

**A-Engrossed**  
**House Bill 2889**

Ordered by the House April 10  
Including House Amendments dated April 10

Sponsored by COMMITTEE ON HUMAN SERVICES AND HOUSING

**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, child-caring agency and foster home to ensure child receiving care or services from department, agency or home *[establishes]* **for at least six consecutive months is entitled to establish** savings account in child's name for child's sole use and benefit upon child reaching 12 years of age.

Authorizes child to contract with financial institution to establish savings account. *[Requires savings account to have overdraft protection.]*

**Provides that parent, guardian, foster parent or person with legal custody of child is not entitled to be account holder or to have access to child's account without child's written authorization with certain exceptions.**

**Entitles department to monitor use of moneys in child's account when required to ensure continuation of receipt of state and federal benefits for child.**

**Directs department to encourage child who is eligible for services for persons with intellectual or other developmental disabilities to establish account unless department determines doing so is not in child's best interests.**

**A BILL FOR AN ACT**

1  
2 Relating to savings accounts for foster children.

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

4 **SECTION 1. (1) The Legislative Assembly finds that a child who is 12 years of age or**  
5 **older and who is in the custody of the Department of Human Services, a child-caring agency**  
6 **or a foster parent should be entitled to establish a savings account in the child's name and**  
7 **for the child's sole use and benefit for the following reasons:**

8 (a) **Access to such accounts prepares a child to become financially independent once the**  
9 **child is no longer in the custody, care or supervision of the department, child-caring agency**  
10 **or foster parent.**

11 (b) **It is an important life lesson for a child to learn to save money for the future.**

12 (c) **Providing children who are in the custody of the department, a child-caring agency**  
13 **or a foster parent with the opportunity to establish a savings account is an important step**  
14 **toward their fiscal maturity.**

15 (2)(a) **Except as provided in subsection (7) of this section, the Department of Human**  
16 **Services, a child-caring agency licensed by the department under ORS 418.215 to provide care**  
17 **or services to a child in foster care and a person certified to maintain a foster home under**  
18 **ORS 418.625 to 418.645 shall, in accordance with rules adopted by the department, ensure that**  
19 **a child, upon reaching 12 years of age, for whom the department, agency or foster home has**  
20 **provided care or services for a minimum of six consecutive months:**

21 (A) **Is entitled to, upon request, establish a savings account at a financial institution as**

**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 **defined in ORS 706.008; and**

2 **(B) Receives appropriate assistance to establish the savings account.**

3 **(b) Nothing in this subsection authorizes the department, agency or foster parent to re-**  
4 **quire that a financial institution establish an account for a child.**

5 **(3) Notwithstanding any other provision of law and except as provided in subsections (6)**  
6 **and (7) of this section, a child described in subsection (2) of this section may contract with**  
7 **a financial institution to establish a savings account for the purpose of depositing and saving**  
8 **moneys for the child's sole use and benefit. The contract is binding upon the child and cannot**  
9 **be voided or disaffirmed by the child based upon the child's age or status as a minor.**

10 **(4) The consent of the child's parent, guardian or foster parent, or of any other person**  
11 **having legal custody of the child, is not necessary to contract to establish a savings account**  
12 **under this section. The parent, guardian, foster parent or other person having legal custody**  
13 **of the child shall not be liable under a contract by the child for a savings account unless the**  
14 **parent, guardian, foster parent or person having legal custody of the child is a party to the**  
15 **child's contract.**

16 **(5) Except as provided in subsections (6) and (7) of this section, the parent, guardian,**  
17 **foster parent or other person having legal custody of the child shall not be entitled to be an**  
18 **account holder on a savings account created under this section, or to have access to infor-**  
19 **mation about or moneys in the account, without the written authorization of the child who**  
20 **established the account. The child's signature on account documents that make the parent,**  
21 **guardian, foster parent or other person having legal custody of the child an account holder**  
22 **on the account or that grant the parent, guardian, foster parent or other person having legal**  
23 **custody of the child the right to have access to information about or moneys in the account,**  
24 **constitutes written authorization as required by this subsection. A financial institution may**  
25 **rely on, and is not required to inquire about or investigate the circumstances surrounding,**  
26 **the child's signature on account documents to authorize access to information about and**  
27 **moneys in the child's account.**

28 **(6) The Department of Human Services is entitled to monitor use of moneys in a child's**  
29 **account established under this section when required to ensure continuation of receipt of**  
30 **state and federal benefits received by or on behalf of the child. The department shall adopt**  
31 **rules setting forth methods by which the department may monitor use of moneys in a child's**  
32 **account for this purpose.**

33 **(7) The Department of Human Services shall encourage a child who is otherwise subject**  
34 **to the provisions of this section and who has been determined by the department to be eli-**  
35 **gible for services for persons with intellectual or other developmental disabilities to establish**  
36 **a savings account under this section, unless the department determines it is not in the**  
37 **child's best interests to establish such an account.**

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