

Task Force Presents California Attorney General with Recommendations for Protecting Safety, Civil Rights of Tribal Children

A comprehensive report outlining steps to improve compliance with the Indian Child Welfare Act across California was presented to AG Becerra by tribal leaders during a meeting this week.

(SACRAMENTO – Friday, March 24, 2017) – During a meeting this week, tribal leaders presented California Attorney General Xavier Becerra with a wide-ranging report describing how nearly 40 years after the enactment of the Indian Child Welfare Act (ICWA), the federal law is not being fully implemented in California. The report also includes nearly two dozen recommendations for improving compliance with the civil rights measure.

The 108-page report developed by a task force of tribal leaders, tribal attorneys and tribal court officials from across the state outlines how insufficient services, severe underfunding, barriers preventing tribal participation and inadequate reunification efforts continue to undermine the effectiveness and promise of ICWA.

“While there has been some progress in the 40 years since its implementation, sadly ICWA is often violated in California, and the impacts have been devastating to tribal culture, tribal families and most of all, to our most vulnerable tribal children,” said Maryann McGovran, Treasurer of the North Fork Rancheria of Mono Indians and a co-chair of the ICWA Compliance Task Force.

“The safety net as envisioned by state and federal law has not lived up to its promise to protect children in Indian Country. We appreciate the Attorney General and his Bureau of Children’s Justice for accepting our report and recommendations for rectifying the systemic violations of ICWA in California,” McGovran said.

Becerra said the Bureau of Children’s Justice (BCJ) within his office will review the Task Force report and the recommendations, and that he will look to the BCJ as well as the Office of Native American Affairs within his office to provide guidance to him regarding measures necessary to address the civil rights violations outlined in the report.

“We all agree that the safety of tribal children, the preservation of their cultural identity and the protection of Native American families are all priorities that must be addressed,” Attorney General Becerra said. “We appreciate the hard work of the Tribal Task Force and their recommendations. While there are no quick and easy fixes, this report gives us a foundation from which we can move forward.”

ICWA establishes specific procedures that must be followed by state agencies and state and federal courts in addressing the needs of tribal children within the child welfare and juvenile justice systems.

When ICWA was passed in 1978, Indian children in California were eight times more likely to be placed in adoptive homes than non-Native children, and more than 90 percent of adopted Indian children were placed in non-Native homes, depriving them of their political and cultural rights as tribal children and violating their fundamental civil rights.

Even today, Indian children are much more likely to be removed from their homes than children with other ethnic backgrounds. As these disproportionate trends continue, many counties remain out of compliance with ICWA mandates.

“We strongly believe that ICWA and ICWA compliance should be addressed as a civil rights mandate, and the failure to fulfill this mandate constitutes an ongoing civil rights violation,” said Vice Chair Mary Ann Andreas of the Morongo Band of Mission Indians and a co-chair of the ICWA Compliance Task Force.

Developed over six months of intensive research with tribal leaders, tribal social workers and tribal attorneys across the state, the Task Force report outlines 20 specific recommendations to help overcome the identified obstacles and improve outcomes for Native American children.

In broad strokes, these include:

- Addressing the lack of resources committed for ICWA compliance by the legislature and counties, creating an ongoing civil rights violation.
- Encouraging compliance, monitoring and investigations by enforcement authorities to help stem on-going civil rights violations.
- Developing tracking and data systems that accurately account for tribal families, and funding efforts to ensure tribal consultation and participation.

“Our report is a call to action to reexamine ICWA compliance in California which has impacted tribal children and families for far too long,” said Chairman Barry Brenard of the Bear River Band of Rohnerville Rancheria and a co-chair of the Task Force. “We hope to work with the Attorney General and his Bureau of Children’s Justice to protect our most valuable resource, our tribal children, who are critical to the future survival of tribes.”

The Tribal Task Force’s report recognized that some strides have been made to offset cultural, procedural and funding challenges with the passage of several statutes and the increased use of the Tribal Customary Adoption program. But ongoing obstacles continue to severely limit ICWA in California, resulting in damaging impacts to Indian children, their families and their tribes.

Angelina Arroyo, Vice-Chair of the Habematolel Pomo of Upper Lake and a co-chair of the Task Force also announced the formation of the California Tribal Families Coalition, which will continue the work of the Task Force and hopes to work with the Bureau of Children’s Justice to bring the recommended reforms to fruition.

About the Indian Child Welfare Act Compliance Task Force

Comprised of tribal leaders, representatives and advocates from across California, the Indian Child Welfare Act Compliance Task Force operates under the direction of seven tribal co-chairs: Barry Bernard, Chairperson, Bear River Band of Rohnerville Rancheria; Angelina Arroyo, Vice-Chairperson, Habematolel Pomo of Upper Lake; Maryann McGovran, Treasurer, North Fork Rancheria of Mono Indians of California; Mary Ann Andreas, Vice-Chair, Morongo Band of Mission Indians; Robert Smith, Chairperson, Pala Band of Mission Indians; Aaron Dixon, Secretary/Treasurer, Susanville Indian Rancheria and the Honorable Abby Abinanti, Chief Judge, Yurok Tribal Court. The Task Force was created to gather information and data to inform the Bureau of Children’s Justice of the current status of compliance with Federal and California laws related to Indian children in California, and provide recommendations regarding changes necessary to address violations of these laws across the many state and county systems that impact tribal families.

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