

ASSEMBLY BILL

No. 1378

Introduced by Assembly Member Rogers
(Principal coauthor: Assembly Member Hadwick)

(Principal coauthor: Senator Pérez)

(Coauthors: Assembly Members Aguiar-Curry, Ahrens, Ramos,
Michelle Rodriguez, Sanchez, and Wallis)

(Coauthors: Senators Becker and Ochoa Bogh)

February 21, 2025

An act to amend Section 10553.1 of the Welfare and Institutions Code, relating to child welfare.

LEGISLATIVE COUNSEL’S DIGEST

AB 1378, as introduced, Rogers. Child welfare services: prevention services: Indian tribes.

Existing law requires, upon an Indian tribe’s request, the State Department of Social Services to enter into an agreement with a tribe, consortium of tribes, or tribal organization regarding the care and custody of Indian children and jurisdiction over Indian child custody proceedings, and requires the department to negotiate in good faith with the Indian tribe, organization, or consortium in the state that requests development of an agreement with the state to administer all or part of the programs under Title IV-E of the Social Security Act on behalf of the Indian children who are under the authority of the tribe, organization, or consortium. Existing law makes an Indian tribe, tribal organization, or tribal consortium that is a party to an agreement eligible to receive allocations of child welfare services funds, in accordance with the agreement.

Existing federal law, the Family First Prevention Services Act of 2018, among other things, provides states with an option to use federal funds under Title IV of the federal Social Security Act to provide mental health and substance abuse prevention and treatment services and in-home parent skill-based programs to a child who is a candidate for foster care or a child in foster care who is a pregnant or parenting foster youth, as specified. Existing law establishes the Family First Prevention Services program, and requires the department to have oversight of the program. Existing law authorizes a county or Indian tribe, consortium of tribes, or tribal organization that has entered into the above-described agreement with the state that elects to provide prevention services to provide those services for certain individuals for a certain period.

This bill would provide that agreements between the department and a tribe, consortium of tribes, or tribal organization regarding the care and custody of Indian children and jurisdiction over Indian child custody proceedings includes agreements that prevent entry into foster care, and would authorize such an agreement to be made for the sole purpose of the administration of prevention programs under the Family First Prevention Services program. The bill would also provide that the child welfare services funds an Indian tribe, tribal organization, or tribal consortium that is a party to an agreement is eligible to receive includes administrative funds to support the cost of legal representation for the agency, parent, guardian, and children's advocates in cases under a tribe's jurisdiction pursuant to the agreement.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 10553.1 of the Welfare and Institutions
2 Code is amended to read:
3 10553.1. (a) Notwithstanding any other law, the department
4 shall, upon an Indian tribe's request, enter into an agreement, in
5 accordance with Section 16000.6, and not inconsistent with Section
6 1919 of Title 25 of the United States Code, with any Indian tribe,
7 tribal organization, or tribal consortium located in California or
8 with lands that extend into this state regarding the care and custody
9 of Indian children and jurisdiction over Indian child custody
10 proceedings, including, but not limited to, ~~agreements~~ any of the
11 following:

1 (1) *Agreements* that provide for orderly adjudication of, and
2 transfer of jurisdiction on a case-by-case basis for, cases subject
3 to exclusive tribal or state jurisdiction, or for concurrent jurisdiction
4 between the state and tribes.

5 (2) *Agreements that prevent entry into foster care.*

6 (b) (1) There shall be no tribal share of costs for any agreement
7 under subdivision (a).

8 (2) An agreement under subdivision (a) concerning the provision
9 of child welfare services shall ensure that a tribe, tribal
10 organization, or tribal consortium meets current service delivery
11 standards provided for under Chapter 5 (commencing with Section
12 16500) of Part 4.

13 (3) An agreement under subdivision (a) concerning assistance
14 payments under the AFDC-FC program shall ensure that a tribe,
15 tribal organization, or tribal consortium meets current foster care
16 standards provided for under Article 5 (commencing with Section
17 11400) of Chapter 2 of Part 3.

18 (4) An agreement under subdivision (a) concerning adoption
19 assistance shall ensure that a tribe, tribal organization, or tribal
20 consortium meets the current service delivery standards provided
21 for under Chapter 2.1 (commencing with Section 16115) of Part
22 4.

23 (5) An agreement under subdivision (a) shall ensure that a tribe,
24 tribal organization, or tribal consortium claims and uses all eligible
25 federal funding available under Title IV-E of the federal Social
26 Security Act.

27 (6) Notwithstanding any other law, the nonfederal costs pursuant
28 to an agreement under this section shall be borne by the state.
29 However, in the event that an Indian child is transferred from the
30 jurisdiction of the tribe to the jurisdiction of the county, the
31 nonfederal costs for the child shall be borne by the county as for
32 any other child under the county's jurisdiction.

33 (7) *Notwithstanding any other law, an agreement under*
34 *subdivision (a) may be made for the sole purpose of the*
35 *administration of prevention programs pursuant to Chapter 7*
36 *(commencing with Section 16585) of Part 4.*

37 (c) Upon the effective date of an agreement authorized by
38 subdivision (a), the tribe, tribal organization, or tribal consortium
39 shall comply with fiscal reporting requirements specified by the
40 department for federal and state reimbursement of child welfare

1 services funds or AFDC-FC services for programs operated under
2 the agreement.

3 (d) An Indian tribe, tribal organization, or tribal consortium,
4 that is a party to an agreement under subdivision (a), shall, in
5 accordance with the agreement, be eligible to receive allocations
6 of child welfare services ~~funds~~. *funds, including, but not limited*
7 *to, administrative funds to support the cost of legal representation*
8 *for the agency, parent, guardian, and children's advocates in cases*
9 *under a tribe's jurisdiction pursuant to the agreement.*

10 (e) An Indian tribe, tribal organization, or tribal consortium,
11 that is a party to an agreement under subdivision (a), may, in
12 accordance with the agreement, be eligible to receive an allocation
13 of child welfare services funds to assist in funding the startup costs
14 associated with establishing a comprehensive child welfare services
15 program. The allocation shall be available for expenditure by the
16 Indian tribe, tribal organization, or tribal consortium for three years
17 of the agreement under subdivision (a). The department may extend
18 the time for expenditure of the allocation upon a showing of good
19 cause by the party seeking an extension. This subdivision shall be
20 implemented only to the extent that funding is expressly provided
21 in the annual Budget Act for these purposes.

22 (f) Implementation of an agreement under subdivision (a) does
23 not impose liability upon, or to require indemnification by, the
24 participating county or the State of California for any act or
25 omission performed by an officer, agent, or employee of the
26 participating tribe, tribal organization, or tribal consortium,
27 pursuant to this section.