

CHAPTER 36

AN ACT

HB 2216

Relating to rights of foster children who are siblings.
Be It Enacted by the People of the State of Oregon:

SECTION 1. As used in sections 1 to 3 of this 2017 Act:

(1) "Foster child" means a child who is in the legal custody of the Department of Human Services pursuant to the provisions of ORS chapter 418 or 419B and who is placed in substitute care, including but not limited to care with a foster parent or a child-caring agency as defined in ORS 418.205.

(2) "Sibling" has the meaning given that term in ORS 419A.004.

SECTION 2. 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 contact and visits with siblings while placed both in and out of substitute care placements, including contact by telephone and electronic communication, as safe and appropriate.

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

(4) To be placed with foster parents and 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.

(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.

(8) To be immediately and timely notified of placement changes or catastrophic events affecting a sibling, as safe and appropriate.

(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 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 develop-

mentally 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

(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.

(11) 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) 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.

SECTION 3. (1) The Department of Human Services shall adopt rules establishing the Oregon Foster Children's Sibling Bill of Rights, specifying the rights of foster children who are siblings consistent with the provisions of section 2 of this 2017 Act.

(2) The department shall periodically review the rules establishing the Oregon Foster Children's Sibling Bill of Rights to ensure that the bill of rights complies with the principles and requirements set forth in section 2 of this 2017 Act. The department shall promote the participation of current and former foster children who had or have siblings in the development of the rules constituting the Oregon Foster Children's Sibling Bill of Rights and the development of state foster care and child welfare policy.

SECTION 4. Nothing in sections 1 to 3 of this 2017 Act affects the application of the Indian Child Welfare Act (25 U.S.C. 1901 et seq.).

SECTION 5. Sections 1 to 3 of this 2017 Act apply to foster children with siblings in substitute care with a foster parent or child-caring agency on or after the effective date of this 2017 Act.

Approved by the Governor May 15, 2017

Filed in the office of Secretary of State May 15, 2017

Effective date January 1, 2018