

DRAFT

SUMMARY

Digest: The Act makes changes to the Oregon Foster Children's Bill of Rights and the Oregon Foster Children's Sibling Bill of Rights.

The Act excludes a child's parents from some laws about abuse of a child in care and requires DHS to tell some people that a DHS employee cannot give legal advice to them. (Flesch Readability Score: 65.0).

Modifies the Oregon Foster Children's Bill of Rights and the Oregon Foster Children's Sibling Bill of Rights.

Creates an exception to abuse of a child in care provisions when the suspected abuse was committed by the parent of the child in care.

Requires the Department of Human Services to notify a child's parents or guardians that the department representative is acting on behalf of the department and cannot give the parent or guardian legal advice.

Declares an emergency, effective on passage.

A BILL FOR AN ACT

Relating to the rights of children in care; creating new provisions; amending ORS 409.185, 418.200, 418.201, 418.257 and 418.607; and declaring an emergency.

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

FOSTER CHILDREN

SECTION 1. The court, on its own motion or upon the motion of a party in the proceeding, and after any hearing as the court may direct, may enter an order limiting, denying or prohibiting contact between a foster child and the foster child's sibling to the extent necessary to ensure safe and appropriate contact between the foster child and the

foster child's sibling. If the court issues an order under this section, the court shall make written findings of fact in support of the order.

SECTION 2. ORS 418.200 is amended to read:

418.200. As used in ORS 418.200 to 418.202, "foster child" means a child who is in the legal **or physical** custody of the Department of Human Services pursuant to the provisions of ORS chapter 418, 419B or 419C and who is or was placed **or who is awaiting placement** in substitute care with a foster parent, a child-caring agency as defined in ORS 418.205 or an independent residence facility established, licensed, certified or authorized by the department under ORS 418.475.

SECTION 3. ORS 418.201 is amended to read:

418.201. It is the intent of the Legislative Assembly that each foster child have certain essential rights, including but not limited to the following:

(1) To have the ability to make oral and written complaints about care, placement or services that are unsatisfactory or inappropriate, and to be provided with information about a formal process for making complaints without fear of retaliation, harassment or punishment.

(2) To be notified of, and provided with transportation to, court hearings and reviews by local citizen review boards pertaining to the foster child's case. *[when the matters to be considered or decided upon at the hearings and reviews are appropriate for the foster child, taking into account the age and developmental stage of the foster child.]*

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

(4) To be protected from abuse, exploitation, neglect, intimidation, retaliation and wrongful use of restraint or seclusion.

(5) To regularly attend school and to have access to a free and appropriate public education.

(6) To be assigned an attorney to represent the foster child's interests and to have unimpeded and unmonitored contact with that at-

1 torney.

2 (7) To have unimpeded and unmonitored contact, as applicable, with
3 the Residential Facilities Ombudsman, the Children's Advocate or a
4 foster care ombudsman who has been formally designated by the
5 Children's Advocate or the Department of Human Services.

6 (8) To have an attorney or court-appointed advocate of the foster
7 child's choosing present for any interview with law enforcement or
8 abuse investigators, regardless of whether the foster child is inter-
9 viewed as a witness, a victim or a subject individual.

10 (9) To maintain and have access to personal belongings including
11 but not limited to clothing, books, toys, photographs and musical in-
12 struments.

13 (10) To be present at court hearings, including to be present at all
14 court hearings regarding the child's case.

15 (11) To transport belongings and personal effects in an appropriate
16 luggage carrier when entering into or transitioning or exiting from
17 foster care.

18 [(4)] (12) When a foster child is 14 years of age or older, to be provided
19 with written information within 60 days of the date of any placement or any
20 change in placement, regarding:

21 (a) How to establish a bank account in the foster child's name as allowed
22 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
26 foster child under ORS 350.300;

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
29 treatment, including services and treatments available without parental
30 consent under state law; and

31 (g) A transition toolkit, including a comprehensive transition plan.

