Children's Law Center of California

"DEPENDENCY LEGAL NEWS"

Vol. 21, No. 11: December 9, 2025
Issued by the Children's Law Center of California on the second Tuesday of each month.
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NEW DEPENDENCY CASE LAW

ICWA—INITIAL INQUIRY—WIC 224.2

In re C.L.—partially published 11/17/25; Second Dist., Div. Three
Docket No. B345433
Link to case: https://www4.courts.ca.gov/opinions/documents/B345433.PDF

SUBSTANTIAL EVIDENCE SUPPORTED THE COURT'S ICWA FINDINGS WHERE THE AGENCY HAD INQUIRED OF ALL AVAILABLE FAMILY MEMBERS EXCEPT A SOLE MATERNAL UNCLE. THE TRIAL COURT MAY INFER THAT DENIALS OF ANCESTRY WERE IN RESPONSE TO QUESTIONS ABOUT ICWA HERITAGE EVEN IF THE AGENCY DID NOT DESCRIBE ITS INQUIRIES.

In proceedings where father's parental rights were terminated as to C.L., the agency made ICWA inquiries of the maternal and paternal family. Mother, father, and maternal grandmother all denied Native American heritage. The agency eventually had contact with paternal grandmother, a paternal cousin, a maternal uncle, and a maternal great uncle. The agency reported that paternal grandmother and paternal cousin did not have Native American heritage. In a report prepared for the section 366.26 hearing, the agency

reported that maternal grandmother, the paternal cousin's wife, and the maternal great uncle all reported having no Native American heritage. Other than a single interview with maternal grandmother, the agency did not provide a narrative description of its ICWA inquiries. Father appealed the trial court's finding that the Indian Child Welfare Act did not apply.

Affirmed. The trial court did not abuse its discretion when it found that the agency had conducted an adequate inquiry. Although the California Rules of Court require the agency to include "a detailed description of all inquiries" and the agency here did not describe its inquiries of the paternal relatives, the trial court was still entitled to infer that the paternal relatives had provided ICWA information in response to an agency inquiry. It is difficult to imagine a scenario in which a relative spontaneously denies heritage without being asked. Furthermore, the agency's failure to inquire of maternal uncle does not undercut the juvenile court's ICWA findings. Preliminarily, it is not clear that the uncle was "reasonably available" under the statute based on his limited contact with the agency. But even if he had been considered "available", the evidence supported a finding that ICWA did not apply because every other available relative, including maternal grandmother, denied possible Native American heritage. (DS)