

CERTIFIED FOR PARTIAL PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

In re S.B., a Person Coming Under the
Juvenile Court Law.

SAN BERNARDINO COUNTY
DEPARTMENT OF CHILDREN'S
SERVICES,

Plaintiff and Respondent,

v.

JEANNIE V.,

Defendant and Appellant.

E036823

(Super.Ct.No. J185176)

ORDER MODIFYING OPINION

[NO CHANGE IN JUDGMENT]

The opinion filed in this matter on June 30, 2005, is modified as follows:

1. On page 2, the last two sentences of the second paragraph (from "The detention hearing" through "a more favorable result") are deleted, and the following is inserted in their place:

The detention hearing did not involve a foster care placement within the meaning of the ICWA; hence, the substantive

provisions of the ICWA did not apply. The jurisdictional/dispositional hearing did involve a foster care placement, and we may assume the review hearings did as well, but there is no reasonable probability that, if the substantive provisions of the ICWA had been applied, the mother would have enjoyed a more favorable result.

2. On page 13, in the last paragraph, after the words, “However, as long as the social worker did inquire of the parents,” the following is inserted:

and as long as the parents failed to provide any information requiring follow-up,

3. On page 20, the first full paragraph under part II.B.3.c and the first sentence of the next paragraph (from “The six- and 12-month review hearings” through “submitted on the social worker’s report”) are deleted, and the following is inserted in their place:

The six- and 12-month review hearings did not result in S.B. being removed from a parent and placed in a foster home or institution. (See 25 U.S.C. § 1903(1)(i).) She simply remained in the same foster care placement made previously at the jurisdictional/dispositional hearing. Nevertheless, we may assume, without deciding, that these review hearings involved a foster care placement within the meaning of the ICWA. (See *In re Bridget R.* (1996) 41 Cal.App.4th 1483, 1520-1521, fn. 24.)

If so, the juvenile court was required to make both “active efforts” and “serious damage” findings. Nevertheless, at the six-month review hearing, both parents once again submitted on the social worker’s report.

Except for these modifications, the opinion remains unchanged. These modifications do not effect a change in the judgment.

CERTIFIED FOR PARTIAL PUBLICATION

RICHLI
_____ J.

We concur:

RAMIREZ
_____ P.J.

KING
_____ J.