

Submitter: Denice Searcy  
On Behalf Of:  
Committee: House Committee On Rules  
Measure, Appointment or Topic: HB4058

NO on HB 4058

RE: DEPARTMENT OF THE INTERIOR, Bureau of Indian Affairs

25 CFR 23 RIN 1076-AF25

ACTION: Final Rule

I strongly oppose this bill and consider it further unnecessary persecution and mistreatment of our First Nations citizens. To quote CHANNA NEWELL, SENIOR STAFF COUNSEL FOR GOVERNMENT RELATIONS OREGON JUDICIAL DEPARTMENT (Testimony submitted):

“The federal Indian Child Welfare Act (ICWA) was enacted in 1978, nearly 50 years ago, to remedy the widespread and unwarranted practice of separating American Indian/Alaska Native children from their families and tribes. In 2020, Oregon adopted a state-based ICWA (referred to as ORICWA) statute to align with the federal act and declared “It is the policy of the State of Oregon to protect the health and safety of Indian children and the stability and security of Indian tribes and families by promoting practices designed to prevent the removal of Indian children from their families and, if removal is necessary and lawful, to prioritize the placement of an Indian child with the Indian child’s extended family and tribal community.” See House Bill 4214 (Oregon Laws 2020, section 1). OJD appreciates the special attention given to placement of Indian children in HB 4058. The language of the measure, however, incorporates some of the provisions of ORICWA in a manner that may confuse the two processes. Our judges want to ensure that all of the necessary steps of ORICWA are met and followed while also following the procedures outlined in this measure. One concern is that the way sections 1(1)(a) and (1)(b)(A) and (B) are worded is counter to the current ORICWA statutes. As written, it could lead to an assumption that if an Indian child needs an institution, and there is an institution out of state that has a program suitable to meet the Indian child’s needs, that it might become the default placement for the Indian child, without input from the court or parties. The courts are an integral part of the child welfare system. OJD wants to ensure that these processes run in parallel and the court and parties are aware of the out-of-state placement of an Indian child in a facility that does not comply with ORS 418.321 or ORS 418.322.”

I don’t understand WHY this legislation is necessary when we have good laws and WHY these children need to be sent out of state to begin with. They belong with their own culture, and this does not seem to foster real help with their own families and culture. This is a waste of time and money, which you say you don’t have.

VOTE NO on HB 4058