

---

## SENATE COMMITTEE ON HUMAN SERVICES

Senator Becker, Chair  
2025 - 2026 Regular

---

**Bill No:** AB 1201  
**Author:** Jackson  
**Version:** June 8, 2026  
**Urgency:** No  
**Consultant:** Heather Hopkins  
**Hearing Date:** June 15, 2026  
**Fiscal:** Yes

**Subject:** Family reunification services

### SUMMARY

This bill limits when the court can bypass services to a parent or guardian in a dependency case for a violent felony conviction to only when the victim was either a child, or the victim was someone with whom the parent or guardian had a child in common at the time of the commission of the offense.

### ABSTRACT

#### Existing Law:

- 1) Establishes the juvenile court with jurisdiction over children who are subject to abuse or neglect. (*Welfare and Institutions Code (WIC) 300 et seq.*)
- 2) Establishes that the purpose of the juvenile court dependency system is the maximum safety and protection for children who are currently being abused, neglected, or exploited. Provides that the focus is on the preservation of the family, as well as the safety, protection, and physical and emotional well-being of the child. (*WIC 300.2.*)
- 3) Requires, that if at the initial hearing, the juvenile court orders a child removed from their parent due to abuse or neglect, the court to order that child welfare reunification services be provided to the family as soon as possible in order to reunify the child with their family, if appropriate. (*WIC 319(g)*)
- 4) Requires the court, at the dispositional hearing, to order a social worker to provide child welfare services to a child who has been removed from their parents' custody and to the parents in order to support the goal of reunification, for a specified time period, except under certain circumstances. Provides that children and families in the child welfare system should typically receive a full six months of reunification services if the child is under three years of age, and twelve months if the child is over three years of age, but that may be extended up to 18 or 24 months, as provided. (*WIC 361.5(a)*)

- 5) Provides that reunification services need not be provided to a parent or guardian when the court finds, by clear and convincing evidence, any of the following:
- a. That the whereabouts of the parent or guardian are unknown after a diligent search.
  - b. That the parent is suffering from a mental disability that renders the parent incapable of utilizing reunification services.
  - c. The child or a sibling was previously found to be a dependent because of physical or sexual abuse, was returned to the parent after a period of removal, and has once again been removed because of additional physical or sexual abuse.
  - d. That the parent caused the death of another child through abuse or neglect.
  - e. The conduct of the parent resulted in severe physical abuse of the dependent child before the child's fifth birthday.
  - f. The child was declared a dependent because of severe physical harm or sexual abuse to the child, a sibling, or half-sibling by a parent and because the court finds that it would not benefit the child to pursue reunification with the offending parent.
  - g. The parent has been denied reunification services for a sibling because of reabuse of the sibling, severe physical abuse of the sibling when less than five years old, or severe physical or sexual abuse of the sibling.
  - h. The child was conceived as a result of incest or continuous sexual abuse of a child.
  - i. The parent willfully abandoned the child, thereby creating a serious danger to the child; or the child was voluntarily surrendered under the safe-haven/safe-surrender statute.
  - j. The court ordered termination of reunification services for a sibling and the parent has not subsequently made a reasonable effort to treat the problems leading to that sibling's removal.
  - k. Parental rights were terminated over a sibling and the parent has not subsequently made a reasonable effort to treat the problems leading to that sibling's removal.
  - l. The parent was convicted of a violent felony as defined in Penal Code section 667.5(c).
  - m. The parent has a history of chronic use of drugs or alcohol and resisted prior court-ordered treatment in the three preceding years; or failed or refused to comply with a treatment case plan at least two prior times.
  - n. The parent waives reunification services

