

**TESTIMONY ON HB 3182
BEFORE THE HOUSE COMMITTEE ON JUDICIARY
MARCH 30, 2021**

**PRESENTED BY: ERIN PETTIGREW, ACCESS TO JUSTICE COUNSEL FOR
LEGISLATIVE AFFAIRS
OREGON JUDICIAL DEPARTMENT**

Chair Bynum, Vice Chairs Noble and Power, and Members of the Committee:

My name is Erin Pettigrew, and I am the Access to Justice Counsel for Legislative Affairs at the Oregon Judicial Department. I am here on behalf of the Oregon Judicial Department to testify in support of House Bill 3182 with the contemplated amendments, a bill that furthers Indian Child Welfare Act protections and best practices for adoption cases in Oregon law, and makes technical fixes to Oregon Indian Child Welfare Act (2020) (ORICWA) that will provide additional clarity to judges and attorneys who work in dependency cases.

We are grateful to have been included in the development of this bill and appreciate the efforts to address OJD concerns. We have offered several technical edits that have either been addressed in the existing amendments, or will be included in an upcoming amendment, including removing the requirement that the Citizen Review Board (CRB) evaluate whether the child is subject to serious emotional or physical damage, recognizing that tribal experts are not present to testify at CRB proceedings.

Passage of the Oregon Indian Child Welfare Act in 2020 was an important and necessary step to ensuring the safety of Native children, preserving tribal families and communities, and recognizing the sovereignty of tribes. We are committed to ensuring that courts are consistently applying the protections afforded under ORICWA and federal law. Over the past nine months, we've revised court business processes and forms to ensure that court staff, judges and attorneys are prompted to identify Native children in juvenile court, to ensure notices are provided before action is taken on the case, that active efforts are being made to allow for safe reunification of Native children with their families and tribal communities, and that ORICWA protections are applied to each hearing. We have worked collaboratively with Addie Smith, the former legislative committee counsel who helped develop ORICWA, the Department of Human Services, attorneys, and tribal representatives to develop a [judicial benchbook](#) and trainings. These resources have been made available to judges, CRB members, Court Appointed Special Advocates, caseworkers, and attorneys throughout Oregon. We will continue to work on improving our court practices moving forward.

We express our gratitude to Representative Sanchez for her leadership and commitment to fostering a collaborative process that centers the lived experiences of Native children, families, and communities to find a collective solution. OJD also acknowledges the hard work and efforts of the members and staff of the work group to advance this important bill. We thank you all for your work.