
SENATE COMMITTEE ON APPROPRIATIONS

Senator Anthony Portantino, Chair
2021 - 2022 Regular Session

AB 1862 (Ramos) - Tribally Approved Homes Compensation Program

Version: August 1, 2022

Urgency: No

Hearing Date: August 8, 2022

Policy Vote: HUMAN S. 5 - 0, JUD. 11 - 0

Mandate: No

Consultant: Agnes Lee

Bill Summary: AB 1862 would create the Tribally Approved Homes Compensation Program to provide \$75,000 annually, subject to an appropriation for this purpose in the annual Budget Act, to eligible tribes and tribal organizations to assist in funding the costs associated with recruiting and approving resource family homes for Indian children pursuant to the federal Indian Child Welfare Act (ICWA).

Fiscal Impact: The California Department of Social Services (CDSS) estimates the following General Fund costs:

- \$8.2 million to provide the proposed funding to the tribes.
- \$422,500 the first year and \$403,000 each year thereafter for CDSS to process the required reports.

Background: Federal law establishes the Indian Child Welfare Act (ICWA), which provides guidance to states regarding the jurisdiction requirements, proceedings of tribal courts, and custody proceedings involving the removal of Indian children from their parent's custody. State law requires the court, in all Indian child custody proceedings as defined by ICWA, to strive to promote the stability and security of Indian tribes and families, comply with ICWA, and seek to protect the best interest of the child. Whenever an Indian child is removed from an existing foster care placement for the purpose of further foster care, guardianship, or adoptive placement, placement of the child should be in accordance with ICWA and other applicable state and federal law.

State law defines "tribally approved home" (TAH) as a home that has been licensed or approved by an Indian child's tribe or a tribe or tribal organization designated by the Indian child's tribe for foster care or adoptive placement of an Indian child using standards established by the child's tribe, as specified. A TAH is not required to be licensed or approved by the state or county and is equivalent to a state-licensed or county-licensed, or approved home, including an approved resource family home.

Proposed Law: Specific provisions of the bill would:

- Establish the Tribally Approved Homes Compensation Program to provide funding to eligible tribes and tribal organizations, as defined, in California to assist in funding the costs associated with recruiting and approving homes for the purpose of foster or adoptive placement of an Indian child pursuant to the federal ICWA.

- Requires CDSS to provide annual allocations of \$75,000 to eligible tribes and tribal organizations, subject to an appropriation for this purpose in the annual Budget Act.
- Require, to be eligible for annual funding, tribes or tribal organizations to submit letters of intent, as provided, and would require funded tribes and tribal organizations to submit annual process reports to the CDSS for each year funding is received.
- Require CDSS to annually compile the received process reports and submit a compiled report to the Legislature, as provided, and would change the definition of tribal organization to allow tribal organizations to serve one or more federally recognized tribes.

Staff Comments: The 2022-23 Budget adopted in June includes \$8.2 million General Fund in 2022-23 and ongoing, with deferred trailer bill language, for the Tribally Approved Homes Compensation Program.

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