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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

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

B291165

(Los Angeles County
Super. Ct. No. 18CCJP01428A)

LOS ANGELES COUNTY
DEPARTMENT OF CHILDREN
AND FAMILY SERVICES,

Plaintiff and Respondent,

v.

D.M.,

Defendant and Appellant.

APPEAL from orders of the Superior Court of Los Angeles County, Pete R. Navarro, Juvenile Court Referee. Conditionally affirmed and remanded with directions.

Judy Weissberg-Ortiz, under appointment by the Court of Appeal, for Defendant and Appellant.

Office of County Counsel, Mary C. Wickham, County Counsel, Kristine P. Miles, Assistant County Counsel, and Jessica S. Mitchell, Deputy County Counsel, for Plaintiff and Respondent.

Charles Aghoian and Jennifer Lorson for the Minor.

D.M. (Father) appeals juvenile court jurisdiction findings and disposition order concerning his son M.M. (Minor) pursuant to Welfare and Institutions Code section 395. Father contends the juvenile court erred when it determined the Los Angeles County Department of Children and Family Services (DCFS) satisfied its inquiry and notice obligations under the Indian Child Welfare Act (ICWA) and related California law in connection with A.M.'s (Mother's) claim of Agua Caliente Indian heritage. Father, DCFS, and Minor have stipulated a limited remand to the juvenile court to permit proper compliance with ICWA and related California provisions. We accept the parties' stipulation.

Our ability to accept a stipulated remand 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 because the parties agree, and we concur, there was noncompliance with ICWA and related California provisions. (*In re Michael V.* (2016) 3 Cal.App.5th 225, 235-236; see also *In re K.R.* (2018) 20 Cal.App.5th 701, 706-709.) Because this case would be subject to reversal to permit compliance with ICWA and corresponding California statutes and rules absent the parties' stipulation, a stipulated remand 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 remand 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 May 3, 2018, jurisdiction findings and July 3, 2018, disposition order are conditionally affirmed, and the matter is remanded to the juvenile court for the limited purpose of demonstrating full compliance with ICWA and related California law.

The juvenile court is directed to order DCFS to investigate Mother's claim of Indian heritage and to comply with notice requirements set forth in ICWA and corresponding California statutes. If proper investigation and notice is found to have been undertaken (to include efforts to interview the maternal grandfather and the maternal great-aunt and re-noticing of the pertinent tribe(s) and Interior Department personnel if appropriate), and if no tribe indicates Minor is an Indian child, the jurisdiction findings and disposition order shall stand. 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, Acting P. J.

We concur:

MOOR, J.

KIM, J.