

Date of Hearing: March 10, 2026

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Alex Lee, Chair

AB 1574 (Rogers) – As Introduced January 12, 2026

SUBJECT: The Tribal Foster Care Prevention Program

SUMMARY: Establishes a Tribal Foster Care Prevention Program to assist Indian tribes with the costs associated with services to prevent the entry of children into foster care. Specifically, **this bill:**

- 1) Establishes a Tribal Foster Care Prevention Program to provide funding to assist any federally recognized Indian tribe located in California, or with lands that extend into California, in funding the costs associated with services, to be determined by the Indian tribe, aimed at preserving families and preventing the entry of children into foster care.
- 2) Authorizes an Indian tribe to designate another entity to administer the allocation of funds on a tribe's behalf and specifies there shall be no tribal share of cost for any agreement executed under these provisions.
- 3) Requires an Indian tribe, to be eligible for an allocation of funds, to enter into an agreement with the California Department of Social Services (CDSS) pursuant to existing state and federal law.
- 4) Requires an Indian tribe that seeks funding to submit an annual letter of interest to CDSS with the following:
 - a) The name of the tribe and the identified contact person; and,
 - b) The approximate number of Indian children, as defined by existing law, who are members of the tribe that were in foster care in the previous fiscal year.
- 5) Requires CDSS, subject to an appropriation in the annual Budget Act for the express purpose described in these provisions, to provide an annual allocation to each eligible Indian tribe that enters into an agreement and submits a letter of interest.
- 6) Requires the allocation methodology and the implementation plan to be established by CDSS in government-to-government consultation with tribes.
- 7) Requires CDSS to provide an update to legislative staff and stakeholders on the progress of implementation of these provisions by February 1, 2028.
- 8) Requires an Indian tribe that receives funds to submit a progress report to CDSS, to be submitted on or before September 30 following the close of the fiscal year in which funding was received. Requires the report to include both of the following:
 - a) The total number of children and their families that were served with prevention services funded with moneys received pursuant to the Tribal Foster Care Prevention Program in the previous fiscal year; and,

- b) The approximate number of Indian children of the tribe that were in foster care in the previous fiscal year.
- 9) Authorizes CDSS to seek federal approvals or waivers necessary to claim federal reimbursement under Title IV-E of the federal Social Security Act in order to maximize funding. Authorizes the federal approvals CDSS is permitted to seek to include authorization for CDSS to make agreements with federally recognized tribes in California for the sole purpose of administering prevention programs.
- 10) Authorizes CDSS, notwithstanding the rulemaking provisions of the Administrative Procedure Act, to implement, interpret, or make specific these provisions without taking any regulatory action.
- 11) Specifies these provisions shall be implemented only to the extent that funding is expressly provided in the annual Budget Act for this purpose.

EXISTING LAW:

State law

- 1) Requires CDSS, notwithstanding any other law, 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, including, but not limited to, agreements that provide for orderly adjudication of, and transfer of jurisdiction on a case-by-case basis for, cases subject to exclusive tribal or state jurisdiction, or for concurrent jurisdiction between the state and tribes. (Welfare and Institutions Code [WIC] § 10553.1(a))
- 2) Provides there shall be no tribal share of costs for any agreement between a tribe and CDSS regarding the care and custody of Indian children. Requires an agreement concerning the provision of child welfare services to ensure that a tribe, tribal organization, or tribal consortium meets current service delivery standards. (WIC § 10553.1(b))
- 3) Requires, upon the effective date of an agreement, the tribe, tribal organization, or tribal consortium to comply with fiscal reporting requirements specified by CDSS for federal and state reimbursement of child welfare services funds or Aid to Families with Dependent Children-Foster Care services for programs operated under the agreement. (WIC § 10553.1(c))
- 4) Requires an Indian tribe, tribal organization, or tribal consortium that is a party to an agreement, in accordance with the agreement, to be eligible to receive allocations of child welfare services funds. (WIC § 10553.1(d))
- 5) Permits an Indian tribe, tribal organization, or tribal consortium that is a party to an agreement, to, in accordance with the agreement, be eligible to receive an allocation of child welfare services funds to assist in funding the startup costs associated with establishing a comprehensive child welfare services program. Requires the allocation to be available for expenditure by the Indian tribe, tribal organization, or tribal consortium for three years of the

agreement. Specifies this shall be implemented only to the extent that funding is expressly provided in the annual Budget Act for these purposes. (WIC § 10553.1(e))

