

SB 562 -3 STAFF MEASURE SUMMARY

House Committee On Human Services

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Meeting Dates: 4/26, 5/19

WHAT THE MEASURE DOES:

Enunciates state policies prohibiting retaliation against any youth for communicating about their experience receiving child welfare services. Prohibits disqualification of persons from being child welfare service providers because they have experienced the child welfare system. Declares emergency, effective on passage.

Fiscal Impact: No Fiscal Impact

Revenue Impact: No Revenue Impact

Senate Committee On Human Services, Mental Health and Recovery: Do pass 3-2-0-0

Senate Vote: Passed. Ayes, 25; Nays, 5--Girod, Heard, Linthicum, Robinson, Thomsen.

ISSUES DISCUSSED:

- Fears of retaliation affecting children in welfare
- Age requirements for foster parents

EFFECT OF AMENDMENT:

-3 Replaces original measure.

Incorporates federal Indian Child Welfare Act (ICWA) provisions into state law concerning voluntary adoptions and certain adjudicated youth. Clarifies inquiry and determination whether there is "reason to know a child is an Indian child." Specifies required court finding and steps with respect to same. Incorporates requirements applicable to involuntary termination of parental rights into adoption proceedings where appropriate. Specifies steps required of entity receiving a voluntarily surrendered Indian child. Reiterates deadline for Department of Human Services (DHS) to file ICWA compliance report is within 90 days of receiving service of adoption petition. Conforms Citizen Review Board (CRB) findings. Specifies procedure to establish paternity and clarifies other provisions with respect to parentage. Clarifies required finding of "active efforts." Clarifies elements of judgment of adoption. Specifies process when judgement is vacated and when Indian child is returned after improper removal or retention. Requires full faith and credit for customary tribal adoptions as specified. Directs DHS to adopt rules regarding confidentiality of tribal adoption records. Adds to DHS reporting requirements due by September 15 of even-numbered years: the number of ICWA compliance reports where a petitioner's documentation was insufficient to enable corresponding court finding, and total ICWA compliance reports and ratio where there was reason to know the child was Indian. Requires additional DHS report to the legislature by March 15, 2024, regarding implementation of tribal customary adoption as an alternative for wards who are Indian children, and recommendations to improve process. Makes additional technical adjustments. Effective 91st day after adjournment sine die.

BACKGROUND:

The Legislative Assembly's express intent with respect to foster children's rights to participate in decision making and to express themselves about care includes a right to complain without fear of retaliation; a right to current contact information for designated individuals who facilitate complaints; and a right to access a hotline 24/7 to assert grievances. The Department of Human Services (DHS) is required to maintain the Oregon Foster Children's Bill of Rights in conformity with the Assembly's express intent, pursuant to Senate Bill 123 (2013). There is

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currently no specific policy statement condemning retaliation against youth who share their experiences about receiving child welfare services. Both federal and state law prohibit discrimination in employment based on race, color, national origin, religion, sex, family status, and physical and mental disability. Oregon further prohibits discrimination based on a number of other circumstances, including marital status, sexual orientation, and the source of a person's income. There is currently no express policy statement with respect to potential employment discrimination against persons with direct experience in the child welfare system who seek employment in a child welfare profession.

Senate Bill 562 declares policies prohibiting retaliation against youth who communicate about their experiences receiving child welfare services and against the disqualification of persons from being child welfare service providers because they have experience receiving child welfare services.