

Enrolled Senate Bill 123

Sponsored by Senator SHIELDS, Representative KENY-GUYER; Senators DINGFELDER, ROSENBAUM, Representative THOMPSON (at the request of Children First for Oregon) (Pre-session filed.)

CHAPTER

AN ACT

Relating to rights of foster children.

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

SECTION 1. As used in sections 1 to 3 of this 2013 Act, “foster child” means a child who is in the legal custody of the Department of Human Services pursuant to the provisions of ORS chapter 418, 419B or 419C and who is or was placed in substitute care with a foster parent, a child-caring agency as defined in ORS 418.205 or an independent residence facility established or certified under ORS 418.475.

SECTION 2. 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) When a foster child is 14 years of age or older, to be provided with written information within 60 days of the date of any placement or any change in placement, regarding:

(a) How to establish a bank account in the foster child’s name as allowed under state law;

(b) How to acquire a driver license as allowed under state law;

(c) How to remain in foster care after reaching 18 years of age;

(d) The availability of a tuition and fee waiver for a current or former foster child under ORS 351.293;

(e) How to obtain a copy of the foster child’s credit report, if any;

(f) How to obtain medical, dental, vision, mental health services or other treatment, including services and treatments available without parental consent under state law; and

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

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

(a) To receive a document setting forth such rights that is age and developmentally appropriate within 60 days of the date of any placement or any change in placement;

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

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

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

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

SECTION 3. (1) The Department of Human Services shall adopt rules establishing the Oregon Foster Children's Bill of Rights, specifying the rights of foster children consistent with the provisions of section 2 of this 2013 Act.

(2) The department shall periodically review the rules establishing the Oregon Foster Children's Bill of Rights to ensure that the bill of rights complies with the principles and requirements set forth in section 2 of this 2013 Act. The department shall promote the participation of current and former foster children in the development of the rules constituting the Oregon Foster Children's Bill of Rights and the development of state foster care and child welfare policy.

SECTION 4. Sections 1 to 3 of this 2013 Act apply to foster children in substitute care with a foster parent, a child-caring agency or an independent residence facility on or after the effective date of this 2013 Act.

Passed by Senate June 12, 2013

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Robert Taylor, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House June 19, 2013

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Tina Kotek, Speaker of House

Received by Governor:

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Approved:

.....M,....., 2013

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John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M,....., 2013

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Kate Brown, Secretary of State