

Date of Hearing: March 24, 2026

ASSEMBLY COMMITTEE ON JUDICIARY
Ash Kalra, Chair
AB 1689 (Quirk-Silva) – As Amended March 19, 2026

PROPOSED CONSENT

SUBJECT: JUVENILES

KEY ISSUE: IN CASES WHERE A PROBATE COURT REFERS A CASE INVOLVING TEMPORARY GUARDIANSHIP TO DEPENDENCY COURT, SHOULD THE DEPENDENCY COURT BE AUTHORIZED TO TERMINATE OR SUSPEND THE TEMPORARY GUARDIANSHIP ON A MOTION IF CONSENTED TO BY THE TEMPORARY GUARDIAN?

SYNOPSIS

In circumstances where one or both parents struggle to provide care for their child, there are a number of potential courts that may make orders regarding the custody and care of the minor. A parent may seek a full or temporary guardianship in probate court, while maintaining their parental rights. In cases involving abuse or neglect, a county welfare agency or social worker may initiate a case in dependency court, potentially resulting in termination of parental rights. On occasion, the probate court may refer a case over to dependency court. In cases when the probate court has issued a temporary guardianship, the dependency court may be restricted in their authority to issue orders regarding the child. Recognizing this potential conflict and in an effort to streamline matters that have been referred to dependency from probate court, this bill authorizes a dependency court to suspend or terminate a temporary guardianship as long as certain conditions are met.

This bill is sponsored by the Alliance for Children's Rights. There is no known opposition. Should the bill pass this Committee, it would be referred to the Assembly Committee on Human Services.

SUMMARY: Authorizes the court to terminate or suspend a temporary guardianship at an initial dependency hearing to the extent necessary to allow the juvenile court to exercise its own authority. Specifically, **this bill:**

- 1) Authorizes the juvenile court at the initial petition hearing, when a matter is referred from the probate court where the probate court has appointed a temporary guardian, to issue an order to terminate or suspend the temporary guardianship to the extent necessary to allow the juvenile court to exercise its authority, upon the written or oral motion of any party in the case or the court's own motion, if the court makes all of the following findings:
 - a) The order is in the best interest of the child;
 - b) The order is either necessary to avoid conflicting court orders or necessary to order a temporary placement of the child;
 - c) The temporary guardian consents to the order.

- 2) Clarifies that 1) does not create a new entitlement to any benefit, service, or payment, and does not change eligibility standards under existing law.
- 3) Authorizes the juvenile court to exercise the authority granted by this bill in cases where the probate court has referred a matter to the child welfare agency and the agency does not file a petition in a timely manner, and the counsel representing the child requests that the juvenile court review the decision of the social worker not to file a petition.

EXISTING LAW:

- 1) Requires a court investigator, probation officer, or domestic relations office to make an investigation and file with the court a report and recommendation concerning each proposed guardianship of the person or guardianship of the estate, unless waived by the court for good cause. (Probate Code Section 1513 (a).)
- 2) Authorizes the court, if the proposed ward is determined to be a dependent of the state, to refer the matter, in writing, to the local child welfare agency to initiate an investigation, as specified. (Probate Code Section 1513 (b).)
- 3) Requires guardianship proceedings to be stayed if the juvenile court commences dependency proceedings. (Probate Code Section 1513 (b)(5).)
- 4) Requires the court to review the required report provided by the social worker on the reasons why the child has been removed from the parent's, guardian's, or Indian custodian's physical custody, and examine the child's parents, guardians, Indian custodian, or other persons having relevant knowledge and hear the relevant evidence as the child, the child's parents or guardians, the child's Indian custodian, the petitioner, the Indian child's tribe, or their counsel desires to present. Authorizes the court to examine the child, as specified. (Welfare and Institutions Code Section 319 (a).)
- 5) Authorizes a person who has applied to the social worker to commence juvenile court proceedings within one month of application, if the social worker does not file a petition within three weeks after the application, to apply to the juvenile court to review the decision of the social worker, and authorizes the court to either affirm the decision of the social worker or, if it finds that the child is, prima facie, a dependent of the court, order the social worker to commence juvenile court proceedings. (Welfare and Institutions Code Section 331 (a).)
- 6) Authorizes the probate court or counsel appointed by the probate court, if the court has referred a matter to the child welfare agency and the agency has not filed a petition to commence juvenile court proceedings within three weeks of the referral, to within one month of the referral, request that the juvenile court review the decision of the social worker not to file the petition. (Welfare and Institutions Code Section 331 (b).)
- 7) Prevents either the appointment of a temporary probate guardian or any delay attributable to the child welfare investigation from precluding the juvenile court from ordering the social worker to commence dependency proceedings or from hearing and determining a petition alleging that the child is a dependent of the court. (Welfare and Institutions Code Section 331 (b)(1).)

