

State Representative Jerry Krummel (R-Wilsonville) House District 26



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CONTACT:
DAWN PHILLIPS 503-750-1764

Krummel Compels DHS To Retract Foster Parent Gun Policy

(Salem) "The [Department of Human Services](#) (DHS) infringed on Oregon foster parents' lawful exercise of their Second Amendment Rights," said [State Representative Jerry Krummel](#) after learning about a new policy adopted this past spring. "**I didn't appreciate the agency overstepping its authority, especially when it comes to such an important constitutional right.**" Krummel challenged the policy and it was recently retracted by DHS.

Two Wilsonville foster parents, both with [Concealed Handgun Licenses](#) (CHL), told Krummel about a change in agency policy ([Oregon Administrative Rule 413-200-0335](#)) which required foster families to store all firearms unloaded, and ammunition in a locked container, in separate locations inaccessible to children. These parents cared for a total of eight foster children over the past two years and are now being recertified by the state. If the policy had not been rescinded they would've lost their certification and the two foster kids currently in their home. New [temporary rules](#) without restrictions on guns were released July 13th.*

"Foster parents in Oregon sacrifice tremendously for the good of the children they care for. They should not have to sacrifice their rights," said Kevin Starrett, Executive Director of [Oregon Firearms Federation](#). "Before Representative Krummel and his staff stepped up, **foster parents were denied their rights, not only to recreational shooting sports, but to the very means to defend the children they are expected to keep safe.**"

Under state law ([Oregon Revised Statute 166.170](#)) only the State Legislature can restrict "the sale, acquisition, transfer, ownership, possession, storage, transportation or use of firearms". Krummel obtained a legal opinion from [Legislative Counsel](#) which read: "Therefore, **the provisions of ORS 166.170 limit the power of the department to enact any rules regulating firearms, unless otherwise expressly authorized by state statute.**" The [Attorney General's Office](#) agreed issuing its own ruling stating, "DHS cannot as a condition of receiving a foster care certificate of approval require the foster parent to permit or prohibit access to firearms or ammunition."

Another couple, Aaron and Talia Heath from Canby, also CHL holders, wrote Krummel saying they struggled with the new DHS policy, "because it is in our hearts to care for children and the thought of giving that up was heartbreaking. **Ultimately, we decided it was just as important to fight for the constitutional rights of kids as it was to provide for their physical/emotional needs.** It didn't seem right to care for a child who has been abused and then stand by and let their right to protect themselves be taken away." The Heath's lost their certification to be a foster family, but may reapply someday.

Don Darland, President of the [Oregon Foster Parents Association](#), explained, "'I personally feel this policy change will not effect how our Oregon foster parents operate their homes to keep the children safe. I feel we have some smart folks who are probably more concerned about the kitchen knives than their firearms". There are 5,300 foster homes in Oregon and on average [around 7,700 children in foster care](#). Darland hopes this policy debate will encourage more discussion about safety issues around the house in general. **At Representative Krummel's suggestion, DHS is forming a work group to look at recommendations for the 2009 Legislative Session.**

DHS estimates 60% of the children placed with foster families come from homes where there is drug, alcohol, and/or physical abuse. In many cases there is also criminal activity. "No one should have to choose between their love for kids and their desire to make sure they are always protected," added Starrett. **It makes no sense to ask foster parents to assume this great responsibility and then treat them like they are irresponsible.**

*The agency is **seeking public comment** on [new rules for certification standards](#) through **August 23rd**. You can learn more about [the rules](#) on their web site: <http://www.dhs.state.or.us/policy/childwelfare/drafts/2007/ii-b1.pdf> or call 503-945-6897 or 503-945-5651.

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900 Court Street, NE H-281, Salem, OR 97301 503-986-1426
www.leg.state.or.us/krummel ~ rep.jerrykrummel@state.or.us