1 [(5)] **(13)** With respect to a foster child's rights under the federal and state
2 constitutions, laws, including case law, rules and regulations:

3 (a) To receive a document setting forth such rights that is age-appropriate
4 and developmentally appropriate within [60] **seven** days of the date of any
5 placement or any change in placement;

6 (b) To have a document setting forth such rights that is age-appropriate
7 and developmentally appropriate posted at the residences of all foster par-
8 ents, child-caring agencies and independent resident facilities;

9 (c) To have an annual review of such rights that is age-appropriate and
10 developmentally appropriate while the foster child is in substitute care; and

11 (d) When the foster child is 14 years of age or older:

12 (A) To receive a document setting forth such rights that is age-
13 appropriate and developmentally appropriate; and

14 (B) To acknowledge in writing receipt of the document and that the rights
15 contained in the document were explained in an age-appropriate manner.

16 [(6)] **(14)** To be provided with current and updated contact information for
17 adults who are responsible for the care of the foster child and who are in-
18 volved in the foster child's case, including but not limited to caseworkers,
19 caseworker supervisors, attorneys, foster youth advocates and supporters,
20 court appointed special advocates, local citizen review boards and employees
21 of the Department of Human Services that provide certification of foster
22 parents, child-caring agencies and independent resident facilities.

23 [(7)] **(15)** To have a hotline phone number that is available to the foster
24 child at all times for the purposes of enabling the foster child to make
25 complaints and assert grievances regarding the foster child's care, safety or
26 well-being.

27 **SECTION 4.** ORS 418.257 is amended to read:

28 418.257. As used in ORS 418.257 to 418.259:

29 (1) "Abuse" means one or more of the following:

30 (a) Any physical injury to a child in care caused by other than accidental
31 means, or that appears to be at variance with the explanation given of the

injury.

(b) Neglect of a child in care.

(c) Abandonment, including desertion or willful forsaking of a child in care or the withdrawal or neglect of duties and obligations owed a child in care by a child-caring agency, caretaker, certified foster home, developmental disabilities residential facility or other person.

(d) Willful infliction of physical pain or injury upon a child in care.

(e) An act that constitutes a crime under ORS 163.375, 163.405, 163.411, 163.415, 163.425, 163.427, 163.465, 163.467 or 163.525.

(f) Verbal abuse.

(g) Financial exploitation.

(h) Sexual abuse.

(i) The use of restraint or involuntary seclusion of a child in care in violation of ORS 418.521 or 418.523.

(2) "Certified foster home" means a foster home certified by the Department of Human Services and subject to ORS 418.625 to 418.645.

(3)(a) "Child in care" means a person under 21 years of age who is **in the physical or legal custody of the department or who is** residing in or receiving care or services from:

(A) A child-caring agency or proctor foster home subject to ORS 418.205 to 418.327, 418.470, 418.475 or 418.950 to 418.970;

(B) A certified foster home; or

(C) A developmental disabilities residential facility.

(b) "Child in care" does not include a person under 21 years of age who is residing in any of the entities listed in paragraph (a) of this subsection when the care provided is in the home of the child by the child's parent.

(4) "Developmental disabilities residential facility" means a residential facility or foster home for children who are 17 years of age or younger and receiving developmental disability services that is subject to ORS 443.400 to 443.455, 443.830 and 443.835.

(5)(a) "Financial exploitation" means:

1 (A) Wrongfully taking the assets, funds or property belonging to or in-
2 tended for the use of a child in care.

3 (B) Alarming a child in care by conveying a threat to wrongfully take or
4 appropriate moneys or property of the child in care if the child would rea-
5 sonably believe that the threat conveyed would be carried out.

6 (C) Misappropriating, misusing or transferring without authorization any
7 moneys from any account held jointly or singly by a child in care.

8 (D) Failing to use the income or assets of a child in care effectively for
9 the support and maintenance of the child in care.

10 (b) "Financial exploitation" does not include age-appropriate discipline
11 that may involve the threat to withhold, or the withholding of, privileges.

12 (6) "Intimidation" means compelling or deterring conduct by threat. "In-
13 timidation" does not include age-appropriate discipline that may involve the
14 threat to withhold privileges.

15 (7) "Involuntary seclusion" has the meaning given that term in ORS
16 418.519.

17 (8) "Law enforcement agency" means:

18 (a) Any city or municipal police department.

