

# Senate Bill 123

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 **as introduced**.

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 the**  
10 **following rights:**

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.**

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

20 (4) **To be provided with written information, at the time of placement or any change in**  
21 **placement, regarding:**

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

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

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

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

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

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

30 (g) **A transition toolkit, including a comprehensive transition plan, that enables the fos-**  
31 **ter child to leave foster or substitute care and to live independently.**

**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       (5) To receive copies of the Oregon Foster Children’s Bill of Rights upon entering care  
2 or upon any change in placement.

3       (6) To have a written copy of the Oregon Foster Children’s Bill of Rights posted at the  
4 residences of all foster parents, child-caring agencies and independent resident facilities.

5       (7) To have an annual review of the Oregon Foster Children’s Bill of Rights while the  
6 foster child is in substitute care.

7       (8) To be provided with current and updated contact information for adults who are re-  
8 sponsible for the care of the foster child and who are involved in the foster child’s case, in-  
9 cluding but not limited to caseworkers, attorneys, foster youth advocates and supporters,  
10 court appointed special advocates, local citizen review boards, probation officers and em-  
11 ployees of the Department of Human Services that provide supervision, oversight and cer-  
12 tification of foster parents, child-caring agencies and independent resident facilities.

13       (9) To have a hotline phone number that is available to the foster child at all times for  
14 the purposes of enabling the foster child to make complaints and assert grievances regarding  
15 the foster child’s care, safety or well-being that cannot be resolved using the formal com-  
16 plaint process described in subsection (1) of this section.

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

20       (2) The department shall periodically review the rules establishing the Oregon Foster  
21 Children’s Bill of Rights to ensure that the bill of rights complies with the principles and  
22 requirements set forth in section 2 of this 2013 Act. The department shall promote the par-  
23 ticipation of current and former foster children in the development of the rules constituting  
24 the Oregon Foster Children’s Bill of Rights and the development of state foster care and  
25 child welfare policy.

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

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