Filed 10/5/17 In re T.J. CA2/5

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

In re T.J. et al., Persons Coming Under the Juvenile Court Law.	B276861 (Los Angeles County Super. Ct. No. DK13823)
LOS ANGELES COUNTY DEPARTMENT OF CHILDREN AND FAMILY SERVICES, Respondent, v. CLERECE J. et al., Appellants.	

APPEAL from an order of the Superior Court of Los Angeles County, Joshua D. Wayser, Judge. Conditionally affirmed and remanded with directions.

Marissa Coffey, under appointment by the Court of Appeal, for Appellant Clerece J.

Aida Aslanian, under appointment by the Court of Appeal, for Appellant Cornesha J.

Amir Pichvai for Plaintiff and Respondent.

C.J. (Mother) appeals a juvenile court disposition order that removed her ten-year-old quadruplets, Aa.J., An.J., Ar.J., and Az.J., from her physical custody. Co.J. (Sister), the quadruplets' adult half-sister who was briefly given temporary custody of the children after dependency proceedings commenced, also noticed an appeal from the same order.[1] We consider whether we must reverse the order because the Los Angeles County Department of Children and Family Services (DCFS) has not complied with the inquiry and notice requirements of the Indian Child Welfare Act and related California provisions.

I. BACKGROUND

A. The Dependency Proceedings Generally, and the Jurisdiction and Disposition Findings

DCFS began a child welfare investigation when three of the quadruplets arrived at school with black eyes. A DCFS social worker interviewed the quadruplets at school. They all denied the black eyes suffered by the three were the result of any abuse, and they stated they had no fear of returning home. The social worker discovered marks on An.J.'s back, but An.J. said he got the marks while playing at a park near his home.

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[1] In a prior appellate proceeding, Sister took an appeal from a juvenile court order barring her from having contact with the quadruplets. That appeal was ultimately abandoned and dismissed pursuant to *In re Phoenix H.* (2009) 47 Cal.4th 835, 838. Insofar as the propriety of the no contact order is within the scope of the appeals before us in this consolidated proceeding, Sister acknowledges in her reply brief that she does not challenge the order. We therefore treat the issue as abandoned and do not discuss it further.

The police were called in, and during another interview later that same day, An.J. admitted his mother hit him with an extension cord. When asked why An.J. initially denied being hit by Mother, An.J. said he was scared. A nurse practitioner who conducted a forensic exam concluded An.J.'s injury was consistent with physical abuse.

The police arrested Mother on a felony child abuse charge pursuant to Penal Code section 273d, subdivision (a) (corporal punishment or injury of child). The social worker informed Mother the quadruplets were going to be taken into protective custody, and at Mother's request, the children were placed in Sister's care.

DCFS thereafter filed a petition pursuant to Welfare and Institutions Code section 300, subdivisions (a), (b), and (j).[2] The allegations (as ultimately sustained in a second amended petition) are essentially identical for each of the statutory subdivisions; in substance, the petition alleges Mother physically abused each of the quadruplets by striking them with an extension cord or broom that left marks on their body, and by punching them in the face, which left them with black eyes.

At an initial detention hearing, the juvenile court found Emmanuel J. (Emmanuel) was the presumed father of the quadruplets. The finding was based on Mother's own representation during the hearing and the Parentage Questionnaire she completed, which stated she and Emmanuel were married at the time of the quadruplets' conception, Emmanuel was present for the birth of the children, and

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[2] Undesignated statutory references that follow are to the Welfare and Institutions Code.

Emmanuel held himself out openly as their father. Based on the facts alleged in DCFS's detention report, the juvenile court ordered the quadruplets detained from Mother and placed with Sister.

At a later progress hearing, Mother reported she had been released on bail in the associated criminal proceedings. The court released the quadruplets to Mother, but ordered Sister to continue to reside with Mother and the children "as an additional eye on the family."[3]

The juvenile court held another progress hearing within days when DCFS discovered a protective order had issued in the criminal proceedings that barred Mother from having any contact with the quadruplets. The court ordered the quadruplets detained, with Sister designated as their caretaker, and the juvenile court ordered Mother to comply with the protective order entered by the criminal court.

