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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

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

B240365
(Los Angeles County
Super. Ct. No. CK88238)

LOS ANGELES COUNTY
DEPARTMENT OF CHILDREN AND
FAMILY SERVICES,

Plaintiff and Respondent,

v.

KATHLEEN B.,

Defendant and Appellant.

APPEAL from orders of the Superior Court of Los Angeles County.

Donna Levin, Juvenile Court Referee. Affirmed.

Roni Keller, under appointment by the Court of Appeal, for Defendant and Appellant.

John F. Krattli, County Counsel, James M. Owens, Assistant County Counsel, Tracey F. Dodds, Principal Deputy County Counsel, for Plaintiff and Respondent.

Kathleen B. appeals from the orders made under the Welfare and Institutions Code,¹ in the dependency proceeding concerning her son, Edward W. We affirm.

Facts

This appeal raises a single issue, one concerning the notice requirements of the Indian Child Welfare Act. Our summary of the facts is limited to those facts which are relevant to that issue.

The section 300 petition in this case was filed in June of 2011. Mother filled out the Parental Notification of Indian Status form by checking a box for "I may have Indian ancestry," with an additional hand-written notation "MGF Raymond [illegible] Walters." Mother specified Navajo as the name of the tribe, and wrote "unknown," when asked the name of the band.

At the detention hearing, the court inquired of her, asking ". . . the Navajo background -- who is this through?" Mother answered, "I have no idea," then added, "Oh, my father." In response to the court's further inquiry, Mother said that she did not know whether her father was registered or enrolled with the tribe; did not know whether he was alive; had only met him once, when she was 17; had no phone number for him and no contact information of any other kind; and knew no one who was in touch with him. The court found that there was no "reason to know" that Edward was an Indian child, and found that the ICWA did not apply, but instructed Mother to give the social worker any additional information she might obtain.

Shortly thereafter, the social worker sought to interview Mother about her family. Mother contradicted what she told the court, by saying that she had lived with both her parents in Missouri from the time she was born, in 1963, until they all moved to California in 1973. She refused to give the social workers their names, or any details

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

concerning their relationship. She also told the social worker that she was the second youngest of eight siblings, but refused to give the social worker their names.

The case proceeded. Edward was detained and placed with a paternal cousin, jurisdiction was asserted and reunification services ordered. On March 29, at a six-month review hearing, the court found that continued jurisdiction was necessary, and made further orders concerning visits and similar matters. This appeal followed.

Discussion

"The ICWA is designed to protect the interests of Indian children, and to promote the stability and security of Indian tribes and families. It sets forth the manner in which a tribe may obtain jurisdiction over proceedings involving the custody of an Indian child, and the manner in which a tribe may intervene in state court proceedings involving child custody. When the dependency court has reason to believe a child is an Indian child within the meaning of [ICWA], notice on a prescribed form must be given to the proper tribe or to the Bureau of Indian Affairs [BIA], and the notice must be sent by registered mail, return receipt requested." (*In re Elizabeth W.* (2004) 120 Cal.App.4th 900, 906.)

Mother's contention on appeal is that her statements gave the court "reason to believe" that Edward was an Indian child, so that notices should have been sent.

"'Indian child' means 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).)

Under section 224.3, subdivision (b), "The circumstances that may provide reason to know the child is an Indian child include, but are not limited to, the following: [¶]

(1) A person having an interest in the child, including . . . a member of the child's extended family 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."

Further, "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, and to do so as soon as practicable, by interviewing the parents, Indian custodian, and extended family members to gather the information required in paragraph (5) of subdivision (a) of Section 224.2, contacting the Bureau of Indian Affairs and the State Department of Social Services for assistance in identifying the names and contact information of the tribes in which the child may be a member or eligible for membership in and contacting the tribes and any other person that reasonably can be expected to have information regarding the child's membership status or eligibility." (§ 224.3, subd. (c).)

Here, Mother's statement was only that she might have Indian ancestry, through her father. She did not "suggest" that her father was a member of the tribe or was eligible for membership, and she did not "provide information." Instead, she told the court that she had no information and could not get any. This is further confused by the fact that she seems to have given contradictory information about her father to the social worker, and refused to give the social worker information that could have helped the social worker in a further inquiry. We cannot see that Mother's statement triggered a duty to notify, or indeed to make further inquiry. (*In re S.B.* (2005) 130 Cal.App.4th 1148, 1161.)

Disposition

The appealed-from orders are affirmed.

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ARMSTRONG, Acting P. J.

We concur:

MOSK, J.

KRIEGLER, J.