Filed 12/19/25 In re A.P. CA1/4

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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION FOUR

In re A.P., a Person Coming Under the Juvenile Court Law.	
SAN FRANCISCO HUMAN SERVICES AGENCY, Plaintiff and Respondent, v. T.D. et al., Defendants and Appellants.	A173457 (San Francisco City & County Super. Ct. No. JD183097C)

In this dependency proceeding involving A.P., a girl born in 2016, her parents—T.D. (Mother) and M.P. (Father)—appeal after the juvenile court entered an order under Welfare and Institutions Code[1] section 366.26 terminating their parental rights and selecting adoption as A.P.'s permanent plan. Mother contends that, based on her relationship with A.P., the court should have applied the parental benefit exception to termination of parental rights (§ 366.26, subd. (c)(1)(B)(i)). Father argues this court should conditionally reverse the termination order and remand for compliance with

[1] Undesignated statutory references are to the Welfare and Institutions Code.

the federal Indian Child Welfare Act of 1978 (ICWA; 25 U.S.C. § 1901 et seq.) and related state law. Each parent joins in the other's arguments.

The San Francisco Human Services Agency (the Agency) opposes Mother's argument as to the applicability of the parental benefit exception but states it does not oppose a conditional reversal and remand for ICWA compliance. We find no error in the trial court's conclusion that the parental benefit exception does not apply here, but we agree with the parties that the matter should be conditionally reversed and remanded for ICWA compliance.

I. BACKGROUND

A. *The Initiation of Dependency Proceedings and the Establishment of a Legal Guardianship for A.P.*

The Agency initiated dependency proceedings in April 2018, seeking to detain A.P. (then two years old) and her four older siblings based on Mother's chronic homelessness, the hazardous living conditions of the RV/camper in which she was residing, inadequate supervision of the children, educational neglect and the older children's frequent absence from school, Mother's mental health issues and alleged substance abuse, and a history of prior child welfare proceedings.[2] Father had been incarcerated since October 2017 and was unable to care for the children. His parental rights to two older children from a previous relationship had been terminated.

At a jurisdiction and disposition hearing in May 2018, the juvenile court sustained an amended petition, declared A.P. a dependent, placed her in out-of-home care, and ordered reunification services for Mother. Father waived reunification services. Visitation was ordered for Mother. The court continued Mother's reunification services at a six-month review hearing in

[2] Although portions of the current dependency proceeding involved A.P. and her siblings, the present appeal only pertains to A.P.

November 2018, but terminated services to Mother at the 12-month review hearing in May 2019.

In July 2019, A.P. was placed in the home of a nonrelative extended family member (NREFM), S.C.[3] S.C. wanted to become A.P.'s legal guardian and was open to learning more about possible adoption. At a section 366.26 hearing in October 2019, the court found termination of parental rights would be detrimental because A.P. was living with a caretaker who was unwilling to adopt. The court found legal guardianship was the permanent plan, confirmed Mother's monthly supervised visitation, and continued the matter.

In December 2020, at a second section 366.26 hearing, the court selected legal guardianship as A.P.'s permanent plan, appointed S.C. as her legal guardian, ordered one visit per month for Mother, and terminated the dependency.

B. *Section 388 Petitions and the Setting of a New Section 366.26 Hearing*

In January 2022, in response to a section 388 petition filed by Mother pertaining to visitation, the court ordered Mother and Father would have an unsupervised visit with A.P. one Saturday per month and a minimum of one phone call per week. At a February 2024 hearing, the court maintained the guardianship for A.P., and again approved a visitation schedule for Mother that included monthly visits and weekly phone calls. The Agency reported during this period that A.P. had significant mental health needs; she had a close bond with her guardian, S.C., who was attentive to her needs; and

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[3] A.P.'s older sister (the oldest of the five children who were initially the subject of the dependency proceeding) was placed in the same home with A.P., but the older sister soon left the placement. A.P.'s three brothers (the three middle children) were in another placement.

Mother did not have as close a relationship with A.P. as she did with her older children, as A.P. had been removed from Mother's care at a young age.

In September 2024, A.P.'s guardian, S.C., filed a section 388 petition seeking to modify the permanent plan from guardianship to adoption. A.P., who was now eight years old, had lived with the guardian since age three. A.P. wanted to be adopted by her guardian, who wanted to adopt A.P. In an accompanying declaration, the guardian stated A.P. did not always want to visit Mother; when the visits did occur, Mother would tell A.P. to lie to the guardian; Mother often did not make her weekly calls with A.P.; and A.P. did not seem to be upset by Mother's missed calls.

