



# CALIFORNIA TRIBAL FAMILIES COALITION

March 31, 2021

Re: 2021 Non-CTFC Legislation SB823, SB354, SB384, AB788, AB2741, AB627, SB100, AB640, AB260, SB228, SB584, AB740

Dear CTFC Delegate:

There are several pieces of legislation that intersect with Indian child welfare this year; here is a breakdown of the legislation.

1. **Trailer Bill Updates to SB 823** (<https://esd.dof.ca.gov/trailer-bill/public/trailerBill/pdf/231>)

SB 823 intends to fundamentally change the juvenile justice system by decreasing reliance on detention facilities and increasing supportive programs for justice-involved youth. This trailer bill establishes commitment timelines for youth and sets requirements for a youth's individual case plans. Neither this Trailer Bill and SB 823 address issues specific Indian youth or provide avenues for a tribe's involvement in a juvenile justice case involving their youth. CTFC supports this Trailer Bill with amendments to include tribal involvement and input in the court case and in the youth's individual case plan.

2. **SB 354 (Skinner): Foster Youth: Relative Placement** ([https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202120220SB354](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB354))

SB 354 authorizes criminal background exemptions for relatives and resource families, as long as the criminal offense is not on the non-exemptible list. This Bill does not include Tribally Approved Homes as eligible homes, as a result, CTFC supports the Bill but with changes to include Tribally Approved Homes. In cases of emergency placement, a relative who has been denied an exemption or who's exemption has not been processed can petition the court to grant the exemption or order temporary placement pending the exemption. CTFC supports this provision but requests that in the case of an Indian child that a tribe can also petition the court for the exemption of temporary placement. Lastly, this Bill prevents the court from not offering reunification services to a parent because of a conviction of specific violent felonies. This change would afford more families with an opportunity to reunify with their children. For emergency placement, a relative who has been denied due to a criminal history can petition the court for placement if no placement occurs after 90 days.

3. **SB 384 (Cortese): Juveniles: Relative Placement, Family Finding** ([https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202120220SB384](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB384))

SB 384 is focused on child welfare agencies and probation departments using ACL 18-42 to develop and implement suggested family finding practices. The suggested practices include (1) the child as a primary information sources, (2) dedicated staff to conduct family finding, (3) follow-up and engagement, or (4) established Family Finding and Engagement (FFE) Models. CTFC supports this

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legislation with amendments to include that in cases of Indian children, family finding efforts must include collaborating with the Indian child's tribe

4. **AB 788 (Calderon): Juveniles: Reunification**  
([https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202120220AB788](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB788))

AB 788 prevents the court from not offering reunification services to a parent in cases involving substance abuse unless the parent/guardian "refused to participate, or otherwise actively" resisted treatment. CTFC supports this bill as it aligns with ICWA's active efforts requirements and affords more opportunities to prevent the break-up of the Indian family.

5. **AB 2741 (Blanco Rubio): Children's Advocacy Centers**  
([https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201920200AB2741](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB2741))

AB 2741 authorizes counties to create child advocacy centers that include representatives from specified disciplines and provide dedicated child-focused settings for interviewing and other services in order to implement a coordinated multidisciplinary approach to investigating reports of child abuse. This bill does not require tribal involvement or consultation, especially in the multidisciplinary team (MDT), nor does the bill protect the tribe's right to access information as the tribe is not a named participant in the MDT. CTFC supports this bill with amendments to include that in the case of an Indian child, that the child's tribe be involved, consulted, and designated as a participant of the MDT.

6. **AB 627 (Waldron): Recognition of Tribal Court Orders: Rights in Retirement Plans or Deferred Compensation**  
([https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=202120220AB627](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB627))

This bill requires state recognition of tribal court orders relating to child support, spousal support payments, or division of property via a QDRO for retirement plans. This bill is sponsored by the California Judicial Council in order to achieve ERISA compliance, Judicial Council would be required to develop forms. CTFC supports this bill.

