Filed 3/23/15 In re Y.G. CA2/4

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

In re Y.G., A Person Coming Under the Juvenile Court Law.	
LOS ANGELES COUNTY DEPARTMENT OF CHILDREN AND FAMILY SERVICES, Plaintiff and Respondent, v. D.B., Defendant and Appellant.	B255926 (Los Angeles County Super. Ct. No. CK77934)

APPEAL from orders of the Superior Court of Los Angeles County, Veronica McBeth, Judge. Affirmed and remanded with directions.

Aida Aslanian, under appointment by the Court of Appeal, for Defendant and Appellant.

Mark J. Saladino, County Counsel, Dawyn R. Harrison, Assistant County Counsel and Kim Nemoy, Deputy County Counsel, for Plaintiff and Respondent.

Appellant D.B. (Mother) appeals the juvenile court's jurisdictional and dispositional orders under which Mother's eight-year old daughter Y.G. (Y) was found to be within the jurisdiction of the court under Welfare and Institutions Code section 300, subdivision (b), and removed from Mother's custody.[1] Mother contends substantial evidence does not support that her mental condition, which caused her to suffer delusions that Y was being sexually molested or was in constant danger of being sexually molested, created a risk of substantial harm to Y; thus, she asserts, both the jurisdictional and dispositional orders must be reversed. She further contends that the matter must be remanded for compliance with the Indian Child Welfare Act (25 U.S.C. § 1901 et seq., (ICWA)). Respondent does not dispute that the court failed to comply with the requirements of ICWA. Finding substantial evidence to support the court's jurisdictional and dispositional orders, we affirm those orders, but remand for ICWA compliance.

FACTUAL AND PROCEDURAL BACKGROUND

A. *Original Detention*

The family first came to the attention of the Department of Children and Family Services (DCFS) in May 2009. DCFS received a referral of general neglect and emotional abuse by Mother, and sexual abuse by others. The referring party described Mother as "very delusional." The caseworker encountered difficulty assessing the referral. When the caseworker went to the maternal grandfather's home, where Mother and Y were reportedly living, a woman living there refused to identify herself and became upset when the caseworker tried to ascertain if she was the child's mother. The maternal grandfather claimed that Mother lived in another state. The caseworker left several messages on Mother's

[1] Undesignated statutory references are to the Welfare and Institutions Code.

phone and received no response. Weeks after the initial referral, Mother was located in Pasadena attempting to obtain a housing voucher. At that time, she reported she had moved from the maternal grandfather's home with Y "to protect [her]." They had been living in a motel in the area with an unknown male. Mother reported they had to move because the man had physically abused (choked) her.

Questioned by the caseworker, Mother stated that when they were living with the maternal grandfather, a neighbor had entered the window of their bedroom, and molested Y while Mother was sleeping beside her. Mother said she had taken Y to a hospital for an examination, that the girl was fine, and that the case should be closed. Mother further claimed that in the past, Y had been molested by the maternal grandfather, an unknown man and woman while she and Y were living in Texas, and a maternal aunt, when the two were living in North Carolina. Asked whether Texas's social services department had opened a case, Mother said that a referral had been made but claimed the case was closed because "everything was fine."

Mother agreed to undergo an upfront assessment to evaluate her capacity as a caretaker. Mother told the assessor she was experiencing serious depression and anxiety. She added a new allegation of sexual abuse, claiming a group of males had taken pornographic pictures of Y while Mother slept. She also claimed her parents were "priest[s] involved in illegal activities which she could not reveal because her father would have her killed." The assessor questioned Mother's ability to provide a safe and stable environment for Y. The assessor found Mother to be delusional and unstable mentally, and recommended that she receive a complete psychiatric/psychological evaluation to obtain a precise diagnosis of her mental condition.

The caseworker learned that the Texas's social services department had opened a case in April 2009, when Mother reported that Y had been sexually

molested by an unknown man. Mother also reported that neighbors broke into her house at night and moved things around. Y, who was only three at the time, had indicated to the Texas social worker that she had been touched in an inappropriate manner. Mother had refused to take Y to be examined, and she and Y disappeared before the investigation could be completed.

The caseworker concluded that Mother's mental condition posed a danger to Y and detained Y on June 25, 2009. Mother tried to prevent the detention by holding tight to Y and struggling with the caseworker and a police officer who had come to assist. After Y was detained, she said: "[M]ommy is very sick, very sick." When asked about the alleged sexual abuse, Y said she played "the cuch game with Uncle Duane" and pointed to her vaginal area.