19 (b) Any county sheriff's office.

20 (c) The Oregon State Police.

21 (d) Any district attorney.

22 (e) A police department established by a university under ORS 352.121 or
23 353.125.

24 (9) "Neglect" means:

25 (a) Failure to provide the care, supervision or services necessary to
26 maintain the physical and mental health of a child in care; or

27 (b) The failure of a child-caring agency, proctor foster home, certified
28 foster home, developmental disabilities residential facility, caretaker or other
29 person to make a reasonable effort to protect a child in care from abuse.

30 (10) "Restraint" has the meaning given that term in ORS 418.519.

31 (11) "Services" includes but is not limited to the provision of food,

1 clothing, medicine, housing, medical services, assistance with bathing or
2 personal hygiene or any other service essential to the well-being of a child
3 in care.

4 (12) “Sexual abuse” means:

5 (a) Sexual harassment, sexual exploitation or inappropriate exposure to
6 sexually explicit material or language;

7 (b) Any sexual contact between a child in care and an employee of a
8 child-caring agency, proctor foster home, certified foster home, develop-
9 mental disabilities residential facility, caretaker or other person responsible
10 for the provision of care or services to a child in care;

11 (c) Any sexual contact between a person and a child in care that is un-
12 lawful under ORS chapter 163 and not subject to a defense under that
13 chapter; or

14 (d) Any sexual contact that is achieved through force, trickery, threat or
15 coercion.

16 (13) “Sexual contact” has the meaning given that term in ORS 163.305.

17 (14) “Sexual exploitation” means sexual exploitation as described in ORS
18 419B.005 (1)(a)(E).

19 (15) “Verbal abuse” means to threaten significant physical or emotional
20 harm to a child in care through the use of:

21 (a) Derogatory or inappropriate names, insults, verbal assaults, profanity
22 or ridicule; or

23 (b) Harassment, coercion, threats, intimidation, humiliation, mental cru-
24 elty or inappropriate sexual comments.

25 **SECTION 5.** ORS 418.607 is amended to read:

26 418.607. It is the intent of the Legislative Assembly that siblings who are
27 foster children have certain essential rights, including but not limited to the
28 following:

29 (1) To obtain substitute care placements together whenever safe and ap-
30 propriate.

31 (2) To maintain **regular** contact and visits with siblings while placed both

in and out of substitute care placements, including **regular in-person visits**, contact by telephone and electronic communication[, *as safe and appropriate*], **except as limited, denied or prohibited by court order under section 1 of this 2026 Act.**

(3) To be provided with transportation to maintain contact and have visits with siblings.

(4) To be placed with foster parents and **assigned** caseworkers who have been provided with training on the importance of sibling relationships.

(5) [*To ensure that contact with siblings will be encouraged in any adoptive or guardianship placement, as safe and appropriate.*] **To ensure that contact with siblings will be regularly maintained, encouraged and facilitated in any adoptive or guardianship placement, except as limited, denied or prohibited by court order under section 1 of this 2026 Act.**

(6) To have a sibling contact plan that has been developed as a result of the active engagement and participation of siblings and that is complied with as part of any substitute care placement.

(7) [*To have more private or less restrictive communication with siblings as compared to communications with others who are not siblings, as safe and appropriate.*] **To have private and unrestricted communication with siblings except as limited, denied or prohibited by court order under section 1 of this 2026 Act.**

(8) To be immediately and timely notified of **the birth of a sibling or** placement changes or catastrophic events affecting a sibling, [*as safe and appropriate*] **in a developmentally appropriate and trauma-responsive manner.**

(9) With respect to a foster child's rights under this section:

(a) To receive a document setting forth such rights as is age-appropriate and developmentally appropriate within [60] **seven** days of the date of any placement or any change in placement;

(b) To have a document setting forth such rights that is age-appropriate and developmentally appropriate on each occasion that a foster child's case

plan is considered and reviewed;

[(c) To have access to a document setting forth such rights that is age-appropriate and developmentally appropriate at the residence of all foster parents and child-caring agencies; and]

(c) To have access to a document setting forth such rights that is developmentally appropriate and trauma responsive, and is prominently displayed at the residence of all foster parents and child-caring agencies in at least one location that children in care can readily access at all times; and

(d) To be informed of such rights on at least an annual basis.

