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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

In re K.M., a Person Coming Under the
Juvenile Court Law.

RIVERSIDE COUNTY DEPARTMENT
OF PUBLIC SOCIAL SERVICES,

Plaintiff and Respondent,

v.

T.D.,

Defendant and Appellant.

E055474

(Super.Ct.No. SWJ010016)

OPINION

APPEAL from the Superior Court of Riverside County. John M. Monterosso,
Judge. Reversed with directions.

Jesse McGowan, under appointment by the Court of Appeal, for Defendant and
Appellant.

Pamela J. Walls, County Counsel, and Julie Koons Jarvi, Deputy County Counsel,
for Plaintiff and Respondent.

I. INTRODUCTION

Defendant and appellant T.D. (Father) appeals from orders terminating parental rights to his son, K.M., and placing K.M. for adoption. (Welf. & Inst. Code, § 366.26.)¹ K.M. was placed for adoption in January 2012, when he was seven months old. In earlier proceedings, Father's older son, B.D., was placed for adoption in August 2011, when B.D. was two years eight months old.

Father previously appealed from the section 366.26 orders for B.D. In *In re B.D.* (Apr. 19, 2012, E054500) (Fourth Dist., Div. Two) (nonpub. opn.), we rejected Father's principal claim that he was denied his due process and statutory rights to counsel at initial stages of the proceedings involving B.D. Nonetheless, we conditionally reversed the orders terminating parental rights and placing B.D. for adoption on the ground that plaintiff and respondent Riverside County Department of Public Social Services (DPSS) failed to make adequate inquiries concerning B.D.'s paternal Indian ancestry for purposes of giving notice of the proceedings pursuant to the Indian Child Welfare Act (the ICWA) (25 U.S.C.A. § 1902) and related California law (Welf. & Inst. Code, §§ 224.2, 224.3).²

On April 12, 2012, before our opinion in the prior appeal was filed on April 19, Father filed his opening brief in the present appeal. In it, Father claims the court's failure

¹ All further statutory references are to the Welfare and Institutions Code unless otherwise indicated.

² Pursuant to Father's request, we have taken judicial notice of the record in case No. E054500. (Evid. Code, §§ 452, subd. (d), 459.) On our own motion, we take judicial notice of our unpublished opinion in the case.

to ensure he was represented by counsel at initial stages of the proceedings involving B.D. had a “prejudicial impact” on the proceedings involving K.M., and for this reason the orders terminating rights to K.M. and placing K.M. for adoption must be reversed.

We reject this claim. As explained in the prior opinion, Father was not denied his due process or statutory rights to counsel at any stage of the proceedings involving B.D. (*In re B.D., supra.*) Thus we reject Father’s claim that the section 366.26 orders for K.M. must be reversed because he was denied his right to counsel in the proceedings involving B.D.

Nonetheless, we conditionally reverse the section 366.26 orders for K.M. Father claims, and DPSS concedes, that the section 366.26 orders for K.M. must be conditionally reversed because DPSS failed to make adequate inquiries concerning K.M.’s paternal Indian ancestry for purposes of giving notice of the proceedings for K.M. pursuant to the ICWA and related California law.

II. FACTS AND PROCEDURAL HISTORY

K.M. and B.D. have the same biological parents, Father and the mother. At the time of K.M.’s birth in June 2011, the dependency proceedings for B.D., which commenced in May 2010 when B.D. was 14 months old, were still pending. Before we discuss the facts and procedural history of the proceedings involving K.M. we briefly

discuss the proceedings involving B.D. to the extent they are pertinent to the present appeal involving K.M.³

A. *The Prior Proceedings Involving B.D.*

On May 4, 2010, police responded to a report of a physical altercation between Father, then age 37, and his stepfather, at the home of the stepfather in Winchester. The mother, then age 17, was living in the home with Father, the stepfather, and Father's mother. Father was not named on B.D.'s birth certificate, but the mother claimed there were no other possible fathers.

On May 4, 2010, DPSS detained B.D. outside his parents' custody and placed him in the home of his maternal great aunt and uncle, along with the mother. On May 6, DPSS filed a petition alleging that B.D. was at risk of harm (§ 300, subd. (b)), in part because the parents used methamphetamine, and because multiple safety hazards were found in the parents' bedroom which were open and accessible to B.D. These included broken pipes used for smoking methamphetamine, a broken bong, two hunting knives, razor blades, and a blow torch.