Several weeks later, DCFS submitted a report to the juvenile court recommending removal of the quadruplets from Sister's care. DCFS contended Sister and Mother had engaged in "a pattern of resistance and obstruction" to DCFS's efforts to monitor the children's welfare. Specifically, DCFS's report documented efforts by Sister and Mother to resist unannounced home visits by DCFS personnel, to provide inaccurate contact

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[3] At this point during the dependency proceedings, the quadruplets were denying any abuse had occurred (including An.J., who said he felt threatened to admit abuse during the interview with the police officers). This would change, however, as all the quadruplets would later testify at the jurisdiction hearing about repeated acts of physical abuse perpetrated by Mother.

information, to neglect to respond to attempts to schedule interviews and multi-disciplinary assessments of the quadruplets, and to "coerc[e the quadruplets] to recant previous disclosures [of abuse] and not disclose information to DCFS." Based on the information in DCFS's report, the quadruplets were removed from Sister's custody and placed in shelter care, and the juvenile court later entered an order directing Sister to have "no contact" with the children.

In preparation for a hearing to adjudicate the dependency petition's allegations, DCFS prepared a jurisdiction report. The report described, among other things, physical examinations of An.J., Ar.J., and Az.J. that were suggestive of physical abuse, including "loop marks" consistent with being whipped by an extension cord, bruises, and other marks and abrasions. Although the quadruplets continued to maintain during interviews that mother had not hit them, DCFS opined Mother "appears to have inappropriately influenced the children to not disclose how they received various marks, scars, and bruises on their bodies that are consistent with An.J.'s initial statement that their mother frequently hit them with her fist and with an extension cord." The jurisdiction report also described (and attached) information provided by a Los Angeles County Sheriff's detective that revealed Mother "ha[d] criminal history and/or child welfare history in the states of Michigan and Kentucky, including for physical abuse and child neglect/abandonment; that one or more children were removed from her care; that [M]other was violent, evasive, and uncooperative; that the children's original paternity may have been masked by [Mother] through changing the children's names and through an adoption by a step-parent; and that [M]other has numerous aliases . . . ."

DCFS thereafter submitted an addendum to its jurisdictional report that detailed the agency's further investigation into the quadruplets' parentage and other aspects of their welfare. The report included information indicating Antwan J. (Antwan), not Emmanuel, appeared to be the biological father of the quadruplets. A DCFS investigator made contact with Antwan by phone on December 29, 2015; he was living in Michigan. Antwan stated he was "'married to [Mother] once upon a time'" but they later divorced. Antwan also confirmed he was the biological father of the quadruplets, and when asked if Mother had obtained a child custody order after she and he had separated, Antwan said, "'[s]he . . . somehow got my rights terminated since 2007 and had another guy adopt all of them."

Mother and the quadruplets, represented by counsel, appeared for a jurisdiction hearing in August 2016; Sister was also present. DCFS had undertaken efforts to provide notice of the proceedings to Antwan (the biological father) and Emmanuel (the presumed father), but neither were present in court (and neither had otherwise made an appearance at earlier hearings). Counsel for Mother called the quadruplets as witnesses and they testified in chambers. Each of the children testified Mother had beaten them multiple times—using electrical cords, brooms, and her own fists. An.J., Az.J., and Ar.J. also testified they previously denied suffering abuse either out of a desire not to get Mother in trouble or because Mother, with assistance from Sister, gave instructions on what to say if questioned by the police or others. Mother and Sister also testified during the hearing, and they both continued to deny Mother ever abused the quadruplets.

After hearing the testimony over two days, the juvenile court found all of the section 300 petition's allegations true. The court "found the children's testimony to be painfully credible," found that "[Sister] and [Mother] . . . made very clear attempts to try to influence the children's testimony throughout the course of the proceedings," and stated it did not "have . . . doubt given the four children were consistent in their testimony, that the abuse did happen." The court declared the quadruplets dependents of the court, ordered reunification services for Mother, and continued in force its order that Sister have no contact with the quadruplets.

B. Facts Concerning Efforts to Comply with the Indian Child Welfare Act

At the detention hearing that occurred at the outset of the dependency proceedings, Mother informed the court she had Cherokee Indian ancestry. She stated her paternal grandmother was registered with a tribe, but she did not have further information. She did identify, however, her father and her uncle as family members who might have more information about the claim of Cherokee ancestry.

Mother did not provide any additional information about her possible Indian ancestry, but DCFS undertook efforts to investigate by speaking with a maternal aunt living in Michigan. She stated there was "Cherokee on our grandmother's side" and confirmed the grandmother's name. DCFS later sent notices to the Cherokee Nation, the Eastern Band of Cherokee Indians, and the United Keetoowah Band of Cherokee Indians in Oklahoma to inquire as to whether the quadruplets were members of the tribes (or eligible for membership). All of the tribes responded to the

notices, stating the quadruplets were not tribal members and confirming the tribes did not intend to intervene in the dependency proceedings.

