Indian Affairs - Office of Public Affairs

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WASHINGTON – Assistant Secretary – Indian Affairs Tara Sweeney today announced that she has approved the probate code of the Agua Caliente Band of Cahuilla Indians in California. The Department of the Interior's Office of Hearings and Appeals (OHA) will now apply the code when probating trust or restricted lands within the Agua Caliente Indian Reservation.

Codes such as Agua Caliente's allow tribes to determine how trust or restricted assets within their reservations pass to heirs upon an individual's death.

"I commend the Agua Caliente Band for taking steps to address its unique needs," Sweeney said. "Tribal probate codes enhance tribal sovereignty through greater input by tribes on the preservation of trust assets and the reduction of land fractionation within their reservations."

Application of tribally adopted probate codes under the American Indian Probate Reform Act (AIPRA) is changing the landscape of Indian estate planning and probate, and helps to shorten the otherwise lengthy process of probating Indian trust assets. Prior to the adoption of AIPRA, federal Indian probate law was governed by the laws of intestate succession of the state within which a tribe resides.

Tribal probate codes now empower federally recognized tribes to restore tribal homelands while addressing the historical problems of land fractionation. Land allotment in the 19th and early 20th centuries resulted in hundreds, and sometimes thousands, of individual owners thereby making it difficult to lease or develop the parcels. As a result, these highly fractionated allotments have lain dormant, unable to be used by tribes for economic or other beneficial purposes.

The Agua Caliente Band of Cahuilla Indians is only the fourth federally recognized tribe to gain approval of its own probate code.

*The **Assistant Secretary – Indian Affairs** advises the Secretary of the Interior on Indian Affairs policy issues, communicates policy to and oversees the programs of the BIA and the BIE, provides leadership in consultations with tribes, and serves as the DOI official for intra- and inter-departmental coordination and liaison within the Executive Branch on Indian matters.*

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