In re A.A., ___ Cal.Rptr.3d ___, 2023 WL 2034046 (4th Dist Ct. App. Feb. 17, 2023).

- **Holding**: In termination of parental rights proceeding, the juvenile court properly ruled that ICWA did not apply after receiving determination from Pueblo that the childrens' blood quantum was too low to qualify them for tribal membership.
- **Summary:** Mother's five children were removed from Mother's care, and adjudged dependents of the juvenile court. Mother reported she was affiliated with the Jemez Pueblo tribe (father, when later located, denied any Indian ancestry). When the Pueblo's child advocate was contacted, she indicated that because the children did not meet the Pueblo's ¼ blood quantum requirement, they could not qualify for tribal membership, and could only apply to be "naturalized members," making them eligible for tribal health services while excluding them from receiving federal funds that Jemez Pueblo members receive.

  While initially ruling the children qualified as Indian children, the juvenile court eventually ruled they did not, and terminated parental rights as to three of the children. On appeal the mother, joined by father, argued that the ruling as to the childrens' Indian status was in error, and the termination order should be reversed. The court of appeals held that the juvenile court correctly relied on the Pueblo's determination, because ICWA does not define the terms, "member of a tribe" or "eligible for membership in an Indian tribe," and instead recognizes the "sole authority" of each tribe to determine who meets tribal eligibility criteria. Thus, the only relevant factor for determining tribal membership is "'whether the tribe verifies that the child is a member or eligible for membership.'" 2023 WL 2034046 at *3 (quoting *In re K.P.* (2015) 242 Cal.App.4th 1063, 1072, 195 Cal.Rptr.3d 551). The fact that the children were eligible to become "naturalized members" of the tribe was "insufficient to trigger 'ICWA's substantive and procedural safeguards.'" 2023 WL 2034046 at *4 (quoting *In re Ezequiel* (2022) 81 Cal.App.5th 984, 1002, 297 Cal.Rptr.3d 685)).
- **Relevant (2023) Deskbook Section**: 13:7, 13:8