

B-Engrossed
Senate Bill 875

Ordered by the House May 29
Including Senate Amendments dated March 31 and House Amendments
dated May 29

Sponsored by Senators GELSER BLOUIN, SOLLMAN; Senator PATTERSON, Representatives HARTMAN,
JAVADI, RUIZ

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. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act makes changes to the Oregon Foster Child Bill of Rights and the Oregon Foster Child Sibling Bill of Rights. (Flesch Readability Score: 68.6).

Modifies the Oregon Foster Children's Bill of Rights and the Oregon Foster Children's Sibling Bill of Rights.

Declares an emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to the rights of children in care; creating new provisions; amending ORS 418.200, 418.201,
3 418.257 and 418.607; and declaring an emergency.

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

5 **SECTION 1. The court, on its own motion or upon the motion of a party in the pro-**
6 **ceeding, and after any hearing as the court may direct, may enter an order limiting, denying**
7 **or prohibiting contact between a foster child and the foster child's sibling to the extent**
8 **necessary to ensure safe and appropriate contact between the foster child and the foster**
9 **child's sibling. If the court issues an order under this section, the court shall make written**
10 **findings of fact in support of the order.**

11 **SECTION 2.** ORS 418.200 is amended to read:

12 418.200. As used in ORS 418.200 to 418.202, "foster child" means a child who is in the legal **or**
13 **physical** custody of the Department of Human Services pursuant to the provisions of ORS chapter
14 418, 419B or 419C and who is or was placed **or who is awaiting placement** in substitute care with
15 a foster parent, a child-caring agency as defined in ORS 418.205 or an independent residence facility
16 established, licensed, certified or authorized by the department under ORS 418.475.

17 **SECTION 3.** ORS 418.201 is amended to read:

18 418.201. It is the intent of the Legislative Assembly that each foster child have certain essential
19 rights, including but not limited to the following:

20 (1) To have the ability to make oral and written complaints about care, placement or services
21 that are unsatisfactory or inappropriate, and to be provided with information about a formal process
22 for making complaints without fear of retaliation, harassment or punishment.

23 (2) To be notified of, and provided with transportation to, court hearings and reviews by local
24 citizen review boards pertaining to the foster child's case when the matters to be considered or
25 decided upon at the hearings and reviews are appropriate for the foster child, taking into account

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 the age and developmental stage of the foster child.

2 (3) To be provided with written contact information of specific individuals whom the foster child
3 may contact regarding complaints, concerns or violations of rights, that is updated as necessary and
4 kept current.

5 (4) **To be protected from abuse, exploitation, neglect, intimidation and inappropriate use
6 of restraint or seclusion.**

7 (5) **To regularly attend school and to have access to a free and appropriate public edu-
8 cation.**

9 (6) **To be assigned an attorney to represent the foster child's interests and to have un-
10 impeded and unmonitored contact with that attorney.**

11 (7) **To have an attorney or court-appointed advocate of the foster child's choosing present
12 for any interview with law enforcement or abuse investigators, regardless of whether the
13 foster child is interviewed as a witness, a victim or a subject individual.**

14 (8) **To maintain and have access to personal belongings including but not limited to
15 clothing, books, toys, photographs and musical instruments.**

16 (9) **To be present at court hearings.**

17 (10) **To transport belongings and personal effects in an appropriate luggage carrier when
18 entering into or transitioning or exiting from foster care.**

19 [(4)] (11) When a foster child is 14 years of age or older, to be provided with written information
20 within 60 days of the date of any placement or any change in placement, regarding:

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

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

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

24 (d) The availability of a tuition and fee waiver for a current or former foster child under ORS
25 350.300;

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

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

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

30 [(5)] (12) With respect to a foster child's rights under the federal and state constitutions, laws,
31 including case law, rules and regulations:

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

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

37 (c) To have an annual review of such rights that is age-appropriate and developmentally appro-
38 priate while the foster child is in substitute care; and

39 (d) When the foster child is 14 years of age or older:

40 (A) To receive a document setting forth such rights that is age-appropriate and developmentally
41 appropriate; and

42 (B) To acknowledge in writing receipt of the document and that the rights contained in the
43 document were explained in an age-appropriate manner.

44 [(6)] (13) To be provided with current and updated contact information for adults who are re-
45 sponsible for the care of the foster child and who are involved in the foster child's case, including

1 but not limited to caseworkers, caseworker supervisors, attorneys, foster youth advocates and sup-
2 porters, court appointed special advocates, local citizen review boards and employees of the De-
3 partment of Human Services that provide certification of foster parents, child-caring agencies and
4 independent resident facilities.

