Filed 10/29/19 In re O.L. 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NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS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 O.L., a Person Coming Under the Juvenile Court Law.	B296732 (Los Angeles County Super. Ct. No. DK20180A)
LOS ANGELES COUNTY DEPARTMENT OF CHILDREN AND FAMILY SERVICES, Plaintiff and Respondent, v. S.C., Defendant and Appellant.	

APPEAL from an order of the Superior Court of the County of Los Angeles, D. Brett Bianco, Judge. Conditionally reversed and remanded with directions.

Elizabeth Klippi, under appointment by the Court of Appeal, for Defendant and Appellant.

Office of the County Counsel, Mary C. Wickham, County Counsel, Kristine P. Miles, Assistant County Counsel, and Kim Nemoy, Deputy County Counsel, for Plaintiff and Respondent.

I. INTRODUCTION

S.C. (mother) appeals from an order terminating her parental rights after she failed to reunify with her infant daughter, O.L. Mother contends the Department of Children and Family Services (the Department) failed to perform its duties of inquiry and notice under the federal Indian Child Welfare Act (ICWA; 25 U.S.C. § 1901 et seq.) and that the order terminating her parental rights must therefore be reversed for strict compliance with ICWA. We conditionally reverse and remand with directions to comply with ICWA notice requirements.

II. FACTUAL AND PROCEDURAL BACKGROUND

A. *Summary of Dependency Proceedings*

On October 28, 2016, the Department obtained a removal order from the juvenile court authorizing the removal of eight-month-old O.L. from her parents. On November 2, 2016, the Department filed a Welfare and Institutions Code section 300[1] petition alleging, among other things, that O.L. was at risk of

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[1] All further statutory references are to the Welfare and Institutions Code, unless otherwise indicated.

serious physical harm based on: (1) a "violent altercation" between mother and the child's maternal grandfather, Miguel A., Jr., during which mother pushed him; (2) mother leaving O.L. with her maternal grandparents without an adequate plan for the child's care and supervision; and (3) substance abuse by O.L.'s father, M.L.[2] At the detention hearing, conducted that same date, the juvenile court found that the Department had made a prima facie showing that O.L. was a person described in section 300. The court detained O.L. and placed her in shelter care.[3]

Following several continuances discussed below, the juvenile court held an adjudication hearing on November 7, 2017, at which the parents pleaded no contest.

On January 10, 2018, the juvenile court held a dispositional hearing at which the court declared O.L. to be a dependent of the court, removed her from the custody of her parents, and ordered suitable placement under the supervision of the Department. The court ordered reunification services for the parents and monitored visitation with O.L.

Following review hearings in July and August 2018, the juvenile court held a review hearing on September 10, 2018, to assess the parents' progress in reunifying with O.L. The court terminated reunification services over mother's objection and

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[2] In January 2017, the Department amended the petition to allege mother's current methamphetamine use.

[3] On October 28, 2016, prior to the detention hearing, the Department placed O.L. in the foster home of Diana T., where she apparently remained during the pendency of the juvenile court proceedings.

ordered the matter set for a section 366.26 permanency planning hearing on January 7, 2019.

On January 7, 2019, the juvenile court continued the section 366.26 hearing until March 11, 2019. On that date, the court found that O.L. was adoptable, the parents had not maintained regular visitation or established a bond with the child, and the benefits of adoption outweighed any benefit the child might derive from a continued relationship with her parents. The court therefore terminated parental rights and approved O.L.'s current caretaker, Diana T., as the prospective adoptive parent, indicating that the Department would likely finalize the adoption by September 9, 2019.

B. *ICWA Proceedings*

In a November 2, 2016, detention report, the Department reported that when a social worker asked mother about American Indian ancestry, she denied any knowledge of such ancestry. But, in connection with the November 2, 2016, detention hearing, mother filed an ICWA-020 form indicating that she "may have Indian ancestry. Cherokee." At the detention hearing, the juvenile court found that mother "may have Cherokee in her background," but that there was "no reason to know this [was an ICWA] case as to [O.L.'s father]." The court therefore ordered the Department to "follow-up with any [ICWA] issues or notices."