In October 2024, Mother filed a section 388 petition seeking enforcement of the visitation order. The court granted this petition in November 2024 and maintained the existing visitation order between A.P. and her parents and siblings.

In January 2025, the Agency filed a response to the guardian's section 388 petition. The Agency supported the guardian's request to change the permanent plan from guardianship to adoption. The social worker spoke one-on-one with A.P., who stated she was happy living with her guardian S.C. and wanted to remain in S.C.'s home. A.P. stated she loved S.C. and wanted to be adopted by her. A.P. said she understood what it meant to be adopted, as S.C.'s toddler-aged son was recently adopted. A.P. was diagnosed with attention deficit hyperactivity disorder (ADHD) and oppositional defiant disorder (ODD). On January 8, 2025, after a contested hearing, the court granted the guardian's section 388 petition and scheduled a new section 366.26 selection and implementation hearing.

C. *The Section 366.26 Hearing in June 2025*

In an April 2025 report and a May 2025 addendum report for the section 366.26 hearing, the Agency recommended that the court terminate

parental rights and select adoption as A.P.'s permanent plan. A.P. was happy in the home of her guardian S.C. and wanted to be adopted. A.P. told the social worker that she was excited to be adopted and wanted the involvement of child welfare to be over. S.C. continued to express a desire and commitment to adopt A.P.

A.P. was diagnosed as prediabetic in January 2025, and she was working with S.C. to implement dietary and lifestyle changes to support her health. A.P. also continued to receive support from her behavioral health team and her individual therapist. The Agency stated that S.C. had been consistently able to assess and meet A.P.'s needs during the past five years when A.P. was in her care. S.C. was a strong advocate for A.P., and S.C. had "worked to establish a continuum of psychiatric, mental health, and educational supports" for A.P., including therapeutic supports, early childhood interventions, and an individualized education program (IEP) at her school.

A.P.'s therapist was working with her on her impulse control and behavioral regulation. In its April 2025 report, the Agency stated A.P. was generally doing well in school, although she was suspended for a few days due to conflicts with peers after S.C. and A.P.'s medical providers decided to try taking A.P. off her psychotropic medication. After resuming her medication, A.P. was better able to regulate her emotions, and her behavior improved.

The addendum report noted "increased concerning behaviors" by A.P., including her involvement in conflicts at school. Her guardian S.C. found a knife under A.P.'s dresser, and A.P. denied knowing how it got there. A.P. reported hearing voices. After an adjustment to her medication, A.P. told the

social worker she felt stable on the increased dose. S.C. advocated for increased supports for A.P. at school.

A.P. stated she enjoyed visits with her biological family, although she also said that sometimes she does not want to go. A.P. stated Mother provided her with sugary drinks and candy during visits. A.P. was upset because Mother encouraged her to lie to her guardian about being given unhealthy food during the visits. A.P. also reported that her family had told her multiple times during visits to say that she does not want to be adopted by S.C. This made A.P. feel sad and upset. A.P. expressed excitement that she may be able to have a larger say in the future as to when she attends visits with her family.

At the contested section 366.26 hearing on June 4, 2025, the Agency's section 366.26 report and its addendum report were admitted into evidence. The court heard testimony from the social worker, the legal guardian, and Mother.

The social worker testified that A.P. continued to say she wanted to be adopted. As to visits, A.P. had told the social worker that she was relieved her recent family visit was over and that the court hearing was before the next scheduled visit. A.P. seemed relieved that the visits were ending. A.P. stated she was frustrated that Mother told her to lie about the food she was given during visits. A.P. was also told during visits to say she does not want to be adopted.

A.P. wanted to be able to say whether she wanted to attend a visit. The social worker thought A.P. was old enough to have a stronger voice in the types of relationships she had and the nature and frequency of visits. The social worker also testified that, in her view, it was in A.P.'s best interest to

have continued visits with her parents, and that it would be harmful if A.P. wanted to visit and was not allowed to do so.

