

Filed 7/19/17 In re Ruben M. CA2/5

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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

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

B282139

(Los Angeles County
Super. Ct. No. DK10999)

LOS ANGELES COUNTY
DEPARTMENT OF CHILDREN
AND FAMILY SERVICES,

Plaintiff and Respondent,

v.

M.G. and R.M.,

Defendants and Appellants.

APPEAL from an order of the Superior Court of Los Angeles County, Julie Fox Blackshaw, Judge. Reversed and remanded with directions.

Maureen L. Keaney, under appointment by the Court of Appeal, for Defendant and Appellant M.G.

Konrad S. Lee, under appointment by the Court of Appeal,
for Defendant and Appellant R.M.

Mary C. Wickham, County Counsel, R. Keith Davis,
Assistant County Counsel, and David Michael Miller, Deputy
County Counsel, for Plaintiff and Respondent.

Cecilia Woodard for the Minor.

M.G. (Mother) and R.M. (Father) appeal from a juvenile court order terminating their parental rights over their child Ruben M. (Minor) pursuant to Welfare and Institutions Code section 366.26. Mother and Father contend the juvenile court erred when it determined the Indian Child Welfare Act (ICWA) and related California statutes did not apply despite Father's claim of Apache heritage. The parents, along with the Los Angeles County Department of Children and Family Services (DCFS) and Minor, have stipulated to a limited reversal of the parental rights termination order to allow compliance with ICWA and related California provisions. We accept the parties' stipulation.

Our ability to accept a stipulated reversal 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 Marinna J.* (2001) 90 Cal.App.4th 731, 736-740; *In re Desiree F.* (2000) 83 Cal.App.4th 460, 471-472.) Because this case would be subject to reversal to permit compliance with ICWA and corresponding California statutes absent the parties' stipulation, a stipulated reversal 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 reversal 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 April 14, 2017, order terminating Mother and Father's parental rights is 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 order DCFS to investigate Father'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 undertaken and no tribe indicates Minor is an Indian child, the termination of parental rights order is to be reinstated. 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, J.

We concur:

KRIEGLER, Acting P.J. DUNNING, J*

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