
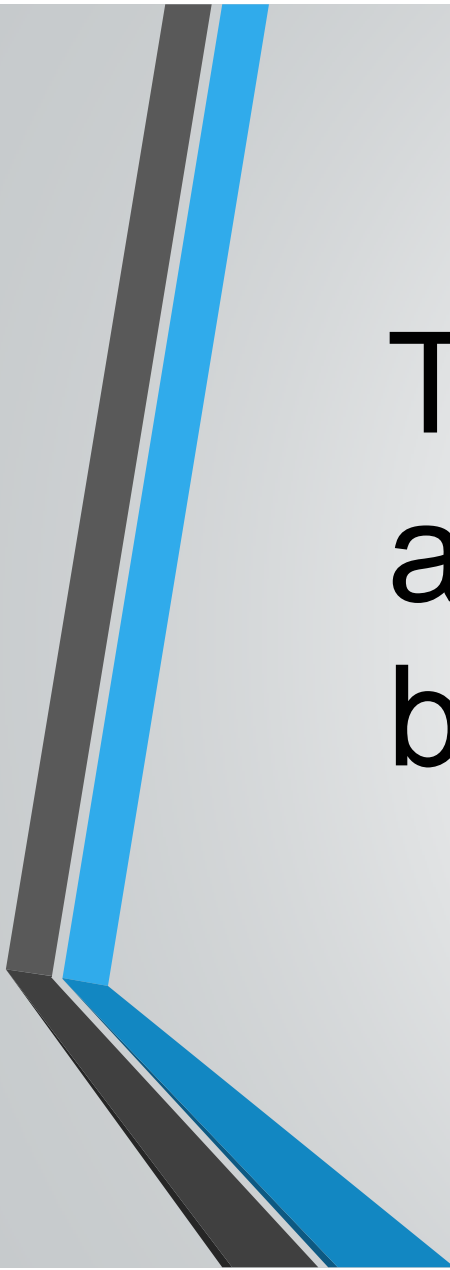





Department of Justice  
ICWA Compliance Task Force  
2016 Report



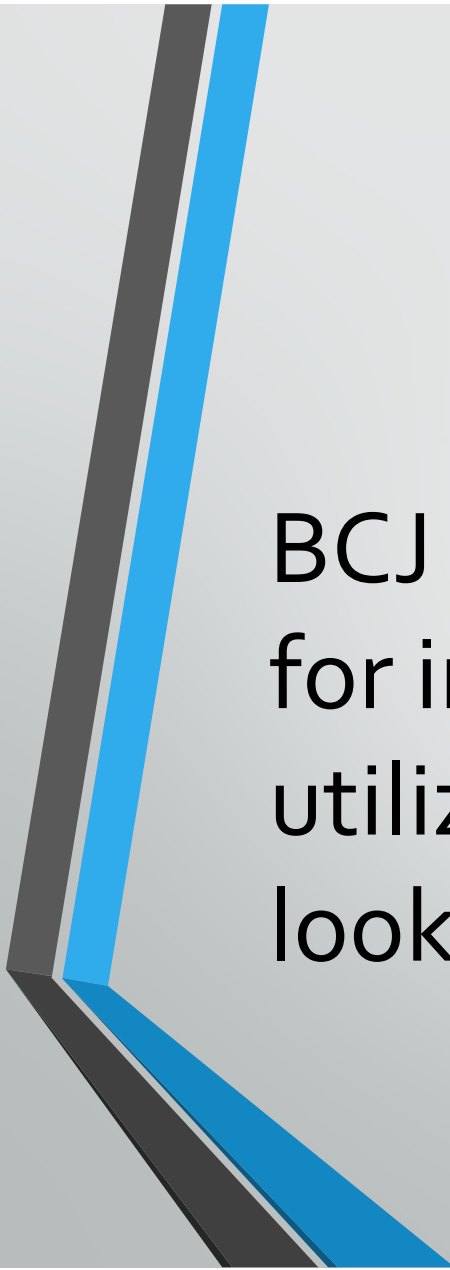
In November 2015 the California Department of Justice, by and through the Bureau of Children's Justice, authorized the creation of the first Indian Child Welfare Act Compliance Task Force in California.



The Task Force is an autonomous entity directed by seven tribal leaders.




As a result of the work of the Task Force, the Co-Chairs request immediate action on five issues.




