

Date of Hearing: April 8, 2026

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

AB 1824 (Ramos) – As Amended March 12, 2026

Policy Committee:	Judiciary	Vote:	12 - 0
	Human Services		7 - 0

Urgency: No                      State Mandated Local Program: Yes                      Reimbursable: No

**SUMMARY:**

This bill codifies provisions of the federal Indian Child Welfare Act (ICWA) into the Probate Code to ensure consistent application of ICWA requirements in guardianship and conservatorship proceedings involving Indian children. The bill establishes inquiry and notice duties, active efforts requirements, qualified expert witness testimony standards, placement preferences, procedures for transfer to tribal court jurisdiction, and mandatory appointment of counsel for indigent parents or Indian custodians.

**FISCAL EFFECT:**

- 1) Unknown but potentially minor county costs for court-appointed counsel in guardianship and conservatorship proceedings involving Indian children where Bureau of Indian Affairs (BIA) funding is unavailable. Court-appointed counsel in these proceedings is primarily funded through a federal BIA program. However, BIA can deny certification for reasons including inadequate funding, in which case the county is responsible for the cost. The Judicial Council does not track how many guardianship or conservatorship proceedings statewide involve Indian children, so the volume of additional appointments is unknown but likely small.
- 2) Minor and absorbable court workload costs. According to the Judicial Council, courts already comply with ICWA and Cal-ICWA requirements in guardianship and conservatorship proceedings, so the bill's codification of these requirements into the Probate Code does not impose significant new obligations. The Judicial Council reports no fiscal concerns with the bill.

**COMMENTS:**

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

When the Indian Child Welfare Act was under attack, California took action with the enactment of AB 81 in 2024. We moved to strengthen our laws to ensure that we do not go back to the days when Indian children were taken away from their homes and their tribal communities. With AB 1824, we continue that work by bringing clarity that ICWA must be applied in all judicial systems where the law mandates.

- 2) **Background.** Congress enacted ICWA in 1978 after finding that Native American children were removed from their families at dramatically disproportionate rates — estimated at 25 to 35% of all Indian children — and placed overwhelmingly in non-Indian homes. ICWA established minimum federal standards for removal and placement of Indian children, including requirements for tribal notice, inquiry into a child’s Indian status, active efforts to prevent family breakup, qualified expert witness testimony, and placement preferences favoring extended family and tribal members.

California enacted its own parallel framework, Cal-ICWA, beginning with SB 678 (Ducheny), Chapter 838, Statutes of 2006. In 2024, AB 81 (Ramos), Chapter 656, Statutes of 2024, updated the Welfare and Institutions Code to directly incorporate ICWA standards into dependency proceedings. However, AB 81 did not address the Probate Code, which governs guardianship and conservatorship proceedings — a separate legal pathway through which Indian children may be placed outside the parental home without a child welfare case.

Because ICWA requirements applicable to probate proceedings are currently dispersed across federal statutes, federal regulations, state codes, and court rules, sponsors contend that probate judges, attorneys, and petitioners — many of whom lack ICWA-specific training — frequently fail to apply required protections. This bill consolidates those requirements directly in the Probate Code to facilitate compliance.

**Analysis Prepared by:** Shiran Zohar / APPR. / (916) 319-2081