So far as the appellate record reveals, the sole investigation DCFS undertook to determine whether Antwan, the quadruplets' biological father, might have American Indian ancestry was the December 29, 2015, phone call a dependency investigator placed to inquire about his parentage. When asked during that phone call whether he had any American Indian ancestry, Antwan responded, "'Maybe just a little bit. No, I am Black." The DCFS investigator probed further and asked whether Antwan had ever heard the name of a tribe mentioned in connection with his possible Indian ancestry. Antwan stated "'Blackfoot,'" and he said his mother had related papers he could fax to DCFS. But when Antwan later faxed documents to DCFS, they concerned only his parentage of the children and did not provide information as to any possible Indian ancestry.

Approximately one week before the jurisdiction and disposition hearing, the juvenile court held a "trial setting conference" to review how it would conduct the hearing and to "[c]onfirm[ ] that [the Indian Child Welfare Act] does not apply to this case." At the conference, the court stated it did not "think that [the Indian Child Welfare Act] applies based on the returns we've gotten" but asked if counsel for any party wanted to be heard on the Act's applicability. No one did, and the court made a finding that "[the Indian Child Welfare Act] does not apply to this case."

Months after Mother and Sister noticed appeals from the dispositional order entered by the juvenile court, DCFS filed motions in this court requesting judicial notice of a dependency

court minute order, seeking to augment the record with certain post-appeal last minute information reports, and seeking dismissal of Mother's appeal as moot. The motions for judicial notice and motion to augment the record are hereby granted; the motion to dismiss, for reasons we will explain, is denied.

The augmented record materials indicate DCFS sent notice to the Blackfeet Tribe in Montana to inquire whether the quadruplets were members of the tribe or eligible for membership. The notice included biographical information about Mother and Antwan, and the portion of the notice pertaining to Antwan states, "The father, Antwan . . . reported that he has Blackfeet heritage but had no further information." The notice further states that information about Antwan's parents and grandparents is "[u]nknown."

A representative of the Blackfeet Tribe responded to the notice via a letter that states Mother, Antwan, and the quadruplets were not listed on tribal rolls and none of the quadruplets was an "'Indian Child' as defined by the Indian Child Welfare Act . . . ." The letter from the tribal representative further states: "If you are able to gather more information on the ancestry of the parents, please contact me again and I will review the tribal rolls."[4]

The May 30, 2017, minute order we have judicially noticed states, in relevant part: "The court finds that notice was given to

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[4] One of the last minute information reports also recounts phone conversations between a DCFS investigator and Antwan that occurred while this case was pending on appeal. So far as the report indicates, there was no discussion of his possible Indian ancestry.

the Blackfeet Tribe as required by law. The court has received a letter from the Blackfeet Tribe stating that the [quadruplets] are not Indian Childre[n] under [the Indian Child Welfare Act] and that [the Indian Child Welfare Act] does not apply to these children."

II. DISCUSSION

"Passed in 1978, the Indian Child Welfare Act (25 U.S.C. § 1901 et seq.) (ICWA, or the Act) formalizes federal policy relating to the placement of Indian children outside the family home." (*In re W.B., Jr.* (2012) 55 Cal.4th 30, 40 (*W.B.*).) "[C]ongress declared a national policy 'to protect the best interests of Indian children and to promote the stability and security of Indian tribes and families by the establishment of minimum Federal standards for the removal of Indian children from their families and the placement of such children in foster or adoptive homes . . . .' (25 U.S.C. § 1902.)" (*Id.* at p. 48.) "In California, . . . persistent noncompliance with ICWA led the Legislature in 2006 to 'incorporate[ ] ICWA's requirements into California statutory law.' [Citations.]" (*In re Abbigail A.* (2016) 1 Cal.5th 83, 91; see also *In re Breanna S.* (2017) 8 Cal.App.5th 636, 650 [California law "incorporates and enhances ICWA's requirements"].)

Both Mother and Sister contend the juvenile court's disposition order is infirm because it issued despite DCFS's failure to fully comply with ICWA and related California provisions.[5] On the record presented, the contention has merit.