Also on May 4, 2010, Father was arrested for having unlawful sex with a minor, the mother, and child endangerment. Father was released on bail and was out of custody between May 6, 2010, and February 2011. Due to his failure to appear in criminal court, bench warrants were issued against Father in July and October 2010. After the second

³ The proceedings involving B.D. are discussed in greater detail in *In re B.D.*, *supra*.

warrant was recalled in October 2010, Father attended all subsequent criminal court proceedings.

Pursuant to a plea agreement, Father was incarcerated for 365 days beginning on February 16, 2011. He was to be sentenced to probation in February 2012, and released from jail no earlier than February 3, 2012. Father did not appear in the dependency proceedings for B.D. until March 28, 2011, when he was in custody, despite his having notice of the proceedings from their inception.

At the May 7, 2010, detention hearing for B.D., the court conditionally appointed counsel, Attorney Casey, to represent Father, who was not present in court but had been released from custody on May 6. The court found that Father was an alleged father, given that he was not in court despite having notice of the hearing, and he was not named as the father on B.D.'s birth certificate. B.D. was detained out of the parents' custody and placed in the care of his maternal great aunt and uncle, along with the mother. The maternal great aunt and uncle were to supervise the mother's access to B.D. Father was granted supervised, weekly visitation, and the mother was not to be present during the visits.

By June 2010, Father had not returned any of the social worker's calls, nor had he attempted to visit B.D., participated in any service, or attempted to contact his conditionally appointed attorney. At a jurisdictional/dispositional hearing on June 15, 2010, the court granted Attorney Casey's request to be relieved as Father's conditionally appointed counsel. Father was in the courthouse before the hearing, and Attorney Casey

gave him a copy of the jurisdictional/dispositional report, but Father left the courthouse before the hearing and before Attorney Casey was able to speak with him.

As jurisdictional findings, the court sustained DPSS's allegations that B.D. was at risk of harm due to Father's and the mother's use of methamphetamine, and because drug paraphernalia, including broken pipes used for smoking methamphetamine, were found within reach of B.D. At disposition, the court ordered B.D. placed with the mother pursuant to a family maintenance plan, upon the conditions that she and B.D. continue living with the maternal great aunt and uncle, and the mother complies with her case plan. The court denied Father reunification services and discontinued his supervised visitation on the ground he was still an alleged father and had not come forward and established his presumed father status. (§ 361.5, subd. (a).)

On August 9, 2010, the maternal great aunt kicked the mother out of her home for violating house rules. The mother was leaving the home with B.D. for hours at a time without telling the maternal great aunt or uncle where she could be reached. The mother entered a residential drug treatment program on August 12, but left the program on August 20. The mother was in contact with Father prior to enrolling in the residential drug treatment program, and told the social worker that she and Father wanted to get married. On August 25, 2010, DPSS filed a supplemental petition (§ 387) requesting the removal of B.D. from the mother's care. The petition alleged that the mother allowed Father access to B.D., failed to remain in the maternal great aunt's home, and failed to drug test on at least one occasion.

At an August 26 detention hearing on the section 387 petition, Attorney Casey was again conditionally appointed as Father's counsel. B.D. was ordered detained outside of the mother's custody, and again placed in the care of the maternal great aunt. At a September 27 jurisdictional/dispositional hearing on the section 387 petition, Attorney Casey was again relieved as Father's conditionally appointed counsel. Before the hearing, Attorney Casey sent a letter to Father, but had not heard back from him.

On September 27, 2010, the court sustained the allegations of an amended supplemental petition (§ 387), and ordered reunification services for the mother. No services were ordered for Father because he was still an alleged father. A six-month review hearing on the amended supplemental petition was scheduled for March 28, 2011.

At the March 28, 2011, review hearing, Father appeared in court for the first time, in custody, after having been sentenced to 365 days in local custody from February 2011 through February 3, 2012. Attorney Casey appeared for Father, and told the court that Father had completed Judicial Council form ICWA-020 (Parental Notification of Indian Status), indicating he may have Indian ancestry. The court agreed with Attorney Casey that it was premature to find that the ICWA did not apply. The court ordered DPSS to give further notice of the proceedings under the ICWA, and continued the review hearing to April 28, 2011.