In a January 23, 2017, jurisdiction/disposition report, a dependency investigator reported that he had been unable to interview mother about her Indian heritage because she had been unavailable and uncooperative. Accordingly, at the January 23, 2017, jurisdiction/disposition hearing, the juvenile

court ordered the Department to "follow-up with [mother]" and provide a further report that included an interview with mother and compliance with ICWA.

On January 23, 2017, a dependency investigator contacted and spoke with maternal grandmother, Christina D., who stated that mother had American Indian heritage based on her "paternal[4] grandfather's side of [the] family. I just know it was some kind, but they're not part of it."

On March 15, 2017, and March 20, 2017, the investigator called mother's phone number in order to interview her about possible American Indian heritage and left voice mail messages asking that mother return the call. As of April 3, 2017, however, mother had not returned the phone calls. Also on March 20, 2017, the investigator called mother's significant other's telephone number and heard a recording that the number could not accept calls at that time. The Department advised the juvenile court that because of mother's unresponsiveness, it had not completed providing notice under ICWA, but would continue its ICWA investigation.

At the April 3, 2017, status review hearing, the juvenile court observed that the Department had not complied with its notice and inquiry requirements and therefore continued the matter to June 27, 2017.

On May 1, 2017, a dependency investigator finally interviewed mother, who confirmed that her family background may include American Indian heritage: "'I remember my (paternal) grandpa told me, it might be Cherokee. I remember

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4 In context, it appears Christina D. was referring to *mother's* paternal grandfather, Miguel A., Sr., who is O.L.'s *maternal great*-grandfather.

my grandpa told me.'" Mother then provided the following demographic information, to the best of her ability: The name of O.L.'s "paternal" great-grandmother (Joanne A.), her telephone number, and advice that her date of birth (dob), place of birth (pob), and date of death (dod) were unknown. The name of O.L.'s "paternal" great-grandfather (Miguel A., Sr.), and advice that his dob, pob, and dod were unknown. The name of O.L.'s "paternal" great-great-grandfather (Ralph A.), advice that his dob, pob, and dod were unknown, and the place of death—Sylmar, California. Although the report described these relatives as O.L.'s paternal relatives, in context, it is clear that they were O.L.'s maternal relatives as there is no indication that O.L.'s father claimed American Indian heritage.

On May 5, 2017, and June 7, 2017, the dependency investigator attempted to speak with and interview Joanne A. by telephone. Joanne A. returned the investigator's call on June 8, 2017, and left the following message: "'As far as Native Indian, there may be some in our family but they are not registered. I know that they need to be registered to be accepted and that's all I know because my father-in-law [presumably Ralph A.] tried to do that in Redding, California, and without that registration, it's not accepted. I believe it was Yaqui Indian.'"

On June 12, 2017, the investigator called Joanne A. back and left her another detailed voice message, requesting specific demographic information regarding her family. By June 27, 2017, Joanne A. had not returned the investigator's phone call.

At the June 27, 2017, hearing, the juvenile court continued adjudication and disposition to September 20, 2017, and ordered the "Department to submit its [ICWA-020 form] confirmation, the

certified cards from [the] U.S. Post Office, and any other proof of mailing for [ICWA] findings for the September 20th hearing."

On July 13, 2017, the Department mailed an ICWA-030 form to the Secretary of the Interior, the Bureau of Indian Affairs, the United Keetoowah Band of Cherokee Indians, the Eastern Band of Cherokee Indians, the Cherokee Nation, and the Pascua Yaqui Tribal Council. That form contained the following information: O.L.'s name, dob, and pob; mother's name, current address, dob, and pob; maternal grandmother's name (Christina D.), current address, dob, and pob; maternal grandfather's name (Miguel A., Jr.), current address, but no dob or pob; maternal great-grandmother's name (Joanne A.), but no current or former address, dob, or pob; and maternal great-grandfather's name (Miguel A., Sr.), but no current or former address, dob, dod, or pob.

The ICWA-030 form stated that mother claimed "that there may be American Indian heritage in her family's background," that the tribes associated with mother "might be" Cherokee, and that the "paternal" great-grandmother, Joanne A., reported that her father-in-law (Ralph A.) was Yaqui Indian, but had not successfully registered with that tribe. The form further stated that father was unknown, as was any tribe or band affiliated with him.[5]

In a September 20, 2017, interim review report, the Department reported that all of the noticed tribes, except the Cherokee Nation, replied that, based on the information supplied, O.L. was not a member of any of those tribes.