The social worker testified that A.P. seemed happy in her current placement. Since December 2024, A.P. had increased behavioral issues, leading to suspensions from school. She also reported hearing voices, and her psychotropic medication was increased. A.P. stated she experienced stress in connection with the increased reinvolvement of child welfare and the approaching court hearing. A.P.'s guardian, S.C., helped support A.P., engaged positively with her care providers to address her needs and behaviors, and was a strong advocate for her.

A.P.'s guardian, S.C., testified she has had A.P. in her home for about six years. A.P. tells S.C. all the time that she wants to be adopted. S.C. wants to adopt A.P. and has no doubts about it. S.C. believed A.P.'s increased behavioral issues resulted from her anxiety about the request for adoption and wanting it to be finished.

S.C. testified that A.P.'s mental health is her priority. S.C. is frequently in contact with A.P.'s care team. S.C. did not believe it was necessary for the Agency to remain involved.

S.C. believed A.P. should have a voice in her visits. When S.C. was asked whether she agreed that A.P. should continue to see her parents, S.C. said she agreed, and she explained that she is a foster parent and a peer parent who believes family engagement is very important. S.C. stated that A.P. is nine years old and knows her parents. S.C. believed it would be harmful to A.P. to discontinue the relationship, stating "that piece should always stay in place if this is something that [A.P.] wants."

Mother testified she and A.P. have weekly phone calls. For their in-person visits, Mother often takes A.P. to the movies with her siblings.

Mother believes A.P. enjoys the visits and has a positive relationship with her siblings. A.P. is affectionate and sometimes does not want the visits to end.

Mother testified she never told A.P. to say she did not want to be adopted or to lie. Mother gave her phone number to A.P. Mother told A.P. that she would love her regardless. Mother wanted to continue her relationship with A.P. and wanted her to continue to be involved with her siblings.

After hearing argument from counsel, the court terminated Mother's and Father's parental rights and selected adoption as A.P.'s permanent plan. The court noted that it would assume termination of parental rights would terminate the relationship between Mother and Father on the one hand and A.P. on the other. The court found the guardian, S.C., was credible. The court stated it was not persuaded by arguments that it viewed as efforts to cast blame on S.C. for A.P.'s prediabetes and her behavioral issues and to portray A.P. as untruthful. The court found S.C. provided age-appropriate and loving care, and that A.P.'s mental and physical health had been a priority for S.C.

The court found the parents had not established the sibling relationship exception or the parental benefit exception to termination of parental rights (a point we discuss further below). The court found A.P. is adoptable and terminated Mother's and Father's parental rights.

Mother and Father appealed.

II. DISCUSSION

A. *The Parental Benefit Exception to Termination of Parental Rights*

Mother contends the court erred by finding the parental benefit exception to termination of parental rights (§ 366.26, subd. (c)(1)(B)(i)) did not apply. We find no error.

1. Legal Standards

"[W]hen a court proceeds to select a permanent placement for a child who cannot be returned to a parent's care, the parent may avoid termination of parental rights in certain circumstances defined by statute. One of these is the parental-benefit exception." (*In re Caden C.* (2021) 11 Cal.5th 614, 629 (*Caden C.*).) The exception "requires a parent to establish, by a preponderance of the evidence, . . . that the parent has regularly visited the child, that the child would benefit from continuing the relationship, and that terminating the relationship would be detrimental to the child." (*Ibid.*, citing § 366.26, subd. (c)(1)(B)(i).) "[T]he exception applies in situations . . . where severing the child's relationship with the parent, even when balanced against the benefits of a new adoptive home, would be harmful for the child." (*Caden C.*, at p. 630.)

"Because terminating parental rights eliminates any legal basis for the parent or child to maintain the relationship, courts must assume that terminating parental rights terminates the relationship." (*Caden C.*, *supra*, 11 Cal.5th at p. 633.) The court must therefore determine "how the child would be affected by losing the parental relationship—in effect, what life would be like for the child in an adoptive home without the parent in the child's life." (*Ibid.*) Overall, the court asks "whether losing the relationship with the parent would harm the child to an extent not outweighed, on balance, by the security of a new, adoptive home." (*Id.* at p. 634.)

