

THIRD READING

Bill No: AB 1201
Author: Jackson (D)
Amended: 6/8/26 in Senate
Vote: 21

SENATE HUMAN SERVICES COMMITTEE: 4-0, 6/15/26

AYES: Becker, Laird, Pérez, Weber Pierson

NO VOTE RECORDED: Ochoa Bogh

SENATE JUDICIARY COMMITTEE: 11-2, 6/23/26

AYES: Umberg, Allen, Ashby, Caballero, Durazo, Laird, Reyes, Stern, Wahab,
Weber Pierson, Wiener

NOES: Niello, Valladares

SENATE APPROPRIATIONS COMMITTEE: 5-2, 8/13/26

AYES: Cervantes, Cabaldon, Grayson, Richardson, Wahab

NOES: Seyarto, Dahle

ASSEMBLY FLOOR: 55-15, 6/3/25 - See last page for vote

SUBJECT: Family reunification services

SOURCE: Riverside All of Us or None, Starting Over Strong

DIGEST: 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.

ANALYSIS:

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 that any of a list of specific conditions exists. (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 United States Code (USC) § 5106a(b)(2)(B)(xvi)(I) to (VI))

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.

Background

Author Statement. 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 possible¹. 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.

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

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 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.²

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

FISCAL EFFECT: Appropriation: No Fiscal Com.:Yes Local:Yes

According to the Senate Appropriations Committee:

² In re T.R. 87 Cal.App.5th 1140, 1148

- Unknown, likely minor, General Fund costs to the California Department of Social Services (CDSS) for state administration.
- Unknown ongoing General Fund costs, potentially hundreds of thousands, to counties for administration and to provide reunification services. Proposition 30 of 2012 provides that any legislation enacted after September 30, 2012 that has an overall effect of increasing the costs already borne by a local agency for realigned services applies to local agencies only to the extent that the state provides annual funding for the cost increase.

SUPPORT: (Verified 8/14/26)

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)
 All of US or None Orange County
 Alliance for Boys and Men of Color
 Alliance for Children's Rights
 California Alliance of Child and Family Services
 California Black Power Network
 Congregations Organized for Prophetic Engagement
 County Welfare Directors Association of California
 Dependency Legal Services
 Families Inspiring Reentry & Reunification 4 Everyone
 Families Inspiring Reentry & Reunification 4 Everyone (FIR4E)
 Family Reunification Equity & Empowerment
 Legal Services for Prisoners With Children
 Los Angeles Dependency Lawyers, INC.
 Public Counsel
 Riverside County Democratic Party
 Rubicon Programs
 Starting Over INC.
 Strong Hearted Native Women's Coalition, INC.
 Victor Valley Family Resource Center
 Western Center on Law & Poverty

OPPOSITION: (Verified 8/14/26)

None received

ASSEMBLY FLOOR: 55-15, 6/3/25

AYES: Addis, Aguiar-Curry, Ahrens, Alvarez, Arambula, Ávila Farías, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Connolly, Elhawary, Fong, Garcia, Gipson, Mark González, Haney, Harabedian, Hart, Jackson, Kalra, Krell, Lee, Lowenthal, McKinnor, Nguyen, Ortega, Pacheco, Papan, Patel, Pellerin, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Schultz, Sharp-Collins, Solache, Soria, Stefani, Valencia, Ward, Wicks, Wilson, Zbur, Rivas

NOES: Alanis, Chen, Davies, DeMaio, Dixon, Flora, Gallagher, Hadwick, Hoover, Macedo, Patterson, Sanchez, Ta, Tangipa, Wallis

NO VOTE RECORDED: Bains, Ellis, Gabriel, Jeff Gonzalez, Irwin, Lackey, Muratsuchi, Petrie-Norris, Schiavo

Prepared by: Heather Hopkins / HUMAN S. / (916) 651-1524
8/14/26 11:46:58

**** END ****