

Policy Title:	Rights of Children – OAR		
Policy Number:	I-A.4.1 413-010-0170 thru 0180	Version:	Effective Date: 11/03/09

Approved By: *on file*

Date Approved

Policy

Forms, etc.

Definitions

References

Contact

History

Reference(s):

- Child Welfare Policy, I-A.1, Client Rights
- Oregon Laws 1997, Ch. 873

Form(s) that apply:

- None referenced.

Rules:

413-010-0170

Purpose

The purpose of these rules, OAR 413-010-0170 to 413-010-0180, is to describe the rights and protection each *child* placed in the legal custody of the Department is entitled to receive from the Department. These rules supplement the statement of clients' rights established in Child Welfare Policy I-A.1, "Client Rights".

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005, 419B.343

413-010-0175

Definitions

- (1) "Case plan" means a written, goal oriented, and time limited individualized plan for the *child* and the child's family, developed by the Department and the parents or legal guardians, to achieve the child's safety, permanency, and well being.
- (2) "Child" means a person under 18 years of age.
- (3) "Department" means the Department of Human Services, Child Welfare.

- (4) "Discipline" means a training process a family uses to help a *child* or *young adult* develop the self control and self direction necessary to assume responsibilities, make daily living decisions, and learn to conform to accepted levels of social behavior.
- (5) "Legal guardian" means a person or agency that has the duties and authority of a *parent* with legal custody to make decisions concerning a *child*, including but not limited to the following:
- (a) Authorize surgery and other extraordinary treatment for the *child*;
 - (b) Authorize the *child* to enlist in the armed forces of the United States;
 - (c) Consent to child's adoption; and
 - (d) Make other decisions of substantial legal significance concerning the *child*, (but a guardian is not a conservator of the child's property or estate).
- (6) "Parent" means the biological or adoptive mother or the legal father of the *child* or *young adult*. A legal father is a man who has adopted the *child* or *young adult* or whose paternity has been established or declared under ORS 109.070, ORS 416.400 to 416.465, or by a juvenile court. In cases involving an Indian *child* under the Indian Child Welfare Act (ICWA), a legal father includes a man who is a father under applicable tribal law. "Parent" also includes a putative father who has demonstrated a direct and significant commitment to the *child* or *young adult* by assuming or attempting to assume responsibilities normally associated with parenthood unless a court finds that the putative father is not the legal father.
- (7) "Young adult" means a person 18 to 20 years of age who remains in the care and custody of the Department, and lives in substitute care or lives independently through the Department's Independent Living Subsidy Program.
- Stat. Auth.: ORS 418.005**
Stats. Implemented: ORS 418.005

413-010-0180 **Rights of a Child**

Each *child* placed in the legal custody of the Department has the following rights:

- (1) To be placed in the least physically restrictive environment that appropriately meets the child's needs;
- (2) To be provided basic needs such as adequate food, clothing, and shelter;
- (3) To receive care, supervision, and *discipline*, and to be taught to act responsibly and respect the rights of others;
- (4) To be provided ordinary medical, dental, and mental health care and treatment;
- (5) To be provided with free and appropriate public education;

- (6) To be protected from physical and sexual abuse, emotional abuse, neglect, and exploitation;
- (7) To be provided services designed to reunite the *child* with his or her *parent* or *legal guardian* except when there is clear evidence that the *parent* or *legal guardian* may not protect the child's welfare;
- (8) To be provided services to develop a safe permanent alternative to the child's own family, when family resources are not available;
- (9) To be accorded the least restrictive legal status that is consistent with the child's need for protection, to have the Department present its position on the child's best interests to the court, and to attend court hearings and speak directly to the judge;
- (10) To receive respect, be nurtured, and attend activities in accordance with his or her background, religious heritage, race, and culture within reasonable guidelines as set by the case plan, the visitation plan, and the court;
- (11) To visit and communicate with a *parent* or *legal guardian*, siblings, members of his or her family, and other significant people in the child's life within reasonable guidelines as set by the *case plan*, the visitation plan, and the court;
- (12) To be involved, in accordance with his or her age and ability and with the law, in making major decisions that affect his or her life, to participate in the development of his or her *case plan*, permanency plan, and comprehensive transition plan and to discuss his or her views about the plans with the judge;
- (13) To receive encouragement and be afforded reasonable opportunities to participate in extracurricular, cultural, and personal enrichment activities consistent with his or her age and developmental level;
- (14) To earn and keep his or her own money and to receive guidance in managing resources to prepare him or her for living independently.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005, 419B.343

Contact(s):

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Policy History

- [02/15/98](#)