Filed 2/15/17 In re L.Z. CA4/2

NOT TO BE PUBLISHED IN OFFICIAL REPORTS

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

In re L.Z., et al., Persons Coming Under the Juvenile Court Law.	
RIVERSIDE COUNTY DEPARTMENT OF PUBLIC SOCIAL SERVICES, Plaintiff and Respondent, v. F.Z., Defendant and Appellant.	E065585 (Super.Ct.No. RIJ1500854) OPINION

APPEAL from the Superior Court of Riverside County. Jacqueline C. Jackson, Judge. Affirmed in part; reversed in part with directions.

Shobita Misra, under appointment by the Court of Appeal, for Defendant and Appellant.

Gregory P. Priamos, County Counsel, and James E. Brown, Guy B. Pittman, and Julie Koons Jarvi, Deputy County Counsel, for Plaintiff and Respondent.

L.Z, age six, and her two-year old brother I.Z., came to the attention of the Riverside County Department of Public Social Services (DPSS) after reports were made that the parents failed to supervise them. The children were detained after DPSS investigated the reports, finding that I.Z. had a black eye and numerous bruises on his body, and L.Z. reported she had been spanked with a belt. The parents had a child welfare history traversing three states, one of which was Florida, where L.Z. had been removed upon adjudication as a dependent, and the family had reunified. During the investigation of the allegations, father was volatile, argumentative and confrontational, while mother suffered several serious health conditions impairing her ability to parent. The juvenile court sustained the petition, finding that I.Z. was described by Welfare and Institutions Code, section 300, subdivision (b)[1], and that L.Z. fell within section 300, subdivisions (b) and (j). The father, F.Z., appealed.

On appeal, father[2] argues there is insufficient evidence to support the jurisdictional findings as to both children, and that the juvenile court failed to comply with the notice requirements of the Indian Child Welfare Act (ICWA). We affirm the jurisdictional and dispositional orders, but direct the court to order DPSS to notify the Eskimo/Innuit Tribes of the pendency of the proceedings in order to determine if the children qualify as Indian Children.

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[1] All further statutory references are to the Welfare and Institutions Code, unless otherwise stated.

[2] Mother did not appeal. Matters pertaining to mother will be mentioned only as necessary to provide factual or procedural context.

BACKGROUND

On July 13, 2015, a social worker for DPSS made an unannounced visit to the residence where the family had recently moved, in response to a referral regarding neglect of the two children, L.Z., age six, and I.Z., age two. The report indicated that the children could be heard screaming three or four times during the day. Although reluctant initially, the parents eventually allowed the social worker to see the children. The home met minimum standards, and the children appeared to be healthy, although I.Z. appeared to have delays in language skills and walking.

On August 3, 2015, the social worker made a second unannounced visit. On this occasion, I.Z. had a black eye, for which there were inconsistent explanations. The father surmised that I.Z. had fallen over a toy water gun, while L.Z. informed the social worker that her younger brother had slammed into a mirror. Later father expressed the belief that L.Z. had injured her brother while playing roughly with him. L.Z. informed the social worker that she and I.Z. were left unattended, sometimes for extended periods, when father went across the street, and that she had lived in foster care in the State of Florida. L.Z. also reported that father sometimes spanked her with a belt. Mother was not present on this visit as she suffered from several serious chronic conditions (lupus, ovarian cancer, heart problems) and was hospitalized.

The children were taken into protective custody. Upon being informed of the decision to detain the children, father had a loud outburst. Later, he was charged with slashing the tires of a neighbor's car, believing the neighbor to be the reporting party.

A medical examination of I.Z. revealed, in addition to the black eye, several pinch marks, six different bruises and scratches on his body, as well as a small circular burn on his abdomen, and a severe diaper rash. The pinch marks appeared to have been intentionally inflicted. The examiner also noted that I.Z. possibly suffered from autism spectrum disorder, and that his teeth were decaying.