- o. The parent abducted the child or a sibling from placement and refused to disclose the child's whereabouts or return the child.
  - p. The parent has been required to register as a sex offender.
  - q. The parent participated in, or permitted, the sexual exploitation of the child. (*WIC 361.5(b)*)
- 6) Prevents a court from ordering reunification services for a parent in specified situations, including the situations set forth in 5) above, unless the court finds, by clear and convincing evidence, that reunification is in the child's best interest. (*WIC 361.5(c)*)
- 7) Defines all of the following as "violent felonies": murder or voluntary manslaughter; mayhem; rape; sodomy; oral copulation; lewd or lascivious act on a child under 14 years old, or with force; any felony punishable by death or imprisonment in the state prison for life; any felony in which the defendant inflicts great bodily injury on a person other than an accomplice, or any felony in which the defendant uses a firearm which use has been charged and proved; any robbery; arson that causes great bodily injury or causes an inhabited structure to burn; sexual penetration; attempted murder; exploding or igniting a destructive device or explosive; kidnapping; assault with the intent to commit specified felonies, continuous sexual abuse of a child; carjacking; rape or sexual penetration, in concert; extortion that would constitute a felony; threats to victims or witnesses that would constitute a felony; any burglary of the first degree wherein it is charged and proved that another person, other than an accomplice, was present in the residence during the commission of the burglary; any crime that is subject to a sentence enhancement, as specified; and, using or employing a weapon of mass destruction. (*Penal Code 667.5(c)*)
- 8) Provides that federal funding requires an assurance from the state that their child welfare system has provisions, procedures, and mechanisms that assure that the State does not require reunification of a surviving child with a parent who has been found:
- a. to have committed murder (which would have been an offense under section 1111(a) of title 18 if the offense had occurred in the special maritime or territorial jurisdiction of the United States) of another child of such parent;
  - b. to have committed voluntary manslaughter (which would have been an offense under section 1112(a) of title 18 if the offense had occurred in the special maritime or territorial jurisdiction of the United States) of another child of such parent;
  - c. to have aided or abetted, attempted, conspired, or solicited to commit such murder or voluntary manslaughter;
  - d. to have committed a felony assault that results in the serious bodily injury to the surviving child or another child of such parent;
  - e. to have committed sexual abuse against the surviving child or another child of such parent; or

- f. to be required to register with a sex offender registry under section 20913(a) of title 34. *(42 USC 5106a(b)(2)(B)(xvi)(I) to (VI)*

**This Bill:**

- 1) This bill limits the felony bypass rule in dependency cases to violent felonies where the victim was any child, or the victim was someone with whom the parent had a child in common at the time of the commission of the offense.

**FISCAL IMPACT**

According to the Assembly Appropriations Committee analysis:

Costs (local funds, General Fund) of an unknown but potentially significant amount to county child welfare agencies. This bill expands eligibility for reunification services to parents who are not currently eligible to receive such services. Actual costs will depend on the volume of court-ordered reunification services that must be provided to newly-eligible parents. Although these county costs are mandated by the state, they are not reimbursable, but instead must be paid by the state pursuant 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 programs or levels of service mandated by realignment applies to local agencies only to the extent the state provides annual funding for the cost increase.

**BACKGROUND AND DISCUSSION****Purpose of the Bill:**

According to the author, "California law currently allows courts to deny family reunification services whenever a parent or guardian has been convicted of any violent felony, regardless of whether that crime had anything to do with their child or their family. AB 1201 recognizes that tearing a family apart is itself a serious harm, and that a violent felony conviction should only stand as a barrier to reunification when that crime was committed against a child, or against someone with whom the parent or guardian shared a child at the time of the offense. This focused change ensures that the law's protective purpose, keeping children safe, remains intact, while preventing the blanket exclusion of parents from reunification simply because of a conviction wholly unrelated to their family. Children deserve a system that makes decisions based on actual risk to them, not on a rigid rule that can permanently sever a parent-child relationship without any connection to the harm the law is meant to prevent."