5 [(7)] (14) To have a hotline phone number that is available to the foster child at all times for
6 the purposes of enabling the foster child to make complaints and assert grievances regarding the
7 foster child's care, safety or well-being.

8 **SECTION 4.** ORS 418.257 is amended to read:

9 418.257. As used in ORS 418.257 to 418.259:

10 (1) "Abuse" means one or more of the following:

11 (a) Any physical injury to a child in care caused by other than accidental means, or that appears
12 to be at variance with the explanation given of the injury.

13 (b) Neglect of a child in care.

14 (c) Abandonment, including desertion or willful forsaking of a child in care or the withdrawal
15 or neglect of duties and obligations owed a child in care by a child-caring agency, caretaker, certi-
16 fied foster home, developmental disabilities residential facility or other person.

17 (d) Willful infliction of physical pain or injury upon a child in care.

18 (e) An act that constitutes a crime under ORS 163.375, 163.405, 163.411, 163.415, 163.425, 163.427,
19 163.465, 163.467 or 163.525.

20 (f) Verbal abuse.

21 (g) Financial exploitation.

22 (h) Sexual abuse.

23 (i) The use of restraint or involuntary seclusion of a child in care in violation of ORS 418.521
24 or 418.523.

25 (2) "Certified foster home" means a foster home certified by the Department of Human Services
26 and subject to ORS 418.625 to 418.645.

27 (3)(a) "Child in care" means a person under 21 years of age who is **in the physical or legal**
28 **custody of the department or who is** residing in or receiving care or services from:

29 (A) A child-caring agency or proctor foster home subject to ORS 418.205 to 418.327, 418.470,
30 418.475 or 418.950 to 418.970;

31 (B) A certified foster home; or

32 (C) A developmental disabilities residential facility.

33 (b) "Child in care" does not include a person under 21 years of age who is residing in any of
34 the entities listed in paragraph (a) of this subsection when the care provided is in the home of the
35 child by the child's parent.

36 (4) "Developmental disabilities residential facility" means a residential facility or foster home
37 for children who are 17 years of age or younger and receiving developmental disability services that
38 is subject to ORS 443.400 to 443.455, 443.830 and 443.835.

39 (5)(a) "Financial exploitation" means:

40 (A) Wrongfully taking the assets, funds or property belonging to or intended for the use of a
41 child in care.

42 (B) Alarming a child in care by conveying a threat to wrongfully take or appropriate moneys
43 or property of the child in care if the child would reasonably believe that the threat conveyed would
44 be carried out.

45 (C) Misappropriating, misusing or transferring without authorization any moneys from any ac-

1 count held jointly or singly by a child in care.

2 (D) Failing to use the income or assets of a child in care effectively for the support and main-
3 tenance of the child in care.

4 (b) "Financial exploitation" does not include age-appropriate discipline that may involve the
5 threat to withhold, or the withholding of, privileges.

6 (6) "Intimidation" means compelling or deterring conduct by threat. "Intimidation" does not in-
7 clude age-appropriate discipline that may involve the threat to withhold privileges.

8 (7) "Involuntary seclusion" has the meaning given that term in ORS 418.519.

9 (8) "Law enforcement agency" means:

10 (a) Any city or municipal police department.

11 (b) Any county sheriff's office.

12 (c) The Oregon State Police.

13 (d) Any district attorney.

14 (e) A police department established by a university under ORS 352.121 or 353.125.

15 (9) "Neglect" means:

16 (a) Failure to provide the care, supervision or services necessary to maintain the physical and
17 mental health of a child in care; or

18 (b) The failure of a child-caring agency, proctor foster home, certified foster home, develop-
19 mental disabilities residential facility, caretaker or other person to make a reasonable effort to
20 protect a child in care from abuse.

21 (10) "Restraint" has the meaning given that term in ORS 418.519.

22 (11) "Services" includes but is not limited to the provision of food, clothing, medicine, housing,
23 medical services, assistance with bathing or personal hygiene or any other service essential to the
24 well-being of a child in care.

25 (12) "Sexual abuse" means:

26 (a) Sexual harassment, sexual exploitation or inappropriate exposure to sexually explicit mate-
27 rial or language;

28 (b) Any sexual contact between a child in care and an employee of a child-caring agency,
29 proctor foster home, certified foster home, developmental disabilities residential facility, caretaker
30 or other person responsible for the provision of care or services to a child in care;

31 (c) Any sexual contact between a person and a child in care that is unlawful under ORS chapter
32 163 and not subject to a defense under that chapter; or

33 (d) Any sexual contact that is achieved through force, trickery, threat or coercion.

