House Bill 2465

Sponsored by Representative STARK (Presession 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.

Establishes Foster Parent Ombudsman in Department of Human Services and prescribes duties. Establishes Foster Parent Ombudsman Advisory Committee to monitor ombudsman, advise Governor and Legislative Assembly on ombudsman and nominate individuals to serve as ombudsman if vacancy occurs.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

Relating to foster parents; creating new provisions; amending ORS 418.648; and prescribing an effective date.

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

SECTION 1. (1) As used in this section:

(a) “Foster parent” means an individual who has a certificate to operate a foster home issued under ORS 418.635 and who is providing care to a foster child in the individual’s home.

(b) “Service provider” means an individual, entity, agency or program that provides information and services to foster parents, either directly or indirectly, including but not limited to:

(A) Information and assistance in accessing parental and community support, services and resources;

(B) Respite care;

(C) Training; and

(D) Coaching, mentoring or counseling.

(2) The Foster Parent Ombudsman is established in the Department of Human Services. The Governor shall appoint the ombudsman in consultation with the Foster Parent Ombudsman Advisory Committee established in section 4 of this 2021 Act. The ombudsman shall be appointed for a four-year term. The Governor shall fill a vacancy in the position no later than 60 days after the vacancy occurs, in the same manner as the appointment is made.

(3) The Foster Parent Ombudsman shall:

(a) Provide foster parents and individuals acting on their behalf with information regarding the rights of foster parents set forth in ORS 418.648;

(b) Investigate any complaint made by or on behalf of a foster parent if the allegations contained in the complaint may adversely affect the health, safety, welfare or rights of the foster parent;

(c) Assist foster parents in identifying and accessing resources in the community and in connecting with local service providers;

(d) Encourage foster parents to participate in general studies, conferences, inquiries or meetings related to foster care in this state;
(e) Organize or collaborate with others in organizing general studies, conferences, inquiries or meetings to develop recommendations for improving the foster care system in this state;

(f) Monitor the development and implementation of federal, state and local laws and policies that impact the foster care system in this state;

(g) Collect and compile data necessary to prepare the report submitted to the Governor under ORS 182.500 and provide a copy of the report to the Governor's Child Foster Care Advisory Commission established in ORS 418.041; and

(h) Provide information to state and local agencies about problems identified and reforms undertaken in the foster care system in this state and work closely with associations and citizen groups and with the state protection and advocacy system under ORS 192.517.

(4)(a) The Foster Parent Ombudsman shall:

(A) Maintain the hotline telephone number for foster parents required by ORS 418.648(12); and

(B) In consultation with the Foster Parent Ombudsman Advisory Committee, establish procedures for a foster parent to make a complaint about the foster parent's interaction with individuals or agencies involved in the foster care system.

(b)(A) The ombudsman and each designee appointed under section 2 of this 2021 Act shall have access to records of any public agency, to the extent permitted by state and federal law, that are necessary to carry out the duties of the ombudsman. The provisions of ORS 192.553 to 192.581 are not intended to limit the access of the ombudsman to the records of a foster parent or foster child, including medical records of the foster child as authorized by the foster child or an individual legally authorized to act on behalf of the foster child, if needed to investigate a complaint.

(B) The ombudsman and each designee shall have access to electronic records of the Department of Human Services that are necessary to carry out the duties of the ombudsman. The ombudsman and each designee shall ensure that records accessed by the ombudsman that are confidential, privileged or otherwise protected from disclosure are not further disclosed, except as permitted by state and federal law.

(c) The ombudsman or a designee shall report to a foster parent the findings of the ombudsman or designee in the investigation of the complaint and may make recommendations. If appropriate, the ombudsman or designee shall attempt to resolve the complaint using informal mediation or conflict resolution techniques.

(5) A foster parent who makes a complaint to the Foster Parent Ombudsman in good faith under this section, or who participates in an investigation of a complaint:

(a) May not be subjected to a penalty, sanction or restriction, or be denied any right, privilege or benefit, on account of making the complaint or participating in the investigation of the complaint; and

(b) Shall have immunity from any civil or criminal liability that might otherwise be incurred or imposed on account of making the complaint or participating in the investigation of the complaint.

(6) All state agencies shall cooperate with and assist the Foster Parent Ombudsman in the performance of the ombudsman's duties and functions.

SECTION 2. (1) The Foster Parent Ombudsman may appoint designees to serve as representatives of the ombudsman in local communities. The ombudsman shall regularly moni-
tor the functions of designees.

(2) The appointments of designees by the Foster Parent Ombudsman shall be made in consultation with a local screening committee that may consist of but need not be limited to persons representing:

(a) The Department of Human Services.
(b) Elected officials.
(c) The Oregon Health Authority.
(d) Foster care providers.
(e) Court appointed special advocates.
(f) Local citizen review boards.

(3) To be appointed as a designee, a person must complete an initial training and attend quarterly training sessions that are approved by the Foster Parent Ombudsman.

(4) Designees must sign a contract with the Foster Parent Ombudsman that outlines the scope of their duties.

(5) The qualifications of designees shall include experience working with foster care providers and the ability to communicate well, to understand laws, rules and regulations and to be assertive and objective.

(6) Applicants who have relevant experience in social work, mental health, pediatrics or paralegal work shall be given preference in the appointment of designees.

