



Tom Daly  
69<sup>th</sup> Assembly District

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## **AB 3047**

### **Indian Child Welfare Act**

#### *Fact Sheet*

#### **Summary:**

AB 3047 will waive the fee currently required for out-of-state tribal attorneys to utilize California's "pro hac vice" process, which allows these attorneys to represent their client on a specific case. The fee waiver would only be permitted when the attorney is representing a tribe during a child custody proceeding where the Indian Child Welfare Act (ICWA) applies.

#### **Background:**

In 1978, Congress passed the ICWA to protect the interests of Native American children and promote stability and security of Indian tribes and families. Despite passage, state courts and county agencies continued to violate the spirit and intent of the ICWA. In response, the California legislature enacted SB 678 (Ducheny) in 2006 to increase compliance with national requirements regarding children's relationships with their tribes and the role of tribes in child custody proceedings.

Nationally, there were 214 appealed ICWA cases in 2017. California continues to lead the nation in ICWA appeals, with 152 occurrences over the past year.

#### **Problem:**

While progress has been made, major concerns persist regarding ICWA compliance and how ICWA proceedings are conducted. In 2015, the California ICWA Compliance Task Force was formed to examine compliance issues and provide recommendations to strengthen understanding and compliance of the ICWA.

Many Native Americans residing in California belong to out-of-state tribes. Therefore, in order for tribal attorneys to represent a tribe during a proceeding, they must pay a \$500 fee each time. These fees can quickly add up, becoming a huge financial burden for tribes.

#### **Solution:**

Following a recommendation made by the California ICWA Compliance Task Force, AB 3047 waives the \$500 fee for out-of-state tribal attorneys. Waiving the fee will help ensure that tribes are rightfully represented in these important cases.

#### **Support:**

California Tribal Families Coalition (Sponsor)



**Opposition:**

None

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**For More Information:**

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