Upon further investigation of the family's circumstances, the social worker confirmed that L.Z. had been the subject of dependency proceedings in the State of Florida. It was learned that mother was married to another man, with whom she had several children, all of whom had been removed from her custody. She was still legally married and refused to provide her spouse's name to the social worker. With father, mother had at least one other child who died in their care at the age of five months. In Florida, L.Z. had been a dependent child based on allegations of neglect between 2011 and 2013, and had been placed in foster care until the family reunified in 2013. Mother gave birth to I.Z. while that case was open. At birth, I.Z. had a purulent cyst on his neck.[3]

On August 6, 2015, DPSS filed a dependency petition on behalf of L.Z. and I.Z. As to I.Z., the petition alleged he had suffered serious non-accidental harm (§ 300, subd. (a)), that the parents failed to protect, supervise, or provide food, clothing or medical treatment (§ 300, subd. (b)) due to the parents' neglect, transience, prior child welfare

[3] The records from Florida indicated that surgery was indicated for the cyst, but this was apparently never done. In fact, as of the date of the jurisdictional hearing, surgery had not been scheduled.

history, and mental illnesses, and that he suffered severe physical abuse (§ 300, subd. (e)). As to L.Z., the petition alleged she was a person described by section 300 as a result of neglect, failure to supervise or provide necessaries (§ 300, subd. (b)), and that due to the abuse of I.Z., she was also at risk of physical abuse (§ 300, subd. (j)).

At the detention hearing, the court made a prima facie finding that the children came within the provisions of section 300, subdivisions (a), (b), (e), and (j), and ordered them placed in temporary custody of DPSS. At that hearing, father executed an ICWA-020 form indicating he had no Indian Ancestry. Mother appeared by telephone, so she did not execute the requisite form, but she orally informed the court that she might have Cherokee and Eskimo ancestry. On September 2, 2015, a Notice of Child Custody Proceedings for Indian Child (ICWA-030) was served on various Cherokee tribes and the Bureau of Indian Affairs (BIA). The notice included no information identifying relatives through whom mother claimed Indian ancestry, although mother had initially disclosed her possible Cherokee ancestry to the social worker on July 13, 2015.

On September 9, 2015, the matter came on calendar for a pretrial hearing, at which time mother submitted her ICWA-020 form, indicating possible Cherokee and Innuit Eskimo ancestry through paternal grandparents. At that hearing, the court received the social worker's jurisdictional report dated September 3, 2015, recommending that reunification services be denied pursuant to section 361.5, subdivisions (b)(5) and (b)(6), due to the allegations of severe physical abuse. The report also indicated that ICWA may

apply because mother had reported Native American ancestry with Cherokee tribal affiliation.

Attached to the jurisdictional report were documents pertaining to the family's long history with child welfare agencies in Arkansas, Florida, New York and Maine. By way of history, the documents recount that mother was originally from Maryland, where three children were removed from her custody. In New York, after mother became involved with father, another child had died from blood clots. In 2009, in the State of Florida, L.Z. first came to the attention of the local Child Protective Services. In 2011, L.Z. was removed from her parents' custody and placed in foster care. The family was reunified in 2013. The parents moved to California at some point thereafter. The social worker indicated that the parents had not benefitted from prior services insofar as they continued to physically harm and neglect their children. Additionally, the parents had been defensive and uncooperative with DPSS, demonstrating poor insight into the nature and severity of the abuse of I.Z., and refusing to accept responsibility.

The jurisdictional hearing was continued several times; in the meantime, the social worker submitted addendum reports regarding the children and the parents. In the addendum filed on September 28, 2015, the social worker noted that L.Z. qualified for services through Riverside Mental Health, a non-relative extended family member in Michigan had been identified for possible placement, and the parents' level of progress in services was nil. The social worker's assessment referred to the parents as defensive,

argumentative, and uncooperative, expressing concern that they had poor insight and believed they did not need services.

The report summarized the parents' most recent visits with the children. Father was late for two visits and seemed to be more loving and affectionate with I.Z., speaking to L.Z. only to yell or reprimand her. The social worker reported that the parents continued to be defensive, argumentative and uncooperative, and that mother tended to defend and apologize for father's behavior.

The social worker also stated that mother had previously been diagnosed with schizophrenia and father had been diagnosed with bipolar disorder, although the information from Florida to which the social worker referred was based on statements made by father during the CPS investigation in Florida, unsupported by any formal evaluation or diagnosis. The social worker now recommended that the denial of reunification services be ordered pursuant to section 361.5, subdivision (b)(2), and requested psychological evaluations of the parents.

