



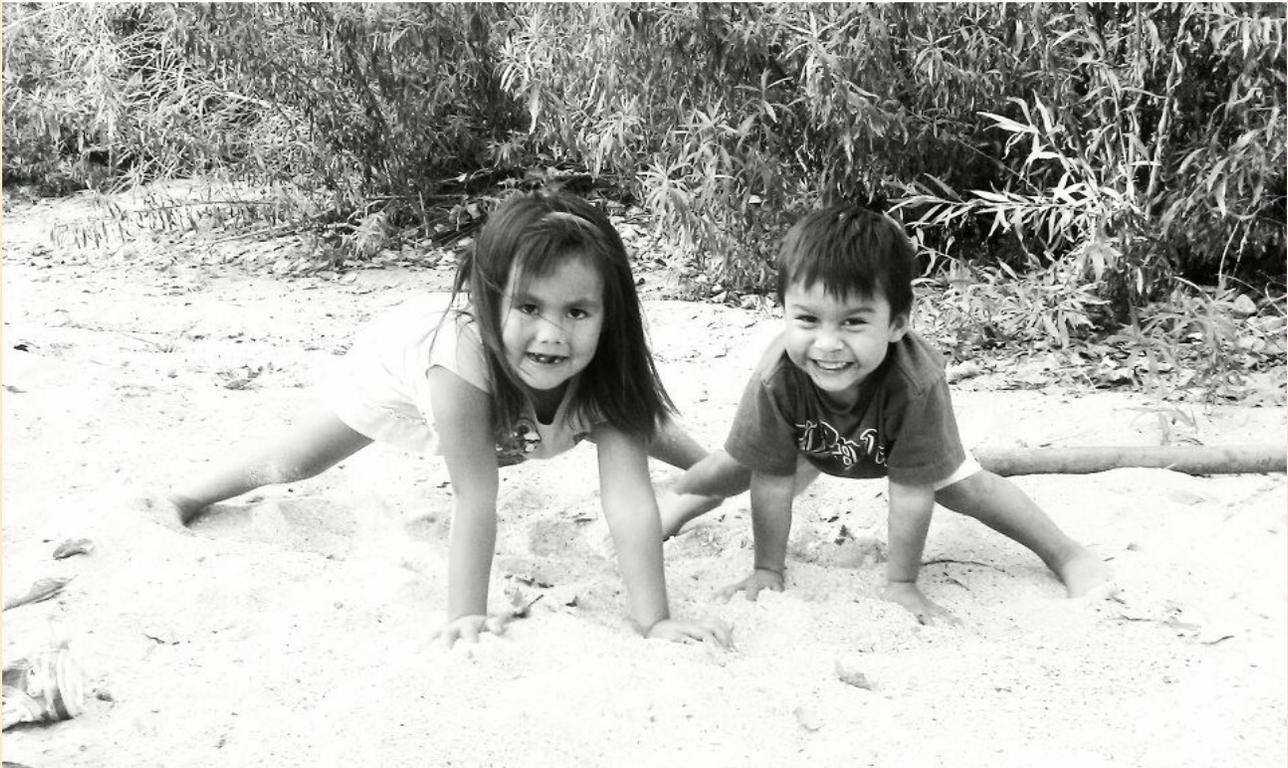
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CTFC MONTHLY HIGHLIGHTS

Latest News From California Tribal Families Coalition

Brackeen Still in Limbo!



The United States Supreme Court has yet to issue a decision if it will or will not hear the Texas v. Haaland case, often called the Brackeen case.

While no denial of the writs of certiorari have been issued, the parties and all of Indian Country must just wait and see.

The Brackeen case is a court challenge brought by the State of Texas and non-native adoptive families to challenge ICWA. Their challenge claims the Act is unconstitutional. Tribes are united in their defense of ICWA, including the Morongo Band of Mission Indians, stepping in to the case as a party to fight for tribal sovereignty and Indian families.

Join us from Chumash for the virtual

LAUNCH PARTY!

February 24, 2022
5:30 PM to 7:00 PM

ZOOM INFO TO
FOLLOW!



