
SENATE COMMITTEE ON HUMAN SERVICES

Senator Becker, Chair
2025 - 2026 Regular

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Author: Rogers
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Consultant: Heather Hopkins
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Fiscal: Yes

Subject: The Tribal Foster Care Prevention Program

SUMMARY

This bill establishes the Tribal Foster Care Prevention Program to provide funding to assist tribes with funding services aimed at preserving families and preventing the entry of children into foster care.

ABSTRACT

Existing Law:

- 1) Requires the California Department of Social Services (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 under (1) above. 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 authorized by (1) above, 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 under (1) above, 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 under (1) above 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) Specifies that implementation of an agreement under (1) above does not impose liability upon, or to require indemnification by, the participating county or the State of California for any act or omission performed by an officer, agent, or employee of the participating tribe, tribal organization, or tribal consortium. *(WIC 10553.1(f))*
- 7) Declares it is the Legislature's intent to exercise the option afforded to states under the Family First Prevention Services 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))*
- 8) Declares it is the Legislature's intent that the prevention services under FFPSA will improve outcomes for children and families, reduce entries into foster care, and reduce disproportionate entries into foster care of children and youth of color, Native American and Alaskan Native children and youth, and lesbian, gay, bisexual, transgender, queer, and plus (LGBTQ+) children and youth. *(WIC 16585(b)(2))*
- 9) Declares it is the Legislature's 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. States 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))*
- 10) 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))*
- 11) 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)*
- 12) 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(c)*)

- 13) 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.*)
- 14) Outlines federal regulations under ICWA and provides for active efforts and child custody proceedings, and clarifies tribal jurisdiction. (*25 Code of Federal Regulations (CFR) 23*)
- 15) 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)*)
- 16) 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)*)

This Bill:

- 1) Makes legislative findings and declarations regarding the overrepresentation of Native American children in the foster care system as well as the historic policies of the state and federal governments that have negatively impacted Native American families.
- 2) Makes legislative findings and declarations that tribal nations within California know best how to preserve tribal families but lack funding on par with counties to support culturally responsive family preservation programs.
- 3) Provides that it is the intent of the Legislature in enacting this act to support tribal nations in California in developing and implementing prevention programs and to ensure equitable funding for California's tribal families.
- 4) Creates the 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.
- 5) Provides that an Indian tribe may designate another entity to administer the allocation of funds on a tribe's behalf upon designation by the tribe for this purpose.
- 6) Provides that there shall be no tribal share of cost for any agreement executed under the provisions of this bill.

- 7) Provides that to be eligible for an allocation of funds under this bill, an Indian tribe shall enter into an agreement with CDSS.
- 8) Provides that an Indian tribe that seeks funding pursuant to this bill shall submit an annual letter of interest to CDSS that includes the following:
 - a. The name of the tribe and the identified contact person.
 - b. The approximate number of Indian children who are members of the tribe that were in foster care in the previous fiscal year.
- 9) Provides that, subject to an appropriation in the annual Budget Act, CDSS shall provide each eligible Indian tribe that enters into an agreement and submits a letter of interest an annual allocation. Provides that the allocation methodology and the implementation plan shall be established by CDSS in government-to-government consultation with tribes.
- 10) Requires CDSS to provide an update to legislative staff and stakeholders on the progress of implementation of the provisions of this bill by February 1, 2028.
- 11) Requires any Indian tribe that receives funds to submit a progress report to CDSS on or before September 30 following the close of the fiscal year in which funding was received. The report shall 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.
 - b. The approximate number of Indian children of the tribe that were in foster care in the previous fiscal year.
- 12) Provides that CDSS may seek federal approvals or waivers necessary to claim federal reimbursement under Title IV-E of the federal Social Security Act (42 U.S.C. Sec. 670 et seq.) in order to maximize funding for the purposes described in this section.
- 13) Provides that the provisions of this bill shall be implemented only to the extent that funding is expressly provided in the annual Budget Act for this purpose.

FISCAL IMPACT

According to the Assembly Appropriations Committee:

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.

BACKGROUND AND DISCUSSION

Purpose of the Bill:

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. Entry into foster care devastates Native American families and serves as a pipeline to the high rates of missing and murdered indigenous persons. AB 1574 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."