SECTION 3. The Foster Parent Ombudsman shall establish procedures to maintain the confidentiality of the records and files of foster parents. The procedures must meet the following requirements:

(1) The Foster Parent Ombudsman or designee may not disclose, except to law enforcement and state agencies, the identity of any foster parent, or individual acting on behalf of a foster parent, without written consent signed by the foster parent, the legal representative of the foster parent or an individual legally authorized to act on behalf of the foster parent. The written consent must specify to whom the disclosure may be made.

(2) The identity of any foster parent or individual providing information on behalf of the foster parent shall be confidential. If the complaint becomes the subject of judicial proceedings, the investigative information held by the Foster Parent Ombudsman or designee shall be disclosed for the purpose of the proceedings if requested by the court.

SECTION 4. (1) The Foster Parent Ombudsman Advisory Committee is established, consisting of five members appointed by the Governor and confirmed by the Senate under ORS 171.562 and 171.565.

(2) The term of office for each member is four years. Before the expiration of the term of a member, the Governor shall appoint a successor whose term begins July 1 next following. A member is eligible for reappointment. If there is a vacancy for any cause, the Governor shall make an appointment to become immediately effective for the unexpired term.

(3) The members of the committee must:
(a) Be residents of this state;
(b) Include individuals who are or who represent current or former foster parents, including racial and ethnic minorities;
(c) Have knowledge and interest in the problems of foster parents; and
(d) Be representative of all areas of this state and the demographics of groups served by the Foster Parent Ombudsman.
(4) The committee shall select one of its members as chairperson and another as vice chairperson, for such terms and with duties and powers necessary for the performance of the functions of such offices as the committee determines.

(5) A majority of the members of the committee constitutes a quorum for the transaction of business. Decisions may be made by a majority of the quorum.

(6) The committee shall meet at least once each month at a place, day and hour determined by the committee. The committee also shall meet at other times and places specified by the call of the chairperson or of a majority of the members of the committee. The committee shall confer each month with the Foster Parent Ombudsman.

(7) Members of the committee are not entitled to compensation or reimbursement for expenses and serve as volunteers.

SECTION 5. The Foster Parent Ombudsman Advisory Committee shall:

(1) Monitor the Foster Parent Ombudsman.

(2) Advise the Governor and the Legislative Assembly on the Foster Parent Ombudsman.

(3) Nominate, after interviews and according to prescribed criteria, three persons to fill the Foster Parent Ombudsman position or to fill a vacancy in the position.

SECTION 6. ORS 418.648 is amended to read:

418.648. A foster parent has the right to:

(1) Be treated with dignity, respect and trust as a member of a team, including respect for the family values and routines of the foster parent.

(2) Be included as a valued member of a team that provides care and planning for a foster child placed in the home of the foster parent.

(3) Receive support services, as resources permit, from the Department of Human Services that are designed to assist in the care of the foster child placed in the home of the foster parent.

(4) Be informed of any condition that relates solely to a foster child placed in the home of the foster parent that may jeopardize the health or safety of the foster parent or other members of the home or alter the manner in which foster care should be provided to the foster child. The information shall include complete access to written reports, psychological evaluations and diagnoses that relate solely to a foster child placed in the home of the foster parent provided that confidential information given to a foster parent must be kept confidential by the foster parent, except as necessary to promote or to protect the health and welfare of the foster child and the community.

(5) Have input into a permanency plan for a foster child placed in the home of the foster parent.

(6) Receive assistance from the department in dealing with family loss and separation when the foster child leaves the home of the foster parent.

(7) Be informed of all policies and procedures of the department that relate to the role of the foster parent.

(8) Be informed of how to receive services and to have access to department personnel or service providers 24 hours a day, seven days a week.

(9) Initiate an inactive referral status for a reasonable period of time, not to exceed 12 months, to allow a foster parent relief from caring for foster children.

(10) Not be discriminated against on the basis of race, color, religion, sex, sexual orientation, national origin, age or disability.

(11) Be notified of the foster parent’s right to limited participation in proceedings in the juvenile court and provided with an explanation of that right.

(12) Have a hotline telephone number that is available to the foster parent at all times.
for the purpose of enabling the foster parent to make complaints and assert grievances re-
garding the foster parent's duties.

(13) Be provided with written contact information, updated as necessary and kept cur-
rent, for specific individuals whom the foster parent may contact regarding complaints,
concerns or violations of rights.

(14) Be informed about the Foster Parent Ombudsman and have access to the services
described in section 1 of this 2021 Act.

SECTION 7. Sections 1 to 5 of this 2021 Act and the amendments to ORS 418.648 by sec-

SECTION 8. The Foster Parent Ombudsman and the Foster Parent Ombudsman Advisory
Committee shall be appointed before January 1, 2022, and may take any action before that
date that is necessary for the ombudsman and the committee to exercise, on and after Jan-
uary 1, 2022, the duties, functions and powers of the ombudsman and the committee pursuant
to sections 1 to 5 of this 2021 Act and the amendments to ORS 418.648 by section 6 of this
2021 Act.

SECTION 9. Notwithstanding the term of office specified in section 4 of this 2021 Act, of
the members first appointed to the Foster Parent Ombudsman Advisory Committee:

(1) One shall serve for a term ending July 1, 2022.

(2) One shall serve for a term ending July 1, 2023.

(3) One shall serve for a term ending July 1, 2024.

(4) Two shall serve for terms ending July 1, 2025.

SECTION 10. This 2021 Act takes effect on the 91st day after the date on which the 2021
regular session of the Eighty-first Legislative Assembly adjourns sine die.