We are not sending a rocket into space but we are having a Launch Party! Please join us as we launch our newest project - LC4T! This project directly addresses the number one recommendation of the ICWA Compliance Task Force Report- solving the inequity of Tribes being the only parties in courtrooms across California that do not have a right to legal representation when their children are in the system! CTFC has been working for years to respond to this issue, and we are now ready to launch LC4T. Please join us to hear all about the project and how LC4T will make sure no tribe is unrepresented as they fight for their families and the the rights and promises of ICWA. Email invitations and details coming soon! And check us on Instagram and Facebook for the latest on The Launch!

CTFC Outreach Corner



CTFC continues to speak out about the need to protect ICWA and all laws and policies that protect and strengthen tribal families and tribal sovereignty. Recently CTFC Legal Director, Kimberly Cluff, had the opportunity to participate in a Los Angeles County event designed to raise awareness and competency of the

County's over 100,000 employees in issues facing LA's native community. Despite having no federally recognized tribes, Los Angeles has the nation's largest urban Indian population. A combined effort of the Los Angeles City-County Native American Indian Committee and other County departments, the 3 hour event highlighted the Indian Child Welfare Act. Kimberly spoke to the virtual audience of several hundred County employees about the history of Indian child welfare and genocidal government policies, the reasons for ICWA's passage and the on-going need for and challenges to, the Act.

Newest CTFC Member Tribes

California Tribal Families Coalition is proud to announce it has grown!

Santa Ynez Band of Chumash Indians is the newest tribe to join CTFC and our mission to promote the health, safety and welfare of tribal families.

Thank you Chumash for hosting our LC4T launch and we look forward to working with you!



California ICWA Case Corner



California ICWA Case Corner

It's a new month - in a new year! And that means another round of taking a critical look at California ICWA-related cases. Below is a summary of an interesting unpublished ICWA opinion from December 2021. There were 19 other opinions filed last month. On the national level, the ICWA Appellate Project recently shared [initial data on 2021 ICWA cases](#) from around the country. California cases accounted for 18% of all cases tracked and was one of only three states where ICWA "inquiry" issues continue to be the most prevalent topic.

Since the Coalition began tracking cases in September 2021, the following counties have issued ICWA related opinions: Fresno (1), Kern (1), Los Angeles (22), Madera (1), Orange County (3), Sacramento (4), San Bernardino (5), Santa Barbara (1), Santa Clara (2), San Diego (3), San Luis Obispo (1), Sonoma (2), Stanislaus (1), Ventura (1), Yolo (3), Yuba (1). We will continue tracking this data.

Why it matters: Mother and father appeal a termination of parental rights, alleging the child welfare agency failed to comply with ICWA inquiry requirements. The appellate court conditionally affirmed the termination and directed the juvenile court and agency to comply with ICWA. The agency argues the duty of further inquiry was never triggered because mom did not provide a specific tribal affiliation when she filed a Parental Notification of Indian Status form (ICWA-020) and reported to the juvenile court that her maternal grandmother was “actually Native American.” However, the appellate court disagrees and states that mom’s assertion of Indian ancestry was well within the “reason to believe” standard. The agency further argues that any error made was harmless because mom did not indicate that any of her relatives would provide more information. However, the court relies on their recent opinion and responds with, “it is unreasonable to require a parent to make an affirmative representation of Indian ancestry where the Department’s failure to conduct an adequate inquiry deprived the parent of the very knowledge needed to make such a claim.” *In re Y.W.*, 70 Cal.App. 5th at 556. The court points out the agency had contact information for mom’s own mother and had enough information about the maternal grandmother to properly further inquire. This opinion followed the established precedent regarding ICWA and related California law and reiterates the need for child welfare agencies to comply with their duty to further inquire and diligently document the results to meaningfully comply.

UPCOMING DATES & DEADLINES

- February 11- ICWA 2.0: Placement Preferences, Court Findings and Why They Matter, presented by CTFC (1 hour general MCLE credit – approval pending from the State Bar of California)
- February 24- Legal Counsel for Tribes Launch (LC4T)
- March 4- ICWA 2.0: What is a QEW and What’s the Role?, presented by CTFC (1 hour general MCLE credit – approval pending from the State Bar of California).

Register now!

Read past Monthly
Highlights.