The detention hearing took place on June 30, 2009. The caseworker reported that Mother had been calling the foster home up to 25 times per day. Mother had told the caseworker that the child was not to be left in the care of any male and had to be "fully clothed at all times." On July 2, Mother arrived at a fast food restaurant for a monitored visit, took the child out of the foster mother's arms, told the foster mother she had been granted custody, and left with Y. On July 8, the court issued a protective custody order for Y and a warrant for Mother's arrest.

B. *Mother's Flight and Second Detention*

Between July 2009 and October 2013, the court held periodic status hearings, and the caseworker filed periodic reports reviewing DCFS's efforts to locate Mother and Y. During this period, it was reported that Mother was living with Y's father -- Q.G. (Father) -- in Illinois, that Mother had applied for social services in Virginia, and that she and Y had moved to Arizona.[2] The paternal

[2] Father is not a party to this appeal.

grandmother stated Mother had lived with them when she was pregnant with Y, and she had had concerns about Mother's mental health at that time. The two were finally located in the U.S. Virgin Islands in September 2013. Y was flown back to California with a caseworker. Mother expressed concern to the caseworker that Y would be raped or molested on the flight. Mother was detained briefly in the Virgin Islands and then incarcerated in California for abducting Y.[3]

Prior to the jurisdictional/dispositional report, the caseworker interviewed Y, who confirmed that she and Mother had lived for a time with Father and the paternal grandmother in Illinois. They left because Father was "'on drugs.'"[4] She said Mother regularly got into physical fights when they were staying in shelters and once when they were out walking. She described Mother as "'paranoid'" and "really scared" and said that Mother often claimed that people were coming through the window and touching Y.[5] She said Mother sometimes locked Y and her younger brother in the bedroom with her.[6] She said Mother supported the family by selling CD's. DCFS enrolled Y in second grade, a year below where her age should have placed her; nevertheless Y was unable to keep up with her classmates. The girl had apparently never been seen by a dentist, as she needed nine fillings. The foster mother reported she was suffering emotionally and

---

[3] Mother was released from incarceration in the Virgin Islands on December 31, 2013. In February 2014, she was extradited to California and placed into custody. The assistant district attorney involved in Mother's criminal proceeding reported that Mother's defense counsel had questioned her mental status and requested a mental assessment.

[4] Y described the drugs as "'little white pills'" and "'kush.'" She later reported that Father sold drugs.

[5] Y denied having ever been inappropriately touched.

[6] By this time, Mother had given birth to another child, a boy, who remained in the Virgin Islands and is not a subject of this proceeding.

believed the girl needed counseling. The caseworker also recommended mental health services after the girl reported seeing "bad spirits" in a visiting room.[7] Despite everything, Y said she was not afraid of Mother and wanted to continue to live with her.

The maternal grandmother reported that Mother had broken off contact years earlier because the grandmother had urged her to get counseling. The grandmother recalled Mother locking herself and Y into their home and refusing to talk to anyone in the period before DCFS first became involved with the family. Mother had claimed at the time that a number of people, including siblings and a therapist, had abused her.[8]

On January 28, 2014, the caseworker interviewed Mother telephonically.[9] Mother claimed to be a "recording artist" and a "public figure," comparing herself to Beyonce. She described Y's former foster mother, from whom she had kidnapped the girl, as an abusive "crack head" who was planning to "pimp [Y] out."

C. *Jurisdictional Findings*

The original petition filed in 2009 had alleged that Mother had mental and emotional problems rendering her unable to care for Y, endangering the child's physical and emotional health and safety, and placing the child at risk of physical and emotional harm. The original petition had further alleged that Y had been

---

[7] On January 14, 2014, the court ordered a mental health screening for the child. It was not completed prior to the jurisdictional/dispositional hearing.

[8] The maternal grandmother and maternal grandfather described Mother as having been a rape victim as an adult. Mother reported having been sexually abused by a family member as a child and did not refer in any interviews to having been raped as an adult.

[9] Mother was still in the Virgin Islands at the time.

sexually abused by a maternal uncle, maternal grandfather, maternal aunt, unrelated adult males and an unrelated adult female, and that Mother and her male companion had a history of engaging in violent altercations.

