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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

In re J.S., A Minor Coming Under  
the Juvenile Court Law.

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LOS ANGELES COUNTY  
DEPARTMENT OF CHILDREN  
AND FAMILY SERVICES,

Plaintiff and Respondent,

v.

M.C.,

Defendant and Appellant.

B293848

(Los Angeles County  
Super. Ct. No. DK07561)

APPEAL from orders of the Superior Court of Los Angeles  
County, Frank J. Menetrez, Judge. Remanded with directions.

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

Mary C. Wickham, County Counsel, Kristine P. Miles, Assistant County Counsel, and Stephen D. Watson, Deputy County Counsel, for Plaintiff and Respondent.

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The juvenile court appointed non-relative extended family members, E.M. and S.M., legal guardians of J.S. and Mother then filed a section 388 petition seeking custody of J.S. The juvenile court denied the petition, found the conditions justifying jurisdiction no longer existed and terminated jurisdiction. Mother appeals the denial of her section 388 petition. We previously granted Mother's writ petition, vacating the previous order terminating reunification services, and ordered the Department of Children and Family Services to comply with the Indian Child Welfare Act's inquiry and notice provisions.

The Department concedes the investigation about and notice to Father was inadequate according to the Indian Child Welfare Act. We agree. The revised notices sent in September 2016 still did not contain either parent's middle name, Father's date of birth, or any indication that Father might be associated with the Blackfoot tribe. Remand therefore is appropriate to get the Department to comply with the Act's inquiry and notice provisions regarding Father. The Department agrees.

Regarding Mother, the Department argues she has withdrawn her claim of an Indian heritage. Mother replies the Department should verify whether this is truly so. Mother is correct, given the history of the Department's work on this case. (See *M.C. v. Superior Court* (Aug. 23, 2016, B272083) [nonpub. opn.] )

### **DISPOSITION**

Vacated and remanded. The matter is remanded for the limited purpose of directing the trial court to order the Department

to comply with the inquiry and notice provisions of the Indian Child Welfare Act. If after proper notice the juvenile court finds J.S. is an Indian child, the court shall proceed in conformity with the Act and applicable California law. If, on the other hand, the court finds J.S. is not an Indian child or no response is received indicating the minor is an Indian child, the order denying the 388 petition should be reinstated.

WILEY, J.

WE CONCUR:

BIGELOW, P. J.

STRATTON, J.