

**HB 3182 A STAFF MEASURE SUMMARY****Carrier:** Rep. Sanchez**House Committee On Judiciary****Action Date:** 04/08/21**Action:** Do pass with amendments. (Printed A-Eng.)**Vote:** 10-0-0-0**Yeas:** 10 - Bynum, Dexter, Helm, Kropf, Lewis, Morgan, Noble, Power, Wallan, Wilde**Fiscal:** No fiscal impact**Revenue:** No revenue impact**Prepared By:** Amie Fender-Sosa, Counsel**Meeting Dates:** 3/30, 4/8**WHAT THE MEASURE DOES:**

Codifies the federal Indian Child Welfare Act into Oregon Law regarding adoptions. Clarifies language, reference, and instruction around "reason to know a child is an Indian child." Requires the court to make a finding regarding whether there is reason to know and directs the court to take certain steps based on that finding. Incorporates into adoption cases, when there is a nonconsenting parent, the involuntary termination of parental rights requirements that apply. Requires the agency that receives a child for voluntary relinquishment or surrender to complete certain steps when there is reason to know the child is an Indian child. States time period for Department of Human Services (DHS) to file a compliance report with the court is 90 days of services of the petition. Modifies Citizen Review Board (CRB) finding responsibilities with regard to Indian children, as to decisions already made by the court. Creates a procedure for establishing parentage of an Indian child. Clarifies the active efforts requirements finding. Clarifies elements required to be in a judgment when a court enters a judgment of adoption of an Indian child. Establishes processes for when an adoption is vacated. Sets requirements for return of an Indian child due to improper removal or retention. Requires the juvenile court to afford full faith and credit to a tribe's customary adoption once the order has been accepted by the juvenile court. Directs DHS to adopt rules regarding the confidentiality of tribal adoption records. Requires DHS to report to the interim committees of the Legislative Assembly related to the judiciary by March 15, 2024, describing DHS's implementation of tribal customary adoption as an alternative permanency option for wards who are Indian children. Makes technical corrections to chapter 14, Oregon Laws 2020 (first special session) (ORICWA). Takes effect on 91st day following adjournment sine die.

**ISSUES DISCUSSED:**

- Adoption protections to align with the federal Indian Child Welfare Act (ICWA)
- Tribal customary adoptions are not uniformly recognized by Oregon courts
- Improvements in DHS' handling of ICWA cases
- Keeping Indian children connected with their families, tribes, and tribal resources
- House Bill 4214 (2020, first special session)

**EFFECT OF AMENDMENT:**

Replaces the measure.

**BACKGROUND:**

The Indian Child Welfare Act (ICWA) is a federal law created "to protect the best interests of Indian children and to promote the stability and security of Indian tribes and families by the establishment of minimum Federal standards for the removal of Indian children from their families and the placement of such children in foster or adoptive homes which will reflect the unique values of Indian culture" (25 U.S.C. § 1902, 1978). In Oregon, in 2018, American Indian and Alaska Native (AI/AN) children were over-represented in the Oregon foster care system. Although AI/AN children makeup 1.6 percent of the child population, they are 4.8 percent of the children

*This summary has not been adopted or officially endorsed by action of the committee.*

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in foster care in Oregon. During the first special session of 2020, the Oregon Legislative Assembly passed House Bill 4214, to codify ICWA into Oregon law.

House Bill 3182 A builds on HB 4214 (2020, first special session), making technical corrections and adding direction regarding the adoption of Indian children, including tribal customary adoptions.