The jurisdiction hearing spanned three days of testimony. On the first day, L.Z. testified in chambers that I.Z. injured his eye when he ran into a mirror in their bedroom. She also testified that father spanked her with a belt, but she was not afraid of either parent. She liked living at home with her parents and usually received time-outs when she misbehaved. She missed her parents, and wanted to go home with them. Father also testified at the hearing.

At the conclusion of the hearing, the court sustained the petition under section 300, subdivision (b) as to I.Z. and section 300, subdivisions (b) and (j) as to L.Z. The court struck the allegations pertaining to section 300, subdivisions (a) and (e).

Prior to the disposition hearing, the social worker submitted another addendum regarding the recent psychological evaluations of the parents. The social worker continued to recommend that no reunification services be provided pursuant to section 361.5, subdivision (b)(2), although only one evaluation per parent was conducted.[4] The evaluation of mother noted that she suffers from a seizure disorder and other poor health, but concluded she did not seem to have schizophrenia, although some of her thinking indicated bizarre fears and anxieties. The "probable diagnosis" of mother was Generalized Anxiety Disorder, with aspects of psychosis that seems now to be controlled; and Obsessive Compulsive Personality Disorder with Dependent Features. The evaluator concluded that it was difficult to recommend reunification, but noted she clearly has a bond with the children and should have continued visitation.

Father's psychological evaluation indicated he had erratic mood changes and elevations in self-centered thinking. The evaluator pointed out that his level of agitation

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[4] Pursuant to section 361.5, subdivision (b)(2), services may be denied to a parent if he or she is suffering from a mental disability, as described in Family Code section 7820, et seq., that renders him or her incapable of utilizing those services. Family Code section 7826 authorizes a court to terminate parental rights on the basis of a developmental disability or mental illness, but required the parent to have been declared to be developmentally disabled or mentally ill by a court of competent jurisdiction. Family Code section 7827 requires the testimony of two experts to make a finding that a parent suffers a mental incapacity or disorder the renders him or her unable to care for and control the child adequately.

and energy were suggestive of bipolar disorder, and that he possibly had a dual diagnosis between bipolar and personality disorder. The evaluator believed father also had a full-blown narcissistic personality disorder with histrionic features, who was a poor candidate for caring for his children or psychotherapy.

By January 26, 2016, the disposition hearing had still not commenced. An addendum report filed that date incorrectly indicated that the court had made true findings as to I.Z. under sections 300, subdivisions (a), (b), and (e), despite the court's dismissal of the (a) and (e) counts. The social worker continued to recommend that no reunification services be provided on the basis of section 361.5, subdivision (b)(2). The social worker also indicated that an assessment was under way pursuant to the Interstate Compact for the Placement of Children (ICPC) respecting the proposed placement of the children with the non-relative extended family member in Michigan.

Regarding visitation between the children and the parents, the social worker described them as going well, and indicated that father's behavior had improved.

The disposition hearing was finally conducted on February 2, 2016, seven months after the children had been detained. The court declared the children to be dependents of the court, and removed physical custody from the parents. The court ordered that family reunification services be provided for the parents, and authorized DPSS to liberalize visitation to include unsupervised day visits, overnight, and weekend visits. The court ordered that the ICPC evaluation of the Michigan placement should proceed, and found that adequate ICWA notice had been provided.

Father timely appealed.

DISCUSSION

1. *There Is Sufficient Evidence to Support the Jurisdictional Findings as to Both Children.*

Father argues there is insufficient evidence to support the juvenile court's jurisdictional findings as to both children. Specifically, father challenges the findings under the individual allegations, and argues that the finding of substantial risk of harm requires a showing at the time of the jurisdictional hearing of the substantial risk that the harm will reoccur. We disagree.

Jurisdiction is appropriate under section 300, subdivision (b)(1) where the court finds "[t]he child has suffered, or there is a substantial risk that the child will suffer, serious physical harm or illness, as a result of . . . the willful or negligent failure of the parent or guardian to provide the child with adequate food, clothing, shelter, or medical treatment . . . ." A parent's failure or inability to adequately supervise or protect the child also brings the child within the definition of a dependent child under section 300, subdivision (b)(1).