7. **SB 100 (Hurtado) Extended Foster Care Working Group**  
([https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=202120220SB100&search\\_keywords=Extended+foster+care](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220SB100&search_keywords=Extended+foster+care))

This bill would require the California Department of Social Services (CDSS) to create a working group to examine and make recommendations for improvements to the extended foster care program. CTFC supports this bill with amendments to include tribes and representatives of urban Indian centers.

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8. **AB 640 (Cooley) Extended Foster Care: Eligibility Redetermination**  
([https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=202120220AB640](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB640))

This bill would require CDSS to develop guidance on recommended procedures to transition a youth to extended foster care in a manner that enables the county to redetermine the youth's eligibility for federal financial participation. CTFC opposes this bill as there is currently no requirement for the county to conduct an eligibility redetermination for a youth transitioning from foster care to extended foster care. Allowing the county to redetermine eligibility would harm tribal youth who are eligible for extended foster care payments but might lose eligible upon turning 18 and receiving per capita payments.

9. **AB 260 (Stone) Guardianships**  
([https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202120220AB260](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB260))

This bill would update the law around guardianships to include requirements for an investigation of proposed guardianships, option for probate court to refer the matter to juvenile court, and authorize Kin-GAP funding for probate guardianships. CTFC takes no position on this bill but recommends that Bill include language specific to Indian children.

10. **SB 228 (Leyva) - Public postsecondary education: support services for foster youth: Cooperating Agencies Foster Youth Educational Support Program.**  
([https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202120220SB228](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB228))

SB 228 aims to increase the number of foster youth, former foster youth, homeless youth and formerly homeless youth that get special consideration when seeking admission to the state higher education systems. (Cal State, UC, Cal Community Colleges). The increase would be accomplished by increasing the window of time for youth eligible as a foster youth and former foster youth, as determined by their age when their state court dependency case ended. This bill does not consider youth that were under the jurisdiction of a tribal court. CTFC supports this bill with amendments to include tribal foster youth under the jurisdiction of the tribe, and to add a tribal social services representative to the list of "homeless service provider" that can certify a youth was homeless or formerly homeless.

11. **SB 584 (Jones) Resource Family Approval**  
([https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202120220SB584](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB584))

This bill amends the training requirements for resource families to require resource families with children 10 years of age and older to receive training on

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providing care to children who have been commercially sexually exploited or have been victims of child labor trafficking. CTFC supports this bill given the crisis of Murdered and Missing Indigenous Women, Girls and Two Spirit People (MMIWG2) and the disproportional rates of tribal children in foster care. Training for resources families must include special considerations for tribal communities.

12. **AB 740 (McCarthy) Foster Youth: Suspensions and Expulsions**  
([https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202120220AB1055](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB1055))

This bill would require the educational liaison, if designated by the Local Education Agency superintendent, to provide notice to a foster youth's attorney and child welfare worker of pending suspension or expulsion. The attorney and child welfare worker would be afforded the same rights of a parent or educational rights holder. CTFC supports this bill with amendments to include that the tribal social worker receive notice and be afforded the same rights as the county child welfare worker in state ICWA cases and cases involving Indian children under the tribe's jurisdiction.

13. **AB 945 (Ramos) Pupils: Adornments at School Graduation Ceremonies: Task Force**  
([https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=202120220AB945](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB945))

This bill would create a 10-member task force to gather information and recommendations for best practices, protocols, proposed legislation, and other policies that will address how to comprehensively implement existing law authorizing a student to wear traditional tribal regalia or recognized objects of religious or cultural significance as adornments at school graduation ceremonies. CTFC supports this bill.

If you have any questions or comments regarding the 2021 non-CTFC legislation, please do not hesitate to reach out to me. Thank you!

Sincerely,

Mica Llerandi  
Policy and Advocacy Associate

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Soboba Band Of Luiseno  
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Tule River Reservation



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Southern California Tribal  
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