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[5] The child's father, M.L., was not unknown. Mother does not raise any argument regarding this error.

In a November 7, 2017, supplemental report, the Department reported that all four noticed tribes, including the Cherokee Nation, had now responded to the ICWA-030 form notice. The Cherokee Nation, like the other three tribes, advised that O.L. was not a member of that tribe.

At the November 7, 2017, adjudication hearing, the juvenile court concluded that there was no reason to know O.L. was an Indian child. Therefore, the court did not order further notice to any tribe or the Bureau of Indian Affairs. But the court ordered the parents to keep the Department, their attorneys, and the court informed of any new information relating to possible ICWA status. Mother did not object at the jurisdictional hearing to the court's ICWA determination and did not timely appeal, on that or any other ground, from the court's order sustaining the section 300 petition.

Instead, on March 13, 2019, following the juvenile court's order terminating her parental rights, mother filed a notice of appeal from that later order.[6]

III. DISCUSSION

A. *ICWA*

Pursuant to ICWA, "[i]n any involuntary proceeding in a State court, where the court knows or has reason to know that an

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[6] In support of her contention that the juvenile court's November 7, 2017, ICWA finding can be challenged in an appeal from a later order terminating parental rights, mother cites the Supreme Court's decision in *In re Isaiah W.* (2016) 1 Cal.5th 1, 5.) The Department does not challenge appealability.

Indian child is involved, the party seeking . . . termination of parental rights to[] an Indian child shall notify the parent or Indian custodian and the Indian child's tribe" of the pending proceedings and its right to intervene. (25 U.S.C. § 1912(a); *In re Isaiah W., supra,* 1 Cal.5th at p. 8.) "As the Supreme Court recently explained, notice to Indian tribes is central to effectuating ICWA's purpose, enabling a tribe to determine whether the child involved in a dependency proceeding is an Indian child and, if so, whether to intervene in or exercise jurisdiction over the matter. (*In re Isaiah W.*, *supra*, 1 Cal.5th at pp. 8[-]9.)" (*In re Michael V.* (2016) 3 Cal.App.5th 225, 232.)

"We review the trial court's findings whether proper notice was given under ICWA and whether ICWA applies to the proceedings for substantial evidence. (*In re Christian P.* (2012) 208 Cal.App.4th 437, 451 . . . .) Deficiencies in ICWA inquiry and notice may be deemed harmless error when, even if proper notice had been given, the child would not have been found to be an Indian child. (*In re E.W.* (2009) 170 Cal.App.4th 396, 402 . . . ; *In re S.B.* (2005) 130 Cal.App.4th 1148, 1162 . . . .)" (*In re D.N.* (2013) 218 Cal.App.4th 1246, 1251.)

B. *Adequate Inquiry*

"The Department, as well as the court, has an affirmative obligation 'to make further inquiry regarding the possible Indian status of the child, and to do so as soon as practicable by interviewing the parents, Indian custodian, and extended family members' (§ 224.3, subd. (c); see Cal. Rules of Court, rule 5.481(a)(4)(A)) if 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); see Cal. Rules of Court, rule 5.481(a)(5)(A))." (*In re Michael V., supra*, 3 Cal.App.5th at p. 235.) When a parent claims possible Indian ancestry, the Department must ask a parent's siblings and other extended family members about such ancestry. (*Ibid.*; *In re Andrew S.* (2016) 2 Cal.App.5th 536, 545; see 25 U.S.C. § 1903(2) ["'extended family member'" includes the Indian child's grandparents, aunts or uncles, siblings, brother-in-law or sister-in-law, niece or nephew, first or second cousins, and stepparents].)

Mother contends that the Department's inquiry into O.L.'s Indian ancestry was inadequate in at least three respects. First, she maintains that the Department should have interviewed the maternal grandfather, Miguel A., Jr. (mother's father), about his family's Indian ancestry because he was directly involved at the outset in the incidents that resulted in these dependency proceedings. Mother also claims that the Department should have interviewed the maternal great-grandfather, Miguel A., Sr., as he was the relative that purportedly had Indian ancestry. And mother faults the Department for failing to follow-up with the maternal great-grandmother, Joanne A., after she left the voice message advising about the maternal great-great-grandfather, Ralph A., and his possible Yaqui Indian heritage.