Three elements must exist for a jurisdictional finding under section 300, subdivision (b): "(1) neglectful conduct by the parent in one of the specified forms; (2) causation; and (3) 'serious physical harm or illness' to the minor, or a 'substantial risk' of such harm or illness." (*In re Rocco M.* (1991) 1 Cal.App.4th 814, 820.) "The third element 'effectively requires a showing that at the time of the jurisdiction hearing the

child is at substantial risk of serious physical harm in the future (e.g., evidence showing a substantial risk that past physical harm will reoccur).'" (*In re David M.* (2005) 134 Cal.App.4th 822, 829, quoting *In re Savannah M.* (2006) 131 Cal.App.4th 1387, 1396.)

It is true, as father argues, that the question under section 300 is whether the circumstances *at the time of the hearing* subject the minor to the defined risk of harm. (*In re Rocco M., supra*, 1 Cal.App.4th at p. 824.) However, a parent's past conduct may be probative of current conditions if there is reason to believe that the conduct will continue. (*In re Christopher R.* (2014) 225 Cal.App.4th 1210, 1216, citing *In re S.O.* (2002) 103 Cal.App.4th 453, 461.) Additionally, the court need not wait until a child is seriously abused or injured to assume jurisdiction. (*In re Kadence P.* (2015) 241 Cal.App.4th 1376, 1383, and cases there cited.)

The court may consider past events in deciding whether a child currently needs the court's protection, and a parent's past conduct may be probative of current conditions if there is reason to believe the conduct will continue. (*In re N.M.* (2011) 197 Cal.App.4th 159, 165; see also, *In re S.O., supra*, 103 Cal.App.4th at p. 461.) A parent's attitude toward the past conduct, and the steps taken to address problematic conduct in the interim, may be sufficient to establish current risk depending upon present circumstances. (*In re John M.* (2013) 217 Cal.App.4th 410, 418-419.)

We review the juvenile court's jurisdictional findings and disposition orders for substantial evidence. (*In re R.C.* (2012) 210 Cal.App.4th 930, 940-941.) "We draw all reasonable inferences from the evidence to support the findings and orders of the juvenile

court. We adhere to the principle that issues of fact, weight and credibility are the provinces of the juvenile court." (*Id.* at p. 941, citing *In re Savannah M.* (2005) 131 Cal.App.4th 1387, 1393.)

Here, the evidence before the juvenile court was replete with neglectful conduct by the parents, both past and present, demonstrating parenting problems of longstanding that have recurred time and again. In 2011, the Florida social worker's summary notes that L.Z. was left in her room behind a childproof gate, without supervision or stimulation. At that time, she was allowed to wear a diaper for up to eight hours, resulting in a serious diaper rash. The summaries pertaining to the Arkansas and Florida proceedings noted father's volatile and threatening behavior. He was also described as noncompliant and uncooperative with child protective investigators, and both parents were not forthcoming regarding where they had lived or how many other children there were. In 2011, the Florida social worker complained that father had unrealistic expectations from L.Z. and that L.Z. had decaying teeth. L.Z. was initially removed due to threatened harm and inadequate supervision.

Flash forward to 2015, and while mother was in the hospital, father left the children unattended to go across the street. I.Z. has a serious diaper rash and decaying teeth, in addition to a black eye and several bruises or pinch marks on his body. Father's behavior was threatening, confrontational, defensive and uncooperative. In other words, his past behavior has proven a good indicator of the present risk to the children.

a. *Failure to Supervise or Protect, Allegation b-1*.

Jurisdiction under section 300, subdivision (b)(1) requires proof that the child has suffered or is at risk of suffering serious physical harm or illness as a result of the failure or inability of the parent to adequately supervise or protect the minor. (*In re Rocco M. supra,* 1 Cal.App.4th at p. 820, fn. 4.) Father points to the fact that the evidence disclosed that he did not inflict the black eye on I.Z., the autistic behaviors displayed by I.Z., and the fact that the children were known to play roughly together as proof he posed no risk to the children.