[(10) To be provided with an explanation in an age-appropriate manner as to why contact with a sibling is or has been denied or prohibited.]

(10) To be informed that the right to have contact and visitation with siblings is presumed and may not be limited, denied or prohibited without written findings by the court detailing why restrictions are necessary to ensure safe and appropriate contact.

(11) To be informed verbally and in writing, in a developmentally appropriate and trauma-responsive manner, as to why a specific request for communication or visitation with a sibling has been limited, denied or prohibited.

[(11)] **(12)** To have the rights under this section apply regardless of whether the parental rights of one or more of the foster child's parents have been terminated, as safe and appropriate.

[(12)] **(13)** To request that the foster child's attorney advocate on behalf of the foster child for contact and visits with siblings:

(a) While the foster child is in foster care;

(b) When the court is considering whether to order visitation between the foster child and the foster child's siblings under ORS 419B.367; and

(c) When decisions are made regarding post-adoption contact between the foster child and the foster child's siblings.

CHILDREN IN CARE

SECTION 6. (1) The provisions of ORS 418.257 to 418.259 do not apply to investigations of reports of suspected abuse, as defined in ORS 418.257, of a child in care if the suspected abuse is committed by the child in care's parent.

(2) The provisions of ORS 418.521 and 418.523 do not apply to the restraint or involuntary seclusion of a child in care if the child in care is placed in the restraint or involuntary seclusion by the parent of the child in care.

(3) As used in this section, "child in care," "involuntary seclusion" and "restraint" have the meanings given those terms in ORS 418.519.

SECTION 7. ORS 409.185 is amended to read:

409.185. (1) The Director of Human Services shall oversee the development of standards and procedures for assessment, investigation and enforcement of child protective services.

(2)(a) The Department of Human Services shall take action to implement the provision of child protective services as outlined in ORS 417.705 to 417.800 and based on the recommendations in the 1992 "Oregon Child Protective Services Performance Study" published by the University of Southern Maine.

(b) In all substantiated cases of child abuse and neglect, the role of the department is to complete a comprehensive family assessment of risk of abuse or neglect, or both, assess service needs and provide immediate protective services as necessary.

(c) The department shall provide remedial services needed to ensure the safety of the child.

(d) In all cases of child abuse and neglect for which a criminal investigation is conducted, the role of law enforcement agencies is to provide a legally sound, child sensitive investigation of whether abuse or neglect or both have occurred and to gather other evidence and perform other responsibil-

ities in accordance with interagency agreements.

(e) The department and law enforcement agencies shall conduct the investigation and assessment concurrently, based upon the protocols and procedures of the county child abuse multidisciplinary team in each jurisdiction.

(f) When the department and law enforcement agencies conduct a joint investigation and assessment, the activities of the department and agencies are to be clearly differentiated by the protocols of the county child abuse multidisciplinary team.

(g) Nothing in this subsection is intended to be inconsistent with ORS 418.702, 418.747 and 418.748 and ORS chapter 419B.

(h) In all cases of child abuse for which an investigation is conducted, the department shall provide a child's parent, guardian or caregiver with a clear written explanation of the investigation process, the court hearing process and the rights of the parent, guardian or caregiver in the abuse investigation and in the court proceedings related to the abuse investigation. **When the department provides the written explanation under this paragraph to a child's parent or guardian, the department shall include a disclosure that the representative of the department is acting on behalf of the department and cannot provide legal advice to the parent or guardian.**

(3) Upon receipt of a recommendation of the Children's Advocate under ORS 417.815 (2)(e), the department shall implement the recommendation or give the Children's Advocate written notice of an intent not to implement the recommendation.

MISCELLANEOUS

SECTION 8. The section captions used in this 2026 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2026 Act.

SECTION 9. This 2026 Act being necessary for the immediate pres-

1 **ervation of the public peace, health and safety, an emergency is de-**
2 **clared to exist, and this 2026 Act takes effect on its passage.**

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