At the further review hearing on April 28, 2011, the court terminated the mother's services and set a section 366.26 hearing for B.D. The court denied reunification services for Father on the grounds he was incarcerated and services would be detrimental to B.D.

(§ 361.5, subd. (e).) The court noted that Father would not be released from custody until at least February 3, 2012, and would therefore be unable to complete an appropriate case plan for B.D. within the six-month reunification period, *even if* the reunification period had not already expired, and did not commence until April 28, 2011, as Attorney Casey argued. Additionally, the court also found that services for Father would not serve B.D.'s best interests. Finally, the court denied Father's request for visitation, finding it would not be in B.D.'s interest to visit Father while Father was incarcerated.

Parental rights to B.D. were terminated and B.D. was ordered placed for adoption at an August 2011 section 366.26 hearing, when B.D. was two years eight months old. B.D.'s maternal aunt and uncle, with whom B.D. had been living since May 2010, when he was 14 months old, were committed to adopting him.

B. The Present Proceedings Involving K.M.

K.M. was born in June 2011, while Father was still serving his February 2011 to February 2012 jail sentence. The mother's services for B.D. had been terminated on April 28, 2011, and a section 366.26 hearing for B.D. was scheduled for August 29, 2011.

At the time of K.M.'s birth, both K.M. and the mother tested negative for illegal substances, and there were no other medical concerns for K.M. The mother had sufficient supplies, food, and diapers for K.M., and agreed to participate in a family maintenance plan for K.M. Thus K.M. was not initially taken into protective custody. But on July 11, K.M. was taken into protective custody and placed with the maternal aunt, along with B.D.

Following K.M.'s release from the hospital on June 16, the mother apparently took K.M. to live in the home of her father. In early July, DPSS received reports that the mother was using controlled substances, had refused to take K.M. to a June 28 doctor's appointment, and was leaving K.M. in the care of others for several days at a time, without providing them with knowledge of her whereabouts. The mother admitted that she used methamphetamine while pregnant with K.M.

On July 13, a petition was filed alleging in part that K.M. was at risk of serious physical harm due to the mother's abuse of controlled substances, including methamphetamine during her pregnancy with K.M., and her failure to benefit from prior substance abuse treatment programs. At a July 14 detention hearing, K.M. was ordered detained out of the parents' custody. Paternity testing later revealed that Father was the biological father of K.M.

On September 22, 2011, the court made jurisdictional findings for K.M. (§ 300, subds. (b), (g), (j)) and declared him a dependent. The mother was denied reunification services for K.M. (§ 361.5, subd. (b)(10), (b)(11).) The court denied the paternal grandmother's request for visitation.

Father was denied reunification services on the ground he was a biological father but not a presumed father to K.M., and services for Father would not serve the best interests of K.M. (§ 361.5, subd. (a).) In finding that services for Father would not benefit K.M., the court reasoned that K.M. was already placed with a sibling, B.D., and "given the father's recent felony conviction, his incarceration, his track record in this

matter with the mother and with the sibling,” the court could not “understand how it would benefit [K.M.] for the father to receive services[.]”⁴

After denying services to both parents, the court set a section 366.26 hearing for K.M. At the section 366.26 hearing on January 18, 2012, parental rights to then seven-month-old K.M. were terminated, and K.M. was ordered placed for adoption. The maternal grandmother was willing to adopt K.M. The court rejected Father’s request to select a plan of legal guardianship which would not have entailed terminating parental rights. Father appeals from the section 366.26 orders for K.M.

III. DISCUSSION

A. There is No Merit to Father’s Claim That the Orders Terminating Parental Rights and Placing K.M. for Adoption Must be Reversed Based on Father’s Claim He Was Denied His Due Process and Statutory Rights to Counsel in the Proceedings Involving B.D.

Father claims the section 366.26 orders terminating parental rights and placing K.M. for adoption must be reversed because Father was denied his due process and statutory rights to counsel in the proceedings involving B.D. Father reasons that reversal of the section 366.26 orders for K.M. is necessary in order to restore him to the position he would be in had his rights to counsel not been violated in the proceedings involving

⁴ The court pointed out that Father had been convicted of a violent felony (Pen. Code, §§ 667.5, subd. (c)(8), 12022.7, subd. (a)) and, given the court’s determination that services for Father would not serve K.M.’s best interests, the court was required to deny Father services based on his violent felony conviction. (§ 361.5, subds. (b)(12), (c).)

