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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

In re L.H., a Person Coming Under
the Juvenile Court Law.

B276945

(Los Angeles County
Super. Ct. No. CK80556)

LOS ANGELES COUNTY
DEPARTMENT OF CHILDREN
AND FAMILY SERVICES,

Plaintiff and Respondent,

v.

A.F.,

Defendant and Appellant.

APPEAL from an order of the Superior Court of Los Angeles County, Akemi Arakaki, Judge. Reversed and remanded with directions.

Christy C. Peterson, under appointment by the Court of Appeal, for Defendant and Appellant A.F.

Tarkian & Associates, Arezoo Pichvai, for Plaintiff and
Respondent.

A.F. (Father) appeals from a juvenile court order terminating his parental rights over his eight-year-old son L.H. (Minor) pursuant to Welfare and Institutions Code section 366.26. Father contends there is no evidence the juvenile court or the Los Angeles County Department of Children and Family Services (DCFS) complied with the requirements of the Indian Child Welfare Act (ICWA) and related California statutes. The parties have stipulated to a limited reversal of the parental rights termination order to demonstrate compliance with ICWA. We accept the parties' stipulation.

In the stipulation, the parties agree the order terminating Father's parental rights must be reversed and the matter remanded to permit proof of compliance with ICWA and related California statutes. After reviewing the record, we agree there is no indication DCFS discharged its duty to inquire into Father's claimed Indian heritage. In addition, we have no means to determine whether the juvenile court undertook an inquiry that might properly dispense with any need to provide notice as required by ICWA and related California law.

Our ability to accept a stipulated reversal in the dependency context is discussed in *In re Rashad H.* (2000) 78 Cal.App.4th 376, 379-382. The present case involves reversible error as the record includes no substantial evidence of compliance with ICWA and related California provisions. (*In re Marinna J.* (2001) 90 Cal.App.4th 731, 736-740; *In re Desiree F.* (2000) 83 Cal.App.4th 460, 471-472.) Because this case would be subject to limited reversal to permit compliance with ICWA and corresponding California statutes absent the parties' stipulation, a stipulated reversal advances the interests identified by Code of Civil Procedure section 128, subdivision (a)(8). That is to say, the

interests of non-parties or the public are not adversely affected by our acceptance of the stipulation, and the reversal will not erode public trust or reduce the incentive for pretrial settlement. (See *In re Rashad H.*, *supra*, at pp. 379-382; *Union Bank of California v. Braille Inst. of America, Inc.* (2001) 92 Cal.App.4th 1324, 1329-1330.)

DISPOSITION

The juvenile court's order terminating Father's parental rights is reversed and the matter is remanded to the juvenile court for the limited purpose of demonstrating full compliance with ICWA and related California law as to Father. The juvenile court is directed to order DCFS to inquire into Father's claim that he may have Indian heritage and to comply with notice requirements set forth in ICWA and corresponding California statutes if applicable. If the notice requirements are not triggered, or if they are triggered and no tribe indicates Minor is an Indian child, the termination of parental rights order is to be reinstated. If a tribe asserts Minor is an Indian child, the juvenile court is to proceed in compliance with ICWA and related California provisions. Pursuant to the parties' stipulation, the remittitur shall issue forthwith.

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BAKER, J.

We concur:

KRIEGLER, Acting P.J.

KIN, J*

* Judge of the Los Angeles Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.