



Judicial Council of California

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Subject Text

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File #: 20-164, Version: 1

Title

Rules and Forms | Indian Child Welfare Act: Remote Appearance by an Indian Child's Tribe in Indian Child Welfare Act Proceedings (Action Required)

Summary

The Tribal Court-State Court Forum and the Family and Juvenile Law Advisory Committee recommend revising rules 5.9, 5.482, and 5.531 of the California Rules of Court to permit an Indian child's tribe to participate by telephone or other computerized remote means in any hearing in a proceeding governed by the Indian Child Welfare Act, as required by Welfare and Institutions Code section 224.2(k).

Recommendation

The Tribal Court-State Court Forum and the Family and Juvenile Law Advisory Committee recommend that the Judicial Council, effective January 1, 2021:

1. Amend rule 5.9, which governs appearances by telephone in family law cases, by specifying that cases falling under the Indian Child Welfare Act are governed by rule 5.482(g);
2. Amend rule 5.482 by adding subdivision (g) regarding a tribe's right to appear by telephone or other remote means in a case governed by the Indian Child Welfare Act; and
3. Amend rule 5.531, which governs appearances by telephone in juvenile cases, by adding a reference to Welfare and Institutions Code section 224.2(k), and adding subdivision (b)(1) requiring that standards for local procedures or protocols must allow an Indian child's tribe to appear by telephone or other computerized remote means at no charge consistent with section 224.2(k).