

Lack of Services, Underfunding Put Native American Children at Risk

Preliminary report by Tribal Task Force finds Indian Child Welfare Act being ignored or improperly implemented in state; outlines dozens of recommendations to protect Native American children

SACRAMENTO – Insufficient services, severe underfunding, barriers preventing tribal participation and inadequate reunification efforts have undermined the effectiveness and promise of the Indian Child Welfare Act (ICWA) in California, according to a preliminary report from a Task Force of tribal leaders from across the state, working independently to apprise the California’s Attorney General’s Bureau of Children’s Justice of these inadequacies.

The ICWA Compliance Task Force’s report recognizes that efforts have been undertaken to overcome cultural, procedural and funding challenges, but these ongoing obstacles continue to severely limit the implementation of ICWA in California, resulting in devastating impacts to Indian children, their families and their tribes.

“The safety net created 40 years ago by ICWA to protect our most vulnerable children in Indian Country is not working in California,” said Mary Ann Andreas, vice chair of the Morongo Band of Mission Indians and a co-chair of the Task Force. “While some progress has been made over the past four decades, the overall effort has failed to meet the mandates of federal and state law and, as a result, tribal children, their families and their tribes have paid a terrible price.”

“Our hope is that by working collaboratively with the Attorney General’s Office and the Bureau of Children’s Justice, we can identify the problems and enact solutions that will affect change to improve results and protect Indian children and families,” said Barry Brenard, chairman of the Bear River Band of Rohnerville Rancheria and a co-chair of the Task Force.

Developed over six months of painstaking and intensive research with tribal leaders, tribal social workers and tribal attorneys across the state, the analysis outlines dozens of specific recommendations to overcome the identified challenges and improve the outcomes for Native American children in foster or adoptive care in California.

ICWA establishes minimum federal standards for state court child welfare proceedings and many other child custody proceedings involving Indian children. This legislation, codified in California with the passage of S.B. 678 in 2006, affects California dependency, delinquency, guardianship and some family proceedings involving Indian children.

When ICWA was passed in 1978, Indian children in California were eight times more likely to be placed in adoptive homes than non-Native children, and more than 90 percent of adopted Indian children were placed in non-Native homes, removing them from their tribes, depriving them of their political and cultural rights as tribal children. The historical trend continues and

disproportionality remains an ongoing and real issue in California. For example, in Del Norte County, 36% of all children who are in foster care are Native American, yet the total population of Native American children in the county is only 11%. The California Department of Social Services recently conducted an audit in Del Norte County that found ICWA non-compliance.

“County failure to comply with existing laws has had heartbreaking impacts on our tribal children, exposing them to abuse, neglect and exploitation, said Maryann McGovran, chairwoman of the North Fork Rancheria and a co-chair of the Task Force. “We trust that the AG and her newly formed Bureau of Children’s Justice will work with us to protect our most precious resource, our children, by developing a concrete action plan to investigate and rectify failures to comply with ICWA.”

About the Indian Child Welfare Act Compliance Task Force

Comprised of tribal leaders, representatives and advocates from across California, the Indian Child Welfare Act Compliance Task Force operates under the direction of seven tribal co-chairs: Barry Bernard, Chairperson, Bear River Band of Rohnerville Rancheria; Angelina Arroyo, Vice-Chairperson, Habematolel Pomo of Upper Lake; Maryann McGovran, Chairperson, North Fork Rancheria of Mono Indians of California; Mary Ann Andreas, Vice-Chair, Morongo Band of Mission Indians; Robert Smith, Chairperson, Pala Band of Mission Indians; Aaron Dixon, Secretary/Treasurer, Susanville Indian Rancheria and the Honorable Abby Abinanti, Chief Judge, Yurok Tribal Court. The Task Force was created to gather information and data to inform the Bureau of Children’s Justice of the current status of compliance with California laws related to Indian children in California, and provide recommendations regarding changes necessary to address violations of these laws across the many state and county systems that impact tribal families.