

California Eliminates Barriers to Out-of-State Attorneys' Participation in Indian Child Welfare Cases

Sponsored by the California Tribal Families Coalition, AB 3047 helps ensure tribes are fairly represented in custody proceedings involving Indian children.

(Sacramento, CA – Oct 2, 2018) -- The California Tribal Families Coalition (CTFC) is pleased to announce that Governor Brown signed Assembly Bill 3047, which waives fees charged to out-of-state attorneys who appear in California courtrooms representing a tribe in a child welfare matter under the federal Indian Child Welfare Act (ICWA).

Sponsored by CTFC and supported by the California Attorney General's Office and prominent child welfare organizations, the bill is an important step toward removing barriers to tribal participation in cases involving their children.

"My office shares the goal of increasing access to the protections afforded by ICWA," said Attorney General Xavier Becerra. "My office is committed to protecting Native American heritage and the rights of Native American children in California."

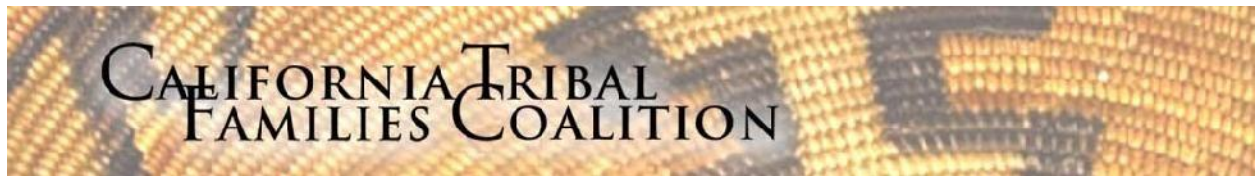
Currently, state courts charge a \$500 fee for out-of-state attorneys to file an application to appear as counsel, along with an annual renewal fee, and also require associating with local California-licensed attorneys. Known as "*pro hac vice*," the process can prevent tribes in other states from having an attorney represent their interests in an ICWA case in a California courtroom. The California Supreme Court also amended Rule of Court 9.40 to eliminate the requirement for associating local counsel.

"Financial barriers are often cited as a major factor affecting whether tribes have proper representation during these cases," stated Assemblymember Tom Daly, author of AB 3047. "These fees can quickly add up, becoming a huge financial burden for tribes. This causes a distraction from the ultimate goal: ensuring Native American children retain ties to their tribe and cultural heritage. That's the reason I authored this bill and asked the Governor sign it into law."

"ICWA is an important law that helps protect our children from being separated from their tribal communities and their culture," said Robert Smith, CTFC Chairman and Chairman of the Pala Band of Mission Indians. "AB 3047 will help increase the participation of tribes in child custody cases where ICWA applies."

California is home to the nation's largest Native American population and also leads the nation in ICWA-related appeals, with more than 150 cases appealed in 2017 alone. Since a large percentage of California's Native American population originates from out-of-state tribes, the legislation and rule change will help ensure these significant costs no longer prevent tribes from having proper representation for these important cases.

Last year, the California ICWA Compliance Task Force submitted a report to the California Attorney General's Office that included a set of recommendations from California tribal leaders designed to further ICWA implementation in California and reduce the number of ICWA appeals. One recommendation from that report was to reduce the financial barriers faced by tribes wishing to participate in their children's cases, enactment of AB 3047 is one step toward fulfilling that goal.



About the California Tribal Families Coalition.

Comprised of tribes and tribal leaders from across the state, the California Tribal Families Coalition's mission is to promote and protect the health, safety and welfare of tribal children and families, which are inherent tribal governmental functions and are at the core of tribal sovereignty and tribal governance. For information, please visit <https://www.caltribalfamilies.org/>

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