

HB 4058 A STAFF MEASURE SUMMARY

House Committee On Early Childhood and Human Services

Action Date: 02/12/26

Action: Do pass with amendments and be referred to Rules. (Printed A-Eng.)

Vote: 7-0-0-0

Yeas: 7 - Hartman, McIntire, Ruiz, Scharf, Walters, Wise, Yunker

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

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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 institution when specific standards are met. It also allows ODHS to place a child in an out-of-state relative foster home or pre-adoptive family placement that meets specified standards. The measure declares an emergency, effective on its passage.

Detailed Summary:

- Allows ODHS to place an Indian child in an out-of-state institution that is not licensed, contracted, or a qualified residential treatment program if the institution has a program to meet the child's needs, the institution is approved by a Tribe or operated by an Indian organization, the placement complies with placement preferences under the Oregon Indian Child Welfare Act, and the department provides notice to the court and the parties of the proposed placement
- Allows ODHS to place a child in an out-of-state relative foster home or pre-adoptive family placement that meets specified standards

ISSUES DISCUSSED:

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

EFFECT OF AMENDMENT:

The amendment replaces the measure. The amendment modifies conditions under which ODHS may place an Indian child out-of-state and allows ODHS to place a child out-of-state in a relative foster home or pre-adoptive family placement.

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, in accordance with 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. In 2020, the legislature passed [House Bill 4214](#), which established the Oregon Indian Child Welfare Act (ORICWA). ICWA and ORICWA require that Tribes be involved in placement decisions regarding Tribal children, including preferences for placements that may be in another state. Other laws that affect out-of-state placements include the Interstate Compact on the Placement of Children, which governs the placement of children between states.