## Immediate Action Request #1

BCJ must develop a concrete action plan for investigating every California county utilizing the agency's subpoena power to look at source documents.



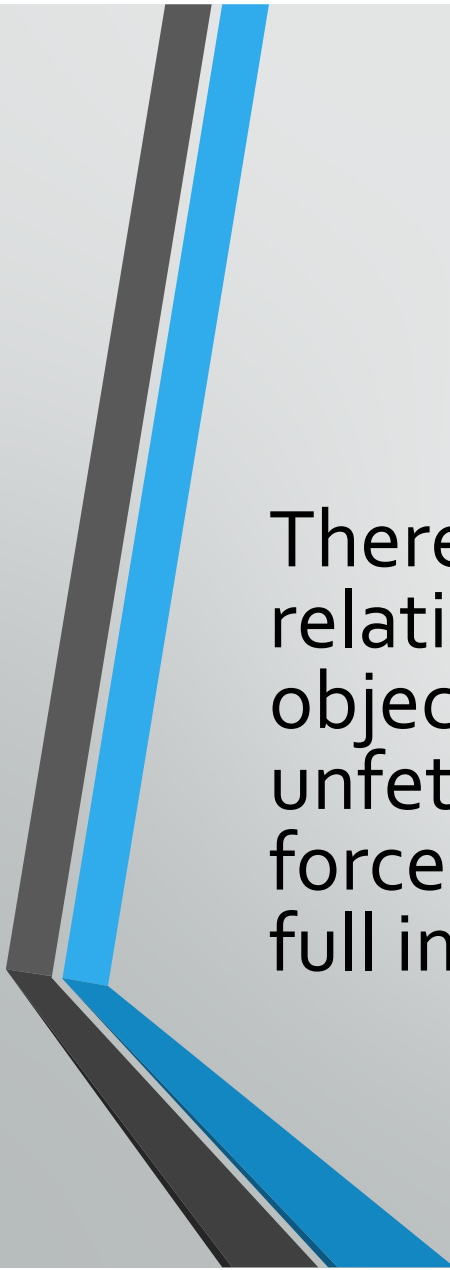
Immediate Action  
Request #2

BCJ must create and maintain an internal investigative unit to vigilantly track ICWA compliance and non-compliance and consistently bring to bear the power of the Attorney General for non-compliance.



Immediate Action  
Request #3


There must be a reframing and reconsideration of the lack of resources provided to tribes for ICWA compliance, specifically the lack of appointed counsel or resources to retain counsel for tribes, as a violation of the civil rights of tribes and tribal families.



## Immediate Action Request #4


There must be an investigation into state agencies' relationships with lobbying entities to ensure objectivity and independence so that CDSS remains unfettered and untethered to the whim of political forces especially forces that historically undermine full implementation of ICWA.






Immediate  
Action  
Request #5

The state must dedicate resources to fund authentic and robust ICWA compliance, including tribal consultation consistent with Executive Order B-10-11, support for tribes that are under resourced with regard to child welfare, and building tracking and data systems that accurately account for tribal families.




There are 26 additional  
Task Force recommendations



# Competence of Counsel and Agency Personnel



# Consolidated Courts




# Appointed Counsel for Tribes



# Attorney Fees



# Sanctions



# Binding Pre-Dispositional Agreements





# Foster Care Bill of Rights Amendment



# State Monitoring/Oversight




Require County Social  
Worker Reports to Include  
ICWA Compliance Sections



# Data Collection



# Tribal Access to Records



# Counties Should Contract with Culturally-Appropriate Services



# ICWA Units in Agencies




# Lower Case Counts for Cal- ICWA Cases







# CDSS Office of Native American Affairs



# CDSS Share Federal Block Grants with Tribes, as Occurs in Other States



State Funding for Placement  
Recruitment Should be  
Shared with Tribes



# Counties Must Make Active Efforts to Conduct Criminal Background Exemptions



# Expert Witnesses



# Periodic Reports and Agency Filings – Inclusion of Tribal Contacts



# Pleadings Signed by County Counsel




# Complete CDSS Tribal Consultation Policy







# Judicial Competency



# Tribal Title IV-E Unit within CDSS



# Exempt ICWA Cases from De Facto Parent Provisions



# Criminal Penalties for Willful Violations