We review the first two *Caden C.* factors—whether the parent has visited the child regularly and whether the child would benefit from continuing the parent-child relationship—for substantial evidence. (*Caden C.*, *supra*, 11 Cal.5th at pp. 639–640.) We likewise review the factual determinations underlying the third factor for substantial evidence. (*Id.* at p. 640.) "In reviewing factual determinations for substantial evidence, a reviewing court should 'not reweigh the evidence, evaluate the credibility of witnesses, or resolve evidentiary conflicts.' [Citation.] The determinations should 'be upheld if . . . supported by substantial evidence, even though substantial evidence to the contrary also exists . . . .' " (*Ibid.*)

We review the court's ultimate decision as to the third factor—whether terminating the parent-child relationship would be detrimental to the child—for abuse of discretion. (*Caden C.*, *supra*, 11 Cal.5th at p. 640.) "A court abuses its discretion only when ' " '. . . making an arbitrary, capricious, or patently absurd determination.' " ' " (*Id.* at p. 641.) Under either standard of review, we may not substitute our " 'own judgment as to what is in the child's best interests for the trial court's determination in that regard . . . .' " (*Ibid.*)

2. Analysis

As to the first *Caden C.* element, the juvenile court found Mother maintained regular visitation, and that element is not at issue.

To establish the second element of the parental benefit exception, "the parent must show that the child has a substantial, positive, emotional attachment to the parent—the kind of attachment implying that the child would benefit from continuing the relationship." (*Caden C.*, *supra*, 11 Cal.5th at p. 636.) In evaluating this element, "the focus is the child. And the relationship may be shaped by a slew of factors, such as '[t]he age of the child, the portion of the child's life spent in the parent's custody, the

"positive" or "negative" effect of interaction between parent and child, and the child's particular needs.' " (*Id.* at p. 632.)

The juvenile court found Mother had not met her burden to show that A.P., a nine-year-old who had not lived with Mother since age two, had "a significant positive attachment" to Mother that satisfied the second *Caden C.* element. The court noted there was some evidence A.P. had been affectionate with Mother during visits and some evidence A.P. wanted to continue to visit. But the court found based on its consideration of the evidence that "the contact between [Mother] and [A.P.] falls into the friend or playmate category." The court noted there was evidence, which the court found credible, that A.P. "is relieved that the visitation is maybe ending, that she has expressed frustration with her mother with regard to food at the visits, and I believe the comments that are attributed to [A.P.], that she feels pressure to communicate that she does not want to be adopted." There was evidence that A.P. worried about Mother's "engagement" when A.P. was visiting with her siblings. Finally, the court stated it was "persuaded by testimony attributed to [A.P.] that the stress of the court proceeding has contributed to her increased behavior."[4]

Mother argues the court did not explain adequately its "conclusory statement" about the nature of A.P.'s relationship with Mother. We note initially that the court's finding on this point is one we review for substantial evidence (*Caden C.*, *supra*, 11 Cal.5th at pp. 639–640), and there is no requirement that the court expressly discuss all the evidence that supports its ruling, or outline its reasoning at a particular level of detail. But in any

[4] Mother notes there was evidence that a change in A.P.'s medication caused increased behavioral problems, but the court reasonably could conclude the stress and uncertainty caused by the ongoing dependency proceeding contributed as well.

event, as we have also noted, the court *did* discuss evidence it found important in making its decision, including evidence that visits with Mother caused A.P. frustration and anxiety, and that A.P. was relieved the visits might be ending. Mother asserts A.P.'s interactions with her were "overall positive," but the court was not required to adopt that view or to conclude that A.P. had a "substantial, positive, emotional attachment" to Mother. (*Caden C.*, *supra*, 11 Cal.5th at p. 636.)

Mother next contends (in a point that appears to be directed to both the second and third *Caden C.* elements) that testimony from the social worker and from A.P.'s guardian support a conclusion that visitation with Mother is beneficial and ending it would be detrimental to A.P. Mother has not shown error. First, the cited testimony is somewhat more nuanced than Mother suggests. Both witnesses expressed the view that it would be in nine-year-old A.P.'s best interest to have a voice in the nature and extent of her visits with her parents; that it was in her interest to have a relationship with her parents; and that it would be harmful to A.P. if she wanted to visit Mother and if she were not allowed to do so.

Second, and in any event, the court was not obligated to adopt the perspective of any particular witness. As our Supreme Court has emphasized, it is ultimately the task of the juvenile court to "gauge and balance" the different aspects of a child's relationship with her parents, along with the potentially positive or negative effects of terminating parental rights, in determining whether the parental benefit exception applies. (*Caden C.*, *supra*, 11 Cal.5th at p. 635.)

