

# Assembly Bill 685

## Ensuring ICWA Compliance Through Legal Services Grants & Training

### Assemblymember Reyes

#### SUMMARY

The Indian Child Welfare Act (ICWA) was signed into law on November 8, 1978 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. To address concerns, SB 678 (Chapter 838, Statutes of 2006) was passed by the California Legislature to increase compliance with national requirements regarding Indian children's relationships with their tribes and the role of tribes in child custody proceedings.

#### ISSUE

While progress has been made, major concerns persist regarding ICWA compliance and how ICWA proceedings are conducted. California continues to have the highest ICWA related appeals, with a total of 152 cases appealed in 2017 alone, indicating that California remains heavily non-compliant with ICWA.

Furthermore, financial barriers are a major factor in having proper representation for tribes during these important proceedings.

#### THIS BILL

AB 685 increases ICWA compliance by requiring the State Bar of California to administer no less than \$1 million in grants to qualified legal services projects and qualified support centers for the purpose of providing legal services to Indian tribes in child welfare matters under ICWA, subject to appropriation.

This provision ensures tribes are rightfully represented during child custody proceedings

where ICWA applies and will help reduce the number of appeals related to ICWA cases.

Further, it enhances ICWA compliance by requiring the adoption of training requirements that include instruction on ICWA and cultural competency and sensitivity relating to, and best practices for, providing adequate care to Indian children in out-of-home care.

Lastly, AB 685 requires that the court of appeals appoint separate counsel for the child's Indian tribe in any appellate proceeding involving an Indian child upon the request of the child's Indian tribe.

#### SUPPORT

- Alliance for Children's Rights (**Co-sponsor**)
- California Tribal Families Coalition (**Co-sponsor**)

#### CONTACT

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