

## SB 1533 -1 STAFF MEASURE SUMMARY

### Senate Committee On Human Services

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**Prepared By:** Matthew Perreault, LPRO Analyst

**Meeting Dates:** 2/10

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#### WHAT THE MEASURE DOES:

The measure modifies provisions of the Oregon Foster Children’s Bill of Rights and the Oregon Foster Children’s Sibling Bill of Rights; modifies the definition of “child in care;” exempts a child’s parent from investigations of suspected abuse of a child in care; and requires the Oregon Department of Human Services (ODHS) to inform parents and guardians that department representatives cannot provide legal advice during an investigation of suspected child abuse.

#### Detailed Summary:

##### Foster Children

- Permits a court to limit, deny, or prohibit contact between a foster child and the foster child's sibling in order to ensure safe and appropriate contact between the siblings.
- Expands the definition of "foster child" for the purposes of the Foster Children's Bill of Rights to include children who are awaiting placement in substitute care and children in physical custody of ODHS.
- Modifies the Oregon Foster Children's Bill of Rights to include the right to:
  - Be protected from abuse, exploitation, neglect, intimidation, and inappropriate use of restraint or seclusion
  - Regularly attend school and have access to a free and appropriate public education
  - Be assigned an attorney to represent the foster child's interests and to have unimpeded and unmonitored contact with the attorney
  - Have unimpeded and unmonitored contact with the Residential Facilities Ombudsman, Children’s Advocate, or a formally designated foster care ombudsman
  - Have an attorney or court-appointed advocate of the child's choosing present for any interview with law enforcement or abuse investigators
  - Maintain and have access to their personal belongings
  - Be present at court hearings
  - Transport belongings and personal effects in appropriate luggage carriers when entering into, transitioning, or exiting from foster care.
- Modifies the definition of "child in care" to include a person under the age of 21 who is in the physical or legal custody of ODHS.
- Modifies the Oregon Foster Children's Sibling Bill of Rights to:
  - Enhance rights that facilitate contact between siblings, except when a court order has limited, denied, or prohibited contact
  - Specify that notification of the birth of a sibling, placement changes, or catastrophic events be made in a developmentally appropriate and trauma responsive manner
  - Require that a foster child receive a document explaining their rights within seven days of any placement or change in placement
  - Require that the child have access to a prominently displayed and readily accessible document that explains the rights in a developmentally appropriate and trauma responsive way
  - Require that siblings be informed that their right to contact and visitation is presumed and may not be limited without written findings by the court
  - Require that the foster child be informed in a developmentally appropriate and trauma responsive manner if a request for communication or visitation with a sibling has been limited or denied.

### Children in Care

- Creates an exception to provisions regarding abuse and involuntary restraint and seclusion of a child in care if the suspected abuse was committed by the parent of the child in care.
- Requires ODHS to include a disclosure stating that the representative of the department is not an attorney and cannot provide legal advice to the parent or guardian in the written materials provided during a child abuse investigation.

### Miscellaneous

- Declares emergency, effective on passage.

*REVENUE: May have revenue impact, but no statement yet issued*

*FISCAL: May have fiscal impact, but no statement yet issued*

### ISSUES DISCUSSED:

#### EFFECT OF AMENDMENT:

-1 The amendment removes the modified definition of "child in care." The amendment also removes the exception to abuse of a child in care if committed by the child's parent.

*REVENUE: No revenue impact*

*FISCAL: Has minimal fiscal impact*

#### BACKGROUND:

The Oregon Foster Children's Bill of Rights was enacted in 2013 by [Senate Bill 123](#) to establish foundational rights of children in foster care. The Oregon Foster Children's Sibling Bill of Rights, enacted by [House Bill 2216 \(2017\)](#), further established the rights of siblings in foster care to maintain contact and be placed together when possible. Enforcement of these rights is a primary responsibility of the Children's Advocate which is currently housed in the [Governor's Advocacy Office](#) within ODHS. [Senate Bill 875 \(2025\)](#), which was vetoed by the Governor, would have expanded the enumerated rights of foster children and their siblings.

Oregon law defines a "child in care" as a person under 21 who resides in or receives care from a child-caring agency, certified foster homes, or developmental disabilities residential facilities. Investigations of reported abuse in these settings are handled by the ODHS' [Office of Trainings, Investigations, and Safety \(OTIS\)](#) rather than Child Protective Services (CPS), which investigates abuse in a familial setting. During a trial home visit, a foster child may be placed in their family's home but is still in the legal custody of the department. As part of a recent [settlement agreement](#) for *Wyatt v. Kotek*, a class-action lawsuit related to foster children, the question of whether "child in care" applied to all children in the legal or physical custody of the department was disputed and [resolved](#) by the 9<sup>th</sup> Circuit Court of Appeals. [Senate Bill 736 \(2025\)](#), which was vetoed by the Governor, would have exempted a child's parents from investigations conducted by OTIS but allowed investigations by CPS. The measure also would have required ODHS to disclose that CPS investigators may not provide legal advice to parents during an investigation.