Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS

OFFICE OF GOVERNMENTAL AFFAIRS

770 L Street, Suite 700 • Sacramento, California 95814-3393
Telephone 916-323-3121 • Fax 916-323-4347 • TDD 415-865-4272

RONALD M. GEORGE
Chief Justice of California
Chair of the Judicial Council

WILLIAM C. VICKREY
Administrative Director of the Courts

RONALD G. OVERHOLT
Chief Deputy Director

CURTIS L. CHILD
Director, Office of Governmental Affairs

May 13, 2009

Hon. Kevin de Leon, Chair
Assembly Appropriations Committee
State Capitol, Room 2114
Sacramento, California 95814

Subject: AB 1325 (Cook), as amended May 6, 2009 – Fiscal Impact Statement

Dear Assembly Member de Leon:

This measure imposes additional one-time administrative costs on the Judicial Council by requiring the development of a new rule of court and necessary forms to be used by juvenile courts. In addition, AB 1325 directs the council to study tribal customary adoption as a permanent placement option for a dependent child and to report its findings to the Legislature on or before January 1, 2013. The costs to adopt the rule of court and corresponding form, as well as to conduct the study and prepare the report, are estimated to be minor and absorbable within existing resources.

Please contact me at 916-323-3121 or henry.sepulveda@jud.ca.gov if you would like further information or have any questions about the fiscal impact of this legislation on the judicial branch.

Sincerely,

Henry Sepulveda
Senior Governmental Affairs Analyst

HS/yt
cc: Mr. John Sobel, Legislative Director, Office of Assembly Member Paul Cook
Mr. Julie Salley-Gray, Consultant, Assembly Appropriations Committee
Mr. Allan Cooper, Assembly Republican Office of Policy
Ms. Teresa Calvert, Budget Analyst, Department of Finance

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May 5, 2009

Hon. Paul Cook
Member of the Assembly
State Capitol, Room 5164
Sacramento, California 95814

Subject: AB 1325 (Cook), as introduced - Support

Dear Assembly Member Cook:

The Judicial Council supports AB 1325, which would allow Indian children who are in foster care, to be adopted via tribal customary adoption defined as adoption by tribal custom without the termination of parental rights.

The Judicial Council supports AB 1325 because it enhances the ability of the juvenile court to find permanency for Indian children in foster care. In 2008, the Judicial Council opposed similar legislation, AB 2736 (Cook) because it failed to afford the juvenile court the discretion to reject a tribal customary adoption order if the court's full faith and credit analysis determined that the order was not entitled to recognition under California law. AB 1325 eliminates the language that was of concern to the council and makes clear that only orders that survive a full faith and credit analysis are entitled to be entered as adoption orders by the juvenile court. With this issue resolved, the council is pleased to support expanding the permanency options for Indian children in a manner consistent with federal law.

AB 1325 will make it easier for the juvenile court to protect the best interests of Indian children in foster care by making adoptions by tribal members an available option for the child. Under

current law, many of these youth would have to use legal guardianship as their permanency option in order to maintain their connections to the tribe, but this option only provides permanency for the child up to age 18, at which time the child would not have a legal connection to the guardian. AB 1325 will allow for these youth to have lifetime legal permanency with their caregivers without violating the customs of, or losing their connections to, the tribe.

For these reasons, the Judicial Council supports AB 1325.

Sincerely,

Tracy Kenny
Attorney

TK/yt
cc: Soboba Band of Luiseno Indians
Mr. Michael Prosio, Legislative Affairs Secretary, Office of the Governor
Ms. Kirsten Kolpitcke, Deputy Director of Legislation, Governor's Office of Planning and Research

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RONALD G. OVERHOLT
Chief Deputy Director

CURTIS L. CHILD
Director, Office of Governmental Affairs

August 12, 2009

Hon. Christine Kehoe, Chair
Senate Appropriations Committee
State Capitol, Room 5050
Sacramento, California 95814

Subject: AB 1325 (Cook), as amended May 6, 2009 – Fiscal Impact Statement

Dear Senator Kehoe:

This measure imposes additional one-time administrative costs on the Judicial Council by requiring the development of a new rule of court and necessary forms to be used by juvenile courts. In addition, AB 1325 directs the council to study tribal customary adoption as a permanent placement option for a dependent child and to report its findings to the Legislature on or before January 1, 2013. The costs to adopt the rule of court and corresponding form, as well as to conduct the study and prepare the report, are estimated to be minor and absorbable within existing resources.

Please contact me at 916-323-3121 or henry.sepulveda@jud.ca.gov if you would like further information or have any questions about the fiscal impact of this legislation on the judicial branch.