*Child Welfare System (CWS)*

The CWS is the system of intervention of child abuse and neglect. This system provides services to children who have been abused or neglected and their families. The goal of this system is to keep children in their home when it is safe, and when the child is at risk, to develop an

alternative plan as quickly as possible<sup>1</sup>. Social workers in each county receive reports of abuse or neglect, and work to investigate and resolve those reports. When the investigation substantiates the allegations of abuse or neglect, a family is either provided with services to ensure a child's wellbeing and avoid court involvement, or a child is removed from the family and placed into foster care. In 2025, the state's child welfare agencies received 398,861 reports of abuse or neglect. Of these, 45,856 reports contained substantiated allegations, and 17,886 children were removed from their homes and placed into foster care via the CWS system.

After the county child welfare department becomes involved with families, approximately 12 months of services may be provided to children who are able to remain safely in their homes while the family receives "family preservation" services. If the family receives family preservation services, the child does not come under the jurisdiction of the juvenile dependency court during this time.

If a child is removed from their home, they are temporarily within the jurisdiction of the child welfare system until a court makes a determination. Within 48 hours of removal, the social worker must file a petition with the court requesting a detention hearing. The detention hearing is the first court date in a CWS case. This hearing must take place within 48 hours of the petition being filed. At the detention hearing, the social worker outlines the allegations and why the children should be removed. The court then determines if removal is in the best interest of the child. If the court makes that determination, a jurisdiction hearing must take place within 15 days.

If it is determined that a child cannot remain safely in the home, even with family preservation and support services, the child comes under the jurisdiction of the county's juvenile dependency court while the family is served by a CWS social worker. This system seeks to ensure the safety and protection of these children and, where possible, preserve and strengthen families through visitation and family reunification. It is the state's goal to reunify a foster child or youth with their biological family whenever possible.

#### *Reunification Services*

A key portion of reunification services is the case plan provided to a parent or guardian that includes the reasonable services that will be provided in an effort to reunify the parent or guardian with their child. Every case plan is different and may include requirements for that parent to seek counseling, attend parent education classes, or receive substance use disorder treatment and testing services. This case plan differs based on the unique circumstances of each family. The court must also consider the particular barriers to an incarcerated, institutionalized, detained, or deported parent's access to those court-mandated services and ability to maintain contact with the child, and to document this information in the child's case plan. The social worker meets with the parents at least monthly to discuss case progress, problems encountered and the status of the parent's cooperation. Case plans are updated every six months.

#### *Bypass of Services*

---

<sup>1</sup> <https://www.cdss.ca.gov/inforesources/child-welfare-protection/policies>

In dependency cases the general presumption is that parents will be provided services in order to reunify with their children as the state's goal is to reunify a child with their biological family whenever possible. There are circumstances in which the rule favoring reunification is instead replaced with a presumption that services will not be offered, referred to as bypass of services. The California Court of Appeals discussed the importance of reunification services as follows:

It is difficult, if not impossible, to exaggerate the importance of reunification in the dependency system. Because family preservation is so important in the early stages of a dependency, the Legislature has applied to reunification services a statutory presumption and heightened standard of proof. Thus, when a child is removed from the custody of their parent, the juvenile court must provide the parent with reunification services unless it finds by clear and convincing evidence that the case falls within one of the 17 enumerated exceptions in section 361.5, subdivision (b), commonly called bypass provisions. If the court finds by clear and convincing evidence that a bypass provision applies, it must deny services unless a parent proves that services would be in the child's best interests. While the parent bears the burden of proof on that issue, the department bears the burden of proving the threshold issue of whether a bypass provision applies.<sup>2</sup>

In some circumstances, existing law allows the court to not provide reunification services at all, and parental rights are terminated without the opportunity for reunification. These circumstances include, but are not limited to: when the whereabouts of the parent are unknown; when the parent is suffering from a mental disability, as provided, that renders the parent incapable of utilizing those services; when the parent caused the death of another child through abuse or neglect; after a finding of severe sexual abuse; when the parent has been convicted of a violent felony, as provided; and in some instances where a prior child of the parent became a dependent of the court and was unable to reunify.

