In re Z.C., 2022 IL App (1st) 211399, ___ N.E.2d ___ (May 3, 2022)

- **Holding:** Brief reference by a child to possible Indian ancestry, especially in view of the mother's denial of such ancestry, did not constitute reason-to-know under the Indian Child Welfare Act.
- **Summary:** A mother of several children, two of which were the subject of this proceeding, were deemed abused and neglected, and their guardianship was awarded to the state department of children and family services. She appealed, raising two questions: "(1) the Indian Child Welfare Act ... was implicated in the case, such that the verification and notice requirements were triggered, and (2) the circuit court erred in finding that the minors were abused and neglected where there was no corroboration of the minors' statements." The appellate court affirmed.

  As to the ICWA issue, the panel discussed several prior Illinois appellate decisions addressing the reason-to-know threshold and found two particularly instructive: *In re Anaya J.G.*, 403 Ill. App. 3d 875, 342 Ill. Dec. 731, 932 N.E.2d 1192 (2010), and *In re T.A.*, 378 Ill. App. 3d 1083, 318 Ill. Dec. 408, 883 N.E.2d 639 (2008):

  > In *Anaya J.G.*, the appellate court held that the ICWA was not triggered where the trial court did not have sufficient reason to suspect the minor was of Indian heritage. ... The court noted that no evidence was presented at trial that demonstrated that the minor or her biological parents were members of an Indian tribe. ... The only statements in the record consisted of the mother's statement that there was "Cherokee blood on her deceased mother's side of the family" and the father's statement that he also believed the maternal grandmother was a Cherokee Indian. ... Neither was aware of any relative registered as a member of the Cherokee tribe. ... [¶] Similarly, in *T.A.*, the appellate court found that the evidence of the child's Indian heritage was "unsubstantiated and vague" and did not give the circuit court "reason to know" that the minor was an Indian child for purposes of triggering the requirements of the ICWA.

  Here,

  > respondent specifically testified that she did not believe that either of the minors had any Indian heritage. In the [integrated assessment], however, an interview with Za. C. contained information that respondent "has a history of Sioux ancestry." Like in *T.A.* and *Anaya J.G.*, this brief reference in the record to an unsubstantiated statement concerning respondent's alleged Indian heritage was simply insufficient to implicate the provisions of the ICWA, especially where respondent herself expressly denied having Indian ancestry.

- **Relevant (2021) Deskbook Section:** 13:18 n.7