

Date of Hearing: April 22, 2026

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

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

Policy Committee: Human Services

Vote: 6 - 0

Urgency: No

State Mandated Local Program: No

Reimbursable: No

**SUMMARY:**

This bill establishes the Tribal Foster Care Prevention Program to provide funding to assist Indian tribes with services to prevent the entry of children into foster care, The bill relies on an appropriation in the annual budget act to fund the program,

Specifically, this bill:

- 1) Establishes the Tribal Foster Care Prevention Program 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) Requires the California Department of Social Services (CDSS), subject to an appropriation, to provide an annual allocation to each eligible Indian tribe that enters into an agreement with and submits a letter of interest to CDSS.
- 3) Requires CDSS to establish the allocation methodology and the implementation plan in government-to-government consultation with tribes.
- 4) Requires CDSS, by February 1, 2028, to provide an update to legislative staff and stakeholders on the implementation of these provisions.
- 5) Requires an Indian tribe that receives funds to submit a progress report to CDSS by September 30 following the close of the fiscal year in which funding was received.
- 6) Authorizes CDSS to seek federal approval or waivers necessary to claim federal reimbursement under Title IV-E of the federal Social Security Act to maximize funding, including authorization for CDSS to make agreements with federally recognized tribes in California for the sole purpose of administering prevention programs.
- 7) Specifies these provisions are to be implemented only to the extent that funding is provided in the annual Budget Act.

**FISCAL EFFECT:**

This bill will result in ongoing General Fund (GF) costs likely in the low millions of dollars annually to provide funding to eligible tribes and to cover costs for CDSS to administer and support the program. This estimate is based on the following:

- 1) Estimated GF costs in the range of \$3 million to \$8 million annually for grant funding to participating tribes for prevention services. The actual cost will depend on the number of participating tribes and the amount of the grant to each tribe, which the bill does not specify.

For context, CDSS currently runs a tribal funding program, which provides \$75,000 annually to each participating tribe. Of the 109 eligible tribes, an average of 50 tribes participate each year, requiring a GF annual allocation of approximately \$3.75 million. If 75 tribes participated, GF grants costs would be \$5.6 million.

- 2) Estimated ongoing GF costs of an unknown amount, but likely in the mid-hundreds of thousands of dollars annually to CDSS to administer the program and provide technical support to tribes. CDSS would likely need several staff positions and an attorney to set up the program, develop the agreements, review letters of interest, and provide technical assistance to tribes receiving grants. Actual costs will depend on tribe participation and the level of CDSS support sought or required by tribes.

The author is requesting \$2.4 million in the 2026-27 state budget to support this bill; \$2.3 million to provide grants to tribes (\$46,000 per tribe for 50 tribes) and \$106,000 for one staff position for state administration by CDSS.

The Legislative Analyst's Office recently warned of General Fund structural deficits of around \$35 billion per year in the 2027-28 fiscal year and ongoing.

#### COMMENTS:

- 1) **Purpose.** According to the author:

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. [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.

- 2) **Background. *The Indian Child Welfare Act (ICWA)*.** In 1978, the United States enacted the ICWA to establish minimum standards that state courts must follow when removing Indian children from their homes and placing them in foster care or adoptive homes. ICWA is supplemented by federal regulations governing notice and the funding and administration of tribal Indian child and family service programs authorized under ICWA.

SB 678 (Ducheny), Chapter 838, Statutes of 2006, established Cal-ICWA, which revised and recast 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. Over the years, additional changes have been made to California's statutes to better implement ICWA.

Existing state law establishes the Tribally Approved Homes Compensation Program to provide \$75,000 annually, subject to an appropriation in the annual Budget Act, to eligible Indian tribes to assist in funding the costs of recruiting and approving homes for foster or

adoptive placement of an Indian child. An Indian tribe must submit a letter of interest to CDSS each year to receive funding and funded tribes must submit annual progress reports.

***Title IV-E.*** 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. In 2018, federal law expanded the allowable use of Title IV-E funds to include services that would prevent the entry of children into foster care.

Existing law authorizes CDSS to enter into agreements with Indian tribes within the state to administer all or part of the programs under Title IV-E. Tribal access to these services is contingent upon a tribe's status as a Title IV-E tribe, meaning a tribe has entered into a direct Title IV-E agreement with the federal Administration for Children and Families.

According to the author and sponsors, because the administration of these programs requires tribes to have extensive existing administrative and social services capacity, only two out of 109 tribes have agreements with CDSS under this authority. The sponsors assert there are many tribes in California without the capacity or desire to administer foster care, adoption, or kinship guardian programs, but that are eager to administer prevention programs.

Last year's AB 1378 (Rogers) tried to address this by requiring CDSS to enter into agreements with tribes, at their request, for prevention-only services using federal Title IV-E funding. AB 1378 was vetoed by the Governor who cited concerns regarding the federal legalities of such agreements.

This bill responds to the Governor's concerns by creating a program, not connected to Title IV-E agreements or federal funding and modeled after the Tribally Approved Homes Compensation Program, that allows tribes to acquire state funding through CDSS to administer services to help prevent the entry of tribal children into foster care.

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