The amended petition, filed in 2013, retained the allegations concerning Mother's mental and emotional problems and the sexual abuse, but dropped the allegation concerning domestic violence between Mother and her former male companion. The amended petition included the additional allegations that Mother had placed Y in an endangering situation by abducting her, and that Father was a current user of marijuana and prescription medicine which rendered him incapable of providing regular care for the child. All allegations in the amended petition were asserted under section 300, subdivision (b) (failure to protect).

At the March 10, 2014 jurisdictional hearing, Mother's counsel argued in favor of a complete dismissal. He contended that the absence of evidence that a medical expert had diagnosed a specific mental illness precluded a finding that Mother was unable to care for Y due to mental and emotional problems. He further argued there was insufficient evidence of actual sexual abuse or of Y's having been harmed by Mother's abduction and unlawful retention of the child from 2009 to 2013. Y's counsel agreed there was no evidence of actual sexual abuse of the child and suggested that allegation be dismissed. However, he urged the court to sustain the allegation that Mother was unable to properly care for Y due to her mental health issues. DCFS's counsel argued that all of the allegations of the amended petition should be found true.

The court sustained the first allegation, finding that the descriptions of Mother's mental state and erratic behavior by multiple witnesses demonstrated she had a serious mental or emotional problem. The court also sustained the third allegation, stating that the abduction "at least endanger[ed] the child's emotional

health, if not her physical health" and placed her at "a significant risk of harm."[10] The court struck the allegation that Y had been sexually abused, finding Mother's claims that multiple people had molested Y over the years to be illustrative of her unstable mental condition and the source of additional emotional distress to Y.

D. *Disposition*

By the time of the April 28, 2014 dispositional hearing, Mother had been released from custody and placed on five years probation. She asked that Y be released to her, contending there was no clear and convincing evidence that Y would be at risk in her custody. Y's counsel and DCFS's counsel opposed. The court found there was no reasonable means to protect Y without removal from her parents and placed Y in the custody of her maternal grandmother. Mother was provided monitored visitation. She was instructed to undergo a psychiatric evaluation, to participate in a parenting class and individual counseling to address her mental health issues, and to obey all probation conditions. The court also ordered counseling for Y. Mother appealed.

DISCUSSION

A. *Disentitlement*

Respondent contends that because Mother absconded with Y and concealed her from the courts for over four years, she is precluded from pursuing this appeal through the doctrine of disentitlement.

"The disentitlement doctrine is based on the equitable notion that a party to an action cannot seek the assistance of a court while the party 'stands in an attitude

[10] The court also sustained the allegation that Father's drug abuse rendered him unable to care for Y.

of contempt to legal orders and processes of the courts of this state. [Citations.]'" (*In re Claudia S.* (2005) 131 Cal.App.4th 236, 244, quoting *MacPherson v. MacPherson* (1939) 13 Cal.2d 271, 277.) "'The disentitlement doctrine has been applied to deprive a party of the right to present a defense as a result of the litigant's violation of the processes of the court, withholding of evidence, defaulting on court-imposed obligations, disobeying court orders, or other actions justifying a judgment of default. [Citation.]'" (*In re Kamelia S.* (2000) 82 Cal.App.4th 1224, 1229.)

"'The case for application of the doctrine is most evident where . . . the party is a fugitive who refuses to comply with court orders or make an appearance despite being given notice and an opportunity to appear and be heard.' [Citation.]" (*In re Kamelia S., supra,* 82 Cal.App.4th at p. 1229.) However, "disentitlement may also be imposed on a nonfugitive party 'who has signaled by his conduct that he will only accept a decision in his favor' and will frustrate any attempt to enforce a judgment against him." (*In re L.J.* (2013) 216 Cal.App.4th 1125, 1136, quoting *Polanski v. Superior Court* (2009) 180 Cal.App.4th 507, 532; see *In re Claudia S., supra*, 131 Cal.App.4th at p. 244 [reviewing court has inherent power to dismiss an appeal by any party "who has refused to comply with trial court orders" and may dismiss an appeal whenever there has been "willful disobedience or obstructive tactics"]; *In re Marriage of Hofer* (2012) 208 Cal.App.4th 454, 459-460 [husband's appeal of award of attorney fees in dissolution proceeding dismissed where husband violated court orders to reveal financial information].)

