

Requested by Senator GELSER BLOUIN

**PROPOSED AMENDMENTS TO
SENATE BILL 556**

1 On page 1 of the printed bill, line 3, delete “and” and before the period
2 insert “; and declaring an emergency”.

3 Delete lines 5 through 30 and delete page 2 and insert:

4 **“SECTION 1. (1) As used in this section:**

5 **“(a) ‘Child’ means a ward, as defined in ORS 419A.004, in the cus-**
6 **tody of the Department of Human Services under ORS 419B.337.**

7 **“(b) ‘Maintenance cost’ means a payment to a foster parent or rel-**
8 **ative caregiver for the costs of providing a child with food, clothing,**
9 **housing, daily supervision, personal incidentals and transportation.**

10 **“(2) Except as otherwise specifically required by federal or state**
11 **law, court order or other legal instrument, the department may not**
12 **use any funds, benefits, payments, proceeds, settlements, awards,**
13 **inheritances, wages or any other moneys received by the department**
14 **on behalf of a child for the purpose of maintenance costs.**

15 **“SECTION 2. Section 1 of this 2023 Act is amended to read:**

16 **“Sec. 1. (1) As used in this section:**

17 **“(a) ‘Child’ means a ward, as defined in ORS 419A.004, in the custody of**
18 **the Department of Human Services under ORS 419B.337.**

19 **“(b) ‘Maintenance cost’ means a payment to a foster parent or relative**
20 **caregiver for the costs of providing a child with food, clothing, housing, daily**
21 **supervision, personal incidentals and transportation.**

1 “(2) Except as otherwise specifically required by federal or state law,
2 court order or other legal instrument, the department may not use any funds,
3 benefits, payments, proceeds, settlements, awards, inheritances, wages or any
4 other moneys received by the department on behalf of a child for the purpose
5 of maintenance costs.

6 **“(3)(a) The department shall establish separate accounts for each
7 child for whom the department will receive any funds, benefits, pay-
8 ments, proceeds, settlements, awards, inheritances, wages or any
9 other moneys.**

10 **“(b) The department shall, in collaboration with the State Treas-
11 urer, administer each separate account established under this sub-
12 section consistent with the department’s fiduciary duties, in the best
13 interest of the child for whom the separate account is established and
14 in compliance with any applicable state or federal law, court order or
15 other legal instrument.**

16 **“(c) The department may make distributions from a separate ac-
17 count for expenditures related to the personal needs of the child, in-
18 cluding:**

19 **“(A) Tuition, tutoring and training, including the costs of applica-
20 tion fees, books, equipment and testing;**

21 **“(B) Transportation to work or training or to maintain family
22 connections;**

23 **“(C) Travel for educational purposes;**

24 **“(D) Expenses related to the child’s transition into adulthood, in-
25 cluding first and last months’ rent, housing application fees and one-
26 time purchases by the child of essential household supplies, including
27 furniture, kitchen equipment, linens and cleaning supplies;**

28 **“(E) Technology, including the purchase of a computer, needed to
29 advance the child’s skills in school, work or independence or to
30 maintain connections with siblings;**

1 **“(F) Clothing or supplies for special events typical for a person of**
2 **the child’s age and culture; and**

3 **“(G) Instruments, books, supplies, fees and equipment to support**
4 **the child in pursuing hobbies, sports, the arts and other special skills.**

5 **“(d) Except as required by state or federal law or as specifically**
6 **provided in paragraph (c) of this subsection, the department may not**
7 **make distributions from a child’s separate account for expenses re-**
8 **lated to the duties of a legal custodian as described in ORS 419B.373**
9 **(1), (2) or (3).**

10 **“(4) Unless otherwise prohibited by state or federal law, at the re-**
11 **quest of the child or the child’s attorney or representative, the de-**
12 **partment may:**

13 **“(a) Direct that any moneys described in subsection (3) of this sec-**
14 **tion that would be received by the department on behalf of the child**
15 **instead be paid directly into a trust account, or subaccount of a trust**
16 **account, that is established by the department under ORS 430.195 for**
17 **the purpose of receiving moneys payable to the child and that earns**
18 **interest for the benefit of the child; or**

19 **“(b) Distribute any moneys described in subsection (3) of this sec-**
20 **tion that are held by the department for the child to any of the fol-**
21 **lowing privately held accounts established for the sole benefit of the**
22 **child:**

23 **“(A) An Oregon Uniform Transfers to Minors Act account under**
24 **ORS 126.805 to 126.886 that delays transfer of the custodial property**
25 **until the child attains 25 years of age;**

26 **“(B) An account established under ORS 178.335 within the Oregon**
27 **529 Savings Network in the name of the child;**

28 **“(C) An ABLE account established under ORS 178.380 with the child**
29 **named as the designated beneficiary;**

30 **“(D) A trust established under ORS chapter 130, if the trust names**

1 **the child as the sole beneficiary and appoints an independent, qualified**
2 **trustee; or**

3 **“(E) Any other privately held account described by the department**
4 **by rule.**

5 **“(5) Nothing in this section requires the department or the State**
6 **Treasurer to establish or coordinate the establishment of, or, except**
7 **as required by state or federal law, monitor or verify the viability of**
8 **an account described in subsection (4)(b) of this subsection.**

9 **“(6) The department shall adopt rules to carry out the provisions**
10 **of this section.**

11 **“SECTION 3. ORS 419B.373 is amended to read:**

12 **“419B.373. A person, agency or institution having legal custody of a ward**
13 **has the following duties and authority:**

14 **“(1) To have physical custody and control of the ward.**

15 **“(2) To supply the ward with food, clothing, shelter and incidental nec-**
16 **essaries.**

17 **“(3) To provide the ward with care, education and discipline.**

18 **“(4) To authorize ordinary medical, dental, psychiatric, psychological,**
19 **hygienic or other remedial care and treatment for the ward, and, in an**
20 **emergency where the ward’s safety appears urgently to require it, to au-**
21 **thorize surgery or other extraordinary care.**

22 **“(5) To make such reports and to supply such information to the court**
23 **as the court may from time to time require.**

24 **“(6) To apply for any Social Security benefits, public assistance or med-**
25 **ical assistance, as defined in ORS 414.025, to which the ward is otherwise**
26 **entitled and, **subject to section 1 of this 2023 Act,** to use the benefits or**
27 **assistance to provide for the care of the ward.**

28 **“SECTION 4. (1) **The amendments to section 1 of this 2023 Act by****
29 **section 2 of this 2023 Act become operative on January 1, 2024.**

30 **“(2) **The Department of Human Services and the State Treasurer****

1 **may take any action before the operative date specified in subsection**
2 **(1) of this section that is necessary for the department and the State**
3 **Treasurer to carry out the provisions of the amendments to section 1**
4 **of this 2023 Act by section 2 of this 2023 Act on or after the operative**
5 **date specified in subsection (1) of this 2023 Act.**

6 **“SECTION 5. This 2023 Act being necessary for the immediate**
7 **preservation of the public peace, health and safety, an emergency is**
8 **declared to exist, and this 2023 Act takes effect on its passage.”.**

9
