

CONCURRENCE IN SENATE AMENDMENTS

AB 1824 (Ramos)

As Amended August 18, 2026

Majority vote

SUMMARY

Codifies certain provisions of the federal Indian Child Welfare Act of 1978 (ICWA) into the Probate Code and creates consistency between the Probate Code and existing state law across the Family Code and Welfare Institutions Code currently referred to as the California Indian Child Welfare Act (CalICWA).

Major Provisions**Senate Amendments**

Technical amendments revise and recast existing provisions to streamline implementation.

COMMENTS

Legal proceedings involving Native American children, such as dependency, guardianship, adoption, and conservatorships, are subject to a distinct set of rules and procedures than those which do not involve Native American children. These rules, which are codified in the Indian Child Welfare Act (ICWA) and its California counterpart, stem from efforts to rectify the incalculable harm caused by decades of institutionalized practices that removed Native children from their parents, extended families, and communities.

ICWA'S requirements, briefly. 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. ICWA provides that an indigent Indian parent or custodian has the right to court-appointed counsel. (*Id.* at Section 1912(b).) ICWA also prohibits placement in foster care unless clear and convincing evidence shows that continued custody of the child by the parent or custodian is likely to result in serious emotional or physical damage to the child. (*Id.* at (e).) Finally, ICWA prohibits termination of parental rights for an Indian child absent evidence beyond a reasonable doubt that continued custody of the child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child. (*Id.* at (f).)

In 2024, AB 81 (Ramos), Chapter. 656, Statutes. 2024) was signed into law. In an effort to ensure that all dependency proceedings complied with ICWA and CalICWA, that bill sought to directly incorporate the requirements outlined by ICWA, relevant federal and state regulations, and California Rules of Court into the Welfare and Institutions Code.

California's Version of ICWA. In the early 2000s, the California Legislature adopted its over version of ICWA with the passage of SB 678 (Ducheny), Chapter. 838, Statutes. 2006. That bill codified many of the ICWA requirements into California law. As a result, the court in a child welfare proceeding involving an Indian child must not only consider the child's interests, but also the interests of the child's tribe. 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. (25 U.S.C. Section 1912(a); Welf. & Inst. Code Section 224.2(a).) Over the years, additional changes have been made to California's statutes to better implement ICWA. In 2018, AB 3176 (Waldron, Chapter 833, Statutes. 2018) made several changes to state law regarding the removal of Indian children from their families and their out-of-home placement in order to conform to federal regulations governing ICWA.

This bill revises and recasts existing Probate Code provisions addressing guardianships and conservatorships involving Native American children to directly incorporate ICWA's requirements and standards. While AB 81 dealt only with dependency proceedings, where parental rights may be terminated and a child may be placed into foster care, this measure focuses on the Probate Code. In probate proceedings, namely guardianship and conservatorship matters, a minor may be placed in the custody of another adult who is given the legal authority to make decisions for the child, but parental rights remain in place. While there is no question that ICWA applies to guardianship and conservatorship proceedings under the Probate Code, the existing relevant provisions often include confusing and inaccurate cross-references to ICWA, Rules of Court, and the Welfare and Institutions Code. References to the Welfare and Institutions Code are particularly problematic. The Welfare and Institutions Code (WIC) guides proceedings in dependency, where the main actor in removing a child from their home is the state. Therefore, the language of the WIC largely refers to the state or state agencies. Conversely, guardianship and conservatorship proceedings under the Probate Code are almost entirely between private parties, therefore reference to the state or state agencies, outside of the court itself, are largely inaccurate. AB 1824 incorporates the same standards and requirements as AB 81 that are laid out in ICWA, CalICWA, and other sources of law, but in a more comprehensive manner that identifies the relevant parties.

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. We will continue to uphold essential protections for Indian children and families.

Arguments in Support

This bill is sponsored by California Indian Legal Services, the California Tribal Families Coalition, the Morongo Band of Mission Indians, and the Habematolel Pomo of Upper Lake. In support of the measure the California Tribal Families Coalition submits:

AB 1824 (Ramos) builds upon the foundational work of AB 81 (Chapter 656, Statutes 2023) and advances the intention of the legislation, "to create a comprehensive act to protect and preserve Indian families in California and to aid in improving implementation of applicable state and federal laws." Welf. & Inst. Code, Section 224 (a)(1)(C). While the amendments made by AB 81 clarified ICWA implementation within the Welfare & Institutions Code, the essential parallel provisions were not extended to the Probate Code. This bill addresses that statutory gap by ensuring consistent ICWA standards apply across all relevant and Indian child custody proceedings, strengthening compliance and protecting Indian children and families.

Despite the Legislature's intent that ICWA protections apply broadly, the absence of clear Probate Code provisions has resulted in inconsistent application and in some cases, the failure to provide crucial procedural and substantive ICWA protections for tribal children and families in probate proceedings. In practice, probate judges, attorneys, and petitioners primarily rely on the Probate Code as the governing authority for probate proceedings. Because ICWA requirements applicable to child-custody proceedings, including these probate proceedings, are dispersed across multiple statutory codes and court rules, their application in probate matters often depends on practitioners having specialized knowledge of where those provisions exist. Many probate professionals and often unrepresented family member Petitioners, lack the ICWA-specific training or experience, resulting in probate proceedings without proper inquiry, notice to Tribes, or application of ICWA standards and protections, contrary to existing law. Placing explicit ICWA and Cal-ICWA requirements directly within the Probate Code reflects how probate proceedings function in real-world practice and promotes consistent application of the law.

[...]

This bill does not impose new or additional requirements, rather, it clarifies existing obligations and ensures they are applied consistently in probate, guardianship and conservatorship proceedings involving Indian children. In addition to not expanding ICWA beyond existing state and federal law, it supports courts and practitioners with clear guidance to practice according to what the law already requires, which leads to reduced costs related to non-compliance.

Arguments in Opposition

None on file

FISCAL COMMENTS

According to the Senate Appropriations Committee, pursuant to Senate Rule 28.8, negligible state costs.

VOTES:

ASM JUDICIARY: 12-0-0

YES: Kalra, Macedo, Bauer-Kahan, Bryan, Connolly, Dixon, Harabedian, Pacheco, Papan, Sanchez, Stefani, Zbur

ASM HUMAN SERVICES: 7-0-0

YES: Lee, Castillo, Gipson, Elhawary, Jackson, Solache, Tangipa

ASM APPROPRIATIONS: 14-0-1

YES: Wicks, Hoover, Arambula, Caloza, Dixon, Fong, Mark González, Krell, Muratsuchi, Pacheco, Pellerin, Solache, Ta, Tangipa

ABS, ABST OR NV: Calderon

ASSEMBLY FLOOR: 68-0-12

YES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Ávila Farías, Bains, Bauer-Kahan, Bennett, Boerner, Bryan, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Elhawary, Ellis, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González,

Hadwick, Haney, Jackson, Johnson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas
ABS, ABST OR NV: Arambula, Berman, Bonta, Dixon, Flora, Harabedian, Hart, Hoover, Irwin, Papan, Celeste Rodriguez, Schiavo

UPDATED

VERSION: August 18, 2026

CONSULTANT: Manuela Boucher / JUD. / (916) 319-2334

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