Mother's arguments concerning the inadequacy of the Department's inquiry ignore other evidence in the record showing the Department's year-long efforts to obtain as much information about the family's Indian ancestry as was reasonably known. For example, in the initial November 2016 detention report, mother

denied *any knowledge* of Indian ancestry; and, although she then submitted an ICWA-020 form at the detention hearing that claimed possible Cherokee ancestry, she did not specify that it was on her father's side (Miguel A., Jr.). Moreover, the Department was unable to interview her about that claim prior to the January 23, 2017, jurisdiction/disposition report due to her "uncooperative behavior." It was not until late January 2017, when the Department was finally able to interview the maternal grandmother, Christina D., that it learned the family's potential Indian heritage was from the maternal grandfather's side (Miguel A., Jr.); but even then, she asserted that "they're [i.e., the grandfather's family were] not part of it [i.e., the tribe]." Thus, from the outset of the Department's inquiry, the family was uncooperative and provided, at best, vague information on whether any of O.L.'s maternal ancestors were members of a tribe.

Moreover, the record also reflects that the juvenile court repeatedly continued the jurisdictional proceedings, in part, to allow the Department to further inquire about O.L.'s ancestry from reasonably available sources. And, following each continuance, the Department reported on the progress of its ongoing inquiry and provided the court with any further identifying information it was able to obtain.

As for the Department's failure to interview Miguel A., Jr., about his possible Indian ancestry, the record reflects that he was only involved with the family at the outset of the dependency proceedings, prior to the issue of his family's Indian heritage being raised. He was initially interviewed by the Department on or about September 20, 2016, and provided, among other things, his date of birth. He was then interviewed again on or about

October 26, 2016, regarding his altercation with mother, well *prior* to the Department having any reliable information about his family's potential Indian heritage. But, there is no indication in the record that he was available to be interviewed *after* the Department began gathering information about his family. To the contrary, mother reported that he was not part of her life growing up, that he had only recently "re-entered" her life, and that she was a "*temporary* caretaker of her father ([O.L.'s] maternal grandfather)," who "'used to use cocaine and also . . . use[] weed.'" (Italics added.) That evidence, when read in a light most favorable to the juvenile court's ICWA inquiry determination, did not support an inference that Miguel A., Jr., was reasonably available to be interviewed once the Department had obtained enough information about his family to warrant such an interview.

Mother's complaints about the Department's failure to interview Miguel A., Sr., are similarly flawed. According to mother, if the Department had interviewed Miguel A., Jr., it may have obtained contact information for Miguel A., Sr., upon which it could have acted. But, as explained, the record does not support an inference that Miguel A., Jr., was reasonably available for interview beyond the initial stages of the proceedings. Thus, there is nothing to suggest that contact information for Miguel A., Sr. would have been reasonably available to the Department through Miguel A., Jr. To the contrary, it appears that the maternal grandmother, Christina D., provided contact information about Miguel A., Sr.'s, wife, Joanne A., but not for him—a fact that suggests Christina D. did not know how to contact Miguel A., Sr. And, as explained below, the Department immediately followed up on

Joanne A.'s contact information by leaving voice messages and eventually received a reply voice message from her conveying certain other substantive information, but no contact information about her own husband, Miguel A., Sr.

Mother's assertion that the Department failed to adequately follow-up with Joanne A. is also unsupported by the record. As noted, the Department called Joanne A. upon learning her telephone number from mother. Joanne A., however, did not return that call. The Department made a second call to Joanne A. a month later and, the next day, she left a message explaining that "'there may be some [Indian ancestry] in our family but they are not registered [with the tribe].'" Joanne A. further explained that her father-in-law (presumably Ralph A.) had attempted to register with the Yaqui tribe, but had been unsuccessful. Based on that information, the Department called Joanne A. back yet again, leaving "another detailed voice message," but she failed to return that call. Thus, contrary to mother's assertion, the facts concerning the Department's efforts to contact and obtain further information from Joanne A. supported an inference that it acted with reasonable diligence in attempting to interview her.

Based upon our review of the record concerning the Department's inquiry efforts, we conclude that substantial evidence supported the juvenile court's finding that the Department's inquiry was adequate under ICWA.