The doctrine is "not an automatic rule but a discretionary tool of the courts that may only be applied when the balance of all equitable concerns leads the court to conclude that it is a proper sanction for a party's flight." (*Polanski v. Superior Court, supra,* 180 Cal.App.4th at p. 533.) Courts are reluctant to disentitle a litigant "when the issues raised by the litigant entail interests beyond the personal

of the individual petitioner, such as the welfare of minor children . . . ." (*Polanski, supra*, at p. 536; accord, *In re L.J*., *supra*, 216 Cal.App.4th at pp. 1136-1137.) In *In re E.M*. (2012) 204 Cal.App.4th 467, the court applied the doctrine in a dependency proceeding where the mother had absconded with the children to Mexico and kept them concealed for years, following a finding that her husband had sexually abused her daughter. By the time of the jurisdictional hearing, the mother had been located and was cooperating with DCFS under the supervision of Mexican authorities, contacting the caseworker monthly, and attending parenting and sexual abuse classes. Although the mother was no longer a fugitive or in contempt of court orders, the Court of Appeal found that the mother's "continuing absence with the children from the jurisdiction . . . prevented the juvenile court from ensuring that she [was] in compliance with its legal orders and processes" and from "ensuring compliance with court-ordered therapy, parenting, and sexual abuse programs," thereby "undermin[ing] and frustrat[ing] the purpose of the dependency law." (*Id*. at pp. 477-478.) Accordingly, the mother's conduct "was sufficiently egregious to warrant the application of the doctrine of disentitlement" and dismissal of her appeals of the court's jurisdictional and dispositional orders. (*Id*. at p. 478.)

Here, Mother's conduct was sufficiently egregious to warrant application of the disentitlement doctrine and dismissal of the appeal. Prior to initiation of the underlying dependency proceedings, she took Y from Texas in the midst of that state's investigation of alleged sexual abuse. Within days of the court's detention order, she kidnapped the child from the arms of the foster mother and disappeared with her for over four years. From her conduct it appears likely that Mother "'will only accept a decision in h[er] favor' and will frustrate any attempt to enforce a judgment against [her]." (*In re L.J*., *supra*, 216 Cal.App.4th at p. 1136.) Nevertheless, because the case involves the welfare of a minor child who has no

alternate responsible parent to provide care, we exercise our discretion to consider the appeal on the merits.

B. *Jurisdiction*

Section 300, subdivision (b), provides a basis for juvenile court jurisdiction if "[t]he child has suffered, or there is a substantial risk the child will suffer, serious physical harm or illness, as a result of the failure or inability of his or her parent or guardian to adequately supervise or protect the child. . . or by the inability of the parent or guardian to provide regular care for the child due to the parent's or guardian's mental illness . . . ." "A jurisdictional finding under section 300, subdivision (b), requires: '"(1) neglectful conduct by the parent in one of the specified forms; (2) causation; and (3) 'serious physical harm or illness' to the child, or a 'substantial risk' of such harm or illness." [Citation.]' [Citations.] The third element 'effectively requires a showing that at the time of the jurisdictional hearing the child is at substantial risk of serious physical harm in the future (e.g., evidence showing a substantial risk that past physical harm will reoccur).' [Citation.]" (*In re James R.* (2009) 176 Cal.App.4th 129, 135; accord, *In re A.G.* (2013) 220 Cal.App.4th 675, 683.)

"The juvenile court's jurisdictional finding that the minors are persons described in section 300 must be supported by a preponderance of the evidence. [Citations.]" (*In re A.G.*, *supra*, 220 Cal.App.4th at p. 682.) '"'"'When the sufficiency of the evidence to support a finding or order is challenged on appeal, the reviewing court must determine if there is any substantial evidence, that is, evidence which is reasonable, credible, and of solid value to support the conclusion of the trier of fact. [Citation.] In making this determination, all conflicts [in the evidence and in reasonable inferences from the evidence] are to be resolved in favor of the prevailing party, and issues of fact and credibility are questions for the

trier of fact. [Citation.]'" [Citation.]'" (*Id*. at pp. 682-683, quoting *In re Precious D*. (2010) 189 Cal.App.4th 1251, 1258-1259.) When the jurisdictional finding is based on the parent's inability to adequately supervise or protect the child due to mental illness, substantial evidence must support parental unfitness or neglectful conduct causing or creating a risk of serious physical harm to the child. (*In re Precious D*., *supra*, 189 Cal.App.4th at pp. 1253-1254.) "'[H]arm may not be presumed from the mere fact of mental illness of a parent.'" (*In re A.G*., *supra*, at p. 684.)