Here, the court carefully considered these questions, discussing A.P.'s relationships with her parents as well as "the attachment and the benefits of [a] new adoptive home" with her guardian, S.C. The court initially conducted

this balancing in connection with its decision as to whether A.P.'s relationship with Father warranted application of the parental benefit exception. The court stated, "[A.P.] has repeatedly expressed that she wants to be adopted. She is happy in [S.C.'s] home, that she considers [S.C.] as her mother, and that [S.C.] takes care of her when she is sick." The court continued, "[A.P.] has repeatedly said that she does not want to live with her biological family, and I am considering that piece of evidence not to cast blame or as a custody contest or a comparison over who is the better caregiver but as an indication of her bond with [S.C.]. [S.C.] has been a fierce advocate for [A.P.]."

Based on these considerations, the court found that "depriving [A.P.] of whatever attachment she may have to [Father] does not—that even considering the attachment and the benefits of the new adoptive home that termination would not harm [A.P.]." The court then "reach[ed] the same ultimate conclusion with respect to [Mother]." After discussing A.P.'s relationship with Mother (the second *Caden C.* element, which we have outlined above), the court returned to the third element, stating, "It is clear to me based on what I have heard that [A.P.] is desperate to be adopted and that adoption is undoubtedly in her best interest."

Mother's challenges to the court's conclusion on this point are not persuasive. Mother notes the parental benefit exception does not require proof that a child's attachment to her biological parent is the child's "primary bond" (*In re J.D.* (2021) 70 Cal.App.5th 833, 859), but the court here did not require Mother to show that. The court emphasized the positive bond A.P. had with S.C. as part of the overall weighing process in assessing the third *Caden C.* element—the determination whether a child's loss of her relationship with her biological parent would, on balance, be harmful after

considering the stability and security of a new, adoptive home. (*Caden C.*, *supra*, 11 Cal.5th at pp. 633–634.) The court did not err.

Mother also argues that certain statements by county counsel at the section 366.26 hearing suggest he was urging the court to consider the possibility of postadoption contact between A.P. and Mother in determining whether the parental benefit exception applied. As noted, a court considering the parental benefit exception "must assume that terminating parental rights terminates the relationship." (*Caden C.*, *supra*, 11 Cal.5th at p. 633.) But we find no error here. Without parsing county counsel's comments, the record is clear that the juvenile court did not assume postadoption contact would occur.

In announcing its ruling at the end of the section 366.26 hearing, the court began by stating it was not "assigning blame," "making a moral judgment," or "intending to hurt anyone's feelings." The court stated: "I am making a legal decision, and I do assume by terminating parental rights that it is terminating the relationship between [Mother] and [Father] on the one hand and [A.P.] on the other, but the reality of life is that you are her biological parents and no legal ruling can change that." Later, when specifically discussing whether termination of Father's parental rights would be detrimental to A.P., the court reemphasized this point, stating, "I have to assume that my ruling today terminates the relationship, and I have to consider how [A.P.] would be affected." In addition, during the testimony at the hearing, the court sustained objections and declined to consider evidence pertaining to the possibility of postadoption contact. Nothing in the record suggests the court misunderstood or misapplied the law on this point.

B. *ICWA*

Father (joined by Mother) contends this court should conditionally reverse the order terminating parental rights and remand for compliance

with ICWA and related California law. The Agency states it does not oppose a conditional reversal and remand for this purpose. We agree conditional reversal and remand are appropriate.

Under California's statutory provisions implementing and supplementing ICWA, juvenile courts and child welfare agencies have a duty to inquire of a dependent child's extended family members and others about whether the child is or may be an Indian child. (§ 224.2, subds. (a)–(c); *In re Dezi C.* (2024) 16 Cal.5th 1112, 1125 (*Dezi C.*).) If, as a result of these inquiries or other information, there is a reason to know the child is an Indian child, the agency must send notice of the dependency proceeding to the appropriate tribes. (§§ 224.2, subd. (f), 224.3, subds. (a)–(b); *Dezi C.*, at pp. 1132–1133.) In its filings with the juvenile court, the agency must provide documentation of its inquiry efforts, the information it has received as to a child's Indian status, and evidence showing how and when information was provided to relevant tribes. (Cal. Rules of Court, rule 5.481(a)(5).) Based on the record developed pursuant to these requirements, the juvenile court is to make a finding as to whether ICWA applies to the proceeding. (§ 224.2, subd. (i).)

