February 23, 2026

Confederated Tribes of the Umatilla Indian Reservation SB 1532A testimony

Chair Hartman, Vice Chairs Walters and Scharf, and Members of the House Committee on Early Childhood and Human Services,

The Confederated Tribes of the Umatilla Indian Reservation (CTUIR) support Senate Bill 1532A with the language we requested to protect Indian Children.

The Indian Child Welfare Act (ICWA) and Oregon's Indian Child Welfare Act (ORICWA) establish clear placement preferences for Indian children in child welfare proceedings. These preferences prioritize relatives, tribal families, and tribally approved foster homes or facilities—even when those placements are located out of state. When no relative is available, ICWA and ORICWA require placement with tribally approved homes or facilities to preserve cultural connections and tribal sovereignty.

Current Oregon law, however, imposes a conflicting requirement: out-of-state placements must generally be licensed by or under contract with the Department of Human Services (DHS) or meet qualified residential treatment program standards. While DHS currently follows ICWA and ORICWA placement preferences as required—since federal ICWA supersedes conflicting state law—this statutory conflict creates unnecessary uncertainty and administrative barriers.

Senate Bill 1532A resolve this conflict by permitting DHS to place an Indian child in an out-of-state placement without requiring Oregon licensing or qualified residential treatment program status. It also provides that the placement comply with ORICWA placement preferences and either (1) is a youth regional treatment center operated or funded by the Indian Health Service, or (2) has been affirmatively requested by the child's tribe. While these additional conditions are not necessary, as the State must already comply with placement preferences and limiting placement to IHS facilities when a tribe does not affirmatively request it may unintentionally narrow the scope of available ORICWA compliant placements, and a simple paragraph as described above would suffice, we don’t oppose them.

This targeted change eliminates a statutory conflict, reduces administrative hurdles, and ensures that Indian children can be placed in culturally appropriate settings that serve their best interests and maintain their tribal connections. It respects tribal authority and aligns Oregon law fully with federal ICWA obligations.

It has been brought to our attention that some were requesting two changes to SB 1532 and similar bills that are deeply problematic. We have youth who are suicidal and must be moved to out-of-state treatment facilities with strong Indian cultural programs immediately. Additionally, placement windows are often very short—a bed becomes available only briefly. Any requirement that the State obtain Court approval or wait a specified number of days after notification before placement occurs endangers the lives of Indian children in emergency situations, which unfortunately are not uncommon. We strongly oppose such requirements. Nor are they required by ICWA or ORICWA.

We were also concerned that some propose requiring a "good cause" determination under ORICWA before any out-of-state placement occurs. This reflects a misunderstanding of how ICWA and ORICWA operate. Under ICWA and ORICWA, certain placement preferences must be followed, and out-of-state placements may fall within those preference categories. A "good cause" finding is required only when deviating from the stated preferences—not when following them. SB 1532 and similar proposed bills mandate that out-of-state placements comply with placement preferences. It would be contradictory to simultaneously mandate compliance with placement preferences and require a "good cause" finding to deviate from those same preferences. For this reason, we strongly oppose such a requirement in any proposed legislation.

Finally, some were requesting language be added to SB 1532 and similar legislation mandating notification prior to out-of-state placement. This is unnecessary. Oregon law already requires the Department to notify parents, Indian custodians, and the Indian child's tribe prior to a change in placement or before the foster family moves, pursuant to ORS 419B.440(1)(a) and OAR 413-115-0050. Furthermore, if such language includes a waiting period before placement can occur, it endangers the lives of Indian children for the reasons previously mentioned regarding prior Court approval and placement windows. Moving a child as soon as possible to protect them from impending self-harm is often essential to their safety.

After discussions with the Oregon Judicial Department and the Department of Human Services, the Confederated Tribes proposed the following compromise language, which all three have agreed is workable and satisfies the Confederated Tribes' above concerns:

(1) Notwithstanding ORS 418.321 or 418.322, if there is reason to know, as described in ORS 419B.636, that a child is an Indian child, the Department of Human Services may place the child in an out-of-state placement without requiring the placement to be licensed by or under a contract with the department or to be a qualified residential treatment program, if:

1. **The placement complies with the placement preferences under ORS 419B.654(1)(d)(B)(iv); and**

2. **The Department provides at least 10 days' notice to the court and parties of the proposed out-of-state placement. However, if providing this notice would likely result in serious physical or emotional harm to the child, endanger the child's life, or cause loss of placement availability, the court and parties must receive notice as soon as practicable, and no later than one business day after the child leaves the state.**

This language was in Section 12 of the -8 amendments to SB 1532, adopted by the Senate Committee on Human Services. Thus, the Confederated Tribes of the Umatilla Indian Reservation appreciate your consideration and respectfully urge the committee to advance Senate Bill 1532A consistent with the above recommendations.