



Children's Law Center of California

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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).

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NEW DEPENDENCY CASE LAW

ICWA—INITIAL INQUIRY—WIC 224.2

In re Bella L.—published 1/20/26; Second Dist., Div. Five

Docket No. B348279; 117 Cal.App.5th 1284

Link to case: <https://www4.courts.ca.gov/opinions/documents/B348279.PDF>

AN INITIAL ICWA INQUIRY WAS SUPPORTED BY SUBSTANTIAL EVIDENCE WHEN THE AGENCY INQUIRED OF THE PARENTS AND SEVEN PATERNAL RELATIVES, BUT FAILED TO INTERVIEW ONE PATERNAL RELATIVE

After the agency filed a WIC 300 petition, both mother and father filed ICWA-020 forms denying Native American heritage. The children were detained from parents, and the juvenile court found there was no reason to know that ICWA applied. A month later parents again denied Native American heritage. The children were placed with paternal great aunt and uncle. As the case progressed, the agency conducted a further ICWA inquiry, interviewing parents, paternal great aunt, paternal great grandmother, and maternal grandmother, and all denied Native American heritage. The juvenile court ultimately calendared a WIC 366.26 hearing and reiterated its

prior finding that ICWA did not apply. The agency requested continuances of the section 366.26 hearing to ensure they conducted “a thorough ICWA inquiry.” The agency interviewed paternal great aunt, paternal great uncle, paternal great aunt and uncle’s son, paternal great aunt’s sister, paternal great aunt’s mother, paternal grandmother, and maternal grandmother. The juvenile court found there was no reason to know ICWA applied and terminated parental rights. Mother and father appealed.

Affirmed. There is an ongoing duty of the agency to inquire of relatives, including extended family members, whether the children “is or may be an Indian child.” (WIC 224.2(a)-(b).) The California Supreme Court in *In re Dezi C.* (2024) 16 Cal.5th 1112, 1140-1141 held that for an initial inquiry by the agency to be adequately supported by substantial evidence, the agency need not interview every extended family member about Native American heritage, and the juvenile court’s ICWA finding is subject to a deferential standard of review. Despite not interviewing paternal grandfather, the agency diligently interviewed a multitude of relatives who all denied the children had any Native American heritage. The well-documented record provides no reason to question the juvenile court’s finding that there was no reason to know ICWA applied, and thus that finding is worthy of deference. (KH)