C. *Inadequate Notice*

The Department also has an obligation to provide sufficient notice to Indian tribes. Pursuant to former section 224.2,

subdivision (a)(3),[7] "[i]f the court, a social worker, or probation officer knows or has reason to know that an Indian child is involved . . . [n]otice shall be sent to all tribes of which the child may be a member or eligible for membership." Notice shall include: "[a]ll names known of the Indian child's biological parents, grandparents, and great-grandparents, or Indian custodians, including maiden, married and former names or aliases, as well as their current and former addresses, birthdates, places of birth and death, tribal enrollment numbers, and any other identifying information, if known." (Former § 224.2, subd. (a)(5)(C); § 224.3, subd. (a)(5)(C).)

ICWA inquiry and notice requirements are strictly construed. (*In re A.G.* (2012) 204 Cal.App.4th 1390, 1397; *In re Robert A.* (2007) 147 Cal.App.4th 982, 989.) A notice that contains errors and omissions may preclude a tribe from conducting a meaningful search to determine a child's heritage. (*In re Louis S.* (2004) 117 Cal.App.4th 622, 631.) Courts have "'published repeatedly to emphasize the importance of ICWA notice compliance' and . . . when failing to assure compliance, [the Department] and the juvenile courts 'face the strong likelihood of reversal on appeal . . . .' [Citation.]" (*In re Antoinette S.* (2002) 104 Cal.App.4th 1401, 1411.)

Mother maintains that the notices sent to the tribes and governmental agencies did not comply with the requirements of ICWA because they "were devoid of important identifying biographical information," such that it was likely they adversely

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[7] Former section 224.2 governing ICWA notice was repealed by statute in 2018 and re-codified at section 224.3. (Stats. 2018, ch. 833, §§ 4, 7.) That recodification does not affect the issues in this appeal.

affected the tribes' determinations of whether O.L. was an Indian child. Specifically, mother complains about: the omission of *former* addresses for mother and Christina D.; the omission of Miguel A., Jr.'s aliases, former address, dob, and pob; the omission of the dob, pob, aliases, and current and former addresses for Joanne A.; the omission of the dob, pob, and current and former addresses for Miguel A., Sr., as well as the omission of any information about the other three maternal great-grandparents; and the misidentification of Ralph A. as O.L.'s. *paternal* great-great-grandfather and the omission of his former address, dob, pob, and dod. According to mother, these perceived deficiencies rendered the ICWA notices inadequate.

As an initial matter, many of the notice deficiencies about which mother complains concern information that was not reasonably available to the Department at the time the notices to the tribes were sent. As explained above, the Department's inquiry efforts to obtain as much information on the ICWA issue as was reasonably available were diligent and adequate under the circumstances, including the family's initial lack of cooperation and subsequent failures to respond to the Department's attempts to follow-up.

Moreover, even as to the omission of certain available information, we conclude that all but one of the remaining notice violations identified in mother's appeal constitute harmless error. Therefore, the Department cannot be faulted for omitting information that was not available to it after reasonable inquiry. Mother's complaints concerning *her former* address and the *former* address of Christina D. ignore the facts that their current addresses were listed, they had both been interviewed, and they both provided substantive information about O.L.'s ancestry.

Thus, it is unclear how their *former* addresses would have potentially aided the tribes in making their respective Indian child determinations based on the known information provided.

In addition, and as noted, Joanne A.—who was not alleged to have any Indian heritage—was contacted by the Department based on the phone number provided by mother and provided information about the Indian heritage of both Miguel A., Sr., and Ralph A. Thus, the significance of her former or current addresses to the tribes' ancestry determinations about those two male ancestors of O.L. is unclear.

As to mother's complaint that the notice incorrectly identified Ralph A. as the *paternal* great-great-grandfather of O.L., rather than as her *maternal* great-great-grandfather, we conclude that in context, Ralph A.'s relationship to O.L. was clear. Not only was the surname listed on the notices for Ralph A. the same surname as listed for Miguel A., Sr., Joanne A., and Miguel A., Jr., who were clearly identified as the maternal great-grandfather, great-grandmother, and grandfather, he was also described in the notices as Joanne A.'s father in-law, a reference that clearly identified him as Miguel A., Sr.'s, father and Miguel A., Jr.'s grandfather. Moreover, the notice specified that it was O.L.'s mother (not father) who claimed Indian heritage. It is therefore unreasonable to conclude that the tribes would have been misled by the reference to him in the notices as O.L.'s *paternal* great-great-grandfather. Reversal or remand for these errors would "exalt form over substance" because it is apparent that none of the interviewed family members could provide any more useful information. (*In re Antoinette S., supra,* 104 Cal.App.4th at p. 1413.)

