

Section 35. Foster youth Bill of Rights

The foster children's Bill of Rights was established in Oregon law in 2013, Chapter 515 (Senate Bill 123) and recognized each foster child has certain essential rights.

This section outlines the department's responsibilities to inform youth of those rights.

The department has a foster children's Bill of Rights "suite of materials" that are age and developmentally appropriate. Each Child Welfare program manager has a packet and copies of every poster, document and form with a list of the numbers for each that can be ordered through the FBOS system. (See <https://apps.state.or.us/Forms/Served/2018.pdf>.) The materials are intended to assist caseworkers, foster parents and youth to increase communication and clarify expectations and comply with state and federal law. For more information, please refer to the "Rights of Children," OAR 413-010- 0170 to 0185.

A. Informing youth of their rights

Procedure

1. **Provide documentation of foster youth rights.** The caseworker will provide youth with documentation of their rights within 60 days of the date of any placement. The caseworker should allow time to help the child or young adult understand the rights.
 - a. The caseworker will also ensure the child or young adult retains a copy of their rights anytime there is a change of placement. If the document has been lost in the transition, the caseworker will provide the child or young adult with another copy of the document.
 - b. The caseworker will provide the child or young adult with an annual review of their rights.

There may be occasions when the case plan requires modifications to the youth's rights to ensure the child will remain safe. The reason for any such modification is to be explained to the child or young adult.

2. **Provide current contact information.** The caseworker will provide the child or young adult with a current and updated list of contact information for adults involved in their case, the Important Contact Information Sheet (DHS 9015). That list will include:
 - a. Caseworker
 - b. Caseworker's supervisor

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- c. Foster parent certifier
 - d. Foster parent certifier's supervisor
 - e. Branch manager
 - f. Tribal affiliation (if applicable)
 - g. Attorney(s)
 - h. CASA (if applicable)
 - i. Independent Living provider (if applicable)
 - j. Local Citizen Review Board coordinator
 - k. Foster Care Ombudsman
 - l. Foster youth advocates and supporters (e.g., Oregon Foster Youth Connection, FosterClub)
 - m. Any other supportive adults and advocates
3. **Provide contact for complaints, concerns or violations of rights.** The caseworker will also provide the child or young adult with a document containing the contact information of the specific individuals whom the foster child or young adult may contact regarding complaints, concerns or violations of rights. The caseworker is to keep this list updated and current.
4. **Provide transition to adulthood materials to youth 14 and older.** When a foster youth reaches the age of 14 or older, and within 60 days of any placement or placement change, the caseworker is to provide the child or young adult with a packet of information and materials that help the child or young adult understand how to obtain certain items necessary to assist with their preparation for adulthood, "How Do I..." brochure (DHS 9018). The packet will contain information to help the child or young adult understand how to:
- a. Establish a bank account in the foster child or young adult's name.
 - b. Acquire a driver's license as allowed under state law
 - c. Remain in foster care after reaching 18 years of age
 - d. Access the Tuition and Fee Waiver for foster youth
 - e. Obtain a copy of his or her credit report
 - f. Obtain medical, dental, vision, mental health services or other treatment, including services and treatments available without parental consent under state law
 - g. Participate in crafting his or her comprehensive transition plan.
5. **Review the foster care Bill of Rights with youth 14 and older** and obtain signature. The caseworker is to provide the foster youth age 14 years and older with the foster children Bill of Rights signature page (DHS 9016) that the youth will need to sign acknowledging the caseworker reviewed their rights with them per federal law.

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If a child is placed in a foster home paid by ODDS and the child has behaviors that indicate a need for enhanced supervision, a CANS screening may be requested to determine the level of care payment that can be included in the guardianship assistance subsidy.

B. Foster Care Ombudsman

The foster children's Bill of Rights identifies specific individuals a foster child may contact regarding concerns, complaints or potential violations of his or her rights. To this end, the Governor's Advocacy Office has established the Foster Care Ombudsman.

The Foster Care Ombudsman responds to complaints, concerns or violation of rights initiated by children in foster care or by a second party on behalf of children in foster care.

The Ombudsman and staff are authorized to:

- Communicate with any foster child in his or her placement or elsewhere.
- Investigate and research issues or grievances to determine whether Child Welfare program staff is in compliance with DHS policies and procedures.
- Track and identify systemic trends or training needs; recommend modifications to policy and procedures when findings determine an existing policy has an unintended or adverse impact on clients.
- Communicate on behalf of foster children who perceive inequities or inconsistencies within the DHS systems.
- Provide appropriate, timely and quality services to customers; assist with information and access to DHS programs and services.
- Provide guidance on navigating within the Child Welfare programs, including client rights and due processes.
- To objectively review and investigate complaints and concerns as appropriate, including informing the subject office or unit of the intent to review a case, which may include the subject unit's operations, policies and practices.
- To make appropriate referrals to the applicable source for remedy or due process including notification to the subject office or unit of the referral, unless advance notice will unduly hinder the review.
- To inform complainants and concerned parties of actions the Ombudsman will take in response to their complaint or concern, including whether the complaint will be reviewed by the Ombudsman or notify them if the matter is being referred to another entity for response.
- The Ombudsman must adhere to Oregon statutes, administrative rules and DHS policies without exception.

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