

SUMMARY

In continuation of addressing the Missing and Murdered Indigenous Persons Crisis (MMIP) AB 2108 will build on past efforts and formalize best practices by requiring notification when a child or non-minor dependent, or tribal and native children in foster care is missing.

BACKGROUND

Luke Madrigal was a proud member of the Cahuilla Band of Indians and he grew up on the Soboba Indian Reservation. Luke was best known for giving his time, energy, and knowledge to help others, especially children. For six years, he served on his tribe's council, and generously gave his time to the National Indian Child Welfare Association, Riverside County Tribal Alliance for American Indian Children and Families, and the American Indian Community Foundation.

Within the United States, California has emerged as a magnet for commercial sexual exploitation (CSE) of children (CSEC). The FBI has determined that three of the nation's thirteen High Intensity Child Exploitation areas are in California: San Francisco, Los Angeles, and San Diego.

However, county practices are routinely out of compliance with federal and state law, and the California Department of Social Services (CDSS) minimum standards guidance required for compliance set forth in All County Letter 16-15. For example, in current practice, notification does not include the child's tribe/tribal representative or parents and court monitoring is sporadic and inconsistent.

When a child is labeled as missing, – and particularly when classified as a runaway, some may not take the case seriously.. However, it is critical to resolving the situation to engage the child's extended support system. That means notifying both supportive adults that the child is missing and to include their participation in efforts to locate, return and stabilize the youth upon their

return. All available resources to expeditiously locate and stabilize missing foster care youth must be employed when they are most vulnerable to neglect, abuse, and trafficking.

PROBLEM

Some children and youth who are in the care, custody and control of the state go missing while in foster care. While counties have been required to develop policies and procedures to locate and respond to youth who go missing from foster care since 2016, those practices don't require oversight of the court and notification and engagement from family members, tribes, tribal representatives, and other supportive adults.

Missing tribal and native foster children, are a critical factor in the disproportionately high rates of violence experienced by Native American and the also disproportionate numbers of reported missing indigenous persons. Today, Native American children enter the child welfare system at a rate that is 2.7 times their representation in the population, the highest of any racial group (AFDC 2020). National data shows that 85% of all missing Indigenous children over a 10-year period were endangered runaways. Nationally, American Indian or Alaska Native children had the highest rate of victimization at 14.8 per 1,000 children in the population of the same race or ethnicity (Child Welfare Information Gateway, 2021).

SOLUTION

This proposal seeks to build on past efforts and formalize best practices for all children in foster care, and especially tribal and Native youth by requiring notification to family members, court appointed counsel, tribes and tribal representatives, and the court of jurisdiction when a child or non-minor dependent is missing. This new emphasis will promote a more comprehensive and collaborative effort to locate, return and stabilize children and non-minor dependents when they go missing from care.

Assemblymember James C. Ramos
45th Assembly District

**[AB 2108 (RAMOS): THE LUKE MADRIGAL ACT
PROTECTING CHILDREN MISSING FROM FOSTER
CARE]**

SUPPORT

Yurok Tribe (Sponsor)
California Tribal Families Coalition (Sponsor)
Alliance for Children's Rights (Sponsor)

STAFF CONTACT

Jacob Rivera
Office of Assemblymember James C. Ramos
Jacob.Rivera@asm.ca.gov
(916) 319-2045