Child Welfare System (CWS)

The CWS is the system of intervention of child abuse and neglect. This system provides services to children who have been abused or neglected and their families. The goal of this system is to keep children in their home when it is safe, and when the child is at risk, to develop an

alternative plan as quickly as possible¹. Social workers in each county receive reports of abuse or neglect, and work to investigate and resolve those reports. When the investigation substantiates the allegations of abuse or neglect, a family is either provided with services to ensure a child's wellbeing and avoid court involvement, or a child is removed from the family and placed into foster care. In 2025, the state's child welfare agencies received 398,861 reports of abuse or neglect. Of these, 45,856 reports contained substantiated allegations, and 17,886 children were removed from their homes and placed into foster care via the CWS system.

Indian Child Welfare Act (ICWA)

In the 1970s, a multiyear Congressional investigation found that Indian children were being removed from their homes at significantly high rates, and that such removal was often unwarranted. Indian children were being removed at rates as high as 25% to 35% and these children were then often placed in non-Indian foster homes.

In response to this investigation, ICWA was enacted by Congress in 1978 to address states "often fail[ing] to recognize the essential tribal relations of Indian people and the cultural and social standards prevailing in Indian communities and families," and the resulting unwarranted removal of Indian children. Congress's goal through the enactment of ICWA was to "protect the best interests of Indian children and to promote the stability and security of Indian tribes and families."² In an effort to meet this goal, ICWA established 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. This results in a presumption that it is in the best interest of the Indian child to retain tribal ties.

Among other things, ICWA sets forth minimum federal standards by: (1) establishing jurisdictional requirements; (2) allowing for notice of and intervention in Indian child custody proceedings by a tribe; and (3) providing that the acts, records, and judicial proceedings of tribal courts are entitled to full faith and credit to the same extent that the acts, records, or judicial proceedings of another state would be. In addition, ICWA prohibits a court from terminating parental rights without proof beyond a reasonable doubt and without clear and convincing evidence, including the testimony of a qualified expert, that continued custody by the child's parent or Indian custodian is likely to result in serious emotional or physical damage to the child.

ICWA authorized states to establish higher standards that go above the federal baseline. In 2006, California adopted state-level implementation of ICWA through the passage of SB 678 (*Ducheny, Chapter 838, Statutes 2006*). SB 687 established Cal-ICWA, revising and recasting portions of state code that address Indian child custody proceedings and codifying into state law various provisions of ICWA, the Bureau of Indian Affairs Guidelines for State courts, and state Rules of Court. As a result, in any child custody proceeding in which the court knows or has reason to know that an Indian child is involved, the child's tribe must be notified of the proceeding and of their right to intervene in the proceeding. Of the 58,841 children and youth in the state's CWS system as of January 1, 2026, including those receiving family maintenance, 1,467 were ICWA-eligible.

¹ <https://www.cdss.ca.gov/inforesources/child-welfare-protection/policies>

² See 25 U.S.C. 1902

The Families First Prevention Services Act (FFPSA)

In 2018, Congress passed, and the President signed, the Bipartisan Budget Act of 2018, which included the FFPSA. The FFPSA included two major reforms in how federal Title IV-E funds can be used. First, it reformed the way child welfare financing worked, allowing federal dollars to be used for prevention services, rather than only after a child has been removed from their family and placed into foster care. Second, it limited federal financial support for children and teens in group care. Under the FFPSA, placements in settings with more than six children for more than two weeks will generally not be eligible for federal funding. The combination of these changes impacts both how services are delivered and how they are reimbursed, with a continued focus on the benefits of children remaining in the home or in the care of family members.

Prior to the passage of the FFPSA, Title IV-E funds could only be used for the costs of foster care maintenance, administrative expenses related to program management, training of staff and foster parents, and adoption assistance. The focus of these federal dollars was on after a child had been removed from the home, not before. With the changes, federal dollars can now be used before a child is removed as a prevention measure, in addition to if they are removed and placed into care. The FFPSA helped move the CWS from one that is reactionary to one that also includes prevention.

