

Native American Youth and Family Center

5135 NE Columbia Blvd, Portland, OR 97218 | p 503.288.8177 | f 503.288.1260 | nayapdx.org

April 3, 2019

To: Chair Williamson, Vice Gorsek, Vice Chair Sprenger, Members of the Committee
House Committee on Judiciary

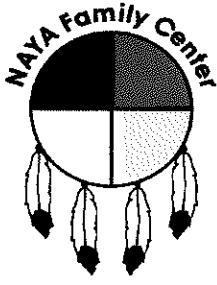
RE: House Bill 2849 – Support

For the record, my name is Elisha Big Back, I am a member of the Northern Cheyenne tribe from Montana and I serve as the Foster Care Services Manager at the Native American Youth and Family Center. On behalf of NAYA, we encourage your support of House Bill 2849. HB 2849 ensures Oregon's standard for taking a child into protective custody without a court order keeps children safe while complying with the constitutional standard.

As the Foster Care manager I am very familiar with the process involved of removing a child from their home. This process is very traumatizing to the child no matter how thoroughly it is explained to the child. In their eyes the process is internalized and interpreted as they have done something wrong and their family will be torn apart. All the more reason to expedite this process as quickly as possible to get the child to safety with or without a court order. This will help to remove the pressure on the child to begin the healing that must take place internally as well as external. NAYA Family Centers Foster care services would like to see the need for removals to be a non-factor, however sadly today, is not that day. Until the prevention services become a reality we continue to support the foster youth in a culturally specific way while maintaining the stable connection to community helping to heal, build resilience and strengthen their sense of self through this difficult process.

Current Oregon law permits a child to be removed from a parent both with and without a court order. The current process for obtaining a court order to remove a child can be onerous and Oregon's statute governing removal without a court order is unconstitutional according to both the Oregon Court of Appeals and the Federal Court of Appeals. In fact, 45 states have a higher standard for removal without a court order than Oregon.

HB 2849 heightens the standard for taking a child into custody without a court order by aligning Oregon's statutes with the constitutional standard. A Court order is not required when there is an imminent threat of harm to a child. If a Court order is required, DHS must explain why removal is in the child's best interests. HB 2849 makes application for a court order for removal easier for



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caseworkers by eliminating the requirement for a notary and allows for the electronic or telephonic exchange of information in order to obtain court order. HB 2849 does not prevent law enforcement or caseworkers from removing children with suspicious physical injuries to conduct necessary abuse assessments.

Removal is a traumatic experience that can cause lasting and significant emotional harm, and this bill is focused on preventing unnecessary removal of children by heightening the standard for removal and placing the decision to remove children in the hands of the courts as required by the constitution. We urge your support for HB 2849.

Thank you,

[Insert e-signature or print and sign]

Elisha Big Back

Foster Care Services Manager

Native American Youth and Family Center

ElishaBB@nayapdx.org

O: (503) 288-8177 ext 323