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## OLR Bill Analysis

### HB 5336

#### ***AN ACT APPLYING THE PROVISIONS OF THE INDIAN CHILD WELFARE ACT TO CHILD CUSTODY, PLACEMENT, ADOPTION AND TERMINATION OF PARENTAL RIGHTS PROCEEDINGS INVOLVING AN INDIAN CHILD.***

#### **SUMMARY**

This bill requires the commissioner of children and families to ensure that any action or proceeding under the child welfare laws involving an Indian child's custody or placement in a foster or adoptive home, or the termination of the child's parents' parental rights, is conducted in accordance with the federal Indian Child Welfare Act (ICWA, see BACKGROUND).

The bill similarly requires the probate court, or the Superior Court in contested cases, to ensure that any action or proceeding under the probate laws involving an Indian child's custody or placement in a foster or adoptive home, or termination of the child's parents' parental rights, is conducted in accordance with ICWA.

Under the bill and ICWA, an "Indian child" is an unmarried person who is under age 18 and either is: (1) a member or citizen of an Indian tribe or (2) eligible for membership or citizenship in an Indian tribe and is the biological child of an Indian tribe member or citizen.

EFFECTIVE DATE: Upon passage

#### **BACKGROUND**

##### ***Indian Child Welfare Act (ICWA)***

ICWA is a federal law that governs and establishes standards for the removal and out-of-home placement of American Indian children as well as the termination of parental rights to protect the best interests of Native American children and keep them connected to their families and tribes. Among other things, it clarifies that tribes have sovereignty

and exclusive jurisdiction over their members who reside on tribal land and establishes a process for transferring cases to tribal court in other cases.

Under ICWA, an “Indian tribe” is any Indian tribe, band, nation, or other organized group or community of Indians federally recognized as eligible for the services provided to Indians by the federal secretary of the interior because of their status as Indians, including any Alaska Native.

**COMMITTEE ACTION**

Human Services Committee

Joint Favorable

Yea 20 Nay 0 (03/24/2022)