaints regarding their care, safety, and well-being. Requires the agency to provide a transition toolkit to children 14 years or older.

ISSUES DISCUSSED:

- Need for foster youth to know their rights and have a safe place to call regarding violation of rights
- History of various ombudsman positions/roles in state government
- Location of Governor’s Advocacy Office and ability of office to maintain integrity and independence

EFFECT OF COMMITTEE AMENDMENT: No amendment.

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 clothes that fit, proper nutrition, contact with their siblings, and their safety are communicated to foster youth and substitute care providers, and that foster youth have a safe means to report violations, via hotline.

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:

	2013-15 Biennium	2015-17 Biennium
General Fund	\$87,412	\$107,795
Federal Funds	95,920	116,791
Total Funds	\$183,332	\$224,586
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.