



Children's Law Center of California

“DEPENDENCY LEGAL NEWS”

Vol. 22, No. 1: January 13, 2026

Issued by the Children's Law Center of California on the second Tuesday of each month.

Written by: Kristin Hallak (KH), Michael Ono (MO), Ann-Marissa Cook (AMC), Stanley Wu (SW), Sarah Liebowitz (SL), Taylor Lindsley (TL), Daniel Szrom (DS), Liz Lopez (LL), Kaveh Landsverk (KL).

© 2026 by Children's Law Center of California (“CLC”). All rights reserved. No part of this newsletter, except those which constitute public records, may be reproduced in any form or by any electronic or mechanical means, including information storage and retrieval systems, without permission in writing from CLC. Cases reported may not be final. Case history should be checked before relying on a case. Cases and other material reported are intended for educational purposes only and should not be considered legal advice. Links to cases expire after 120 days. References are to the Welfare and Institutions Code unless otherwise noted. For more information on Children's Law Center, please visit our website at www.clccal.org.

NEW DEPENDENCY CASE LAW

Appeals; Mootness; CACI—Pen. Code, § 11169 –11170

In re S.R.—published 12/1/25; California Supreme Court

Docket No. S285759; 18 Cal.5th 1042

Link to case: <https://www4.courts.ca.gov/opinions/documents/S285759.PDF>

AN APPEAL OF A JURISDICTIONAL FINDING AFTER TERMINATION OF JURISDICTION IS NOT MOOT IF IT WOULD LEAD TO A CACI REPORT.

The family came to the agency's attention after an altercation between mother and her daughters. Several days prior to the incident, mother told her 22-year-old daughter to move out of the home. The 16-year-old child left with her older sister. The two older children then briefly took the 12-year-old, who has special needs, without permission and proceeded to confront mother. A witness described the older daughters standing “like they were trying to fight” mother. Another witness reported the daughters “kept saying they wanted to get back in the house and they wanted [mother] to leave, like a take over.” Mother brandished a knife and made threats to her older daughters. The 16-year-old reported mother struck her with a shovel and injured her torso. The agency removed the younger two daughters. Following the initial hearing, the middle daughter recanted, reporting she caused the

mark on her torso at her older sister's direction and that mother accidentally hit her when she attempted to intervene between mother and the oldest child. At the jurisdiction and disposition hearing, the juvenile court sustained the petition and removed the children from mother's care. Mother timely appealed. While the appeal was pending, the juvenile court returned the children to mother's care and terminated jurisdiction. The Court of Appeal subsequently dismissed mother's appeal as moot, despite mother's argument that the jurisdictional allegation was reportable to the Department of Justice for inclusion in California's Child Abuse Central Index (CACI). The Supreme Court granted review.

Reversed as to the order dismissing mother's appeal as moot. A case becomes moot when the court cannot provide appellant with any effective relief. Relief is effective where (1) appellant shows ongoing harm and (2) a decision in appellant's favor can rectify that harm. Even after termination of jurisdiction, a jurisdictional finding remains subject to challenge if it formed the basis for an order that continues to impact a parent's rights. Because the sustained allegation of physical abuse was reportable for inclusion in the CACI, mother demonstrated ongoing harm. There was no dispute that the agency had a duty under the Child Abuse and Neglect Reporting Act (CANRA) to report mother for inclusion in the CACI, which lists individuals with substantiated reports of child abuse or severe neglect. Courts presume that an agency has or will report allegations subject to CACI inclusion. Thus, mother's possible inclusion in the CACI was not speculative, in contrast to *In re D.P.* (2023) 14 Cal.5th 266, in which the parent failed to show the general neglect allegation was reportable (or had been reported) for CACI inclusion. Mother further demonstrated reversal of the jurisdictional finding could lead to CACI removal or preserve her right to a grievance hearing on continued inclusion in the CACI, fulfilling the second prong of the mootness analysis. It remains unresolved whether conduct that leads to possible – but not certain – inclusion in the CACI survives a mootness challenge, although appellate courts retain discretion to review a case on the merits even when it is moot. Concurring opinion rejected the agency's argument that mother's conduct remained reportable for CACI inclusion even if she acted in self-defense. Lawful self-defense cannot support inclusion in the CACI. (SL)

ICWA - WIC 224.2

In re K.G. – filed 12/23/2025; Second Appellate Dist., Div. Eight

Docket: B344654; 117 Cal.App.5th 379

Link to Case: <https://www.courts.ca.gov/opinions/documents/B344654.PDF>

ICWA INQUIRY WITH THE PARENTS, TEN FAMILY MEMBERS, AND A FAMILY FRIEND – WHILE FOUR OTHER EXTENDED FAMILY

MEMBERS FOR WHOM THE AGENCY HAD CONTACT INFORMATION
REMAIN UNCONTACTED – SATISFIES THE DUTY OF INQUIRY.

The agency filed a 300 petition due to the parents' domestic violence, father's criminal history, and mother's untreated mental illness. The juvenile court removed the child from the parents and ordered reunification services. The court found no reason to believe ICWA applied to the child. The parents denied Native American heritage. Ten other relatives and a friend of mother also denied or had no information regarding the child's Native American heritage. Father later stated that he may have Native American ancestry, prompting the agency to contact paternal step-grandmother. She and paternal great-grandmother denied Native American ancestry and said no family members were registered with a tribe. Later, father changed his position, denying that he had Native American ancestry and denying that he or his family were registered with any tribe. Mother and several maternal relatives continued to deny Native American ancestry. The court terminated reunification services, terminated parental rights, and selected adoption as the permanent plan. Parents appealed as to ICWA only, claiming the agency failed to speak to four known relatives.

Affirmed. The juvenile court reasonably determined that the agency discharged its duty of inquiry without consulting four known relatives. The agency had contacted a considerable number of individuals and raised ICWA concerns with everyone it consulted. Its investigation was reasonably thorough. The agency need not always "inquire of everyone who has an interest in the child." (*In re Dezi C.* (2024) 16 Cal.5th 1112, 1141). The law of diminishing returns is at work. The decision in *In re Claudia R.* (2025) 115 Cal.App.5th 76, which would impose additional duties on the agency here, was wrongly decided and contrary to legislative intent which seeks to reasonably confine the agency's duty of inquiry so as not to detract from the agency's service to children in desperate need. Tasking the agency with contacting additional relatives for whom the agency has contact information as part of its ICWA inquiry cannot always be characterized as a "rather simple task," particularly when considered in the aggregate. (*In re Dezi C.* (2024) 16 Cal.5th 1112, 1143). Judge Uzcategui dissented, agreeing with the analysis in *In re Claudia R.*, noting that the agency did not interview all reasonably available extended family members, and concluding that conditional reversal would have been appropriate. (AMC)