

OFFICE OF ASSEMBLYMEMBER

Eloise Gómez Reyes

FORTY-SEVENTH ASSEMBLY DISTRICT

AB- 3076 – Fact Sheet **Legal Counsel for Tribes in ICWA Cases**

SUMMARY

AB 3076 provides legal counsel for tribes in dependency cases where the Indian Child Welfare Act (ICWA) applies.

ICWA applies. Tribes often rely on social workers to represent their interests in these matters, which has been cited by judges and tribes alike as being an impediment to ICWA compliance.

EXISTING LAW/BACKGROUND

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

Nationally, there were 214 appealed ICWA cases in 2017. This reflects an increase in appeals of 39 additional cases, since 2016. California, continues to lead the Nation in ICWA appeals with 152 appealed ICWA cases; the second state being Alaska, with 5 appealed cases. Five of those cases were ordered to be published. California has considerably more cases this year, but half the number of reported cases.

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 ICWA.

Many tribes do not have resources sufficient to retain legal counsel, leaving tribes as the sole unrepresented party in child welfare cases where

THIS BILL

This bill will assist in allowing tribes to be adequately represented in cases where their tribal member children are involved, thereby increasing ICWA compliance and reducing the number of appeals related to ICWA cases.

SUPPORT

California Tribal Families Coalition (Sponsor)

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