

**TESTIMONY ON SENATE BILL 1532-A
BEFORE THE HOUSE COMMITTEE ON
EARLY CHILDHOOD AND HUMAN SERVICES
FEBRUARY 24, 2026**

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Chair Hartman, Vice-Chair Scharf, Vice-Chair Walters, and Members of the Committee:

Thank you for your consideration of Senate Bill (SB) 1532-A, specifically section 12 of the measure.

The Oregon Judicial Department (OJD) initially voiced concerns over the language in SB 1532 as introduced, and identical language in House Bill 4058, which was heard and worked by this Committee earlier in the month. Our concerns came from two areas: (1) the broadness of the language could lead to confusion in the processes; and (2) the necessity of court oversight when children are placed out of state. In response to our concerns, a small workgroup convened, with representatives from the Oregon Department of Human Services (ODHS), the Governor's Office, and attorneys and representatives/members from some, but not all, of Oregon's federally recognized tribes.

We are optimistic that the consensus language that resulted from that workgroup, now incorporated into the A-Engrossed version of the bill under consideration, will honor the preferences of tribes in the placement of Indian children while ensuring that adequate oversight and accountability are present when children are placed in out-of-state facilities that are not licensed by the State of Oregon.

Inherent tension exists between swiftly placing a child in the most appropriate level of care to suit their needs and the responsibility to ensure that a child is consistently safe when the decision to place is made outside the oversight framework typically relied upon. This becomes particularly urgent when a child is experiencing acute substance use or mental health disorders and needs specialized treatment that may not be available within Oregon. And when a child is an Indian child and the child's tribe has found a culturally appropriate placement in a care facility, it is imperative that the tribe's placement preferences be followed.

SB 1532-A attempts to strike a balance between these points of tension. First, section 12 makes clear the types of placements for which an Indian child could be placed out of state: an institution for children that has a program suitable to meet the Indian child's needs and is approved by an Indian tribe or operated by an Indian organization. For example, this measure would not allow placement in an unlicensed foster home but

would allow placement in a substance use treatment center run by a tribe. Second, it makes clear that the placement preferences in ORS 419B.654 must be followed.

Finally, and of critical importance to OJD, the measure requires notice to the courts and parties that a child is proposed to be placed out of state in an appropriate program. While OJD had initially requested this process be notice and approval by the court, after discussion with the tribes on the critical need to place Indian children in culturally-specific placements, and after discussion on other safeguards that may be in place to ensure the well-being of the child while out of state, OJD has agreed that notice within 10 days prior to placement will provide the court, the child, the parents, and any other parties time to assess the out-of-state placement and determine how that may impact the ongoing dependency case and their positions. Additionally, OJD has agreed to an emergency exception when waiting 10 days would result in harm to the child or loss of placement. In emergency cases, notice would be required as soon as practicable, and no more than one business day after the child leaves the state.

OJD's concern about this measure as drafted was due to the history of poor outcomes for Oregon children who were placed in out-of-state congregate care facilities. Prior to the passage of SB 1605 (2020 1st Special Session), Oregon children in ODHS custody were sent out of state frequently. Many of the out-of-state facilities were subsequently closed due to physical and sexual abuse of the children, frequent police calls, and improper staff screening.¹ OJD expects better oversight and investigation of the facilities to which ODHS will be sending Indian children under SB 1532-A as it provides a limited exception to the out-of-state placement regulations provided by ORS 418.321.

In a prior version of similar legislation, House Bill 3835 B-Engrossed (2025), for example, court approval under ORS 419B.351 would have been required, in addition to much greater oversight by ODHS and the executive branch. It is our understanding that ODHS will continue to work with tribes to track data on both the involvement of the tribe in the decision, which is paramount, and where children are placed out of state, which is crucial.

Currently, the most comprehensive report ODHS has involving Indian children is the legislatively mandated [ORICWA Report](#). The biannual report is a collaboration between OJD and ODHS. Both agencies agreed that Indian children placed out of state through this process can and would be tracked in the report. Additionally, ODHS is required to report on out-of-state placements pursuant to ORS 419B.335, which includes a requirement about tribal status of children placed out of state. Through this reporting requirement, ODHS and OJD will be able to analyze the impact of this legislation on a small subset of children in the foster care system. The combination of involvement, care, and oversight of the Indian child by the tribe, coupled with the existing reporting requirements, allows OJD to accept a notice provision rather than require pre-approval by the court before the placement occurs.

¹ See, for example, [testimony from Disability Rights Oregon, Senate Bill 1566, February 5, 2020, Senate Committee on Human Services](#)

Thank you for the opportunity to provide information about this measure. We look forward to continuing to work collaboratively on these issues both with ODHS and each of the Nine Tribes of Oregon.