



Oregon

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OREGON DEPARTMENT OF
Human Services

To: Chair Gelser Blouin, Vice-Chair Linthicum and members of the Senate Committee on Human Services

From: Jennifer Sorenson, Interim Director
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Re: Oregon's Foster Children's Bill of Rights

Date: February 10, 2026

I am writing to provide perspective from the Governor's Advocacy Office and Foster Care Ombuds regarding one aspect of the proposed changes to the Foster Children's Bill of Rights under Senate Bill 1533. In the Governor's Advocacy Office, we are especially connected to the Foster Children's Bill of Rights because it is the primary framework the Foster Care Ombuds uses to assess if ODHS Child Welfare has served young people in foster care appropriately. Currently, there are changes being proposed to the Foster Children's Bill of Rights but there is no reference to the Reasonable and Prudent Parenting Standard. By including reference to the Reasonable and Prudent Parenting Standard, the Foster Children's Bill of Rights could be more transparent.

The Reasonable and Prudent Parenting standard comes from the United States government, but I'll quote Oregon's Child Welfare Procedure Manual here.

Chapter 5 • Section 34 (P.1118, Rev. 01/26/2026): Reasonable and Prudent Parent Standard

Definitions

Reasonable and prudent parent standard:

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- I. The standard a substitute caregiver shall use when determining whether to allow a child or young adult in substitute care to participate in extracurricular, enrichment, cultural and social activities.
- II. The RPP standard is characterized by careful and sensible parental decisions that maintain the health, safety and best interests of a child or young adult while encouraging emotional and developmental growth.
- III. When applying the RPP standard, the substitute caregiver must consider: the age, maturity and developmental level of the child or young adult; the nature and inherent risks of harm; and the best interests of the child or young adult, based on information known by the caregiver.

Age-appropriate or developmentally appropriate activities:

- I. Activities or items generally accepted as suitable for children or young adults of the same chronological age or level of maturity or are developmentally appropriate for a child or young adult, based on the cognitive, emotional, physical and behavioral capacities typical for an age or age group; and
- II. In the case of a specific child or young adult, activities or items suitable for the child or young adult based on the developmental stages attained by the child or young adult based on the cognitive, emotional, physical and behavioral capacities of the child or young adult.
- III. Age-appropriate or developmentally appropriate activities include extracurricular, enrichment, cultural and social activities.

While the Reasonable and Prudent Parenting standard is often discussed within the context of extracurricular activities, the American Bar association provides materials that include examples such as “reasonable and age-appropriate phone and computer use” and “reasonable curfews and rules for dating and socializing.” The standard as it’s quoted from Oregon’s manual clearly refers to “items” as well as “activities.” Application of the Reasonable and Prudent Parenting standard is not new in the United States or in Oregon, but Oregon has not specifically directed caseworkers to inform young people in foster care of this standard except to encourage young people to participate in activities that match their interests. Currently, guidance is more directed towards the education of foster parents.

Again, quoting from the ODHS Child Welfare Procedure manual:

Substitute caregiver authority to make related decisions

The Department delegates a variety of responsibilities to the physical custodian of children in the care or custody of the Department. Making decisions about the child or young adult's participation in age-appropriate and developmentally appropriate activities, including extracurricular, enrichment, cultural and social activities, is among the responsibilities delegated to the substitute caregiver.

The substitute caregiver must apply the RPP standard when making such decisions, and must consider the age, maturity and developmental level of the child or young adult; the nature and inherent risks of harm; and the best interest of the child or young adult based on information known by the caregiver. When making such decisions using the RPP standard, the substitute caregiver's liability is addressed in the Tort and Foster Parent Liability Policy.

Adding reference to the Reasonable and Prudent Parenting standard in the Foster Children's Bill of Rights would cause young people in foster care to be made aware of this standard in a transparent, timely way. The standard is not only about being encouraged to participate in community-based activities. The Reasonable and Prudent Parenting standard also explains to youth in care that they have a right to be parented in foster care and that parenting often includes some reasonable limits and boundaries.

According to the National Conference of State Legislatures, the reasonable and prudent parenting standard is explicitly included in the statute of 14 states as part of a Foster Children's Bill of Rights. The state of Colorado, referenced during the initial development of Oregon's Foster Children's Bill of Rights, specifies that a youth in foster care has the right to:

(2)(b) Appropriate placement and care, including: (VII) Application of the reasonable and prudent parent standard, as required by federal law.

The Governor's Advocacy Office and the Foster Care Ombuds share this information to promote greater transparency and predictability for young people in foster care, supporting their ability to understand and advocate for their rights as intended by the Foster Children's Bill of Rights.

Thank you for your time and consideration.

Sources:

<https://www.oregon.gov/odhs/rules-policy/Documents/cw-procedure-manual.pdf>

Epstein, H. R., & Lancour, A. M. (2016, October 1). *The Reasonable and Prudent Parent Standard*. American Bar Association.

https://www.americanbar.org/groups/public_interest/child_law/resources/child_law_practiceonline/child_law_practice/vol-35/october-2016/the-reasonable-and-prudent-parent-standard/

<https://www.ncsl.org/human-services/-foster-care-bill-of-rights>

<https://leg.colorado.gov/bills/hb24-1017>