



JUDICIAL COUNCIL OF CALIFORNIA

520 Capitol Mall, Suite 600 • Sacramento, California 95814-3368
Telephone 916-323-3121 • Fax 916-323-4347 • TDD 415-865-4272

TANI G. CANTIL-SAKAUYE
Chief Justice of California
Chair of the Judicial Council

MARTIN HOSHINO
Administrative Director

CORY T. JASPERSON
Director, Governmental Affairs

September 12, 2019

Hon. Gavin Newsom
Governor of California
State Capitol, First Floor
Sacramento, California 95814

Subject: Assembly Bill 686 (Waldron) – Request for Signature

Dear Governor Newsom:

The Judicial Council respectfully requests your signature on AB 686, which requires the council, by July 1, 2021, to adopt one or more rules of court to allow for telephonic or other remote appearance options by an Indian child's tribe in proceedings where the Indian Child Welfare Act (ICWA) may apply. The bill also prohibits the imposition of a user fee for telephonic or other computerized remote access for court appearances. AB 686 adds to the body of legislation that brings California into compliance with the federal Indian Child Welfare Act (25 U.S.C. 1901 *et seq.*; 25 C.F.R. Part 23.).

The council supports AB 686 because it is consistent with other ICWA regulations that continue to bring California into compliance with federal law, and because the bill codifies and standardizes a practice in use in many courts throughout California that has expanded and improved access for Native American tribes when Indian children are involved in dependency court or already are under the jurisdiction of the State of California. Many tribes are located outside California and do not have the financial or personnel resources to make a trip to California for a court appearance. The availability of remote access for tribes in ICWA cases is a

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proven and federally encouraged option for expanding tribal participation in courts where the lives and family relationships of tribal children are at stake.

As a result of fee waivers, most courts are not charging fees for the remote access described above. As such, the Judicial Council does not anticipate a fiscal impact from the provision that would prohibit the courts from imposing user fees for telephonic or other computerized remote access by tribes for court appearances in ICWA cases. Fees pose barriers for many tribes to participate in child welfare matters involving tribal children. AB 686 would eliminate remote access fees for all tribes in ICWA cases.

Finally, the provision that requires the Judicial Council to adopt one or more rules of court to implement these provisions on or before July 1, 2021 provides council staff with sufficient lead time to develop and draft appropriate rules, submit them for public comment, and allow the Judicial Council to review them and approve their publication.

For these reasons, the Judicial Council requests your signature on AB 686.

Should you have any questions or require additional information, please contact Andi Liebenbaum at 916-323-3121.

Sincerely,

Mailed on September 17, 2019

Cory T. Jaspersen
Director, Governmental Affairs

CTJ/AL/yc-s

cc: Hon. Marie Waldron, Member of the Assembly
Hon. James C. Ramos, Member of the Assembly
Hon. Eloise Gómez Reyes, Member of the Assembly, Principal coauthor
Ms. Delia Sharpe, Executive Director, California Tribal Families Coalition
Ms. Melissa Immel, Deputy Legislative Secretary, Office of the Governor
Mr. Martin Hoshino, Administrative Director, Judicial Council of California



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TANI G. CANTIL-SAKAUYE
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MARTIN HOSHINO
Administrative Director

CORY T. JASPERSON
Director, Governmental Affairs

August 7, 2019

Hon. Marie Waldron
Member of the Assembly
State Capitol, Room 3104
Sacramento, California 95814

Subject: Assembly Bill 686 (Waldron), as amended July 9, 2019 – Support

Dear Assembly Member Waldron:

This letter is to confirm that the Judicial Council supports Assembly Bill 686, which would require the council, by July 1, 2021, to adopt one or more rules of court to allow for telephonic or other remote appearance options by an Indian child's tribe in proceedings where the Indian Child Welfare Act (ICWA) may apply. The bill also would prohibit the imposition of a user fee for telephonic or other computerized remote access for court appearances. AB 686 adds to the body of legislation that brings California into compliance with the federal Indian Child Welfare Act (25 U.S.C. 1901 *et seq.*; 25 C.F.R. Part 23.).

The council supports AB 686 because it is consistent with other ICWA regulations that continue to bring California into compliance with federal law, and because the bill codifies and standardizes a practice in use in many courts throughout California that has expanded and improved access for Native American tribes when Indian children are involved in dependency court or already are under the jurisdiction of the State of California. Many tribes are located outside California and do not have the financial or personnel resources to make a trip to California for a court appearance. The availability of remote access for tribes in ICWA cases is a

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Finally, the provision that requires the Judicial Council to adopt one or more rules of court to implement these provisions on or before July 1, 2021 provides council staff with sufficient lead time to develop and draft appropriate rules, submit them for public comment, and allow the Judicial Council to review them and approve their publication.

For these reasons, the Judicial Council supports AB 686.

Should you have any questions or require additional information, please contact me at 916-323-3121.

Sincerely,

Mailed on August 7, 2019

Andi Liebenbaum
Attorney

AL/yc-s

cc: Ms. Delia Sharpe, Executive Director, California Tribal Families Coalition
Ms. Melissa Immel, Deputy Legislative Secretary, Office of the Governor
Mr. Martin Hoshino, Administrative Director, Judicial Council of California



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TANI G. CANTIL-SAKAUYE
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CORY T. JASPERSON
Director, Governmental Affairs

June 14, 2019

Hon. Hannah-Beth Jackson, Chair
Senate Judiciary Committee
State Capitol, Room 2032
Sacramento, California 95814

Subject: Assembly Bill 686 (Waldron), as amended March 28, 2019 – Support
Hearing: Senate Judiciary Committee – June 25, 2019

Dear Senator Jackson:

The Judicial Council supports Assembly Bill 686, which would require the council, by July 1, 2021, to adopt one or more rules of court to allow for telephonic or other remote appearance options by an Indian child's tribe in proceedings where the Indian Child Welfare Act (ICWA) may apply. The bill also would prohibit the imposition of a user fee for telephonic or other computerized remote access for court appearances. AB 686 adds to the body of legislation that brings California into compliance with the federal Indian Child Welfare Act (25 U.S.C. 1901 *et seq.*; 25 C.F.R. Part 23.).