Such assertions demonstrate father's lack of understanding of the causes that led to his loss of custody, which exposed the children to the risk of harm from his lack of parenting ability, and supports the court's finding of his inability to supervise and protect. The fact that father appeared to be aware of I.Z.'s developmental limitations, and was actually aware of the rough play engaged in by the children, showed he was aware of circumstances that would give rise, in a responsible parent, to an obligation to supervise and protect I.Z. more diligently. He failed to do so on more than one occasion by leaving the children unattended in a bedroom and leaving the residence with no responsible adult to attend the children. There is substantial evidence to support the allegation that the parents failed to protect and supervise the children within the meaning of section 300, subdivision (b), within the meaning of allegations b-1 and b-2, resulting in I.Z. acquiring a black eye.

b. *Inappropriate discipline, Allegation b-2.*

Father asserts there is no evidence he continues to spank L.Z. with a belt, so there is no present risk of harm to support jurisdiction. We disagree. Father admitted spanking L.Z. with a belt, and L.Z. testified that father spanked her with his hands when she was four, but switched to the belt when she turned six. L.Z. also reported that father spanked I.Z., who was only 2, when father was angry.

The fact that father has a volatile temper, which he cannot seem to control, uses corporal punishment on both children (one of whom was only two), and given that his discipline had escalated to use of the belt on L.Z. when she turned six, and that he resisted parenting services, demonstrates that both children are at risk of harm from his continuing pattern of corporal punishment. To argue that the conduct was not likely to recur is to ignore all the evidence in the record of father's unstable, volatile nature for which he resists treatment, and his testimony at the hearing that spanking on the butt was perfectly fine with him.

c. *Failure to provide medical/dental care*.

In Florida, L.Z.'s decaying teeth was a matter of concern during that dependency proceeding. While there, and receiving services, I.Z. was born with a purulent cyst on his neck in Florida in 2013 that required medical treatment. Nevertheless, in 2015, I.Z.'s teeth were decaying as L.Z.'s had a few years before, and he had not received treatment for the cyst. Failure to seek medical treatment is a proper basis for dependency jurisdiction. (*In re Petra B.* (1989) 216 Cal.App.3d 1163, 1171.) Because of the

recurrent nature of the failure to attend to I.Z.'s dental health, and the ongoing failure to seek medical treatment for the cyst, there is substantial evidence to support the finding that the parents failed to seek medical care for the children, and demonstrated a risk that such neglect would recur in the future.

d. *Father's mental instability and volatility*.

Father contends there is insufficient evidence of his inability to provide care to the children due to mental illness. We disagree.

L.Z. testified that father spanked the children when he was angry, and the record is rife with examples of father's volatile and confrontational behavior. A psychological evaluation suggested a dual diagnosis of Bipolar and Personality disorders, and supports the allegation relating to the father's mental health and instability. His mental health rendered him defensive and confrontational, as well as resistant to services and threatening of service providers. His mental instability was a problem noted as a risk factor during the Florida case involving L.Z., and was a major factor in the present case because there is no indication that he has ever acknowledged the problem, much less, taken steps to address the issue.

Father relies on the case *In re James R.* (2009) 176 Cal.App.4th 129, where the children came to the attention of the child welfare agency because of mother's reaction to a combination of ibuprofen and beer. In that case, there were no allegations of any abuse or neglect in the present or the past. That situation is grossly at odds with the present case where father's conduct has been a factor in separate dependency investigations in at

least two other states from 2009 to the present, where neglect has been a continuing theme. Given his documented tendency to have violent outbursts, coupled with his practice of corporal punishment, refusal to cooperate with services, and failure to address his condition with treatment, father's untreated mental health posed a serious risk of harm to the children that was present at the time of the hearing.

We do not need to address any allegations pertaining to mother's mental health because she did not appeal. The evidence is sufficient to support the juvenile court's findings as to father.

e. *Failure to provide a stable home, Allegation b-6.*

Father argues there is insufficient evidence to support the finding that the parents had failed to maintain a stable home. We disagree.

