

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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