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[5] DCFS argues Sister has no standing to pursue reversal on appeal for failure to comply with ICWA. Because Mother

There is no dispute that DCFS and the juvenile court satisfied their obligations under ICWA and California implementing statutes with respect to Mother's claimed Indian ancestry, but DCFS's December 2015 conversation with Antwan—particularly his reference to a specific tribe when asked about his possible Indian ancestry—gave DCFS and the juvenile court reason to know the quadruplets might be Indian children under ICWA. Under California law, this gave DCFS a duty to further inquire into Antwan's ancestry before providing ICWA notice to the Blackfeet Tribe, but there is no evidence in the record that DCFS discharged this duty. We therefore order the same remedy prior cases have ordered in similar circumstances: conditional affirmance of the disposition order and a remand to the juvenile court to ensure DCFS has complied, or will comply, with its inquiry and notice obligations under ICWA and related California law.

A. There Is Insufficient Evidence DCFS Satisfied Its Duty of Inquiry Under California Law

"The minimum standards established by ICWA include the requirement of notice to Indian tribes in any involuntary proceeding in state court to place a child in foster care or to terminate parental rights 'where the court knows or has reason to know that an Indian child is involved.' (25 U.S.C. § 1912(a).)" (*In re Isaiah W.* (2016) 1 Cal.5th 1, 8.) "Importantly, '[t]he relevant question is not whether the evidence . . . supports a

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unquestionably has standing to seek reversal for ICWA noncompliance, we find it unnecessary to decide the issue of Sister's standing.

finding that the minor[ ] [is an] Indian child[ ]; it is whether the evidence triggers the notice requirement of ICWA so that the tribes themselves may make that determination.' (*In re D.C.* (2015) 243 Cal.App.4th 41, 63[ ].)" (*In re Isaiah W.*, *supra*, at p. 15.)

California law enumerates a non-exhaustive list of "circumstances that may provide reason to know [a] child is an Indian child." (§ 224.3, subd. (b)(1); Cal. Rules of Court, rule 5.481(a)(5).) Relevant here is the circumstance in which a "person having an interest in the child . . . provides information *suggesting* the child is a member of a tribe or eligible for membership in a tribe or one or more of the child's biological parents, grandparents, or great-grandparents are or were a member of a tribe." (§ 224.3, subd. (b)(1), emphasis added; see also Cal. Rules of Court, rule 5.481(a)(5)(A) [same].)

Antwan told a DCFS investigator he had "a little bit" of "Blackfoot" heritage, and DCFS appropriately understood his statement as a possible reference to the federally-recognized Blackfeet Tribe. (See, e.g., *In re Kadence P.* (2015) 241 Cal.App.4th 1376, 1382, fn. 3; *In re L.S., Jr.* (2014) 230 Cal.App.4th 1183, 1196-1198; see also *Dwayne P. v. Superior Court* (2002) 103 Cal.App.4th 247, 257 [preferable to err on the side of examining thoroughly whether a juvenile is an Indian child].) Thus, under the above-quoted provisions of California law, the December 2015 phone conversation with Antwan gave DCFS (and the juvenile court, which received a report summarizing the call) "reason to know" the quadruplets were Indian children. (§ 224.3, subd. (b)(1).)

DCFS, however, disagrees with this conclusion. In the agency's view, the statements Antwan made to the investigator

were "too speculative and attenuated to give the Juvenile Court or DCFS reason to believe that ICWA notices to the Blackfeet Tribe were required . . . ." DCFS, however, is mistaken.

The cases DCFS cites to support its argument differ from this case in a critical respect; in each, the parent in question professed to possibly have Indian ancestry but could not (or did not) name a specific tribe believed to be the source of that ancestry. (*In re J.D.* (2010) 189 Cal.App.4th 118, 125 [information "too vague, attenuated and speculative" when paternal grandmother told DCFS, "'I can't say what tribe it is and I don't have any living relatives to provide any additional information. I was a little kid when my grandmother told me about our Native American ancestry but I just don't know which tribe it was'"]; *In re Hunter W.* (2011) 200 Cal.App.4th 1454, 1468 [no duty to inquire into ancestry where the mother stated she may have Indian heritage through two relatives but could not identify the particular tribe and did not mention any relative who could provide more information]; see also, e.g., *In re J.L.* (2017) 10 Cal.App.5th 913, 922-923; *In re Jeremiah G.* (2009) 172 Cal.App.4th 1514, 1516; *In re O.K.* (2003) 106 Cal.App.4th 152, 155.) By contrast, where, as here, a parent does identify a specific tribe, courts have routinely held the information provided by the parent gives rise to a "reason to know" the child in question may be an Indian child. (See, e.g., *In re Kadence P., supra,* 241 Cal.App.4th at pp. 1387-1388 ["[T]he maternal grandmother provided information . . . that she had Blackfeet ancestry through her maternal grandfather. Her identification of the tribe and articulated basis for this belief made that claim more than simply family lore and, even without further substantiation, was sufficient to trigger notice under ICWA and

state law"]; *In re Damian C.* (2009) 178 Cal.App.4th 192, 199; *In re Alice M.* (2008) 161 Cal.App.4th 1189, 1198-1200; *In re Dwayne P.* (2002) 103 Cal.App.4th 247, 257-258.)

