



DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

DATE: May 6, 2021

TO: Chair Gelser, Vice-Chair Anderson, and
Members of the Senate Committee On Human Services, Mental Health and
Recovery

FROM: Shannon Dennison
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SUBJECT: HB 3182 A – Oregon Indian Child Welfare Act

This testimony is presented in support of HB 3182 A.

Background:

The Indian Child Welfare Act (ICWA) is a federal law enacted in 1978 to provide guidance to States regarding the handling of child abuse and neglect and adoption cases involving Native American children. In 2016, the U.S. Department of the Interior promulgated ICWA regulations and published updated guidelines for implementation of the statute. The Oregon Department of Human Services (ODHS) Child Welfare Program amended its administrative rules in 2017 to align with the ICWA's 2016 federal regulations. Despite those efforts, ICWA compliance remained inconsistent throughout the state. Therefore, in the first 2020 special session, the legislature unanimously passed HB 4214 (ORICWA). ORICWA enhanced and clarified the federal law by embedding it into state law, provided additional guidance to Oregon courts making decisions about Indian children and their families, and provided greater protections for Indian children and families in Oregon. ORICWA has been in effect since January 1, 2021 and is already improving statewide compliance when Indian children are involved in juvenile dependency cases, termination of parental rights cases, and adoption cases throughout Oregon.

HB 3182 A provides critical legislative fixes and clarifications to ORICWA including provisions addressing parentage determinations, private adoptions involving Indian children, Cultural Connection Agreements between Tribes and permanent guardians and adoptive parents to ensure ongoing relationships and connections for Indian children with their Tribes, and Tribal Customary Adoptions as a permanent planning option for Indian children involved in juvenile dependency cases.

Concept:

This bill will amend Oregon's juvenile dependency, and termination of parental rights, and adoption statutes to provide legislative fixes to ORICWA and recognize Tribal Customary Adoptions as a permanent planning option for Indian children involved in juvenile dependency cases.

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