

Date of Hearing: May 14, 2025

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

AB 1025 (Pellerin) – As Amended May 1, 2025

Policy Committee: Judiciary

Vote: 11 - 0

Urgency: No

State Mandated Local Program: Yes

Reimbursable: No

SUMMARY:

This bill authorizes a custodial parent to nominate a standby caretaker for their child who, after going through a court appointment process, may act as the child's temporary guardian while the custodial parent is unavailable.

Specifically, among other provisions, this bill:

- 1) Specifies information that must be included in a Standby Caretaker's Authorization (SCA) form completed by a custodial parent, and makes an SCA form valid for 12 months after its execution.
- 2) Once the activating event occurs, requires the nominated standby caretaker to file with the court the SCA form and a Confidential Guardian Screening Form.
- 3) Requires the court to set a hearing as soon as practicable, no later than 15 days from the filing of the SCA form, to verify that the activating event occurred and provisionally appoint the nominated standby caregiver.
- 4) Requires the court to set another hearing to consider whether to formally appoint the nominated standby caregiver, and requires the nominated standby caregiver to file a petition and comply with the court's investigation before the hearing, unless any of these requirements is waived for good cause.
- 5) Once appointed by the court, grants a nominated standby caretaker the duties and powers of a guardian for the duration of the activating event and attendance circumstances that require the standby caretaker to act, or until the court terminates the caretaker's appointment.
- 6) Authorizes the court to order a formally appointed standby caretaker to return to court as needed to assess the need for and the capacity of the standby caretaker to continue serving.
- 7) Requires all court records and documents related to a standby caregiver proceeding to be confidential and accessible only to parties to the proceeding and the court, absent a valid court order.

FISCAL EFFECT:

Cost pressures (Trial Court Trust Fund, General Fund) to the courts of an unknown but likely significant amount. Judicial Council anticipates an unknown, potentially significant calendar

impact to schedule at least two additional hearings per filed petition, with a potential third hearing to terminate upon the custodial parent's request. Actual costs and calendar impacts will depend on the number of filings and hearings, and the amount of workload to the courts to conduct investigations. Judicial Council also anticipates staff workload impacts and the need to train self-help centers on the new form and process. It generally costs approximately \$1,000 to operate a courtroom for one hour. Although courts are not funded on the basis of workload, increased pressure on the Trial Court Trust Fund may create a demand for increased funding for courts from the General Fund. The fiscal year 2024-25 state budget provides \$37.3 million ongoing General Fund to backfill declining revenue to the Trial Court Trust Fund.

COMMENTS:

- 1) **Purpose.** This bill is sponsored by the County of Santa Clara. According to the author:

The federal administration's recent actions to increase immigration enforcement have created a lot of fear and anxiety among our immigrant community who worry about doing daily activities such as taking their children to school, going to the grocery store or simply existing. More worrisome is that immigration enforcement could lead to the sudden and immediate separation of an undocumented parent and their child. AB 1025 seeks to give families a new planning tool to ensure care for children if the parents are subject to deportation or detention.

- 2) **Background.** This bill establishes a process for a custodial parent to execute a document (an STA form) that designates a standby caretaker for their child in the event that the custodial parent is unavailable. Under a traditional guardianship, a parent's rights are suspended and someone other than the custodial parent assumes their rights and responsibilities for the duration of the guardianship. Guardianships can be established in advance when a custodial parent has a terminal illness and wants to prepare for their child's care after the parent's death, but there is no mechanism in existing law for nominating a guardian for a parent's foreseen but temporary absence.

This bill seeks to fill that gap. The bill allows a custodial parent to, at any time, sign an STA form designating a standby caregiver for their child. The signed STA form is valid for 12 months after it is executed. Once an activating event – like the custodial parent's deportation or other incapacitation – occurs, the nominated standby caregiver must file the STA form in court, along with other documentation. The court must hold an expedited hearing to provisionally nominate the standby caregiver, and then must conduct an investigation and hold additional hearings to formally appoint the caregiver and oversee the duration of the caregiver's appointment.

- 3) **Related Legislation.** AB 495 (C. Rodriguez) allows a court to appoint a temporary guardian for a child, chosen by the child's custodial parent, who is empowered to assume guardianship duties of the child if the parent is temporarily unavailable due to an activating event. The bill also requires schools and licensed daycares to adopt the Attorney General's model policies regarding interaction with immigration enforcement authorities, among other provisions. AB 495 is pending in this committee.