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
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