

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS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 This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.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 K.K., a Person Coming Under the
Juvenile Court Law.

B243683
(Los Angeles County
Super. Ct. No. CK82755)

LOS ANGELES COUNTY
DEPARTMENT OF CHILDREN AND
FAMILY SERVICES,

Plaintiff and Respondent,

v.

TIFFANI B.,

Defendant and Appellant.

APPEAL from a judgment of the Superior Court of Los Angeles County.
Marguerite Downing, Judge. Affirmed.

Frank H. Free, under appointment by the Court of Appeal, for Defendant and
Appellant.

John F. Krattli, County Counsel, James M. Owens, Assistant County Counsel,
Frank J. DaVanzo, Principal County Counsel, for Plaintiff and Respondent.

Tiffani B. appeals from the order terminating her parental rights (Welf. & Inst. Code, § 366.26) to her daughter K.K., contending that the juvenile court failed to comply with the notice provisions of the Indian Child Welfare Act ("ICWA"). We find no failure to comply, and affirm, as we explain:

Under the ICWA, if the juvenile court "knows or has reason to know" that a proceeding involves an "Indian child" -- that is, a child who is either a member of an Indian tribe or is eligible for membership and is the biological child of a member -- the social services agency must notify the child's tribe of the pending proceedings. (*In re S.B.* (2005) 130 Cal.App.4th 1148, 1157.)

"The circumstances that may provide reason to know the child is an Indian child include, but are not limited to, the following: [¶] (1) A person having an interest in the child, including . . . a member of the child's extended family provides information suggesting the child is a member of a tribe or eligible for membership in a tribe or one or more of the child's biological parents, grandparents, or great-grandparents are or were a member of a tribe." (Welf. & Inst. Code, § 224.3, subd. (b).)

"[B]oth the federal regulations and the California Welfare & Institutions Code require more than a bare suggestion that a child might be an Indian child." (*In re Jeremiah G.* (2009) 172 Cal.App.4th 1514, 1520.) "[A] claim that a parent, and thus the child, 'may' have Native American heritage is insufficient to trigger ICWA notice requirements if the claim is not accompanied by other information that would reasonably suggest the minor has Indian ancestry." (*Id.* at p. 1516.)

In this case, there was nothing more than a bare suggestion.

When Mother was first interviewed by DCFS, on June 16, 2010, she said that she had no Indian ancestry. On July 7, she made the same statement. However, on July 14, 2010, when she filled out the Parental Notification of Indian Status form, she checked the box that read, "I may have Indian ancestry," and filled in two names, Bonnie Ray Jackson and John Burleson.

At a hearing on that date, the court inquired of her. The court said, "You think you have American Indian heritage, you think you might be related to -- " Mother interrupted, "maybe from my grandfather's side." The court asked, "what kind of tribe would that be?" and Mother responded, "I wouldn't know." In response to questions, Mother also said that her grandfather was no longer alive.

Mother's mother, Cynthia J., was present in court, and the court inquired of her, asking "Do you know anything about American Indian heritage?" Cynthia J. said, "I believe my father's mother and father was -- well, father was -- had some Indian, never got tested for that." Cynthia J. did not know what tribe might be involved, but gave her grandparents' names, Bonnie Ray Jackson and John F. Burleson. The court ordered DCFS to investigate possible American Indian heritage.

DCFS did so in August, by talking to Cynthia J., who said, "I don't know why my daughter stated she had Native American Ancestry, no one in our family has ever mentioned it." She also said that she did not have contact information for Mother's father or Mother's grandfather, and that she was unsure whether Mother's grandfather had Native American ancestry.

Thus, at the October 26, 2010 adjudication hearing, the court found that "the court has no reason to know that the Indian Child Welfare Act applies in this case, and the court finds that [K.K.] is not an Indian Child."

Appellant's contention is that under the facts of this case, DCFS was required to send notice to the Bureau of Indian Affairs, to allow the Bureau to investigate whether K.K. was an Indian child.

We find that no notice was required. Mother provided the court with contradictory statements, that she did not have Indian ancestry, and that she might have Indian ancestry, through her mother. DCFS investigated that claim by talking to Mother's mother, but could obtain no additional information. Mother relies on the fact that the court was supplied with the names of Mother's grandparents. The court was given those names, but we cannot see that those names constituted information about Indian ancestry.

Disposition

The judgment is affirmed.

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

ARMSTRONG, Acting P. J.

We concur:

MOSK, J.

KRIEGLER, J.