

## **SB 875 A -A2 STAFF MEASURE SUMMARY**

### **House Committee On Early Childhood and Human Services**

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**Meeting Dates:** 4/24, 5/22

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#### **WHAT THE MEASURE DOES:**

The measure makes modifications to the Oregon Foster Children's Bill of Rights and the Oregon Foster Care Sibling Bill of Rights. It allows a court to order that contact between a foster child and their sibling be limited or prohibited to ensure safe and appropriate contact and modifies the definition of a child in care. The measure declares an emergency and is effective on passage.

#### Detailed Summary:

- Permits the court to limit, deny, or prohibit contact between a foster child and the foster child's sibling in order to ensure safe and appropriate contact between the child and their sibling and requires the court to make written findings of the facts in support of the order.
- Expands the definition of "foster child" for the purposes of the Foster Children's Bill of Rights to include children who are awaiting placement in substitute care and children in physical custody of the Department of Human Services (DHS).
- 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 unimpeded and unmonitored contact with their attorney;
  - have an attorney or court-appointed advocate of the child's choosing present for any interview with law enforcement or abuse investigators;
  - decline to attend or participate in religious events, gatherings, camps, and activities that do not align with the child's beliefs;
  - maintain and have access to their personal belongings;
  - be present at court hearings; and
  - transport belongings and personal effects in appropriate luggage carriers when entering into, transitioning, or exiting from foster care.
- Modifies definition of "child in care" to include a person under the age of 21 who is in the physical or legal custody of DHS.
- Modifies the Oregon Foster Children's Sibling Bill of Rights to:
  - enhance rights that facilitate contact between siblings, except when a court order has limited, denied, or prohibited contact;
  - clarify that notification to siblings about specified events, including the birth of a sibling, be made in a developmentally appropriate and trauma responsive manner;
  - require that a foster child receive a document explaining their rights within seven, rather than 60, days of any placement or change in placement;
  - require that the child have access to a document explaining the rights in a developmentally appropriate and trauma responsive way, that is prominently displayed at the residence and child-caring agencies, and is in a location the child can readily access at all times;
  - include the right that siblings be informed that their right to contact and visitation is presumed and may not be limited without written findings by the court; and

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- include the right that the foster child be informed in a developmentally appropriate and trauma responsive manner both verbally and in writing if a request for communication or visitation has been limited or denied.
- Declares an emergency, effective on passage.

*REVENUE: No revenue impact.*

*FISCAL: Has minimal fiscal impact.*

*SENATE VOTE: Ayes, 21; Nays, 8; Excused, 1.*

### ISSUES DISCUSSED:

- Judicial discretion and role of courts
- Reasons for the addition of certain rights the Oregon Foster Children's Bill of Rights
- Role of Foster Care Ombuds and ability of foster children to contact the Ombuds
- Accountability and enforcement mechanisms
- Ability of foster children to decline to attend religious activities
- Process of the Department of Human Services when placing children with resource families and in screening resource families

### EFFECT OF AMENDMENT:

-A2 The amendment removes from the rights enumerated in the Oregon Foster Children's Bill of Rights the ability for a foster child to decline to attend or participate in religious events, gatherings, camps, and activities that do not align with the child's beliefs.

*REVENUE: No revenue impact.*

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

### BACKGROUND:

[ORS 418.200 to 418.202](#) establishes the Oregon Foster Child Bill of Rights and requires the Department of Human Services (DHS) to adopt rules establishing the Oregon Foster Children's Bill of Rights and to periodically review the rules to ensure compliance with principles and requirements of state law. The Oregon Foster Children's Bill of Rights was enacted by the legislature in 2013 through [Senate Bill 123](#). In 2017, the Legislative Assembly passed [House Bill 2216](#) which directed DHS to adopt rules establishing the Oregon Foster Children's Sibling Bill of Rights to further establish rights of siblings in foster care to maintain contact and be placed together when possible ([ORS 418.606 to 418.608](#)). DHS 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](#)).

DHS's [website](#) contains information on the [Oregon Foster Children's Bill of Rights](#) and the [Oregon Foster Children's Sibling Bill of Rights](#). Enforcement of these rights is a primary responsibility of the Children's Advocate, which is charged with reviewing complaints about DHS involvement in a child abuse investigation, as well as to coordinate with DHS and other entities to spread information about the detection and prevention of child abuse ([ORS 417.815](#)). The office of the Children's Advocate is currently housed in the [Governor's Advocacy Office \(GAO\)](#) within ODHS, having moved there in 1996 through an agreement with the Commission on Children and Families and formally by legislative action in 2003 ([Department of Human Services, n.d.](#)). GAO serves as the ombuds venue for responding to complaints about all ODHS programs and services. [Senate Bill 123 \(2013\)](#) established the Foster Care Ombuds position, housed within GAO, to enforce the Foster Children's Bill of Rights. According to the [GAO 2024 annual report](#), cases involving child welfare complaints were the most frequent category of cases handled by GAO.