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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

In re L.C., a Person Coming Under the
Juvenile Court Law.

RIVERSIDE COUNTY DEPARTMENT
OF PUBLIC SOCIAL SERVICES,

Plaintiff and Respondent,

v.

J.C.,

Defendant and Appellant.

E061963

(Super.Ct.No. SWJ003813)

OPINION

APPEAL from the Superior Court of Riverside County. Tamara L. Wagner,
Temporary Judge. (Pursuant to Cal. Const., art. VI, § 21.) Reversed with directions.

Elizabeth A. Klippi, under appointment by the Court of Appeal, for Plaintiff and
Appellant.

Gregory P. Priamos, County Counsel, and Anna M. Marchand, Deputy County
Counsel, for Defendant and Respondent.

J.C. (father), the father of L.C., appealed from a judgment terminating his parental rights as to L.C. (Welf. & Inst. Code, § 366.26.) Father filed an opening brief contending that the juvenile court failed to adequately comply with the inquiry and notice requirements of the Indian Child Welfare Act (ICWA). (25 U.S.C. § 1901 et seq.; Cal. Rules of Court, rule 5.480 et seq.) On January 28, 2015, the parties filed a joint application and stipulation for reversal of judgment and remand. After our own careful review of the entire record, we conclude that the juvenile court did fail to adequately comply with the inquiry and notice requirements of ICWA, and we reverse with the requested directions.

FACTS

In September 2013, paternal grandmother indicated that the child may have ancestry in the Soboba Indian Tribe. There is no indication of notice to the Soboba Indian Tribe in the record. Regardless, at the detention hearing held September 18, 2013, the juvenile court found that ICWA did not apply.

The court terminated father's parental rights as to L.C. at the Welfare and Institutions Code section 366.26 hearing.

STIPULATION

A stipulated reversal under Code of Civil Procedure section 128, subdivision (a)(8), is permissible in a dependency case when the parties agree that reversible error occurred, and the stipulated reversal will expedite the final resolution of the case on the merits. (*In re Rashad H.* (2000) 78 Cal.App.4th 376, 380-382.) In the stipulation, the

parties agree that insufficient notice was provided under the provisions of the ICWA and that reversal of the judgment is appropriate with directions to the juvenile court to make a proper ICWA inquiry. Notice to the Soboba Indian Tribe under the ICWA must contain sufficient information to determine the child's direct ancestors. (Welf. & Inst. Code, § 224.2, subd. (a)(5); *In re Francisco W.* (2006) 139 Cal.App.4th 695, 703.) Reversal is therefore appropriate given the Department's and juvenile court's failure to provide adequate ICWA notice. (See e.g., *In re A.B.* (2008) 164 Cal.App.4th 832, 839.) Only father appealed, and biological mother died in an automobile accident in 2010; therefore, the parental rights termination order must be reversed as to father only. (Contrast *In re Mary G.* (2007) 151 Cal.App.4th 184, 208.)

DISPOSITION

The order terminating parental rights is reversed as to J.C.

The juvenile court is directed to order the Department to provide adequate notice, which contains information concerning father's relatives pursuant to the provisions of the ICWA. If after proper notice and inquiry, a tribe determines that L.C. is an Indian child as defined by the ICWA, the juvenile court is directed to conduct a new Welfare and Institutions Code section 366.26 hearing in conformity with the provisions of the ICWA. If there is no response or the tribes determine that L.C. is not an Indian child, the juvenile court is directed to reinstate all previous findings and terminate parental rights.

Pursuant to the parties' stipulation, the clerk of this court is directed to issue the

remittitur immediately. (Cal. Rules of Court, rule 8.272(c)(1).)

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RAMIREZ
P. J.

We concur:

HOLLENHORST
J.

McKINSTER
J.