

## **SUMMARY**

With AB 1862, California Assemblymember Ramos seeks to establish tribes and tribal organizations, as defined in the California Welfare and Institutions Code (WIC) § 10553.12(d), as eligible entities to receive compensation for approving homes for foster or adoptive placement of Indian children in county-based child welfare cases as authorized in WIC § 10553.12. While tribes and tribal organizations are authorized to approve homes, they do not receive funding to do so despite reducing county workload and costs.

## **BACKGROUND**

The Indian Child Welfare Act (ICWA) of 1978 established placement preferences for Indian children in foster or adoptive homes and requires that placements follow the “prevailing social and cultural standards of the Indian community.”<sup>1</sup> California committed to providing these protections for Indian children by incorporating the federal requirements into state law.<sup>2</sup> Further, for a child to be placed in a foster or adoptive home, the home must be approved according to the licensing standard of the state or tribe. In an effort to increase the number of available homes in accord with ICWA placement preferences, ICWA, as codified in state law, authorized Indian tribes to license, approve and specify foster and adoptive homes so Indian children can be placed according to their tribe’s unique values.<sup>3</sup>

## **PROBLEM**

Dependent Indian children in the state child welfare system must be placed in homes in compliance with ICWA and WIC § 361.31. However, between 2010 and 2020, an average of only 44% of Indian children in California’s foster care system were placed according to ICWA placement preferences. The services of the Indian child’s tribe must be used in recruiting, securing and supervising placements. While tribes and tribal organizations are necessary for legal compliance in the placement of dependent Indian children, those that fill this essential role receive no state funding and are

denied funding that is available to private non-tribal agencies that complete the same work. Tribally approved homes are important tools tribes access to ensure Indian children are placed in legally compliant homes that align with tribal standards. Further, tribal foster and adoptive home approvals assist county agencies in complying with ICWA requirements while relieving the resource heavy burden of home approval processes from county budgets. Tribes and tribal organizations are currently at a funding disadvantage even though they already provide critical services to ensure safe and culturally appropriate homes to the most vulnerable children in the child welfare system. This problem is not only one of equity and fairness, but also one that undermines compliance with state and federal law.

## **SOLUTION**

The answer to this disparity is to allocate funding to support tribes and tribal organizations that provide home approvals in support of county-based child welfare cases. The funding would flow through the California Department of Social Services directly to eligible tribes and tribal organizations in the amount of \$75,000 per year to fund activities related to the tribally approved homes process outlined in WIC § 10553.12. The funding would provide tribes and tribal organizations the rightful payment for their role in recruiting, approving and supporting homes for the placement of Indian children in legally compliant and culturally appropriate homes.

## **SUPPORT**

California Tribal Families Coalition (Sponsor)

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<sup>1</sup> Indian Child Welfare Act of 1978, 25 U.S.C. § 1915(d).

<sup>2</sup> See WIC § 361.31(f).

<sup>3</sup> See WIC § 10553.12.