Here, in a detention report filed in April 2018 at the outset of the current dependency proceeding, the Agency stated that ICWA does or may apply, that the children may have Blackfeet or Cherokee ancestry, but that a "Not Eligible determination" had been made during a prior child welfare case on March 25, 2018. Mother filed (also in April 2018) an ICWA-020 "Parental Notification of Indian Status" form stating she had no known Indian ancestry.

In May 2018, the Agency sent ICWA-030 notices to the Blackfeet Tribe, the Cherokee Nation, the Eastern Band of Cherokee Indians, and the United

Keetoowah Band of Cherokee Indians. Between May and December 2018, the Agency filed responsive letters received from the three Cherokee tribes stating A.P. is not eligible for membership and is not an Indian child "in relation to" those tribes. The Agency states in its appellate brief that no responsive letter was received from the Blackfeet tribe.

Agency reports filed at various points in the proceedings state only that ICWA does not apply. Later, in a report filed in February 2024, the Agency provided more explanation, stating Mother and Father reported they do not have any known relatives who are members of a tribe. Mother and Father are not aware of any relatives who have resided on a reservation, received benefits or services from a tribal agency, or attended a tribal school. The parents do not engage in any tribal cultural practices. The Agency concluded there was no reason to believe or reason to know the children are Indian children. On February 28, 2024, the court agreed and found ICWA does not apply.

Father points out that the record does not show the Agency inquired of relatives other than Mother and Father about whether the children may have Indian ancestry. The record shows the Agency had contact with the children's maternal grandmother, two maternal aunts, and "several relatives." The social worker was also told about maternal and paternal relatives, including maternal and paternal grandmothers and maternal cousins. The record does not show these relatives were asked about familial heritage or possible Indian ancestry. (§§ 224.2, subd. (b)(1) [duty to inquire of extended family members], 224.1, subd. (c)(1) [defining " 'Extended family member' "].) There is also no record that Mother and Father were asked about contact information for relatives who might have such knowledge.

In its appellate brief, the Agency states that, "[a]fter a review of the record filed in this case, the Agency acknowledges that the full scope of its ICWA inquiry efforts is not reflected in the current record on appeal." The Agency states it does not object to a conditional reversal of the order terminating parental rights and a limited remand to the juvenile court to ensure ICWA compliance.

On this record, we agree with the parties that, under *Dezi C.*, conditional reversal and remand are appropriate. In *Dezi C.*, the California Supreme Court held conditional reversal is required when an agency's inquiry is inadequate. (*Dezi C.*, *supra*, 16 Cal.5th at pp. 1125, 1152; *In re Kenneth D.* (2024) 16 Cal.5th 1087, 1101–1102 [" 'On a well-developed record, the court has relatively broad discretion to determine whether the agency's inquiry was proper, adequate, and duly diligent on the specific facts of the case. However, the less developed the record, the more limited that discretion necessarily becomes.' "].)

For the above reasons, and in light of the Agency's statement that it does not object to a remand, we will conditionally reverse with directions for the Agency to comply with the inquiry, notice, and documentation requirements of sections 224.2 and 224.3 and California Rules of Court, rule 5.481(a)(5). (See *Dezi C.*, *supra*, 16 Cal.5th at p. 1136.) If the juvenile court determines that ICWA does not apply, then the court shall reinstate the order terminating parental rights. (*Dezi C.*, at pp. 1137–1138, 1152.) If the court concludes ICWA applies, then it shall proceed in conformity with ICWA and California implementing provisions. (*Dezi C.*, at pp. 1138, 1152.)

III. DISPOSITION

The order terminating parental rights is conditionally reversed. The matter is remanded to the juvenile court for compliance with the inquiry and

notice requirements of sections 224.2 and 224.3 and the documentation provisions of California Rules of Court, rule 5.481(a)(5), consistent with this opinion. If the juvenile court thereafter concludes ICWA does not apply (§ 224.2, subd. (i)(1)–(2)), then the court shall reinstate the order terminating parental rights. If the juvenile court concludes ICWA applies, then it shall proceed in conformity with ICWA and California implementing provisions. (See 25 U.S.C. § 1912; §§ 224.2, subd. (i)(1), 224.3, 224.4.)

STREETER, J.

WE CONCUR:

BROWN, P. J.
GOLDMAN, J.