

HB 4058 -3, -6 STAFF MEASURE SUMMARY

House Committee On Early Childhood and Human Services

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Meeting Dates: 2/3, 2/12

WHAT THE MEASURE DOES:

The measure allows the Oregon Department of Human Services (ODHS) to place an Indian child in an out-of-state placement that complies with Tribal placement preferences under the Oregon Indian Child Welfare Act (ORICWA) and satisfies additional criteria. The measure declares an emergency and is effective on passage.

FISCAL: May have fiscal impact, but no statement yet issued.

REVENUE: May have revenue impact, but no statement yet issued.

ISSUES DISCUSSED:

- Out-of-state placements of children
- Requirements of the Indian Child Welfare Act

EFFECT OF AMENDMENT:

-3 The amendment additionally allows the Oregon Department of Human Services (ODHS) to place a child in an out-of-state placement that is a relative foster home or pre-adoptive placement and meets specified standards.

FISCAL: May have fiscal impact, but no statement yet issued.

REVENUE: May have revenue impact, but no statement yet issued.

-6 The amendment allows the Oregon Department of Human Services (ODHS) to place an Indian child in an out-of-state institution that meets the child's needs and is approved by a Tribe or operated by an Indian organization. It requires that the placement comply with placement preferences under the Oregon Indian Child Welfare Act, and requires the department to provide notice to court and parties of the proposed placement. The amendment additionally allows ODHS to place a child in an out-of-state placement that is a relative foster home or pre-adoptive family placement and meets specified standards.

FISCAL: Has minimal fiscal impact.

REVENUE: No revenue impact.

BACKGROUND:

Oregon law prohibits ODHS from placing children in its custody out-of-state unless the placement is licensed and approved by the department as a child-caring agency according to specific requirements. The [Indian Child Welfare Act](#) (ICWA) is a federal law that requires the inclusion of Tribes in juvenile dependency court proceedings and child welfare cases involving children with Tribal affiliation. ICWA requires that Tribes be involved in placement decisions regarding Tribal children, including preferences for placements that may be in another state.