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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

In re M.R. et al., Persons Coming Under
the Juvenile Court Law.

RIVERSIDE COUNTY DEPARTMENT
OF PUBLIC SOCIAL SERVICES,

Plaintiff and Respondent,

v.

C.P.,

Defendant and Appellant.

E080328

(Super.Ct.No. RIJ2100164)

OPINION

APPEAL from the Superior Court of Riverside County. Mona M. Nemat, Judge.

Conditionally reversed with directions.

Joseph T. Tavano, under appointment by the Court of Appeal, for Defendant and Appellant.

Minh C. Tran, County Counsel, Teresa K.B. Beecham and Catherine E. Rupp, Deputy County Counsel, for Plaintiff and Respondent.

The juvenile court terminated the parental rights of C.P. (Mother) and M.S.R. (Father) to their children S.R. and M.R. (collectively, the Children). (Welf. & Inst. Code, § 366.26., subd. (b)(1).) Mother contends the juvenile court erred in finding the Indian Child Welfare Act of 1978 (25 U.S.C. § 1901 *et seq.*) (ICWA) did not apply because the Riverside County Department of Public Social Services (the Department) failed to conduct an adequate inquiry. Specifically, Mother asserts the Department failed to inquire of the Children's paternal grandparents, aunts, and uncle, and maternal grandfather, concerning the possibility of the Children being Indian children. (Welf. & Inst. Code, § 224.2, subds. (a) & (b); *In re Ja.O.* (2025) 18 Cal.5th 271, 278 (*Ja.O.*).)

In a prior, now vacated, appellate opinion, this court affirmed on the basis that the Children were removed pursuant to a warrant, which meant the Department was not obligated to inquire of extended relatives regarding the Children possibly being Indian children. (*In re M.R.* (June 29, 2023, E080328) [nonpub. opn.], review granted Sept. 13, 2023, S281249, [opinion vacated Oct. 2, 2025] [2023 WL 4247380, *6].) The California Supreme Court granted Mother's petition for review and ultimately directed this court to vacate our opinion and reconsider the case in light of *Ja.O.*, *supra*, 18 Cal.5th 271. In *Ja.O.* our Supreme Court held child welfare agencies have a duty to inquire of extended relatives regardless of whether the child was removed pursuant to a warrant. (*Id.* at p. 278.)

The Department concedes its inquiry of the Children's extended paternal relatives was inadequate and is not objecting to a conditional reversal. There is no indication in the record of the Department having inquired of the extended paternal

relatives regarding the possibility of the Children being Indian children. Given the record's support for the Department's concession, we will conditionally reverse so an adequate inquiry may be conducted.

The Department contends that it was not obligated to inquire of the Children's maternal grandfather because, while the Department had identifying information for him, it did not have contact information for him. We will leave this issue for the juvenile court to resolve on remand.

DISPOSITION

The order terminating parental rights is conditionally reversed. The juvenile court shall: (1) direct the Department to (a) fulfill its ICWA obligations of inquiry (§ 224.2), and/or (b) provide evidence of already having fulfilled that duty; and (2) determine whether ICWA applies in this case. If the juvenile court determines that ICWA does not apply, then the juvenile court is directed to reinstate the order terminating parental rights. If the juvenile court determines that ICWA applies, then the court is directed to proceed in conformity with the provisions of ICWA and related California law.

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MILLER

J.

We concur:

McKINSTRE

Acting P. J.

MENETREZ

J.