

ASSEMBLY THIRD READING

AB 1574 (Rogers)

As Introduced January 12, 2026

Majority vote

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.

Major Provisions

- 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 specified information.
- 5) Requires CDSS, subject to an appropriation, 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.
- 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 to implement, interpret, or make specific these provisions without taking any regulatory action.

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." 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, the Indian Child Welfare Act (ICWA) (25 U.S.C. Section 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 House Resolution 1892 (Larson), P.L. 115-123, which included the Family First Prevention Services Act (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.

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.

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."

Arguments in Support

The California Tribal Families Coalition, a co-sponsor of this measure, state, "Supporting Tribes to provide services directly to children and families will lead to improvements in the long-term outcomes for Native American children and could lead to significant savings for both the state and counties. Tribal programs are the first stop for children and families in need, and are important partners for county child welfare services in providing the active efforts to prevent family separation, as required under the Indian Child Welfare Act and its California incarnation the Cal-ICWA."

Arguments in Opposition

None on file.

FISCAL COMMENTS

According to the Assembly Appropriations Committee on April 22, 2026:

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.

VOTES

ASM HUMAN SERVICES: 6-0-1

YES: Lee, Castillo, Calderon, Elhawary, Jackson, Tangipa

ABS, ABST OR NV: Celeste Rodriguez

ASM APPROPRIATIONS: 15-0-0

YES: Wicks, Hoover, Aguiar-Curry, Calderon, Caloza, Dixon, Fong, Mark González, Krell, Pacheco, Pellerin, Sharp-Collins, Solache, Ta, Tangipa

UPDATED

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