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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

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

B300258

(Los Angeles County
Super. Ct. No. DK15577D)

LOS ANGELES COUNTY
DEPARTMENT OF CHILDREN
AND FAMILY SERVICES,

Plaintiff and Respondent,

v.

K.W.,

Defendant and Appellant.

APPEAL from an order of the Superior Court of Los Angeles County, Kim L. Nguyen, Judge. Conditionally reversed and remanded with directions.

Megan Turkat Schirn, 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 Veronica Randazzo, Deputy County Counsel, for Plaintiff and Respondent.

Matthew Ross Felder and Stacie Hendrix for the Minor.

K.W. (Mother) appeals from a juvenile court order terminating her parental rights over A.M. (Minor) pursuant to Welfare and Institutions Code section 366.26. Mother 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 Mother's claim of possible Indian heritage. Mother, DCFS, and Minor have stipulated to a limited reversal and a remand to the juvenile court to permit proper compliance with ICWA and related California law. We accept the parties' stipulation.

Our ability to accept a stipulated reversal and 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 August 27, 2019, order terminating Mother's parental rights is conditionally reversed 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 re-appoint counsel for Mother and order DCFS to investigate Mother's claim of Indian heritage and comply with notice requirements set forth in ICWA and corresponding California statutes. If proper investigation (to include efforts to interview Mother and all available maternal relatives regarding the claim of Indian heritage) and proper notice (to include a response to the requests for further information from the Cherokee Nation) is found to have been undertaken, and if no tribe indicates Minor is an Indian child, the juvenile court shall reinstate the termination of parental rights order. 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.