- 6) Declares legislative intent to exercise the option afforded to states under the federal Family First Prevention Act (FFPSA) to receive federal financial participation for the prevention services that are provided for a candidate for foster care or a pregnant or parenting foster youth, and their parents or kin caregivers, and the allowable costs for the proper and efficient administration of the program. (WIC § 16585(a))
- 7) Declares legislative intent that the prevention services under FFPSA will be provided in a manner that reaffirms the commitments to Indian children, Indian families, and Indian tribes. There is no resource more vital to the continued existence and integrity of Indian tribes than their children, and the State of California has an interest in ensuring that prevention services are provided in a manner consistent with the federal Indian Child Welfare Act of 1978 (ICWA). (WIC § 16585(b)(3))
- 8) Requires CDSS to consult with Indian tribes on the development of a statewide prevention plan to provide prevention services under FFPSA, associated allocation policies, and procedures for an Indian tribe, consortium of tribes, or tribal organization that has entered into an agreement with the state. (WIC § 16587(b))
- 9) Requires CDSS to negotiate in good faith with the Indian tribe, organization, or consortium in the state that requests development of an agreement with the state to administer all or part of the programs under Title IV-E of the Social Security Act on behalf of the Indian children who are under the authority of the tribe, organization, or consortium. (WIC § 16000.6)
- 10) Establishes Cal-ICWA and provides that a determination by an Indian tribe that an unmarried person, who is under 18 years of age, is either (1) a member or citizen of an Indian tribe or (2) eligible for membership or citizenship in an Indian tribe and a biological child of a member or citizen of an Indian tribe shall constitute a significant political affiliation with the tribe and shall require the application of the federal ICWA and other applicable state and federal law to the proceedings. (WIC § 224(e))

Federal law

- 11) Establishes ICWA, which provides guidance to states regarding the jurisdictional requirements, proceedings of tribal courts, and the custody proceedings involving the removal of Indian children from the custody of their parents. (25 United States Code [U.S.C.] § 1901 *et seq.*)
- 12) Outlines federal regulations under ICWA and provides for active efforts and child custody proceedings, and clarifies tribal jurisdiction. (25 Code of Federal Regulations § 23)
- 13) Implements the federal Social Security Act amendment under FFPSA allowing states and tribes to opt in to providing prevention services and receiving federal financial participation for the cost of those services. (42 U.S.C. § 671(e))
- 14) Implements the federal Social Security Act amendment under the Fostering Connections to Success and Increasing Adoptions Act that provides that states shall negotiate in good faith

with any Indian tribe, tribal organization, or tribal consortium in the state that requests to develop an agreement with the state to administer all, or part of, a Title IV-E program on behalf of Indian children. (42 U.S.C. § 671(a)(32))

FISCAL EFFECT: Unknown, this bill has not been analyzed by a fiscal committee.

COMMENTS:

Background: *Indian Child Welfare Act.* Prior to the mid-1970s, Indian children faced high rates of removal, estimated to be as high as 25-35% of all Indian children, from their families, and subsequent placement in non-Indian homes. A years-long Congressional investigation in the 1970s determined that the four leading factors that contributed to removal of children and unnecessary termination of parental rights were: state child welfare standards for assessing families lacking cultural competence; due-process violations against Indian children and their parents that existed on a system-wide basis; economic incentives that favored the removal of Indian children from their families and communities; and, “social conditions existing in Indian country.” This term specifically referred to the pervasive poverty and substandard housing on reservations, which were used by state social workers as grounds for child removal, regardless of the supportive nature of those homes. The Congressional investigation also found that states often failed to recognize the tribal relations of Indian people and their cultural and social standards when carrying out child custody proceedings.

In response, Congress enacted federal legislation, ICWA (25 U.S.C. § 1901 *et seq.*), to address a number of the issues related to the custody of Indian children and, ultimately, to ensure the preservation of Native American families, tribes, and tribal cultures. ICWA established minimum standards with which state courts must comply any time an Indian child is removed from their family or custodial home and placed in foster care or adoptive homes. It does not prohibit states from establishing higher standards. SB 678 (Ducheny), Chapter 838, Statutes of 2006, established Cal-ICWA, which revised and recast the portions of state code that address Indian child custody proceedings by codifying into state law various provisions of ICWA, the Bureau of Indian Affairs Guidelines for State Courts, and state Rules of Court.

Family First Prevention Act. On February 9, 2018, President Trump signed H.R. 1892 (Larson), P.L. 115-123, which included FFPSA to reform child welfare services systems on a national basis by adopting two major changes to how federal funds could be used by states. The first element included the expansion of Title IV-E funds to focus on prevention services. Title IV-E of the Social Security Act is the largest federal funding source for state child welfare agencies and provides uncapped reimbursement for the costs of foster care, adoption, and guardianship. FFPSA expanded the allowable use of Title IV-E funds to include services that would prevent the entry of children into foster care. Prior to FFPSA, states were permitted to use federal Title IV-E funds for children only once they were placed in foster care.

