

OFFICE OF ASSEMBLYMEMBER

Eloise Gómez Reyes

FORTY-SEVENTH ASSEMBLY DISTRICT

AB-685

Tribal Child Welfare

SUMMARY

AB 685 provides legal counsel for tribes in dependency cases where the Indian Child Welfare Act (ICWA) applies.

EXISTING LAW/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. However, state courts and county agencies continued to violate the spirit and intent of the ICWA. In response, California passed SB 678 (Ducheny; 2006) in order to increase compliance with national requirements regarding Native American Children's relationships with their tribes and the role of tribes in child custody proceedings.

Nationally, there were 206 appealed ICWA cases in 2018. California continues to lead the Nation in ICWA appeals with 125 appealed ICWA cases. Nine of those cases were ordered to be published. Alaska had the second highest number of appeals, with 11 ICWA cases being appealed and 3 of those cases being published decisions.

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 tribes do not have resources sufficient to retain legal counsel, leaving tribes as the sole unrepresented party in child welfare cases where the 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. This is true at both a trial and appellate court level.

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)**

CO-AUTHORS

Assemblymember James Ramos (Joint Author)
Assemblymember Marie Waldron (Principal Co-Author)

CONTACT

Amer W. Rashid
Legislative Aide
(916) 319-2047
amer.rashid@asm.ca.gov