
SENATE COMMITTEE ON APPROPRIATIONS

Senator Anna Caballero, Chair
2025 - 2026 Regular Session

AB 1378 (Rogers) - Child welfare services: prevention services: Indian tribes

Version: February 21, 2025

Urgency: No

Hearing Date: August 18, 2025

Policy Vote: HUMAN S. 5 - 0, JUD. 13 - 0

Mandate: No

Consultant: Agnes Lee

Bill Summary: AB 1378 would make changes to provisions related to agreements between the California Department of Social Services (CDSS) and an Indian tribe, tribal organization, or tribal consortium regarding child welfare services programs.

Fiscal Impact: The CDSS estimates the following:

- Ongoing costs of \$1.3 million (\$1.1 million General Fund and \$200,000 federal funds) for the increased administrative workload for tribal child welfare agencies to fund legal representation for the parent, guardian, and children's advocates in cases under a tribe's jurisdiction.
- Ongoing General Fund costs of \$1.3 million for state administration. This includes costs for staffing resources to assist in working on prevention programs with the 107 non-federally recognized tribes in California that do not currently have an agreement, and to develop a program specifically to provide for legal representation for parents and children in a tribe's child welfare program in tribal court.

Background: The federal Indian Child Welfare Act (ICWA) establishes minimum federal standards for state courts to meet any time an Indian child is removed from their family or custodial home and placed in foster care or adoptive homes. Current state law requires CDSS, upon an Indian tribe's request, to enter into an agreement with any Indian tribe, tribal organization, or tribal consortium located in California or with lands that extend into this state regarding the care and custody of Indian children and jurisdiction over Indian child custody proceedings. An Indian tribe, tribal organization, or tribal consortium that is a party to an agreement is, in accordance with the agreement, eligible to receive allocations of child welfare services funds. Current state law also authorizes an Indian tribe, consortium of tribes, or tribal organization (that has entered into an agreement with CDSS) to receive federal funding under the federal Family First Prevention Services Act of 2018 for prevention services that are provided for children who are at imminent risk of entering foster care.

Proposed Law: Specific provisions of the bill would:

- Clarify that agreements between CDSS and an Indian tribe, tribal organization, or tribal consortium may be for purposes of preventing entry into foster care.
- Provide that an agreement between CDSS and an Indian tribe, tribal organization, or tribal consortium may be made for the sole purpose of the administration of prevention programs under the Family First Prevention Services program.

- Specify that allocations of child welfare funds under an agreement between CDSS and an Indian tribe, tribal organization, or tribal consortium may include, but not be limited to, administrative funds to support the cost of legal representation for the agency, parent, guardian, and children's advocates in cases under a tribe's jurisdiction pursuant to the agreement.

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