

# Senate Bill 749

Sponsored by Senator GELSER, Representative STARK

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires Department of Human Services to, upon request, reassign caseworker to child, ward, youth or youth offender who is 12 years of age or older and in legal custody of department.

Requires department to permit access by child, ward, youth or youth offender to confidential information of child, ward, youth or youth offender who is 14 years of age or older and to permit child, ward, youth or youth offender who is 14 years of age or older to sign own release of information.

Specifies when child, ward, youth or youth offender must be provided with information regarding rights.

## A BILL FOR AN ACT

1  
2 Relating to rights of persons in the legal custody of the Department of Human Services.

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

4 **SECTION 1. Section 2 of this 2017 Act is added to and made a part of ORS chapter 419A.**

5 **SECTION 2. (1) As used in this section, "child" means an unmarried person under 21**  
6 **years of age.**

7 **(2)(a) When a child, ward, youth or youth offender in the legal custody of the Department**  
8 **of Human Services has been assigned a caseworker and is 12 years of age or older, the child,**  
9 **ward, youth or youth offender may request and shall be provided with a new assignment of**  
10 **caseworker if the child, ward, youth or youth offender states that the child, ward, youth or**  
11 **youth offender has been unable to develop and maintain a positive relationship with the as-**  
12 **signed caseworker.**

13 **(b) A new assignment of caseworker must be made within 15 days of the request made**  
14 **under paragraph (a) of this subsection.**

15 **(3) A child, ward, youth or youth offender in the legal custody of the department who is**  
16 **14 years of age or older shall:**

17 **(a) Upon request, have access to confidential information maintained by the department**  
18 **regarding the child, ward, youth or youth offender; and**

19 **(b) Be entitled to sign a release of information authorizing disclosure of confidential in-**  
20 **formation maintained by the department regarding the child, ward, youth or youth offender**  
21 **for the purpose of obtaining assistance from an advocate, attorney, legislator or any other**  
22 **person.**

23 **(4) The department shall provide to a child, ward, youth or youth offender who meets the**  
24 **requirements of subsection (2) or (3) of this section information regarding the rights set**  
25 **forth in those subsections. The information must be provided in a format and language that**  
26 **is accessible and easily understood by the child, ward, youth or youth offender and must be**  
27 **provided, at a minimum, when the child, ward, youth or youth offender is:**

28 **(a) Interviewed by a department employee;**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1       **(b) The subject of a child abuse investigation;**

2       **(c) Placed in substitute or foster care;**

3       **(d) Provided with a written safety plan for being returned to the child's, ward's, youth's**  
4 **or youth offender's home; or**

5       **(e) A participant in a case planning meeting.**

6       **SECTION 3. Section 2 of this 2017 Act applies to children, wards, youths or youth**  
7 **offenders in the legal custody of the Department of Human Services on or after the effective**  
8 **date of this 2017 Act.**

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