

SB 815 STAFF MEASURE SUMMARY

House Committee On Early Childhood and Human Services

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Meeting Dates: 4/22, 5/15

WHAT THE MEASURE DOES:

The measure modifies when the Oregon Department of Human Services (ODHS) is a party in juvenile dependency proceedings. It specifies that ODHS is a party in the proceedings when the department is the petitioner, has taken the child into protective custody, has been granted temporary custody of the child, or the child has been committed to the legal custody of ODHS. The measure specifies that a child-caring agency is a party in the proceedings if it has temporary custody of the child.

REVENUE: No revenue impact.

FISCAL: Has minimal fiscal impact.

SENATE VOTE: Ayes, 29; Nays, 0; Excused, 1

ISSUES DISCUSSED:

- Ability of child caring agencies to be parties in a proceeding
- History of ICWA and ORICWA

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

The [Indian Child Welfare Act](#) (ICWA), passed in 1978, is a federal law designed to prevent unnecessary removal and displacement of American Indian and Alaska Native (AI/AN) children and to “protect the best interests of Indian children and to promote the stability and security of Indian tribes and families” (25 U.S.C. 1902 (1978)). Data from the Oregon Department of Human Services (ODHS) reflected disproportionate placement of AI/AN children in foster care, and in 2018 the ODHS Tribal Affairs Unit formed an ICWA compliance committee at the request of the Oregon Tribes to address this issue ([Oregon Judicial Department Juvenile Court Improvement Program, 2021](#)). This committee, along with a subsequent legislative work group, brought together relevant stakeholders and national experts. In 2020, the legislature passed [House Bill 4214](#) which established the Oregon Indian Child Welfare Act (ORICWA).

When ODHS intervenes in response to reported abuse or neglect of a child, the department files a petition with the local juvenile court to begin dependency proceedings. Oregon law recognizes specified entities as parties to proceedings in juvenile court ([ORS 419B.875](#)). These parties include, among others, the child or ward, their parent or guardian, the Oregon Department of Human Services (ODHS) if the department has taken the child into protective custody or has temporary custody of the child, and a Tribal representative and custodian if the child is determined to be covered by ORICWA. Parties to proceedings are granted rights including the right to notice of the proceedings and copies of petitions, to appear with counsel, to call witness, to appeal, and to request a hearing. In 2023, the Legislative Assembly passed [Senate Bill 93](#) which, among other changes, permitted ODHS to be a party to proceedings if it had taken the child into protective custody, in addition to when the department had temporary custody of the child.