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AB 3176: INDIAN CHILD WELFARE ACT

COAUTHORS: NONE

IN BRIEF:

The Indian Child Welfare Act (ICWA) was enacted in 1978 in response to a crisis affecting American Indian and Alaska Native children, families, and tribes. Studies revealed that large numbers of Native children were being separated from their parents, extended families, and tribes by state child welfare and private adoption agencies even when fit and willing relatives were available.

EXISTING LAW:

California passed SB 678 (Ducheny; 2006) codifying ICWA in California 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.

THE ISSUE:

Since its passage, ICWA has provided important rights and protections to Indian families. However, the implementation and interpretation of ICWA has been inconsistent across States; creating significant gaps in protection. As a result, the Bureau of Indian Affairs promulgated regulations to address the need for consistent interpretation and implementation of the minimum Federal standards ICWA provides to ensure that all Indian children and their families receive the same rights and protections across all States.

THE SOLUTION:

This bill conforms the California Welfare and Institutions Code to the 2016 Bureau of Indian Affairs Indian Child Welfare Act regulations.

SUPPORT:

California Tribal Families Coalition (Sponsor)

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