

SB 875 -1 STAFF MEASURE SUMMARY

Senate Committee On Human Services

Prepared By: Matthew Perreault, LPRO Analyst

Meeting Dates: 2/25, 3/25

WHAT THE MEASURE DOES:

The measure allows a court to order that contact between a foster child and their sibling be limited or prohibited in order to ensure safe and appropriate contact. The measure modifies the Oregon Foster Children's Bill of Rights and the Oregon Foster Children's Sibling Bill of Rights.

Detailed Summary:

- Allows a court to enter an order that limits, denies, or prohibits contact between a foster child and a foster child's sibling in order to ensure safe and appropriate contact.
- Modifies definition of "foster child" for purposes of the Oregon Foster Children's Bill of Rights to include children who are awaiting placement in substitute care.
- 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 have unimpeded and unmonitored contact with that attorney;
 - Have an attorney or advocate chosen by the foster child be present during interviews with law enforcement or abuse investigators;
 - Decline to attend or participate in religious activities that do not align with the foster child's beliefs;
 - Maintain and have access to personal belongings;
 - Be present at court hearings except if a court finds that it would not be in the child's best interests; and
 - Transport belongings and personal effects in appropriate luggage carriers during transitions in foster care placements.
- Modifies the definition of "child in care" to include a person under age 21 who is in the physical or legal custody of the Department of Human Services.
- Modifies the Oregon Foster Children's Sibling Bill of Rights to enhance rights that facilitate contact between siblings, except when a court orders that contact between siblings be limited, denied, or prohibited, and to be informed of such rights and decisions.
- Declares emergency, effective on passage.

REVENUE: No revenue impact

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

ISSUES DISCUSSED:

- Rights of children in foster care
- Legal enforceability of Foster Children's Bill of Rights and Foster Sibling's Bill of Rights
- Powers of Foster Care Ombudsman
- Presence of attorneys and advocates during law enforcement interviews involving foster children
- Requirements to inform foster children of their rights
- Separation of siblings in the child welfare system

EFFECT OF AMENDMENT:

-1 The amendment clarifies that a foster child has a right to have a court-appointed advocate present during interviews with law enforcement or child abuse investigators. The amendment removes the exception for a foster child's right to be present at court hearings. The amendment requires that information explaining the rights of a foster child's sibling be developmentally appropriate and trauma responsive.

REVENUE: No revenue impact

FISCAL: Has minimal fiscal impact

BACKGROUND:

The Oregon Foster Children's Bill of Rights was enacted by the legislature in 2013 to emphasize the fundamental rights of children and youth in foster care to have access to appropriate care, services, and basic needs ([ORS 418.200 to 418.202](#)). Oregon Foster Children's Sibling Bill of Rights, enacted in 2017, further established the rights of siblings in foster care to maintain contact and be placed together when possible ([ORS 418.606 to 418.608](#)). The Department of Human Services is required by law to implement and enforce these rights through administrative rulemaking, which may be reviewed periodically ([ORS 418.202](#); [ORS 418.608](#); [OAR 413-010-0180](#) to [413-010-0185](#)).