Sincerely,

Henry Sepulveda
Senior Governmental Affairs Analyst

HS/yt
cc: Hon. Paul Cook, Member of the Assembly
Mr. John Sobel, Legislative Director, Office of Assembly Member Paul Cook
Ms. Jacqueline Wong-Hernandez, Consultant, Senate Appropriations Committee
Mr. Matt Osterli, Consultant, Senate Republican Office of Policy
Ms. Teresa Calvert, Budget Analyst, Department of Finance

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RONALD G. OVERHOLT
Chief Deputy Director

CURTIS L. CHILD
Director, Office of Governmental Affairs

June 16, 2009

Hon. Carol Liu, Chair
Senate Human Services Committee
State Capitol, Room 5061
Sacramento, California 95814

Subject: AB 1325 (Cook), as amended May 6, 2009 - Support
Hearing: Senate Human Services Committee – June 23, 2009

Dear Senator Liu:

The Judicial Council supports AB 1325, which would allow Indian children who are in foster care, to be adopted via tribal customary adoption defined as adoption by tribal custom without the termination of parental rights.

The Judicial Council supports AB 1325 because it enhances the ability of the juvenile court to find permanency for Indian children in foster care. In 2008, the Judicial Council opposed similar legislation, AB 2736 (Cook) because it failed to afford the juvenile court the discretion to reject a tribal customary adoption order if the court's full faith and credit analysis determined that the order was not entitled to recognition under California law. AB 1325 eliminates the language that was of concern to the council and makes clear that only orders that survive a full faith and credit analysis are entitled to be entered as adoption orders by the juvenile court. With this issue resolved, the council is pleased to support expanding the permanency options for Indian children in a manner consistent with federal law.

AB 1325 will make it easier for the juvenile court to protect the best interests of Indian children in foster care by making adoptions by tribal members an available option for the child. Under current law, many of these youth would have to use legal guardianship as their permanency option in order to maintain their connections to the tribe, but this option only provides permanency for the child up to age 18, at which time the child would not have a legal connection to the guardian. AB 1325 will allow for these youth to have lifetime legal permanency with their caregivers without violating the customs of, or losing their connections to, the tribe.

For these reasons, the Judicial Council supports AB 1325.

Sincerely,

Tracy Kenny
Attorney

TK/yt
cc: Members, Senate Human Services Committee
Hon. Paul Cook, Member of the Assembly
Soboba Band of Luiseno Indians
Mr. Jack Hailey, Consultant, Senate Human Services Committee
Mr. Michael Prosio, Legislative Affairs Secretary, Office of the Governor
Ms. Kirsten Kolpitcke, Deputy Director of Legislation, Governor's Office of Planning and Research
Mr. Joe Parra, Consultant, Senate Republican Office of Policy

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CURTIS L. CHILD
Director, Office of Governmental Affairs

July 1, 2009

Hon. Ellen Corbett, Chair
Senate Judiciary Committee
State Capitol, Room 5108
Sacramento, California 95814

Subject: AB 1325 (Cook), as amended May 6, 2009 - Support
Hearing: Senate Judiciary Committee – July 7, 2009

Dear Senator Corbett:

The Judicial Council supports AB 1325, which would allow Indian children who are in foster care, to be adopted via tribal customary adoption defined as adoption by tribal custom without the termination of parental rights.

The Judicial Council supports AB 1325 because it enhances the ability of the juvenile court to find permanency for Indian children in foster care. In 2008, the Judicial Council opposed similar legislation, AB 2736 (Cook) because it failed to afford the juvenile court the discretion to reject a tribal customary adoption order if the court's full faith and credit analysis determined that the order was not entitled to recognition under California law. AB 1325 eliminates the language that was of concern to the council and makes clear that only orders that survive a full faith and credit analysis are entitled to be entered as adoption orders by the juvenile court. With this issue resolved, the council is pleased to support expanding the permanency options for Indian children in a manner consistent with federal law.

AB 1325 will make it easier for the juvenile court to protect the best interests of Indian children in foster care by making adoptions by tribal members an available option for the child. Under current law, many of these youth would have to use legal guardianship as their permanency option in order to maintain their connections to the tribe, but this option only provides permanency for the child up to age 18, at which time the child would not have a legal connection to the guardian. AB 1325 will allow for these youth to have lifetime legal permanency with their caregivers without violating the customs of, or losing their connections to, the tribe.

For these reasons, the Judicial Council supports AB 1325.

Sincerely,

Tracy Kenny
Attorney

TK/yt
cc: Members, Senate Judiciary Committee
Hon. Paul Cook, Member of the Assembly
Soboba Band of Luiseno Indians
Ms. Kathy Banuelos, Counsel, Senate Judiciary Committee
Mr. Michael Prosio, Legislative Affairs Secretary, Office of the Governor
Ms. Kirsten Kolpitcke, Deputy Director of Legislation, Governor's Office of Planning and Research
Mr. Mike Petersen, Consultant, Senate Republican Office of Policy