

**NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS**

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

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

B290872

(Los Angeles County  
Super. Ct. No. DK17386A)

LOS ANGELES COUNTY  
DEPARTMENT OF CHILDREN  
AND FAMILY SERVICES,

Plaintiff and Respondent,

v.

L.W.,

Defendant and Appellant.

APPEAL from an order of the Superior Court of Los Angeles County, Philip Soto, Judge. Conditionally affirmed and remanded with directions.

Daniel G. Rooney, under appointment by the Court of Appeal, for Defendant and Appellant L.W.

Office of County Counsel, Mary C. Wickham, County Counsel, Kristine P. Miles, Acting Assistant County Counsel, and Veronica Randazzo, Deputy County Counsel, for Plaintiff and Respondent.

Deborah L. Robinson for the Minor.

L.W. (Father) appeals from a juvenile court order terminating his parental rights over minor H.W. (Minor) pursuant to Welfare and Institutions Code section 366.26. Father contends 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 Cherokee heritage. Father, the Los Angeles County Department of Children and Family Services (DCFS), and Minor have stipulated to a conditional affirmance of the parental rights termination order with a remand to allow 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 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 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 June 21, 2018, order terminating Father's parental rights is 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 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 (to include an interview of paternal grandmother and paternal cousin and re-noticing of the pertinent tribes and Interior Department personnel if appropriate), and if no tribe indicates Minor is an Indian child, the termination of parental rights 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.

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

BAKER, Acting P. J.

We concur:

MOOR, J.

KIM, J.