34 (13) "Sexual contact" has the meaning given that term in ORS 163.305.

35 (14) "Sexual exploitation" means sexual exploitation as described in ORS 419B.005 (1)(a)(E).

36 (15) "Verbal abuse" means to threaten significant physical or emotional harm to a child in care
37 through the use of:

38 (a) Derogatory or inappropriate names, insults, verbal assaults, profanity or ridicule; or

39 (b) Harassment, coercion, threats, intimidation, humiliation, mental cruelty or inappropriate
40 sexual comments.

41 **SECTION 5.** ORS 418.607 is amended to read:

42 418.607. It is the intent of the Legislative Assembly that siblings who are foster children have
43 certain essential rights, including but not limited to the following:

44 (1) To obtain substitute care placements together whenever safe and appropriate.

45 (2) To maintain **regular** contact and visits with siblings while placed both in and out of substi-

1 tute care placements, including **in-person visits**, contact by telephone and electronic
2 communication[, *as safe and appropriate*], **except as limited, denied or prohibited by court order**
3 **under section 1 of this 2025 Act.**

4 (3) To be provided with transportation to maintain contact and have visits with siblings.

5 (4) To be placed with foster parents and caseworkers who have been provided with training on
6 the importance of sibling relationships.

7 (5) To ensure that contact with siblings will be [*encouraged*] **maintained, encouraged and fa-**
8 **cilitated** in any adoptive or guardianship placement[, *as safe and appropriate*], **except as limited,**
9 **denied or prohibited by court order under section 1 of this 2025 Act.**

10 (6) To have a sibling contact plan that has been developed as a result of the active engagement
11 and participation of siblings and that is complied with as part of any substitute care placement.

12 (7) To have more private or less restrictive communication with siblings as compared to com-
13 munications with others who are not siblings, as safe and appropriate.

14 (8) To be immediately and timely notified of **the birth of a sibling or** placement changes or
15 catastrophic events affecting a sibling, [*as safe and appropriate*] **in a developmentally appropriate**
16 **and trauma responsive manner.**

17 (9) With respect to a foster child's rights under this section:

18 (a) To receive a document setting forth such rights as is age-appropriate and developmentally
19 appropriate within [60] **seven** days of the date of any placement or any change in placement;

20 (b) To have a document setting forth such rights that is age-appropriate and developmentally
21 appropriate on each occasion that a foster child's case plan is considered and reviewed;

22 [*c) To have access to a document setting forth such rights that is age-appropriate and develop-*
23 *mentally appropriate at the residence of all foster parents and child-caring agencies; and*]

24 **(c) To have access to a document setting forth such rights that is developmentally ap-**
25 **propriate and trauma responsive, and is prominently displayed at the residence of all foster**
26 **parents and child-caring agencies in at least one location that children in care can readily**
27 **access at all times; and**

28 (d) To be informed of such rights on at least an annual basis **and upon request.**

29 [*(10) To be provided with an explanation in an age-appropriate manner as to why contact with a*
30 *sibling is or has been denied or prohibited.*]

31 **(10) To be informed that the right to have contact and visitation with siblings is pre-**
32 **sumed and may not be limited, denied or prohibited without written findings by the court**
33 **detailing why restrictions are necessary to ensure safe and appropriate contact.**

34 **(11) To be informed verbally and in writing, in a developmentally appropriate and trauma**
35 **responsive manner, as to why a specific request for communication or visitation with a sib-**
36 **ling has been limited, denied or prohibited.**

37 [*(11)*] **(12)** To have the rights under this section apply regardless of whether the parental rights
38 of one or more of the foster child's parents have been terminated, as safe and appropriate.

39 [*(12)*] **(13)** To request that the foster child's attorney advocate on behalf of the foster child for
40 contact and visits with siblings:

41 (a) While the foster child is in foster care;

42 (b) When the court is considering whether to order visitation between the foster child and the
43 foster child's siblings under ORS 419B.367; and

44 (c) When decisions are made regarding post-adoption contact between the foster child and the
45 foster child's siblings.

1 **SECTION 6. This 2025 Act being necessary for the immediate preservation of the public**
2 **peace, health and safety, an emergency is declared to exist, and this 2025 Act takes effect**
3 **on its passage.**

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