

HOUSE AMENDMENTS TO HOUSE BILL 4214

By JOINT COMMITTEE ON THE FIRST SPECIAL SESSION OF 2020

June 26

- 1 On page 5 of the printed bill, delete lines 42 through 45.
- 2 On page 6, delete lines 1 through 36 and insert:
- 3 **“SECTION 12. Jurisdiction. (1) Except as otherwise provided in this section, the juvenile**
- 4 **court’s jurisdiction under ORS 419B.100 (1) in a case involving an Indian child is concurrent**
- 5 **with the Indian child’s tribe.**
- 6 **“(2) If a tribe is not subject to Public Law 83-280, the tribe has exclusive jurisdiction in**
- 7 **a case described in ORS 419B.100 (1) involving an Indian child if:**
- 8 **“(a) The Indian child is a ward of a tribal court of the Indian child’s tribe; or**
- 9 **“(b) The Indian child resides or is domiciled within the reservation of the tribe.**
- 10 **“(3)(a) An Indian tribe subject to Public Law 83-280 may limit the juvenile court’s exer-**
- 11 **cise of jurisdiction under ORS 419B.100 (1) over an Indian child by entering into a tribal-state**
- 12 **agreement described in section 10 of this 2020 special session Act.**
- 13 **“(b) The juvenile court shall decline to exercise its jurisdiction under ORS 419B.100 (1)**
- 14 **over an Indian child who is a ward of a tribal court of the Indian child’s tribe, or who resides**
- 15 **or is domiciled within the reservation of the tribe, if:**
- 16 **“(A) The tribe has entered into a tribal-state agreement in which the state has agreed**
- 17 **to decline jurisdiction; and**
- 18 **“(B) The tribal-state agreement provides that the tribe has default jurisdiction over those**
- 19 **cases.**
- 20 **“(c)(A) If the juvenile court declines to exercise its jurisdiction under paragraph (b) of**
- 21 **this subsection, the court shall coordinate with the tribal court to facilitate the tribal court’s**
- 22 **assumption of jurisdiction.**
- 23 **“(B) The juvenile court shall:**
- 24 **“(i) Allow the Indian child’s parent, Indian custodian or tribe to participate in any com-**
- 25 **munications under this subsection with a tribal court or, if the person is unable to partic-**
- 26 **ipate in a communication, provide the person with an opportunity to represent facts and**
- 27 **legal arguments supporting the person’s position before the juvenile court makes a decision**
- 28 **regarding jurisdiction;**
- 29 **“(ii) Create records of any communications under this subsection;**
- 30 **“(iii) Notify the Indian child’s parent, Indian custodian or tribe in advance of each com-**
- 31 **munication; and**
- 32 **“(iv) Provide the Indian child’s parent, Indian custodian or tribe with access to the re-**
- 33 **cord of the communication.**
- 34 **“(C) Communications between the juvenile court and a tribal court regarding calendars,**
- 35 **court records and similar matters may occur without informing the parties or creating a**

1 **record of the communications.**

2 **“(D) As used in this paragraph, ‘record’ means information that is inscribed on a tangible**
3 **medium or that is stored in an electronic or other medium and is retrievable in perceivable**
4 **form.**

5 **“(4) Notwithstanding subsections (2) and (3) of this section, the juvenile court has tem-**
6 **porary exclusive jurisdiction over an Indian child who is taken into protective custody under**
7 **ORS 419B.150 or 419B.152.”.**

8
