



CALIFORNIA INDIAN LEGAL SERVICES

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TRIBAL ALERT

January 8, 2010

RE: TRIBAL CUSTOMARY ADOPTION

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On October 11, 2009, just in time for Indigenous People's Day, Governor Arnold Schwarzenegger signed into law Assembly Bill 1325, which allows "tribal customary adoption" for American Indian children in foster care. This law will go into effect on July 1, 2010.

This landmark legislation, the first of its kind in the United States, will allow traditional forms of adoption practiced by tribes to be recognized by California courts as an addition to the permanency options available. It is highly significant in that it does not require termination of parental rights. Under existing state law, once reunification services have been exhausted, social services agencies give preference to terminating the parent-child relationship unless one of a handful of exceptions applies. Tribal customary adoption will create a more culturally-appropriate option by providing for a permanent home without compelling a termination of parental rights. This legislation harmonizes state law and tribal custom where a tribe has identified that a tribal customary adoption is in a child's best interest. A tribal customary adoption order will "have the same force and effect as an order of adoption."

The bill, championed by Assembly Members Paul Cook (65th Assembly District) and Jim Beall, Jr. (24th Assembly District), was sponsored by the Soboba Band of Luiseno Indians, located in Riverside County, and was supported by over 50 California tribes and agencies serving American Indians. The Soboba Band of Luiseno Indians is in the process of developing a website dedicated to tribal customary adoption, which is anticipated to be up in February 2010. For questions about tribal customary adoption, please contact:

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"Proudly Advocating for the Rights of California Indians & Indian Tribes for Over Forty Years"