

HB 3182 A STAFF MEASURE SUMMARY

Senate Committee On Human Services, Mental Health and Recovery

Prepared By: C. Ross, Counsel

Meeting Dates: 5/6

WHAT THE MEASURE DOES:

Incorporates federal Indian Child Welfare Act (ICWA) provisions into state law concerning voluntary adoptions and certain adjudicated youth. Clarifies inquiry and determination whether there is "reason to know a child is an Indian child." Specifies required court finding and steps with respect to same. Incorporates requirements applicable to involuntary termination of parental rights into adoption proceedings where appropriate. Specifies steps required of entity receiving a voluntarily surrendered Indian child. Reiterates deadline for Department of Human Services (DHS) to file ICWA compliance report is within 90 days of receiving service of adoption petition. Conforms Citizen Review Board (CRB) findings. Specifies procedure to establish paternity and clarifies other provisions with respect to parentage. Clarifies required finding of "active efforts." Clarifies elements of judgment of adoption. Specifies process when judgement is vacated and when Indian child is returned after improper removal or retention. Requires full faith and credit for tribal customary adoptions as specified. Directs DHS to adopt rules regarding confidentiality of tribal adoption records. Adds to DHS reporting requirements due by September 15 of even-numbered years: the number of ICWA compliance reports where a petitioner's documentation was insufficient to enable corresponding court finding, and total ICWA compliance reports and ratio where there was reason to know the child was Indian. Requires additional DHS report to the legislature by March 15, 2024, regarding implementation of tribal customary adoption as an alternative for wards who are Indian children, and recommendations to improve process. Makes additional technical adjustments. Takes effect 91st day after *sine die* adjournment.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

In 1978 Congress enacted the Indian Child Welfare Act (ICWA) to establish minimum standards to guide states with respect to the removal and out-of-home placement of Native children, after acknowledging that such children were removed from their families and communities at disproportionately higher rates than other children. The ICWA supports the integrity of Indian tribes and families, respects the unique values of Native cultures, and prioritizes the value of an Indian child's connection to their culture, family, and tribe.

In 2018, American Indian and Alaska Native (AI/AN) children continued to be disproportionately represented in Oregon's foster care system: they comprised 1.6 percent of all children in Oregon, but 4.8 percent of children in foster care. During the first special session of 2020, the Legislative Assembly enacted House Bill 4214 to conform the state's dependency proceedings with ICWA requirements.

House Bill 3182 A clarifies and builds on previous legislation, making making a number of technical corrections and adjustments, and providing additional direction concerning the adoption of Indian children, including tribal customary adoptions.