B.D. (See, e.g., *In re Lauren R.* (2007) 148 Cal.App.4th 841, 861 [given reversal of prior order, reversal of subsequent order terminating parental rights was “necessary to restore all parties to their prior positions”].)

More specifically, Father claims that, had he not been denied his right to counsel in the proceedings for B.D., then *he would have been granted reunification services for B.D.* In this event, Father argues that the “focus” of the proceedings for K.M. would have “shifted” to placing both B.D. and K.M. with either Father or paternal family members. Thus Father argues that if his parental rights to B.D. are reinstated, as he argues they must be, then parental rights to K.M. must also be reinstated in order to restore him to the position he would have been in had he not been denied his due process and statutory rights to counsel in the proceedings for B.D.

Father’s argument is completely undercut by this court’s April 19, 2012, opinion in Father’s appeal from the section 366.26 orders for B.D. (*In re B.D., supra.*) There, we concluded that Father was not denied counsel at any stage of the proceedings involving B.D. (*In re B.D., supra.*) Instead, despite his having notice of the proceedings from their May 4, 2010, inception, Father did not appear in the proceedings, avail himself of his conditionally appointed counsel, and attempt to establish his presumed father status until March 28, 2011, the day the six-month reunification period for B.D. expired. (§ 366.21, subd. (e).)

At the March 28, 2011, six-month review hearing, the court was authorized to terminate the mother’s reunification and set a section 366.26 hearing for B.D. (§ 366.21,

subd. (e).) At the further six-month review hearing on April 28, the court did just that; it terminated the mother's services, denied Father services, and set a section 366.26 hearing for B.D. The court denied Father services on the ground he was incarcerated and services for Father would be detrimental to B.D. (§ 361.5, subd. (e)(1).) This was proper. (See *In re J.N.* (2006) 138 Cal.App.4th 450, 456-457 [incarcerated parent is properly denied services when services would be detrimental to the child].)

Father was not entitled to services for B.D. in any event, because he did not appear in the proceedings and attempt to establish his presumed father status before the March 28, 2011, expiration of the six-month reunification period. (*In re Zacharia D.* (1993) 6 Cal.4th 435, 453 [man who fails to achieve presumed father status before expiration of reunification period not entitled to reunification services under § 361.5].) The six-month reunification period for B.D. expired on March 28, 2011, six months after the September 27, 2010, dispositional hearing at which B.D. was removed from the mother's physical custody (§ 366.21, subd. (e)), and in no event later than April 28, 2011, the date of the further or continued six-month review hearing when Father was declared a presumed father and denied services. Section 361.5, subdivision (a)(1)(B) provides that: "For a child who, on the date of initial removal from the physical custody of his or her parent . . . was under three years of age, court-ordered services shall be provided for a period of six months from the dispositional hearing"

In sum, Father was not denied services for B.D. because he was deprived of his due process or statutory rights to counsel. (*In re B.D.*, *supra.*) Instead, as the juvenile

court pointed out, Father was “on the [lam]” from law enforcement following his May 4, 2010, arrest for having unlawful sex with the mother when she was a minor, until his incarceration for that offense in February 2011. (*In re B.D., supra.*) Before Father appeared on March 28, 2011, “the juvenile court had no obligation to *appoint* counsel for Father—much less direct counsel to establish Father’s presumed Father status or order services and visitation for Father—without Father’s participation or consent.” (*In re B.D., supra.*)

On this appeal, Father essentially renews his claim that he would have been granted services for B.D. had he not been denied his right to counsel. For the reasons explained, we have already rejected this claim. Thus we reject Father’s derivative claim on this appeal, that the denial of his right to counsel in the proceedings for B.D. prejudicially impacted the orders for K.M., including the order denying Father reunification services for K.M.⁵