In cases where a bypass provision applies, if the court finds by clear and convincing evidence such provision applies, it must deny services unless a parent proves that services would be in the child's best interest. The parent bears the burden of proof and the department bears the burden of providing the threshold issue of whether a bypass provision applies.

This bill would limit the felony bypass provision to only violent felonies where the victim was either a child, or the victim was someone with whom the parent or guardian had a child in common at the time of the commission of the offense.

#### **Related/Prior Legislation:**

**AB 2282 (McKinnor, 2024)** would have allowed reunification services to be provided to a parent when the court finds, by clear and convincing evidence, that the parent of the child has been convicted of a violent felony, unless the victim of the violent felony was against a child. This bill was not heard in any policy committee.

**SB 463 (Wahab, Chapter 714, Statutes of 2023)** eliminates the evidentiary presumption in juvenile court that a parent or guardian's lack of participation or progress in a treatment program

---

<sup>2</sup> In re T.R. 87 Cal.App.5th 1140, 1148

endangers the child, for purposes of determining whether the child should be returned to the parent or guardian's custody.

*AB 937 (McKinnor, Chapter 458, Statutes of 2023)* requires a juvenile court to order, except in specified very limited circumstances, six additional months of reunification services to a parent or guardian when the court finds at a permanency review hearing that reasonable reunification services have not been provided to the parent or guardian.

*AB 954 (Bryan, Chapter 552, Statutes of 2023)* clarified that a parent or guardian shall not be considered to be non-compliant with the court-ordered case plan when there is evidence that the parent or guardian is unable to pay for a court-ordered service, or when payment for a service would create an undue financial hardship to the parent or guardian.

*AB 1134 (McKinnor, 2023)* would have allowed reunification services to be provided to a parent when the court finds, by clear and convincing evidence, that the parent of the child has been convicted of a violent felony, unless the victim of the violent felony was a child under the custody of the parent. This bill was not heard in any policy committee.

*AB 2866 (Cunningham, Chapter 165, Statutes of 2022)* modified the standard of proof for establishing at a review hearing that a parent or guardian whose child has been removed from their physical custody was offered reasonable reunification services by raising the standard to the clear and convincing evidence standard, in order to make the standard of proof consistent with the clear and convincing evidence standard already in place for permanent placement hearings.

## COMMENTS

The United States has the highest incarceration rate among all independent democracies, locking up Americans at a rate of 580 per 100,000 residents.<sup>3</sup> A University of Michigan study found that four in 10 children in the United States grow up in households where a parent or other adult in the home faced at least one criminal charge, were convicted of a felony, or spent time in prison. While the presumption in the child welfare system is to provide reunification services to parents and guardians, specified felony convictions can then place the burden on the parents to provide evidence to the court that providing reunification services is in the child's best interest. This bypass presumption applies even if the conviction did not involve harming a child, the parent does not pose a current risk to the child, or the conviction is decades old. This bill seeks to more narrowly tailor the felony bypass rule to limit it to when the victim is a child, or the victim is someone with whom the parent or guardian had a child in common at the time of the commission of the offense.

## PRIOR VOTES

Assembly Floor:	55 - 15
Assembly Appropriations Committee:	11 - 3

---

<sup>3</sup> <https://www.prisonpolicy.org/profiles/US.html>

Assembly Judiciary Committee:

9 - 3

**POSITIONS**

**Support:**

Starting Over Strong (Sponsor)  
Riverside All of US or None (Co-Sponsor)  
A New Way of Life Re-entry Project  
All of US or None (HQ)  
Alliance for Children's Rights  
California Alliance of Child and Family Services  
California Black Power Network  
County Welfare Directors Association of California  
Dependency Legal Services  
Family Reunification Equity & Empowerment (F.R.E.E.)  
Legal Services for Prisoners With Children  
Los Angeles Dependency Lawyers, INC.  
Public Counsel  
Rubicon Programs  
Starting Over INC.  
Western Center on Law & Poverty

**Oppose:**

None received

-- END --