

News Release

Date: July 2, 2021

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Title: New Legislation Strengthens Oregon's Commitment to Working with Tribal Nations to Preserve Tribal Families

(Salem) – Changes approved by the 2021 Oregon Legislature will further efforts between Oregon Department of Human Services (ODHS) Child Welfare Division and Tribal Nations to protect and preserve Tribal families. Senate Bill 562A enhances Oregon's historic 2020 Oregon Indian Child Welfare Act (ORICWA) by:

- Recognizing customary adoptions, which are adoptions that align with traditional tribal child-rearing practices.
- Adding Ongoing Cultural Connection and Contact Agreements after adoption or guardianship is finalized for a Tribal child, in order to support cultural connections.
- Requiring ODHS take certain steps when a Tribal child is relinquished or surrendered to the agency.

“Since ORICWA’s passage last year, we have already seen significant improvement in early and ongoing coordination and cooperation with tribes on case planning and foster placements, which in turn has improved the State’s engagement of active efforts on ICWA cases,” said Brent Leonhard, of the Confederated Tribes of the Umatilla Indian Reservation. “The ORICWA amendments that became law this year continue the success of ORICWA and also provide a pathway for tribal customary adoptions in child dependency cases, something that is long overdue.”

Initial ORICWA legislation built upon the Federal Indian Child Welfare Act (ICWA) passed by Congress in 1978 to help keep Native children safe, connected to their cultural roots, and to preserve the future of tribal nations. ORICWA’s statutes are unique to the needs and experiences of Tribal Nations in Oregon. For example, Oregon is one of the few states to now require a Ongoing Cultural Connection and Contact Agreement prior to finalizing guardianship or adoption, which is designed to ensure Tribal children do not lose their connection to their Tribe and continue to engage with cultural events and services. Now, with the legislature’s recent passage of amendments to the initial ORICWA, Oregon has further underscored the intent and clarified practice.

“We are an agency committed to dismantling the structures, underlying mindsets and biases that have contributed to and continue to contribute to oppression and racialized and disparate outcomes for Tribal children and families. ORICWA presents a renewed and statewide opportunity to honor the sovereignty of Tribal Nations and to model the Spirit of ICWA in all our interactions with Tribal Nations and their communities,” said Child Welfare Director Rebecca Jones Gaston. “These are central components of the values included in the [Child Welfare Division Vision for Transformation](#) and we must continue to press toward reparation of Tribal ways, culture and rights within this state and the broader U.S. to thrive now and into the future.”

Oregon is the seventh state to pass a state-based ICWA in alignment with the federal act, joining states such as Minnesota and Tennessee. Before the federal act passed in 1978, generations of Tribal children across the country were removed from their families and communities, often placed without connection to their Tribal culture.

“The passage of the Oregon Indian Child Welfare Act (ORICWA) in 2020 spoke to the State of Oregon’s commitment to protecting and preserving Tribal children and families,” said Adam Becenti, ODHS Tribal Affairs Director. “The recent changes to ORICWA will now enhance how Child Welfare engages with Tribal families and strengthen partnership with Oregon Tribal Nations. This is a significant step forward in repairing historical wounds and honoring the government-to-government relationship with Tribal Nations.”

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About the ODHS Child Welfare Division: The Oregon Department of Human Services, Child Welfare Division is committed to transforming itself to better support the individual needs of families and to best serve Oregon’s children and young people. Learn more about the [Child Welfare Division Vision for Transformation](#). Report child abuse to the Oregon Child Abuse Hotline by calling 1-855-503-SAFE (7233). This toll-free number allows you to report abuse of any child or adult to the Oregon Department of Human Services, 24 hours a day, seven days a week and 365 days a year.

