



Disability  
Rights  
Oregon

TO: Senate Committee On Human Services  
FROM: Jake Cornett, Disability Rights Oregon  
DATE: February 5, 2026  
RE: SB 1533

Chair Gelser Blouin, Vice-Chair Linthicum, and members of the Senate Committee On Human Services,

I am Jake Cornett, the Executive Director & CEO of Disability Rights Oregon. I submit this testimony on behalf of Disability Rights Oregon in support of Senate Bill 1533, the Forster Care Bill of Rights.

### **Rights of Children in Foster Care**

This bill is about dignity for foster care children. SB 1533 is quite simple, it states that foster children have the right to:

- Be protected from abuse, neglect, and exploitation.
- Attend school like other children.
- Enjoy confidential legal or advocacy representation, the ability to contact ombudsman's offices, and attend the hearings that are about them.
- Keep their personal belongings—things like toys and pictures of family—and to have appropriate luggage to move those few precious things they do own.
- See their siblings.
- Know about their rights.

Disability Rights Oregon serves as class counsel for every child in foster care—about 5,000 children. In that capacity, each of the changes made by this bill are necessary because our clients have been denied these rights.

### **Children in Care**

Disability Rights Oregon was asked about the definition of a “child in care” and how that applies to the rights of foster youth. This legal issue was in dispute last year. Federal courts have consistently made clear that a states’ obligations to foster youth extend broadly. In fact, just six months ago, the U.S. Circuit Court of Appeals for the Ninth Circuit held that all children who are in the legal or physical custody of the state are afforded with constitutional protections.<sup>1</sup> In this decision, the Ninth Circuit further elaborated that “ODHS assumes legal responsibility for

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<sup>1</sup> Wyatt B., et al. V. Kotek, et al., No. 24-4689 (9th Cir. 2025), at 14. Available at <https://www.droregon.org/releases/ninth-circuit-rules-on-critical-foster-care-definition-in-wyatt-b-v-kotek-settlement>.

the child” including the duty and authority to supply each child with food, clothing, care, education, health care and treatment.<sup>2</sup>

As such, all children legally or physically in the state’s custody meet the definition of “child in care” and enjoy the same rights and privileges afforded to them. We understand the intent of SB 1533 is to rely on the Ninth Circuit’s approach to identifying children in care and ensuring the state maintains its duties to all these children.

**In conclusion, we urge the Committee to support foster children by passing SB 1533.**

If you have any questions regarding DRO’s position on this legislation, please call Hans Bernard or email him at [hans@growthconsulting.net](mailto:hans@growthconsulting.net).

### *About Disability Rights Oregon*

Since 1977 Disability Rights Oregon has been the State's Protection and Advocacy System.<sup>3</sup> We are authorized by Congress to protect, advocate, and enforce the rights of people with disabilities under the U.S. Constitution and Federal and State laws, investigate abuse and neglect of people with disabilities, and “pursue administrative, legal, and other appropriate remedies”.<sup>4</sup> We are also mandated to "educate policymakers" on matters related to people with disabilities.<sup>5</sup>

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<sup>2</sup> See Id, at 16-17.

<sup>3</sup> See ORS 192.517.

<sup>4</sup> See 42 U.S.C. § 15041 et seq; 42 U.S.C. § 10801 et seq.

<sup>5</sup> See 42 U.S. Code § 15043(a)(2)(L).