The council supports AB 686 because it is consistent with other ICWA regulations that continue to bring California into compliance with federal law, and because the bill codifies and standardizes a practice in use in many courts throughout California that has expanded and improved access for Native American tribes when Indian children are involved in dependency court or already are under the jurisdiction of the State of California. Many tribes are located

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outside California and do not have the financial or personnel resources to make a trip to California for a court appearance. The availability of remote access for tribes in ICWA cases is a proven and federally encouraged mechanism for expanding tribal participation in courts where the lives and family relationships of tribal children are at stake.

Just as remote access is currently inconsistently available in California, tribes are charged fees for that remote access inconsistently throughout the state. Fees pose barriers for many tribes to participate in child welfare matters involving tribal children. AB 686 would eliminate remote access fees for all tribes in ICWA cases. And finally, the provision that requires the Judicial Council to adopt one or more rules of court to implement these provisions on or before July 1, 2021 provides council staff with sufficient lead time to develop and draft appropriate rules, submit them for public comment, and allow the Judicial Council to review them and approve their publication.

For these reasons, the Judicial Council supports AB 686.

Should you have any questions or require additional information, please contact Andi Liebenbaum at 916-323-3121.

Sincerely,

Mailed June 14, 2019

Cory T. Jaspersen
Director, Governmental Affairs

CTJ/AL/yc-s

cc: Members, Senate Judiciary Committee
Hon. Marie Waldron, Member of the Assembly
Hon. James C. Ramos, Member of the Assembly
Hon. Eloise Reyes, Member of the Assembly
Ms. Delia Sharpe, Executive Director, California Tribal Families Coalition
Mr. Josh Tosney, Counsel, Senate Judiciary Committee
Mr. Scott Seekatz, Consultant, Senate Republican Office of Policy
Mr. Anthony Williams, Deputy Legislative Affairs Secretary, Office of the Governor
Mr. Martin Hoshino, Administrative Director, Judicial Council of California



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MARTIN HOSHINO
Administrative Director

CORY T. JASPERSON
Director, Governmental Affairs

June 3, 2019

Hon. Melissa Hurtado, Chair
Senate Human Services Committee
State Capitol, Room 2054
Sacramento, California 95814

Subject: Assembly Bill 686 (Waldron), as amended March 28, 2019 – Support
Hearing: Senate Human Services Committee – June 10, 2019

Dear Senator Hurtado:

The Judicial Council supports Assembly Bill 686, which would require the council, by July 1, 2021, to adopt one or more rules of court to allow for telephonic or other remote appearance options by an Indian child's tribe in proceedings where the Indian Child Welfare Act (ICWA) may apply. The bill also would prohibit the imposition of a user fee for telephonic or other computerized remote access for court appearances. AB 686 adds to the body of legislation that brings California into compliance with the federal Indian Child Welfare Act (25 U.S.C. 1901 *et seq.*; 25 C.F.R. Part 23.).

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June 3, 2019

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For these reasons, the Judicial Council supports AB 686.

Should you have any questions or require additional information, please contact Andi Liebenbaum at 916-323-3121.

Sincerely,

Mailed on June 3, 2019

Cory T. Jaspersen
Director, Governmental Affairs

CTJ/AL/ml/yc-s

cc: Members, Senate Human Services Committee
Hon. Marie Waldron, Member of the Assembly
Hon. James C. Ramos, Member of the Assembly
Hon. Eloise Reyes, Member of the Assembly
Ms. Delia Sharpe, Executive Director, California Tribal Families Coalition
Ms. Marisa Shea, Principal Consultant, Senate Human Services Committee
Mr. Scott Seekatz, Consultant, Senate Republican Office of Policy
Mr. Anthony Williams, Deputy Legislative Affairs Secretary, Office of the Governor
Mr. Martin Hoshino, Administrative Director, Judicial Council of California



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MARTIN HOSHINO
Administrative Director

CORY T. JASPERSON
Director, Governmental Affairs

May 10, 2019

Hon. Marie Waldron
Member of the Assembly
State Capitol, Room 3104
Sacramento, California 95814

Subject: Assembly Bill 686 (Waldron), as amended March 28, 2019 – Support

Dear Assembly Member Waldron:

The Judicial Council supports Assembly Bill 686, which would require the council, by July 1, 2021, to adopt one or more rules of court to allow for telephonic or other remote appearance options by an Indian child's tribe in proceedings where the Indian Child Welfare Act (ICWA) may apply. The bill also would prohibit the imposition of a user fee for telephonic or other computerized remote access for court appearances. AB 686 adds to the body of legislation that brings California into compliance with the federal Indian Child Welfare Act (25 U.S.C. 1901 *et seq.*; 25 C.F.R. Part 23.).

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For these reasons, the Judicial Council supports AB 686.

Should you have any questions or require additional information, please contact me at 916-323-3121.

Sincerely,

May 10, 2019

Andi Liebenbaum
Attorney

AL/yc-s

cc: Ms. Delia Sharpe, Executive Director, California Tribal Families Coalition
Mr. Anthony Williams, Deputy Legislative Affairs Secretary,
Office of the Governor
Mr. Martin Hoshino, Administrative Director, Judicial Council of California