⁵ As DPSS points out, Father did not challenge the denial of his reunification services for K.M. and the setting of the section 366.26 hearing for K.M. by writ petition from the court’s April 28, 2011 order, which was his only remedy. (*In re Cathina W.* (1998) 68 Cal.App.4th 716, 719; Cal. Rules of Court, rule 8.450 et seq.) Though we agree that Father is jurisdictionally barred from challenging the April 28, 2011 order denying him reunification services for K.M. on his present appeal from the January 19, 2012 section 366.26 termination and adoption orders for K.M. (§ 395; *In re Jesse W.* (2001) 93 Cal.App.4th 349, 355 [unappealed disposition or postdisposition order is final and binding and may not be attacked on an appeal from a later appealable order]), we have addressed Father’s claim in an abundance of caution, only because it is couched as derivative to his prior claim that he was denied his due process right to counsel in the proceedings for B.D. (see *In re Janee J.* (1999) 74 Cal.App.4th 198, 208-209 [jurisdictional bar of § 395 is not enforced if due process forbids it]; *In re B.D., supra.*)

B. Nevertheless, the Section 366.26 Orders for K.M. Must Be Conditionally Reversed Because the Juvenile Court Failed to Ensure That DPSS Complied With the Inquiry and Notice Requirements of the ICWA and Related California Law

Father further claims that the juvenile court *prematurely* and therefore erroneously found that the ICWA did not apply to the proceedings involving K.M., just as the court prematurely and erroneously found that the ICWA did not apply to the proceedings involving B.D. (*In re B.D., supra.*) DPSS concedes that the section 366.26 orders for K.M. must be conditionally reversed so that DPSS can comply with the inquiry and notice requirements of the ICWA. We agree. Thus we conditionally reverse the section 366.26 orders for K.M. as set forth below. (*In re Francisco W.* (2006) 139 Cal.App.4th 695, 704-705, 711.)

1. Applicable Legal Principles

The ICWA was enacted “to protect the best interests of Indian children and to promote the stability and security of Indian tribes and families” (25 U.S.C.A. § 1902.) “The ICWA presumes it is in the best interests of the child to retain tribal ties and cultural heritage and in the interest of the tribe to preserve its future generations” (*In re Desiree F.* (2000) 83 Cal.App.4th 460, 469.) To this end, section 1911 of the ICWA allows a tribe to intervene in state court dependency proceedings. (25 U.S.C.A. § 1911(c).)

Notice of the proceedings is required to be sent whenever it is known or there is reason to know that an Indian child is involved. (25 U.S.C.A. § 1912(a); Welf. & Inst.

Code, § 224.2, subd. (a); see *In re Desiree F.*, *supra*, 83 Cal.App.4th at p. 469.) Notice serves a twofold purpose: “(1) it enables the tribe to investigate and determine whether the minor is an Indian child; and (2) it advises the tribe of the pending proceedings and its right to intervene or assume tribal jurisdiction.” (*In re Desiree F.*, *supra*, at p. 470.)

If the tribe is unknown, notice must be given to the Bureau of Indian Affairs. (25 U.S.C.A. § 1912(a); *In re Desiree F.*, *supra*, 83 Cal.App.4th at p. 469; *In re Daniel M.* (2003) 110 Cal.App.4th 703, 707.) No foster care placement or termination of parental rights proceeding may be held until at least 10 days after the tribe, or the Bureau of Indian Affairs where the tribe is unknown, receives notice. (25 U.S.C.A. § 1912(a); *In re A.B.* (2008) 164 Cal.App.4th 832, 838.)

In addition to the child’s name and date and place of birth, if known, the notice is required to include the name of the Indian tribe in which the child is a member or may be eligible for membership, if known. (§ 224.2, subd. (a)(5)(B).) The notice is also required to contain “[a]ll names known of the Indian child’s biological parents, grandparents, and great-grandparents, . . . as well as their current and former addresses, birthdates, places of birth and death, tribal enrollment numbers, and any other identifying information, if known.” (§ 224.2, subd. (a)(5)(C).)

Juvenile courts and child protective agencies have “an affirmative and continuing duty” to inquire whether a dependent child is or may be an Indian child. (*In re H.B.* (2008) 161 Cal.App.4th 115, 121; § 224.3; Cal. Rules of Court, rule 5.481.) As soon as practicable, the social worker is required to interview the child’s parents, extended family

members, the Indian custodian, if any, and any other person who can reasonably be expected to have information concerning the child's membership status or eligibility. (§ 224.3, subd. (c); *In re Shane G.* (2008) 166 Cal.App.4th 1532, 1539; Cal. Rules of Court, rule 5.481(a)(4).)

