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## SENATE COMMITTEE ON APPROPRIATIONS

Senator Anna Caballero, Chair  
2025 - 2026 Regular Session

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### AB 1195 (Quirk-Silva) - Juveniles: incarcerated parent: visitation

**Version:** June 30, 2025

**Policy Vote:** PUB. S. 6 - 0, HUMAN S. 5  
- 0

**Urgency:** No

**Mandate:** Yes

**Hearing Date:** August 18, 2025

**Consultant:** Liah Burnley

**Bill Summary:** AB 1195 requires county jails to facilitate visitation of children with incarcerated parents when reunification services have been ordered by the courts.

#### **Fiscal Impact:**

- Costs of an unknown but potentially significant amount to the counties to facilitate in-person and remote visitation for parents incarcerated in county jail. It is unclear whether county costs for these duties may be subject to General Fund reimbursement as a state mandate or whether they may be subject to Proposition 30 (2012). Proposition 30 provides that legislation enacted after September 30, 2012, that has an overall effect of increasing the costs already borne by a local agency for levels of service mandated by realignment apply to local agencies only to the extent that the state provides annual funding for the cost increase.
- The California Department of Social Services (CDSS) reports that this bill will not result in state operations costs and will not result in local assistance costs.

**Background:** This bill seeks to strengthen visitation rights of incarcerated parents by providing a clear framework for jails and county welfare departments to ensure incarcerated parents are receiving in-person visitation and when that is not possible telephonic or videoconferencing visits. This bill also requires clear documentation of the visitation activity, including patterns of missed visits and any known reasons for the disruptions. It is hard to overstate the importance of visitation between parents and children in the CWS system. Visitation allows children to maintain connection with their parents, support a child's emotional well-being, and increases parental engagement. Research has found that consistent weekly visits increase the likelihood of successful reunification, reduces time in out-of-home care, and promotes healthy secure attachments. Studies have also shown that parents who are incarcerated and have visits from their children have lower rates of recidivism. Visitation not only strengthens family bonds, it improves public safety.

#### **Proposed Law:**

- Provides that the incarcerated parent is entitled to regularly scheduled, in-person visitation and that the county jail shall ensure that the incarcerated parent is made available to attend those regularly scheduled, in-person visits with their dependent child, unless the court finds that in-person visitation between the

dependent child and the incarcerated parent would be detrimental to the child's well-being, as specified.

- States that if it is not feasible for regularly scheduled, in-person visitation to take place due to logistical or safety concerns at the county jail, then the county jail shall facilitate the incarcerated parent's participation in regularly scheduled visitation using videoconferencing technology or telephonic communication.
- Provides that children 12 years of age and older may opt to use videoconferencing technology or telephonic communication in lieu of in-person visits. Children under 12 years of age may, in consultation with their caregiver or social worker, also opt to use videoconferencing technology or telephonic communication in lieu of in-person visits if it is developmentally appropriate.
- Provides that the child welfare agency shall coordinate with the county jail to ensure that the visitation schedule between the incarcerated parent and the dependent child is maintained. A child welfare agency is not responsible for visitation failures that occur due to county jail noncompliance if the agency has made reasonable efforts to coordinate with the county jail.
- States that the child welfare agency and county jail shall make a good faith effort to document all scheduled visits, including, but not limited to, any cancellations or significant delays. The child welfare agency shall document in the child's case plan the efforts made to coordinate visitation with the county jail, including any barriers identified and related communications with jail staff. The child welfare agency shall include in all reports submitted to the court for each status review hearing a brief summary of visitation activity, including patterns of missed visits and any known reasons for disruption.
- Provides that the child welfare agency shall ensure the incarcerated parent is notified of their visitation rights, including instructions on how to request visitation, and how to participate in dependency proceedings, in writing, at the commencement of the dependency proceeding, or at the time of their detention, whichever occurs first.
- Allows community-based organizations or county child welfare agencies with licensed visitation monitors to facilitate scheduled visits between an incarcerated parent and the dependent child.

**Related Legislation:** AB 651 (Bryan) clarifies that nonminor dependents have specified rights related to appearing and participating in their dependency hearings, and modifies the requirements relating to an incarcerated person's right to be present, or appear remotely, at proceedings relating to child custody, parentage, or dependency, as specified. AB 651 is pending in this Committee.

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