Because DCFS "ha[d] reason to know" the quadruplets were Indian children, DCFS had an affirmative duty to inquire into Antwan's claim of Indian ancestry. (§ 224.3, subd. (c) ["If the court, social worker, or probation officer knows or has reason to know that an Indian child is involved, the social worker or probation officer is required to make further inquiry regarding the possible Indian status of the child . . ."]; Cal. Rules of Court, rule 5.481(a)(4)(A); *In re Breanna S.*, *supra*, 8 Cal.App.5th at p. 652; *In re Michael V.* (2016) 3 Cal.App.5th 225, 233 ["affirmative duty to inquire [into Indian ancestry] is triggered whenever the child protective agency or its social worker 'knows or has reason to know that an Indian child is or may be involved'"]; see also § 224.3, subd. (a) ["The court, county welfare department, and the probation department have an affirmative and continuing duty to inquire whether a child for whom a petition under [s]ection 300 . . . is to be, or has been, filed is or may be an Indian child in all dependency proceedings . . . if the child is at risk of entering foster care or is in foster care"].) DCFS satisfies its duty of inquiry "by[, among other things,] interviewing the parents, Indian custodian, and extended family members . . . ." (§ 224.3, subd. (c); see also Cal. Rules of Court, rule 5.481(a)(4)(A) [social worker must make further inquiry by "[i]nterviewing the parents . . . and 'extended family members' as defined in 25

United States Code sections 1901 and 1903(2)" to gather biographical information].[6])

The existence of "reason to know" the quadruplets were Indian children also gave rise to a concomitant duty to provide notice to the relevant tribe and federal government agencies. (§ 224.2, subd. (b) ["Notice shall be sent whenever it is known or there is reason to know that an Indian child is involved, and for every hearing thereafter . . ."]; but see *In re Michael V.*, *supra*, 3 Cal.App.5th at p. 235 [citing *In re Alice M.*, *supra*, 161 Cal.App.4th 1189 for the proposition that the duty to inquire is triggered by a lesser standard of certainty regarding a minor's Indian child status than is the duty to send notice to the relevant Indian tribe(s)].) Under California law, the notice provided must include, among other things, the name of the Indian child and "[a]ll names known of the Indian child's biological parents, grandparents, and great-grandparents . . . as well as their current and former addresses, birthdates, places of birth and death, tribal enrollment numbers, and any other identifying information, if known." (§ 224.2, subd. (a)(5)(C).)

At the time when the juvenile court adjudicated the quadruplets dependent children, DCFS had complied with neither its duty of inquiry nor its duty of notice with respect to

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[6] Under Title 25, United States Code, section 1903(2) "'extended family member' shall be as defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, shall be a person who has reached the age of eighteen and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent."

Antwan's claim of possible Indian ancestry.[7] It is undisputed that no ICWA notices had then been sent to the Blackfeet Tribe (although notices had been sent in connection with Mother's claim of Cherokee heritage). And with regard to DCFS's duty of inquiry, the efforts the agency had made were insufficient: a DCFS investigator inquired of Antwan directly, and he volunteered to fax documents (which he later did), but there is no evidence DCFS ever followed up to inform Antwan the documents he sent were unhelpful, to obtain contact information for family members who might have additional information, or even to merely confirm Antwan was unable or unwilling to provide any other information that could be used to shed light on whether the quadruplets were members of the Blackfeet Tribe or eligible for membership. (*In re Breanna S.*, *supra*, 8 Cal.App.5th at p. 652 [DCFS did not appropriately inquire, despite interviewing child's mother and grandmother, because neither were asked any questions about the grandmother's husband and DCFS made no effort to locate him]; *In re Michael V.*, *supra*, 3 Cal.App.5th at pp. 234-235 [DCFS's interview of the mother and review of its own records did not satisfy duty of inquiry where the mother stated her mother might have more information and was possibly living

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[7] That the juvenile court held a pre-hearing conference and invited objections from counsel before making its finding that ICWA did not apply is evidence of the court's conscientiousness, but it is immaterial to the disposition of the contention raised by Mother on appeal. (*In re Alice M.*, *supra*, 161 Cal.App.4th at pp. 1195-1196 [rejecting argument parent forfeited ICWA challenge by failing to object in the juvenile court]; *In re Michael V.*, *supra*, 3 Cal.App.5th at pp. 231, 236.)

in San Diego, which gave DCFS "at least a starting place for its inquiry"].)

