

HB 3182 A STAFF MEASURE SUMMARY

Carrier: Sen. Hansell

Senate Committee On Human Services, Mental Health and Recovery**Action Date:** 05/11/21**Action:** Do pass the A-Eng bill.**Vote:** 5-0-0-0**Yeas:** 5 - Anderson, Gelser, Lieber, Robinson, Taylor**Fiscal:** No fiscal impact**Revenue:** No revenue impact**Prepared By:** C. Ross, Counsel**Meeting Dates:** 5/6, 5/11**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 customary tribal 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. Effective 91st day after adjournment *sine die*.

ISSUES DISCUSSED:

- Continuation of work to finalize implementation of and compliance with ICWA
- House Bill 4214 (2020, first special session)
- Number of hours of collaborative work on the part of numerous stakeholder groups initiated in 2019
- Recognizing customary tribal adoptions
- Keeping Native children safe and connected
- Access to federal resources and support

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.

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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, continuing implementation of and compliance with the ICWA, making a number of technical corrections and adjustments, and providing additional direction concerning the adoption of Indian children, including recognizing customary tribal adoptions.