Prior to taking up residence in California, the parents had resided in New York, Florida, Oklahoma, Indiana, Arkansas, Texas, and possibly Maine. They moved from Florida to Arkansas in 2013, then lived in Indiana, after which they moved to Blythe. They lived in Blythe for two months before moving to Riverside, where they had lived for three weeks at the time the children were detained. On August 31, they informed the social worker they were moving. In October 2015, the parents informed the social worker they were moving again, this time to Hemet. This residence was a house that was shared with other tenants, which the parents had occupied for approximately two months, as of the date of the jurisdictional hearing.

The number of relocations, and the short length of time of residence at each one, was sufficient to support the finding that the parents had failed to establish a secure home. (See *In re Steven A.* (1993) 15 Cal.App.4th 754, 764 [father lived in his car].) Prior to her removal by DPSS at the age of six, L.Z. had not attended any school and was unable to recognize all the letters of the alphabet. This evidence supports a finding that the family's unstable lifestyle has been detrimental.

f. *Failure to Benefit from Prior CPS Services, Allegation b-7.*

Father contends that the juvenile court erred in finding that he had failed to benefit from reunification services provided by the State of Florida, insofar as they continued to abuse and neglect the children. Father also claims the allegation is too vague to form a basis for jurisdiction. We disagree.

Initially, we point out that the allegation under paragraph b-7 was not included as a separate *jurisdictional* base, but, was pleaded by DPSS to avoid any inference that the issues bringing the children to the attention of the court were not isolated occurrences. Instead, the conduct was likely to recur.

Here, L.Z. was a dependent child in the State of Florida for two years, during which time the parents received services for such problems as neglect (she was initially found to be filthy, and her father did not regularly change her diaper, resulting in severe diaper rash), failure to provide dental care, and leaving the child unsupervised (L.Z. was left isolated in her room with a television.). After receiving services for two years, I.Z. was found in a remarkably similar situation just two years after the parents reunified with

L.Z. The original circumstances involving L.Z. have recurred, and there is substantial evidence they are likely to recur, without supervision.

These facts support the juvenile court's finding.

2. *Notice to Alaskan Native American Tribes Must Be Provided Under ICWA.*

In the juvenile court, mother indicated possible Indian ancestry through the Cherokee and Eskimo tribes. DPSS sent notices to the Cherokee Tribes and to the BIA, listing only the possible Cherokee ancestry. The notices included only the names of the parents. The responses from the Cherokee tribes indicated that the children were not Indian children.

DPSS never sent notification to any of the Alaskan Native American Tribes. Father argues that DPSS failed to give notice of the pending child custody proceedings to the Eskimo Tribe pursuant to ICWA, requiring a conditional reversal. DPSS argues that ICWA notice to the Cherokee Tribes was adequate, because there is no federally recognized "Innuit Eskimo" tribe. We agree with father that notice should have been provided to the Alaskan native entities, requiring reversal of the court's finding that ICWA does not apply. However, reversal of the jurisdictional or dispositional orders is not required where the proceedings are ongoing; we will direct that DPSS provide proper notice to the BIA and the Innuit/Eskimo tribes, as will be discussed further below.

The Indian Child Welfare Act (25 U.S.C. §§ 1901, et seq.), was enacted to promote the stability and security of Indian tribes and families by establishing minimum standards for removal of Indian children from their families and placement of such

children in foster or adoptive homes which will reflect the unique values of Indian culture. (*In re C.Y.* (2012) 208 Cal.App.4th 34, 39; *In re Levi U.* (2000) 78 Cal.App.4th 191, 195.) In state court proceedings involving the foster care placement of, or termination of parental rights to, an Indian child, the Indian custodian of the child and the Indian child's tribe have the right to intervene at any point in the proceeding. (25 U.S.C. § 1911, subd. (c).) Thus, in any involuntary proceeding in a state court, where the court knows or has reason to know that an Indian child is involved, the party seeking the foster care placement of, or termination of parental rights to, an Indian child must notify the parent or Indian custodian and the Indian child's tribe of the pending proceedings. (25 U.S.C. § 1912, subd. (a).)

