

Requested by JOINT COMMITTEE ON THE FIRST SPECIAL SESSION OF 2020

**PROPOSED AMENDMENTS TO
HOUSE BILL 4214**

1 On page 5 of the printed bill, delete lines 42 through 45.

2 On page 6, delete lines 1 through 36 and insert:

3 **“SECTION 12. Jurisdiction. (1) Except as otherwise provided in this**
4 **section, the juvenile court’s jurisdiction under ORS 419B.100 (1) in a**
5 **case involving an Indian child is concurrent with the Indian child’s**
6 **tribe.**

7 **“(2) If a tribe is not subject to Public Law 83-280, the tribe has ex-**
8 **clusive jurisdiction in a case described in ORS 419B.100 (1) involving**
9 **an Indian child if:**

10 **“(a) The Indian child is a ward of a tribal court of the Indian child’s**
11 **tribe; or**

12 **“(b) The Indian child resides or is domiciled within the reservation**
13 **of the tribe.**

14 **“(3)(a) An Indian tribe subject to Public Law 83-280 may limit the**
15 **juvenile court’s exercise of jurisdiction under ORS 419B.100 (1) over**
16 **an Indian child by entering into a tribal-state agreement described in**
17 **section 10 of this 2020 special session Act.**

18 **“(b) The juvenile court shall decline to exercise its jurisdiction un-**
19 **der ORS 419B.100 (1) over an Indian child who is a ward of a tribal**
20 **court of the Indian child’s tribe, or who resides or is domiciled within**
21 **the reservation of the tribe, if:**

1 “(A) The tribe has entered into a tribal-state agreement in which
2 the state has agreed to decline jurisdiction; and

3 “(B) The tribal-state agreement provides that the tribe has default
4 jurisdiction over those cases.

5 “(c)(A) If the juvenile court declines to exercise its jurisdiction un-
6 der paragraph (b) of this subsection, the court shall coordinate with
7 the tribal court to facilitate the tribal court’s assumption of jurisdic-
8 tion.

9 “(B) The juvenile court shall:

10 “(i) Allow the Indian child’s parent, Indian custodian or tribe to
11 participate in any communications under this subsection with a tribal
12 court or, if the person is unable to participate in a communication,
13 provide the person with an opportunity to represent facts and legal
14 arguments supporting the person’s position before the juvenile court
15 makes a decision regarding jurisdiction;

16 “(ii) Create records of any communications under this subsection;

17 “(iii) Notify the Indian child’s parent, Indian custodian or tribe in
18 advance of each communication; and

19 “(iv) Provide the Indian child’s parent, Indian custodian or tribe
20 with access to the record of the communication.

21 “(C) Communications between the juvenile court and a tribal court
22 regarding calendars, court records and similar matters may occur
23 without informing the parties or creating a record of the communi-
24 cations.

25 “(D) As used in this paragraph, ‘record’ means information that is
26 inscribed on a tangible medium or that is stored in an electronic or
27 other medium and is retrievable in perceivable form.

28 “(4) Notwithstanding subsections (2) and (3) of this section, the ju-
29 venile court has temporary exclusive jurisdiction over an Indian child
30 who is taken into protective custody under ORS 419B.150 or

1 **419B.152.”.**

2
