



OREGON JUDICIAL DEPARTMENT  
Office of the State Court Administrator

February 10, 2026  
**(SENT BY EMAIL)**

The Honorable Sara Gelser Blouin, Chair  
Senate Committee on Human Services  
900 Court Street NE  
Room 431 State Capitol  
Salem, OR 97301-4048

Re: Work Session SB 1532

Dear Chair Gelser Blouin and members of the committee:

Thank you for the opportunity to provide an update on the development of an amendment to Senate Bill 1532 that will allow safe placement of Indian children in certain out-of-state facilities.

The Oregon Judicial Department (OJD) voiced concerns over Section 8 of SB 1532 as introduced. Our concerns came from two areas: (1) the broadness of the language could lead to confusion in the processes; and (2) the necessity of court oversight when children are placed out of state. In response to our concerns, a small workgroup convened, with representatives from the Oregon Department of Human Services (ODHS), the Governor's Office, and attorneys and representatives/members from some, but not all, of Oregon's federally recognized tribes, in the discussions.

We are optimistic that the consensus language that resulted from that workgroup, now section 12 of the -4 amendment, will honor the preferences of tribes in the placement of Indian children while ensuring that adequate oversight and accountability are present when children are placed in out-of-state facilities that are not licensed by the State of Oregon.

Inherent tension exists between swiftly placing a child in the most appropriate level of care to suit their needs and the responsibility to ensure that a child is consistently safe when the decision to place is made outside the oversight framework typically relied upon. This becomes particularly urgent when a child is experiencing acute substance

use or mental health disorders and needs specialized treatment that may not be available within Oregon. And when a child is an Indian child and the child's tribe has found a culturally appropriate placement in a care facility, it is imperative that the tribe's placement preferences be followed.

Section 12 of the -4 amendments attempts to strike a balance between these points of tension. First, the language of section 12 of the -4 amendments makes clear the types of placements for which an Indian child could be placed out of state: an institution for children that has a program suitable to meet the Indian child's needs and is approved by an Indian tribe or operated by an Indian organization. For example, this measure would not allow placement in an unlicensed foster home but would allow placement in a substance use treatment center run by a tribe. Second, it makes clear that the placement preferences in ORS 419B.654 must be followed.

Finally, and of critical importance to OJD, the measure requires notice to the courts and parties that a child is proposed to be placed out of state in an appropriate program. While OJD had initially requested this process be notice and approval by the court, after discussion with the tribes on the critical need to place Indian children in culturally-specific placements, and after discussion on other safeguards that may be in place to ensure the well-being of the child while out of state, OJD has agreed that notice within 10 days prior to placement will provide the court, the child, the parents, and any other parties time to assess the out-of-state placement and determine how that may impact the ongoing dependency case and their positions. Additionally, OJD has agreed to an emergency exception when waiting 10 days would result in harm to the child or loss of placement. In emergency cases, notice would be required as soon as practicable, and no more than one business day after the child leaves the state.

OJD's concern about this measure as drafted was due to the history of poor outcomes for Oregon children who were placed in out of state congregate care facilities. Prior to the passage of SB 1605 (2020 1<sup>st</sup> Special Session), Oregon children in ODHS custody were sent out of state frequently. Many of the out-of-state facilities were subsequently closed due to physical and sexual abuse of the children, frequent police calls, and improper staff screening.<sup>1</sup> OJD expects better oversight and investigation of the facilities to which ODHS will be sending Indian children under SB1532 as it provides a limited exception to the out-of-state placement regulations provided by ORS 418.321.

In a prior version of similar legislation, House Bill 3835 B-Engrossed (2025), for example, court approval under ORS 419B.351 would have been required, in addition to much greater oversight by ODHS and the executive branch. It is our understanding that

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<sup>1</sup>See, for example, [testimony from Disability Rights Oregon, Senate Bill 1566, February 5, 2020, Senate Committee on Human Services](#)

ODHS will continue to work with tribes to track data on both the involvement of the tribe in the decision, which is paramount, and where children are placed out of state, which is crucial.

Currently, the most comprehensive report ODHS has involving Indian children is the legislatively mandated [ORICWA Report](#). The biannual report is a collaboration between OJD and ODHS. Both agencies agreed that Indian children placed out of state through this process can and would be tracked in the report. Additionally, ODHS is required to report on out-of-state placements pursuant to ORS 419B.335, which includes a requirement about tribal status of children placed out of state. Through this reporting requirement, ODHS and OJD will be able to analyze the impact of this legislation on a small subset of children in the foster care system. The combination of involvement, care, and oversight of the Indian child by the tribe, coupled with the existing reporting requirements, allows OJD to accept a notice provision rather than require pre-approval by the court before the placement occurs.

Thank you for the opportunity to provide information about this amendment. We look forward to continuing to work collaboratively on these issues both with ODHS and each of the Nine Tribes of Oregon.

Sincerely,

A handwritten signature in cursive script that reads "Channa Newell".

Channa Newell  
Senior Staff Counsel for Government Relations

CN: kl/26eCN003kl