Title IV-E is a reimbursement program, not a block grant, which means states and tribes are required to spend their own funds on eligible services and then seek reimbursement. Under FFPSA, states are able to claim federal reimbursement for approved prevention services prior to a child being placed in foster care in order to allow candidates for foster care to remain with their parents. Allowable services under FFPSA that are eligible for Title IV-E funds include: mental health and substance abuse prevention and treatment services provided by a qualified clinician;

and in-home parent skills-based programs, including parenting skills training, parent education, and individual and family counseling.

The second component of FFPSA included the goal of reducing states' use of congregate or residential group care, commonly referred to as group homes, and due to state-level reforms implemented in 2017 to California's child welfare system, has already been a priority which has resulted in an increase in home-based placements.

This bill would create the Tribal Foster Care Prevention Services Program that would allow tribes to receive funding from CDSS to administer prevention services for tribal children and families at risk of entering foster care. Tribes seeking funding would be required to submit an annual letter of interest to CDSS so that CDSS can, upon an appropriation, provide an annual allocation to each eligible Indian tribe that enters into an agreement and submits a letter of interest.

Unequal Access to Prevention Funds. Existing law allows CDSS to enter into agreements with Indian tribes within the state to administer all or part of the programs under Title IV-E of the Social Security Act, which include the following programs: Foster Care Services; Adoption Services; and Kinship Guardianship Services. *This bill* seeks to clarify that Prevention Services are also included.

Under FFPSA, to qualify for funding, prevention services must meet specific evidence-based criteria. Programs are rated as either promising, supported, or well-supported by the Title IV-E Prevention Services Clearinghouse to ensure that the services are backed by research and have demonstrated effectiveness in preventing foster care placements. However, tribes are not required to comply with the evidence-based services requirements in the design of service programs. The Children's Bureau issued guidance to states with Title IV-E agreements with tribes dated December 20, 2024. The guidance states, "...tribal title IV-E agencies have flexibility to claim title IV-E funds for prevention services and programs they deem culturally appropriate and that meet the unique needs and context of the tribal community, including traditional healing programs consistent with meeting mental health and substance abuse treatment needs of children, parents and/or caretakers/caregivers."

Access to FFPSA funding for tribal communities is contingent upon a tribe's status as a Title IV-E tribe, meaning a tribe that has entered into a direct Title IV-E agreement with the federal Administration for Children and Families, which makes achieving this designation a resource-intensive and administratively complex process, requiring tribes to develop infrastructure, staffing capacity, data systems, and tribal law that meet federal requirements that poses a significant undertaking for many tribal nations, particularly smaller tribes with limited administrative bandwidth. As a result, there are currently only two out of 109 tribes that have entered into an agreement with CDSS under the Title IV-E authority. The sponsors report there are many tribes in California that do not have the capacity or desire to administer foster care, adoption and kinship guardian programs, but are eager to administer prevention programs.

Tribes that are not Title IV-E-eligible face significant constraints in accessing prevention funding allocated to California. This creates an inequity in which the vast majority of California tribal communities whose children are disproportionately represented in the child welfare system are unable to directly draw down prevention dollars that are expressly intended to serve families like theirs. The practical effect is that federal prevention resources appropriated for California may go

underutilized by tribal communities, even as those communities face compounding child welfare challenges.

Challenges Facing California in Accessing FFPSA Funds. The state budget for 2021-22 provided \$222.4 million in one-time block grant funding to counties to begin planning and implementation of FFPSA. These federal Title IV-E prevention dollars represent an uncapped funding stream which would be a significant source of revenue for California's child welfare prevention infrastructure. However, California counties are currently unable to claim federal Title IV-E reimbursement for prevention services that have been delivered. The Legislative Analyst's Office released a report on January 28, 2026, that identifies the state's legacy child welfare data system as the central impediment to this because the existing system does not meet federal requirements for the individual-level prevention services tracking and outcomes reporting necessary to support Title IV-E claiming.

In order to be compliant with federal requirements, California approved the development of a new system in 2012. The state continues to work on developing the new data system, the Child Welfare System-California Automated Response and Engagement System or CWS-CARES, but it is still not currently functional. CWS-CARES is intended to bring the state into federal compliance and unlock prevention claiming among other functions. Because the statewide launch of CWS-CARES Version 1 is not planned until October 2026, counties are only permitted to claim Title IV-E reimbursement for administrative and training costs, not for the direct prevention services they are delivering to families. This means that California counties are actively providing FFPSA-eligible prevention services but are unable to receive federal reimbursement for those services until the data system comes online. Because there is no cap on the dollar-for-dollar match, it is not possible to quantify the exact dollar amount the state is missing out.

