



To: Oregon House Judiciary Committee

From: The Confederated Tribes of the Umatilla Indian Reservation

Date: March 30, 2021

Chair Bynum, Vice Chair Noble and members of the House Judiciary Committee:

My name is Corinne Sams and I am on the elected Board of Trustees of the Confederated Tribes of the Umatilla Indian Reservation. Thank you for allowing me to provide testimony from the Umatilla Reservation today on behalf of CTUIR to urge your support for HB 3182, concerning technical fixes and the addition of adoption provisions to the Oregon ICWA law passed last year.

Last year's adoption of the Oregon ICWA law was a significant step toward ensuring the State of Oregon's compliance with the Indian Child Welfare Act and associated federal regulations. More importantly, we believe it will prove to be effective in reducing the disproportionate treatment of Native American children in the state's child welfare system. We have already seen great strides taken by Child Welfare in improving the handling of ORICWA cases, from improving the state's inquiry and notification process to a better understanding of what it means to provide active efforts and coordinate with tribal nations on cases. Thank you for supporting that legislation.

HB 3182 is necessary to provide certain technical fixes to the ORICWA and to incorporate ICWA's adoption requirements into Oregon's statutes. For example, this bill clarifies certain issues surrounding when a court has "reason to know" a child is an Indian child. This includes provisions that ensure cases are treated as ORICWA cases if there is "reason to know" a child is an Indian child until such time as a court is able to enter a definitive order on the issue. In some cases it can be unclear if a child qualifies as an Indian child and it takes time to gather the information necessary to make an accurate determination – from paternity results to ancestry information to determinations of blood quantum. In those cases, the child will be treated as an Indian child until the court has sufficient evidence to decide the issue.

This bill also tackles the issue intentionally left unaddressed last year, namely incorporating ICWA statutory and regulatory requirements into the State's private adoption statutes. For example, this bill creates a process where DHS reviews a private adoption petition and issues a compliance report as to whether what has been submitted to the court is sufficient and



complete to meet ORICWA's notice requirements. It requires a court to review the filing to determine if proper notice has been issued, whether there is a reason to know a child is an Indian child, and if there is reason to know, to ensure any proposed adoption complies with ORICWA's placement preferences. It also ensures that in voluntary adoptions the court, on the record, informs the parents of their rights under ICWA to ensure they understand and waive their rights voluntarily.

I want to thank everyone who participated in the interim workgroup on this bill, including Rep. Sanchez, the Oregon Department of Justice, the Department of Human Services, the Oregon Judicial Department, invited legislators from both sides of the aisle, all the attorneys from our federally recognized tribes, Legislative Counsel, and the national ICWA experts - including Judiciary Counsel - for recognizing the need and for working so hard together to bring you HB 3182.

The Oregon Indian Child Welfare Act passed the House and Senate unanimously last year. We ask you to do the same with these technical fixes and private adoption amendments to last year's law. Your vote on HB 3182 will keep more Native children safe and connected with their culture and the resources of their tribal governments.

Thank you.

Corinne Sams
Board of Trustees