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**AB 686: INDIAN CHILD WELFARE ACT**

INTRODUCED BY ASSEMBLY MEMBERS WALDRON AND RAMOS  
PRINCIPAL COAUTHOR: ASSEMBLY MEMBER REYES

**IN BRIEF:**

The Indian Child Welfare Act (ICWA) was enacted in 1978 in response to the wholesale removal of Indian children from their parents, families, tribes and communities. Studies revealed that large numbers of Native children were being separated from their parents, extended families, and tribes by state child welfare and private adoption agencies even when fit and willing relatives were available.

**EXISTING LAW:**

California passed SB 678 (Chapter 838, Statutes of 2006), known as Cal-ICWA, which codified ICWA in California to increase compliance with national requirements regarding Indian children's political and cultural relationships with their tribes and the role of tribes in child custody proceedings. California passed AB 3176 (Chapter 833, Statutes of 2018) codifying the updated federal ICWA regulations into state law, essentially an update to SB 678. In addition to Cal-ICWA, the California Legislature passed AB 1325 (Chapter 287, Statutes of 2009) to allow dependent Indian children in need of a long-term placement plan to be adopted without the necessary precursor of termination of parental rights.

**THE ISSUE:**

Since its passage, ICWA has provided important rights and protections to Indian families. 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. The Task Force report documented ongoing compliance concerns regarding placement of Indian children, including an underutilization of Tribal Customary Adoption. It also documented the barriers to participation tribes experience in these cases due to geographic distance between the location of the tribe and the location of the state court case.

**THE SOLUTION:**

AB 686 increases ICWA compliance by clarifying placement approval standards for Indian children and funding for home approvals. It also ensures that Indian tribes can fully participate in ICWA cases by ensuring access to telephonic or other computerized or electronic remote access options for court appearances.

**SUPPORT:**

California Tribal Families Coalition (Sponsor)  
California Indian Legal Services [Sponsor]  
Alliance for Children's Rights [Sponsor]  
National Center for Youth Law [Sponsor]

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