2. Relevant Background

When Father appeared at the detention hearing for K.M. on July 14, 2011, he filed Judicial Council form ICWA-020 (Parental Notification of Indian Status), indicating he may have Indian ancestry from the *Cherokee, Sac and Fox, Sioux, and Blackfeet tribes*. At the hearing, the court noted that nothing in the detention report indicated that the ICWA applied. After the court officer responded that the ICWA did not apply, the court adopted the finding. The detention report also recommended finding that the ICWA did not apply.

More than one year earlier, when B.D. was taken into protective custody on May 4, 2010, Father told the social worker that his father, the paternal grandfather, was a registered Cherokee Indian. The next day, May 5, 2010, the social worker spoke with the paternal grandmother, Cindy Williamson, who said she had Sac and Fox heritage on her great, great grandmother's side, and that Father had Cherokee heritage on his father's side. Ms. Williamson denied that "anyone was a member of any tribe." Then, when Father first appeared in the proceedings for B.D. on March 28, 2011, he filed a Parental Notification of Indian Status form indicating he may have Cherokee, Sac and Fox, and

Blackfeet Indian ancestry, but not “Sue” Indian ancestry, as he later indicated on his July 14, 2011, form.

3. The Court Erroneously Failed to Ensure That DPSS Made Adequate Inquiries Concerning K.M.’s Indian Ancestry and That DPSS Gave Adequate Notice of the Proceedings to All Relevant Tribes

In *In re B.D.*, *supra*, we conditionally reversed the section 366.26 termination and adoption orders for B.D. Though notice of the proceedings for B.D. was given to several tribes, we concluded that DPSS failed to make adequate inquiries of paternal relatives, including the paternal grandmother and a paternal aunt, concerning the paternal grandmother’s and the paternal grandfather’s family histories. (§ 224.3, subd. (c); *In re B.D.*, *supra*.) Thus, we concluded that the notices to two of the tribes were inadequate. (*In re B.D.*, *supra*.) “Notice is meaningless if no information *or insufficient information* is presented to the tribe.” (*In re S.M.* (2004) 118 Cal.App.4th 1108, 1116, italics added, fn. omitted.)

In the proceedings for K.M., the juvenile court made similar errors. First, the court failed to ensure, in the first instance, that DPSS made adequate inquiries of the paternal grandmother and any other persons who could reasonably be expected to have information concerning K.M.’s membership status or eligibility in any tribe, based on the information the court and DPSS had at the time of the July 14, 2011, detention hearing and any other information the court or DPSS may have received thereafter. (§ 224.3, subd. (c); *In re Shane G.*, *supra*, 166 Cal.App.4th at p. 1539; Cal. Rules of Court, rule

5.481(a)(4).) We emphasize that juvenile courts and child protective agencies have “an affirmative and continuing duty” to inquire whether a dependent child is or may be an Indian child. (*In re H.B., supra*, 161 Cal.App.4th at p. 121.)

The court also failed to ensure that notice of the proceedings for K.M. was given to all relevant tribes and, if appropriate, to the Bureau of Indian Affairs. In this respect, we emphasize that “ICWA notices in separate dependency cases are not fungible evidence—even when the separate cases involve half siblings who share the same parent with Indian heritage.” (*In re Robert A.* (2007) 147 Cal.App.4th 982, 990.) Thus, upon remand, the court must ensure that DPSS investigates K.M.’s Indian ancestry anew, based on all information then reasonably available to DPSS (§ 224.3) and that all the information described in section 224.2, subdivision (a)(5) is included in the notices.

IV. DISPOSITION

The January 19, 2012, orders terminating parental rights to and placing K.M. for adoption are conditionally reversed and a limited remand is ordered as follows. Upon remand, the court shall direct DPSS to make further inquiries regarding K.M.’s Indian ancestry pursuant to section 224.3, and send ICWA notices to all relevant tribes in accordance with the ICWA and California law. DPSS shall thereafter file certified mail return receipts for the ICWA notices, together with any responses received. If no responses are received, DPSS shall so inform the court. The court shall determine whether the ICWA notices and the duty of inquiry requirements have been satisfied and whether K.M. is an Indian child. If the court finds K.M. is not an Indian child, it shall

reinstate the orders terminating parental rights and placing K.M. for adoption. If the court finds K.M. is an Indian child, it shall conduct all further proceedings in compliance with the ICWA and related California law.

NOT TO BE PUBLISHED IN OFFICIAL REPORTS

KING
J.

We concur:

MCKINSTER
Acting P. J.

MILLER
J.