While the documents we have made part of the record and judicially noticed indicate DCFS did send IWCA notice to the Blackfeet Tribe *after* the jurisdiction and disposition hearing, they include no evidence on which we can rely to declare the controversy moot. In particular, there is no indication in the documents that DCFS ever undertook any further inquiry into Antwan's statement of Indian ancestry after the earlier December 29, 2015, phone conversation. And the mere fact that notice to the Blackfeet Tribe was sent with negative results does not solve the problem because, in the absence of evidence DCFS complied with the duty of inquiry before sending the notice, the notice itself is defective. It included no information about Antwan's parents or grandparents, and there are repeated references in the notice to various aspects of the family history that were "[u]nknown." (*In re Breanna S.*, *supra*, 8 Cal.App.5th at pp. 651-652.) Indeed, the Blackfeet Tribe's response to the ICWA notice demonstrates why the state of DCFS's compliance with its duty of inquiry matters—the letter asked DCFS to contact the tribe again if DCFS was "able to gather more information on the ancestry of the parents."

B. Conditional Affirmance Is the Appropriate Remedy

Where the sole error found on appeal of a dependency court order is the failure to adequately investigate a child's Indian ancestry or to give notice in compliance with ICWA and related California law, the remedy ordered in prior cases has been a conditional affirmance of the order and a remand to the juvenile court with directions. (*In re Breanna S.*, *supra*, 8 Cal.App.5th at

p. 656; *In re Michael V.*, *supra*, 3 Cal.App.5th at p. 236; *In re Kadence P.*, *supra*, 241 Cal.App.4th at p. 1389.) That is the remedy we will order here, but we will tailor our directions in light of the possibility that DCFS may have discharged its duty of inquiry prior to sending ICWA notice to the Blackfeet Tribe but failed to provide documentation evidencing such compliance when moving to augment the record in this appeal.

On remand, the juvenile court shall review all reports prepared by DCFS to date and determine whether any demonstrate DCFS conducted a meaningful investigation into Antwan's claim of Indian ancestry prior to sending the ICWA notice to the Blackfeet Tribe. A meaningful investigation must comply with the provisions of section 224.3, subdivision (c) and California Rules of Court, rule 5.481(a)(4)(A), which means a social worker must have, at a minimum, (1) attempted to exhaust Antwan's own knowledge of any Blackfeet ancestry (which would require informing him that the papers previously faxed were insufficient for that purpose and asking him to conduct a new search), and (2) interviewed any of the quadruplets' "extended family members" on Antwan's side of the family that DCFS is aware of or that Antwan is able to identify as possibly having pertinent information (so long as DCFS has a starting place for its inquiry (*In re Michael V.*, *supra*, 3 Cal.App.5th at p. 235)). If DCFS's existing reports demonstrate DCFS undertook a meaningful inquiry into Antwan's claim of Indian heritage prior to sending IWCA notice to the Blackfeet Tribe, the juvenile court need only make a finding to that effect on the record or in a minute order.

If, however, there is no documentation that such an inquiry was undertaken by DCFS, the juvenile court shall order DCFS to

conduct such an inquiry and to submit evidence of the efforts it makes to inquire. If DCFS's inquiry produces any additional information tending to substantiate Antwan's claim of Indian ancestry, DCFS must re-notice the Blackfeet Tribe with the additional information included in the notice.[8] Upon receipt of the Blackfeet Tribe's response to any further ICWA notice that may be required, the juvenile court shall then determine whether the ICWA inquiry and notice requirements have been satisfied, and whether the quadruplets are Indian children. If the court finds the quadruplets are Indian children, the court shall vacate its existing jurisdiction findings and disposition order and proceed in compliance with ICWA and related California law. If the court finds the quadruplets are not Indian children, its jurisdiction findings and disposition order shall remain in effect.

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[8] If it does not, re-noticing is not required.

DISPOSITION

The juvenile court's disposition order is conditionally affirmed and the matter is remanded to the juvenile court for further proceedings consistent with this opinion.

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

BAKER, J.

We concur:

KRIEGLER, Acting P.J.

LANDIN, J.*

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