



NICWA
National Indian Child Welfare Association
Protecting Our Children • Preserving Our Culture



Pass the Oregon Indian Child Welfare Act (HB 4148)

The Oregon Indian Child Welfare Act (HB 4148) will codify the national standards of the Indian Child Welfare Act (ICWA) into Oregon statute to promote the safety of Native children, preserve tribal families and communities, recognize tribal sovereignty, and support compliance with ICWA in courtrooms and DHS offices throughout the state.

Background: U.S. Senator Mark Hatfield (R-OR) was instrumental in the development of ICWA in 1978 in response to a crisis affecting Native children, families, and tribes.

- 25%–35% of all Native children were being removed from their families and communities;
- 85% of those children were placed outside of their families and communities—even when fit and willing relatives were available.

ICWA sets federal requirements that apply to state child custody proceedings involving a Native child who is a member of, or eligible for membership in, a federally recognized tribe.

- Although progress has been made as a result of ICWA, Native children are placed in foster care at the highest rate of any children in Oregon.
 - Native children's disproportionately rate is 3.25 compared to the next highest, African American children, at 1.86 and Caucasian children at 1.02).
 - Native children are 2.3 times as likely as Caucasian children to be in foster care, and 1.2 times as likely to be adopted out.

To improve implementation of ICWA, the Bureau of Indian Affairs (BIA) provided additional federal guidance, some for the first time since enactment of the law. Oregon has not yet codified the 2016 federal ICWA regulations.

HB 4148: The Oregon Indian Child Welfare Act is the result of an interim House Judiciary work group and is Chief Sponsored by Representatives Sanchez and Lewis and Senators Hansell and Roblan. It provides needed clarity on the requirements of ICWA and the requirements of the 2016 federal regulations. A state ICWA is a national best practice, which has been found to improve ICWA training and compliance.