
**Community Development, Housing &
Tribal Affairs Committee**

HB 2045

Brief Description: Concerning transfer of jurisdiction from a tribe in dependency cases involving Indian children.

Sponsors: Representatives Sawyer, Ryu, Robinson, Stokesbary and Ormsby.

Brief Summary of Bill

- Requires state courts to take jurisdiction over an Indian child when a tribal court has transferred jurisdiction.

Hearing Date: 2/15/17

Staff: Sean Flynn (786-7124).

Background:

The federal Indian Child Welfare Act (ICWA) of 1978 governs the removal of Indian children from their families and the placement of such children in foster care or adoptive homes. In 2011 the state incorporated many of the ICWA provisions into state law. Both the federal and state ICWA recognize exclusive tribal jurisdiction over child custody proceedings involving an Indian child living within tribal territory.

In a state court proceeding involving an Indian child living off-reservation, a party may request the transfer of jurisdiction to the tribal court. The request may be made by the child's parent or custodian, the child's tribe, or by the child if he or she is at least 12 years old. The court must transfer jurisdiction to the tribe upon request, unless either of the parent's object, the tribe declines jurisdiction, or the court finds there is good cause not to transfer. State courts gives full faith and credit to the decisions and judgments of a tribal court in an Indian child custody proceeding.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Summary of Bill:

If a tribal court is unable to continue with its jurisdiction over an Indian child, and enters an order transferring jurisdiction, the state must recognize the transfer and take jurisdiction over the child.

Appropriation: None.

Fiscal Note: Requested on 2/12/17.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.