

A-Engrossed

Senate Bill 1533

Ordered by the Senate February 13
Including Senate Amendments dated February 13

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Human Services)

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 Children's Bill of Rights and the Oregon Foster Children's Sibling Bill of Rights. The Act requires DHS to tell some people that a DHS employee cannot give legal advice to them. (Flesch Readability Score: 69.9).

[Digest: The Act makes changes to the Oregon Foster Children's Bill of Rights and the Oregon Foster Children's Sibling Bill of Rights.]

[The Act excludes a child's parents from some laws about abuse of a child in care and requires DHS to tell some people that a DHS employee cannot give legal advice to them. (Flesch Readability Score: 65.0).]

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

[Creates an exception to abuse of a child in care provisions when the suspected abuse was committed by the parent of the child in care.]

Requires the Department of Human Services to notify a child's parents or guardians that the department representative is acting on behalf of the department and cannot give the parent or guardian legal advice.

Declares an emergency, effective on passage.

A BILL FOR AN ACT

Relating to the rights of children in care; creating new provisions; amending ORS 409.185, 418.200, 418.201 and 418.607; and declaring an emergency.

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

FOSTER CHILDREN

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

SECTION 2. ORS 418.200 is amended to read:

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

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.

SECTION 3. ORS 418.201 is amended to read:

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

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

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

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

(4) To be protected from abuse, exploitation, neglect, intimidation, retaliation and wrongful use of restraint or seclusion.

(5) To regularly attend school and to have access to a free and appropriate public education.

(6) To be assigned an attorney to represent the foster child's interests and to have unimpeded and unmonitored contact with that attorney.

(7) To have unimpeded and unmonitored contact, as applicable, with the Residential Facilities Ombudsman, the Children's Advocate or a foster care ombudsman who has been formally designated by the Children's Advocate or the Department of Human Services.

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

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

(10) To be present at court hearings, including to be present at all court hearings regarding the child's case.

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

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

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

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

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

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

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

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

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

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

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

appropriate within [60] **seven** days of the date of any placement or any change in placement;

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

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

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

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

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

[(6)] **(14)** To be provided with current and updated contact information for adults who are responsible for the care of the foster child and who are involved in the foster child's case, including but not limited to caseworkers, caseworker supervisors, attorneys, foster youth advocates and supporters, court appointed special advocates, local citizen review boards and employees of the Department of Human Services that provide certification of foster parents, child-caring agencies and independent resident facilities.

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

SECTION 4. ORS 418.607 is amended to read:

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

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

(2) To maintain **regular** contact and visits with siblings while placed both in and out of substitute care placements, including **regular in-person visits**, contact by telephone and electronic communication[, *as safe and appropriate*], **except as limited, denied or prohibited by court order under section 1 of this 2026 Act.**

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

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

(5) [*To ensure that contact with siblings will be encouraged in any adoptive or guardianship placement, as safe and appropriate.*] **To ensure that contact with siblings will be regularly maintained, encouraged and facilitated in any adoptive or guardianship placement, except as limited, denied or prohibited by court order under section 1 of this 2026 Act.**

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

(7) [*To have more private or less restrictive communication with siblings as compared to communications with others who are not siblings, as safe and appropriate.*] **To have private and unrestricted communication with siblings except as limited, denied or prohibited by court order under section 1 of this 2026 Act.**

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

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

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

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

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

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

(d) To be informed of such rights on at least an annual basis.

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

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

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

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

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

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

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

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

CHILDREN IN CARE

SECTION 5. ORS 409.185 is amended to read:

409.185. (1) The Director of Human Services shall oversee the development of standards and procedures for assessment, investigation and enforcement of child protective services.

(2)(a) The Department of Human Services shall take action to implement the provision of child protective services as outlined in ORS 417.705 to 417.800 and based on the recommendations in the 1992 "Oregon Child Protective Services Performance Study" published by the University of Southern Maine.

(b) In all substantiated cases of child abuse and neglect, the role of the department is to complete a comprehensive family assessment of risk of abuse or neglect, or both, assess service needs and provide immediate protective services as necessary.

(c) The department shall provide remedial services needed to ensure the safety of the child.

(d) In all cases of child abuse and neglect for which a criminal investigation is conducted, the role of law enforcement agencies is to provide a legally sound, child sensitive investigation of whether abuse or neglect or both have occurred and to gather other evidence and perform other

responsibilities in accordance with interagency agreements.

(e) The department and law enforcement agencies shall conduct the investigation and assessment concurrently, based upon the protocols and procedures of the county child abuse multidisciplinary team in each jurisdiction.

(f) When the department and law enforcement agencies conduct a joint investigation and assessment, the activities of the department and agencies are to be clearly differentiated by the protocols of the county child abuse multidisciplinary team.

(g) Nothing in this subsection is intended to be inconsistent with ORS 418.702, 418.747 and 418.748 and ORS chapter 419B.

(h) In all cases of child abuse for which an investigation is conducted, the department shall provide a child's parent, guardian or caregiver with a clear written explanation of the investigation process, the court hearing process and the rights of the parent, guardian or caregiver in the abuse investigation and in the court proceedings related to the abuse investigation. **When the department provides the written explanation under this paragraph to a child's parent or guardian, the department shall include a disclosure that the representative of the department is acting on behalf of the department and cannot provide legal advice to the parent or guardian.**

(3) Upon receipt of a recommendation of the Children's Advocate under ORS 417.815 (2)(e), the department shall implement the recommendation or give the Children's Advocate written notice of an intent not to implement the recommendation.

MISCELLANEOUS

SECTION 6. The unit captions used in this 2026 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2026 Act.

SECTION 7. This 2026 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2026 Act takes effect on its passage.