Mother contends substantial evidence does not support the court's finding that her mental condition rendered her unable to adequately supervise or protect Y, leaving Y at risk of serious physical harm. We disagree. There is abundant evidence that Mother suffers from a mental condition that causes her to misperceive reality. She has imagined that multiple people, including family members and neighbors, have molested Y. She believed Y's former foster mother was a "pimp" who was planning to sell Y.

Mother's delusions are not harmless. They have caused her to: (1) uproot Y from Texas in the midst of an investigation of sexual abuse found to have a basis in fact by Texas officials; (2) move Y from her grandfather's house -- a place of safety and stability -- to a motel room with a violent male acquaintance for a roommate; (3) kidnap Y, tearing her from the foster mother's arms in the process; and (4) become a fugitive. Of equal significance, her delusions have caused her to avoid social service agencies that would have helped her feed and shelter Y, and prompted her to rely on troubled and potentially dangerous individuals, such as her former male companion and her drug-abusing husband.[11] A parent who cannot

---

[11] On the record presented, the court could also have reasonably concluded that Mother's delusions caused her to engage in physical altercations with strangers in Y's
(Fn. continued on next page.)

discern when his or her child is in danger or distinguish between real and imaginary threats presents a danger to a young child in his or her care. That Y had not yet suffered serious physical harm is not dispositive. "[T]he court need not wait until a child is seriously abused or injured to assume jurisdiction and take steps necessary to protect the child." (*In re Christopher R.* (2014) 225 Cal.App.4th 1210, 1216.) It is sufficient that Y was at risk of harm.

Mother attempts to compare her situation to that in *In re Janet T.* (2001) 93 Cal.App.4th 377, *In re Daisy H.* (2011) 192 Cal.App.4th 713 and *In re David M.* (2005) 134 Cal.App.4th 822. In *Janet T.*, DCFS detained four children from their mother, who suffered from schizoaffective disorder, bipolar type, which caused her to believe "everyone is out to get her and that nothing is her fault . . . ." (*Janet T., supra*, 93 Cal.App.4th at p. 381.) Although numerous referrals had been made concerning neglect of and physical harm to the children, the sole allegations of the petition were that the mother had mental and emotional problems, and that she had failed to ensure the children's school attendance. The Court of Appeal found these allegations insufficient to support jurisdiction under subdivision (b) of section 300, and, after examining the record, found nothing to substantiate the more serious allegations of neglect and physical abuse. (*Janet T., supra,* at pp. 389-390.) In *Daisy H.*, the agency relied entirely on incidents of domestic violence that had occurred years in the past to support subdivision (b) allegations. (*Daisy H., supra,* 192 Cal.App.4th at p. 717.) In *David M.*, the agency relied on a diagnosis of mental illness that had been made several years earlier and had no apparent affect on the mother's ability to care for her children. (*David M., supra,* 134 Cal.App.4th

---

presence, to avoid enrolling Y in school, and to refrain from obtaining medical and dental care for the girl.

at pp. 826-827.)[12] Here, there was ample evidence in the reports of conduct triggered by Mother's delusions that created a significant risk of harm to Y. Although DCFS relied in part on incidents in 2009 and witnesses who had observed Mother's behavior at that time, there was also recent evidence that Mother continued to suffer from the same delusions and exhibited the same behavior that caused DCFS to file the original petition. By 2013, her mental condition clearly had not improved, as her first thought when she and Y were located and Y was returned to California was that Y would be raped while in the company of a caseworker on the airplane ride home. Y confirmed that Mother's condition was substantially the same as it had been when the original petition was filed. When interviewed by the caseworker, Y described Mother's delusions and paranoia during their time on the run, including believing Y was being abused and