This has implications for tribal communities, which already face structural barriers to accessing FFPSA prevention funding.

Governor's Veto Message: This bill is similar in intent to AB 1378 (Rogers) of 2025, which was vetoed by Governor Newsom. The Governor's veto message stated:

"This bill would require the California Department of Social Services (CDSS) to enter into agreements with tribes, at their request, to prevent entries into foster care, specifying that such agreements would be made solely for the purpose of administering prevention services funded by the federal Family First Prevention Services Act. The bill would also require CDSS to provide funding to tribes to support the cost of legal representation for a child and their parent in foster care proceedings.

"I recognize the long-standing disparities faced by tribal children and their families, especially by governmental entities, and sincerely appreciate the author's intent to provide prevention services to at-risk tribal families. However, the specific approach proposed by this bill contains significant fiscal, legal, and programmatic issues. It is unclear whether the types of agreements proposed by this bill can be used to access federal funds. Requiring CDSS to enter into such agreements would create significant uncertainties about how these agreements could be implemented and how funding would be provided.

“Acknowledging the volatility of the current political and fiscal landscapes, my Administration proposed an alternative approach, consistent with the intent of this bill, that could have substantially benefited some of the most vulnerable tribal children and families. Unfortunately, this alternative was not accepted, leaving this bill deeply flawed.”

In order to address Governor Newsom’s concerns stated above the Author states, “[This bill], much like AB 1378, aims to prevent tribal children from entering foster care while also reflecting the suggestions listed in the veto AB 1378 message. AB 1378 was vetoed because of concerns that California could not allow partial Title 4-E agreements because the bill increased the scope of Title 4-E agreements. This was concerning to CDSS because Title 4-E agreements are federally funded and therefore inflexible. To address these concerns, [this bill] does not touch Title 4-E agreements or any federal funding.”

Author’s Statement: According to the Author, “California is proudly home to the highest Native American population per capita of any state. For many generations, tribal nations and their families have been profoundly affected by state and federal laws and policies that have marginalized their communities. Despite the widespread condemnation of historic removal of indigenous children from their community, our government has not enough to break the cycle of families being broken up. Native American children continue to be disproportionately represented in the California child welfare system, with their rates of involvement two and a half times higher than those of White children. That is a shocking and sad statistic. Every one of those kids represents a family that has been torn apart. [This bill] aims to address these historic disparities by providing Tribes with resources equal to those of county agencies, empowering them to offer direct, preventative services that help keep families together before intervention from child welfare services becomes necessary. This bill is good policy, but more importantly, it’s the right thing to do for California’s kids.”

Equity Implications: The provisions of this bill seek to establish a program under CDSS to provide funding so that tribes in California can administer prevention programs to children and families at risk of entering child welfare. The program structure proposed by this legislation would address the continued inequity in funding that tribes experience to care directly for their children and families and would result in the reduction of tribal children in foster care. Through this legislation, tribes will have the same access to prevention program funding that other community-based service providers already have. Access to funding on par with counties will allow tribes to provide culturally driven prevention services in a manner that respects the sovereign status of tribal nations in California.

RELATED AND PRIOR LEGISLATION:

AB 1378 (Rogers) of 2025, would have expanded circumstances when CDSS is required, upon an Indian tribe's request, to enter into an agreement with a tribe to include when the agreement would prevent entry into foster care, and would have authorized the agreement to be made for the sole purpose of the administration of prevention programs. AB 1378 would have required CDSS, subject to an appropriation, to provide funding to tribes to support the cost of legal representation for a child and their parent in foster care proceedings. *AB 1378 was vetoed by Governor Newsom.*

REGISTERED SUPPORT / OPPOSITION:

Support

California Tribal Families Coalition (Co-Sponsor)
Pechanga Band of Luiseno Mission Indians (Co-Sponsor)
Yurok Tribe (Co-Sponsor)
Agua Caliente Band of Cahuilla Indians
California Family Resource Association
California Valley Miwok Tribe
Child Abuse Prevention Center and its Affiliates Safe Kids California, Prevent Child Abuse
California and the California Family Resource Association
Habematolel Pomo of Upper Lake
Kno'qoti Native Wellness INC
Rincon Band of Luiseño Indians
Soboba Band of Luiseno Indians
The Cahto Tribe of the Laytonville Rancheria
Tolowa Dee-ni' Nation

Opposition

No opposition on file.

Analysis Prepared by: Jessica Langtry / HUM. S. / (916) 319-2089