We have a different view, however, as to the Department's failure to include Miguel A., Jr.'s birthdate in the notices. The birthdate was known to the Department as it was included in the Department's November 2, 2016, detention report, but was nevertheless listed as "unknown" in the notice.

The Department argues that any error in omitting Miguel A., Jr.'s birthdate was not "fatal" because his Indian heritage was adequately traced to his ancestors, Miguel A., Sr., and Ralph A. The Department's argument would be more persuasive if the notice had listed any of the following information for Miguel A., Sr. and Ralph A.: current and former addresses, dob, pob, or pod. Although we conclude that the Department conducted a sufficient inquiry, the information provided in the notice was nonetheless necessarily limited, and we cannot conclude on this record that the additional omission of Miguel A., Jr.'s, known birthdate was harmless error. (*In re Louis S.*, *supra*, 117 Cal.App.4th at p. 631.)[8]

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[8] Mother additionally complains that the notice was inadequate because it did not include Miguel A., Jr.'s former address. We conclude this argument has no merit as it included Miguel A., Jr.'s current address and mother fails to articulate how adding a former address would have resulted in a different result.

IV. DISPOSITION

The order terminating parental rights is conditionally reversed and remanded for the sole purpose of further ICWA notice compliance. The juvenile court is directed to ensure that proper notice is given under ICWA by, at a minimum, providing notice of Miguel A., Jr.'s birthdate, as well as correcting any other defects the court deems appropriate. If, after receiving adequate notice, no tribe or government agency intervenes, the juvenile court shall reinstate the order.

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

KIM, J.

I concur:

RUBIN, P. J.

In re O.L.
B296732

BAKER, J., Concurring in Part and Dissenting in Part

I agree a remand to the juvenile court for compliance with ICWA and related California law is required. I disagree, however, with the scope of the remand ordered by the majority, which is too narrow.

The record indicates the juvenile court was well aware of its ICWA-related obligations and repeatedly asked the Department of Children and Family Services (DCFS) to undertake further ICWA-related investigation. The record also establishes DCFS did undertake some further investigation as prompted by the court. The problem, however, is that DCFS's investigation was incomplete and did not include efforts to inquire with family members likely (and perhaps most likely) to have information relevant to whether the minor O.L. had Indian heritage—specifically, the maternal grandfather (whom DCFS interviewed, just not about Indian heritage) and the maternal great-grandfather (if still living—DCFS's reports do not say). DCFS also could have tried more than once to contact the maternal great-grandmother after an initial exchange of voicemails. Although I acknowledge DCFS is not required to "cast about" for information (*In re Levi U.* (2000) 78 Cal.App.4th 191, 199), I am convinced that on this record our disposition should include directions to order DCFS to remedy these defects

in the ICWA inquiry it undertook. (§ 224.3, subd. (c); Cal. Rules of Court, rule 5.481(a)(4)(A); see also *In re N.G.* (2018) 27 Cal.App.5th 474, 482; *In re K.R.* (2018) 20 Cal.App.5th 701, 708; *In re Breanna S.* (2017) 8 Cal.App.5th 636, 652; *In re Michael V.* (2016) 3 Cal.App.5th 225, 236 ["It was not the paternal great-aunt's obligation to speak up; it was the Department's obligation to inquire . . ."].)

In addition to ordering further inquiry, I would direct the juvenile court to order DCFS to redo entirely the notices to be sent to the pertinent tribes. Significant identifying information was missing on the notices DCFS sent out, as DCFS itself even conceded in one of its reports to the juvenile court. If, as the majority agrees, re-noticing of the tribes must occur because the maternal grandfather's date of birth was missing, we might as well order the noticing done right. (*In re Francisco W.* (2006) 139 Cal.App.4th 695, 703 ["ICWA notice requirements are strictly construed. [¶] . . . [¶] Notice to the tribe must include available information about the maternal and paternal grandparents and great-grandparents, including maiden, married and former names or aliases; birthdates; place of birth and death; current and former addresses; tribal enrollment numbers; and other identifying data"].)

BAKER, J.