A social worker has an affirmative and continuing duty to inquire whether a child in a section 300 proceeding is or may be an Indian child (§ 224.3, subd. (a)). If a social worker has reason to know that an Indian child is involved, the social worker is required to make further inquiry regarding the possible Indian status of the child. (§ 224.3, subd. (c).) However, neither the court nor DPSS is required to conduct a comprehensive investigation into the minor's Indian status. (*In re C.Y*, *supra*, 208 Cal.App.4th at p. 39; *In re S.B.* (2005) 130 Cal.App.4th 1148, 1161.)

ICWA defines an Indian child as an unmarried person under the age of 18 who is: (1) a member of an Indian tribe; or (2) eligible for membership in an Indian tribe and the biological child of a member of an Indian tribe. (25 U.S.C. § 1903, subd. (4).) A child may qualify as an Indian child within the meaning of ICWA even if neither of the child's

parents is enrolled in the tribe. (*In re Gabriel G.* (2012) 206 Cal.App.4th 1160, 1166.) The determination of the child's Indian status is up to the tribe, so the juvenile court needs only a suggestion of Indian ancestry to trigger the notice requirement. (*In re Nikki R.* (2003) 106 Cal.App.4th 844, 848.)

Here, mother filled out the ICWA-020 form, indicating both Cherokee and "Innuit Eskimo" ancestry. The notice to the Cherokee tribes contained only the mother's and father's names, with no names for any grandparents, despite the social worker's ongoing contact with the parents. No notice was sent to the Alaskan or Innuit entities. The social worker must obtain this information from the mother or explain why the information is not included.

Respondent argues that there is no federally recognized "Innuit Eskimo" tribe, so notice was not required. It is not quite so simple. The term "Innuit" is a collective term (the plural of Inuk), for a group of culturally similar indigenous peoples inhabiting the Arctic regions of Alaska, Greenland, Canada, and Siberia. (http://www.newworldencyclopedia.org/entry/Inuit.) The Alaskan Innuit comprises the Alutiiq, Yup'ik (or Yupiat) and Inupiat tribes. (http://www.encyclopedia.com/history/united-states-and-canada-north-american-indigenous-peoples/.) The term "Eskimo," as it pertains to Alaskan indigenous peoples, has been replaced by "Inuit." (*Ibid.*) There are 229 federally recognized Alaskan villages. (http://www.alaskannature.com/inuit.htm; see also, 81 Fed. Reg. 5023-5025,

(No. 19, January 29, 2016).) For this reason, one will not find "Eskimo" or "Innuit" in the Federal Register's list of federally recognized Native Entities.

The Federal Register lists the 229 Alaskan villages. The names, addresses and telephone numbers of approximately 15 Tribal Leaders and BIA Servicing Centers may be found in the BIA Tribal Leaders Directory. (See, http://www.bia.gov/cs/groups/public/documents/text/idc002652.pdf.) At the very minimum, the social worker should have provided notice to the Native Alaskan Entities through the BIA, if not to the individual tribal entities.[5]

Respondent also argues that lack of notice was excusable because there were no relatives to ask about Indian heritage. Respondent suggests that mother was unwilling to provide information about her relatives because she was reluctant to name her estranged husband. There is no indication in the record that the social worker ever attempted to ask the mother for information about relatives for purposes of investigating and providing notice under ICWA. We cannot assume that mother refused or would have refused to provide such information where the record shows she readily provided information about her possible Indian heritage.

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[5] By way of a letter, DPSS requests that we identify the specific Native American entity to which notice should be provided. We have identified four entities listed in the Federal Register in our opinion, whose names comprise a form of the words "Innuit" or "Inuk." We also recommended contact with the BIA. However, the duty to identity and locate the appropriate Native American entity is more appropriately borne by the DPSS working with the court.

The social worker should also have inquired about and included the names of the mother's parents in the notice to the Cherokee tribes, and should have provided notice to the Native Alaskan entities. The court is directed to order DPSS to continue its investigation and to provide appropriate notices to both the Cherokee and Alaskan Indian entities.

DISPOSITION

We reverse the trial court's finding that ICWA does not apply, and direct the court to order DPSS to continue investigation of the children's possible Indian Ancestry immediately. In all other respects, the judgment is affirmed.

NOT TO BE PUBLISHED IN OFFICIAL REPORTS

RAMIREZ
P. J.

We concur:

McKINSTER
J.

SLOUGH
J.