The FFPSA has multiple parts, and California has opted into Part I and Part IV. Under Part I, states can receive Title IV-E dollars for prevention services. Under the FFPSA, there are two specific groups that are eligible for prevention services. First is a child who is a “candidate for foster care” but can remain safely at home or in a kinship placement with receipt of evidence-based services or programs categorically identified in the Family First Act. These services and programs include mental health, substance abuse, and in-home parenting services that have a well-supported, supported, or promising evidence base, as defined in the Act. The FFPSA allows states the discretion to determine who is a “candidate for foster care” so long as the child meets the following parameters: the child is at imminent risk of entering foster care; the child can remain safely in their home or in a kinship placement as long as services or programs that are necessary to prevent the entry of the child into foster care are provided; and includes a child whose adoption or guardianship arrangement is at risk of a disruption or dissolution that would result in a foster care placement. Second is a child in foster care who is pregnant or parenting. The prevention services can be provided to the child or youth as well as parents or caregivers, so long as the child fits the above criteria. Tribes are eligible to claim Title IV-E funds for prevention services. Currently two tribes are receiving one-time state block grant dollars under the FFPSA program.

Tribal Children in the CWS

Tribal children are disproportionately represented in the CWS. The Legislative Analyst’s Office writes in their 2024 report³ on disproportionalities and disparities in the CWS:

“Studies estimate that 25 percent to 35 percent of all tribal children were removed from their parents and communities under federal policies that existed through the 1970s. Specifically, these policies aimed to displace and assimilate tribal communities by

³ <https://lao.ca.gov/Publications/Report/4897>

placing children in white, English-speaking settings. Due in part to these policies, Native American families disproportionately continue to experience risk factors for child maltreatment such as isolation from family and community. While the federal and state governments have taken steps to address these discriminatory policies, they continue to impact Native American communities in California.”

The report goes on to describe how federal child welfare policies, such as Indian boarding schools and the Indian adoptions project, aimed to “remove children from their homes, tribes, languages, and culture and place them into white, English-speaking settings,” even when relative or other tribal placements were available. The report concludes, “Research has found these policies contributed to intergenerational trauma, disproportionate exposure to risk factors for child maltreatment within Native American communities, and persistent child welfare system overrepresentation.”

Even with the passage of FFPSA, tribal children continue to be overrepresented in the CWS. With only two tribes eligible for the funding, it leaves 107 tribes at a disadvantage to provide prevention services to their communities. Prevention programs in tribal communities outside of FFPSA funding have proven incredible successful. The Indian Tribal Council, Inc. is a consortium of nine tribes in San Diego County. They have created the My Two Aunties Program based on tribal values of the communities it serves. The program incorporates hands on lessons, activities, and is a family strengthening program where families learn how to have a healthy pregnancy and how to be prepared for the birth of the baby. Lessons include prenatal care, infant care, toddler care, life skills and healthy living for the family.⁴ According to information provided by the author’s office, this program has reduced the number of Native American children in foster care from 487 to 10, a 98% reduction. This bill seeks to provide funding to create and build on already existing tribal specific programs to address the specific needs of their communities and decrease the overrepresentation of tribal children in the CWS.

Related/Prior Legislation:

AB 1378 (Ramos, 2025) would have expanded the circumstances when CDSS is required to enter into an agreement with a tribe to also include when the agreement would prevent entry into foster care and for the sole purpose of the administration of prevention programs. AB 1378 was vetoed by Governor Newsom.

COMMENTS

This bill would establish the Tribal Foster Care Prevention Program to provide funding to assist tribes in funding services aimed at preserving families and preventing the entry of children into foster care. Native American children are far more likely to enter into the CWS than white children. Research at the national level shows the overrepresentation of American Indian/Alaska Native children often starts with reports of abuse and neglect at rates proportionate to their population but grows higher at each major decision point in child welfare.⁵ This bill seeks to

⁴ <https://www.indianhealth.com/tribal-family-services>

⁵ https://www.nicwa.org/wp-content/uploads/2025/03/NICWA_11_2021-Disproportionality-Fact-Sheet.pdf

reduce these rates by providing additional funding for prevention programs to provide services to families and communities to lower the number of families and children involved in the CWS. With Native American children so disproportionately represented in the CWS, this funding could be especially impactful.

PRIOR VOTES

Assembly Floor:	74 - 0
Assembly Appropriations Committee:	15 - 0
Assembly Human Services Committee:	6 - 0

POSITIONS

Support:

California Tribal Families Coalition (Sponsor)
Alliance for Children's Rights
Berry Creek Rancheria of Maidu Indians of California
CA Commission on the Status of Women and Girls
California Behavioral Health Association
Habematolel Pomo of Upper Lake
Santa Ynez Band of Chumash Indians

Oppose:

None received

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