---

[12] Other cases cited by Mother are even less germane. In *In re Heather P.* (1988) 203 Cal.App.3d 1214, overruled in part in *In re Richard S.* (1991) 54 Cal.3d 857, the appellate court reversed the order terminating a mentally ill mother's reunification services where she had completed all aspects of her reunification plan, but had not received a "'positive evaluation'" from her therapist. (*In Heather P.*, *supra*, 203 Cal.App.3d at pp. 1227-1228.) In *In re Jamie M.* (1982) 134 Cal.App.3d 530, the trial court's reversed jurisdictional and dispositional orders were based on little more than the mother's diagnosis as a schizophrenic; the court had ignored evidence that she was undergoing treatment and that her disease was being controlled by medication. (*Id.* at pp. 542-545.) *In re Matthew S.* (1996) 41 Cal.App.4th 1311, where the mother suffered from the delusional belief that her son's penis had been mutilated, supports that a parent's delusions can support assertion of jurisdiction under section 300, subdivision (c) (serious emotional injury). Here, the court found that Y was suffering emotionally as a result of Mother's abduction, a finding challenged by Mother. We need not resolve whether this would also support jurisdiction, as we conclude the court's finding that Y was at risk of physical harm was supported by substantial evidence. (See *In re Alexis E.* (2009) 171 Cal.App.4th 438, 451 [when dependency petition alleges multiple grounds for assertion that minor comes within dependency court's jurisdiction, reviewing court can affirm the juvenile court's finding of jurisdiction over the minor if any one of the enumerated bases for jurisdiction is supported by substantial evidence].) For the same reason, we need not resolve Mother's contention that Father's drug abuse did not support assertion of jurisdiction because he had never been Y's custodian.

keeping Y and Y's younger sibling locked in a bedroom. Substantial evidence supported that Mother was unable to separate illusion from reality and could not, therefore, be trusted to safely care for a young child. The court did not err in asserting jurisdiction under section 300, subdivision (b).

C. *Dispositional Order*

Mother's only contention with respect to the dispositional order is that if the jurisdictional order is reversed, it must also be reversed. Because we affirm the jurisdictional order, there is no basis to reverse the dispositional order.

D. *ICWA*

Under ICWA, an Indian child is "any unmarried person who is under age eighteen and is either (a) a member of an Indian tribe or (b) is eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe . . . ." (25 U.S.C. § 1903(4).) If the court or DCFS is given reason to know that an Indian child is involved, DCFS must notify all tribes of which the child may be a member of the pending proceedings and the right to intervene. (§ 224.2, subds. (a), (b); *In re Brooke C.* (2005) 127 Cal.App.4th 377, 383.) In many circumstances, notice must also be sent to the Secretary of the Interior and/or to the Bureau of Indian Affairs. (See § 224.2, subd. (a)(4).) The notice requirements are triggered where a parent expresses the belief that he or she has Indian heritage and names the tribe or identifies a parent or grandparent who may have been Indian. (See, e.g., *Dwayne P. v. Superior Court* (2002) 103 Cal.App.4th 247, 257; *In re Miguel E.* (2004) 120 Cal.App.4th 521, 549-550.) According to statute, "[n]o proceeding" shall be held until at least 10 days after receipt of notice by the child's tribe. (§ 224.2, subd. (5)(a).)

In 2009, Mother filled out a form indicating possible Indian ancestry, specifically identifying the Choctaw Tribe. The court ordered DCFS to investigate. Respondent does not dispute that this was never done, and that no ICWA notices were sent. A clear majority of courts, including this one, has held that failure to comply with ICWA does not represent jurisdictional error, and that orders entered during the period of noncompliance are not void. (*Tina L. v. Superior Court* (2008) 163 Cal.App.4th 262, 268, and cases cited therein.) Unless the order appealed is one terminating parental rights, the order may be affirmed with directions to the juvenile court to ensure compliance with ICWA notice requirements; thereafter, if the minor is determined to be an Indian child, interested parties are permitted to petition the court to invalidate orders that violated ICWA. (*In re Brooke C.*, *supra*, 127 Cal.App.4th at p. 385; accord, *In re Veronica G.* (2007) 157 Cal.App.4th 179, 187-188.) Accordingly, the matter must be remanded with directions to comply with ICWA.

DISPOSITION

The court's jurisdictional and dispositional orders are affirmed. The matter is remanded with directions to the juvenile court to order DCFS to comply with ICWA. If, after proper notice, Y is determined to be an Indian child, Mother, or any other interested party, is entitled to petition the court to invalidate orders which violated ICWA.

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

MANELLA, J.

We concur:

EPSTEIN, P. J.

WILLHITE, J.