- 8) Authorizes the juvenile court to terminate or modify a guardianship of the person of a minor previously established under the Probate Code, or appoint a coguardian or successor guardian of the person of the minor, if the minor is the subject of a petition filed under Sections 300, 601, or 602 of the Welfare and Institutions Code. (Welfare and Institutions Code Section 728.)

FISCAL EFFECT: As currently in print this bill is keyed non-fiscal.

COMMENTS: In circumstances where one or both parents struggle to provide care for their child, there are a number of potential courts that may make orders regarding the custody and care of the minor. A parent or another party may seek a temporary or full guardianship in probate court, which would grant an adult other than the parent custody of the child without terminating the parents' parental rights. In cases involving abuse or neglect, a case may be initiated in dependency court. On occasion, the two courts overlap where a probate court has made an order for temporary guardianship and, in the course of conducting the statutorily mandated investigation of the temporary guardian, determines the child meets the standards provided in Welfare and Institutions Code 300 making the child potentially a dependent of the court. In these matters, governed by Probate Code Section 1513, a probate judge may refer the guardianship case to the dependency court.

Additionally, existing law provides guidance for circumstances where a party has applied to the social worker to begin juvenile court proceedings and the social worker has failed to file the petition in court within three weeks after the application. In these circumstances, the applicant can request that the juvenile court review the social worker's decision and the court may then direct the social worker to begin dependency proceedings. (Welfare and Institutions Code Section 331 (a).) Welfare and Institutions Code Section 331(b) provides a similar review process where a probate court has referred a matter to a child welfare agency and the agency has failed to initiate dependency proceedings. These types of proceedings are referred to as the delayed-review pathway.

These circumstances also provide opportunity for confusion and conflicting jurisdiction. For example, if a probate court has issued a temporary guardianship that is still in effect at the time the dependency court hears the matter, it appears that the dependency court's hands are tied when determining the best placement for the child. While the matter has been referred over by the probate court to the dependency court, where the dependency court is typically tasked with ordering the appropriate placement for the child, there is no statutory mechanism to address the existing temporary guardianship order. According to the author:

AB 1689 streamlines probate and juvenile court proceedings by establishing a single, clear moment when temporary probate guardianships expire: the juvenile court's initial petition hearing under Welfare and Institutions Code Section 319 (dependency) or Section 657 (wardship). The bill amends Probate Code Section 1513 and Welfare and Institutions Code Sections 319, 331, and 728 to require that any temporary probate guardianship automatically expires at that hearing. By doing so, the bill prevents delays in placement and adjudication decisions, eliminates duplicative or conflicting court orders, ensures eligibility for emergency caregiver funding and services, and promotes stability and timely decision-making for children.

This bill seeks to remedy this potential confusion. The bill would amend Welfare and Institutions Code Section 319, which governs the procedures for initial hearings in dependency court, to

allow the court, in cases where a child was referred to dependency court by the probate after issuing a temporary guardianship, to terminate or suspend the temporary guardianship. The court would be allowed to do so upon a written or oral motion of any party to the case, or the court's own motion, and would only be allowed to terminate or suspend the temporary guardianship to the extent necessary to allow the dependency court to exercise its authority, such as to make placement determinations. The bill also grants a juvenile court the authority to take this same action in cases that have proceeded through the delayed-review pathway.

The proposed changes to the law incorporate guardrails to the dependency court's new authority. In order to terminate or suspend the temporary guardianship the court must make three findings. First, the court would be required to find, on the record, that the order is in the best interest of the child. This requirement brings the driving purpose of dependency law to the forefront as a necessary threshold issue to make any changes to a child's home setting. Second, the court must make a finding that terminating the temporary guardianship is necessary to avoid conflicting orders or to order a temporary placement of the child. This requirement acknowledges that the temporary guardian appointed by the probate court may very well be precisely with whom the dependency court would have placed the child. Finally, the court is required to find that the temporary guardian consents to the order, acknowledging that the temporary guardian themselves has an interest in the child's wellbeing and has been tasked by the probate court with ensuring their safety. In sum, this measure as recently amended appears to appropriately balance the goal of promoting efficiency in dependency court proceedings with ensuring that children in dependency proceedings are in stable and safe environments.

ARGUMENTS IN SUPPORT: This bill is sponsored by the Alliance for Children's Rights. In support of their bill the Alliance for Children's Rights submits:

When a child under a temporary probate guardianship order enters the juvenile court via a referral from probate court, two courts can end up with overlapping and potentially conflicting authority over the same child. Because current law provides no clear mechanism for the juvenile court to address a temporary probate guardianship order that remains in place after a dependency petition is filed, courts may hesitate to make placement decisions, caregivers may face difficulty accessing emergency funding and support services, and social workers are left without clear guidance on how to proceed. This gap can cause avoidable delays and instability at precisely the moment when children and families need clarity and support.

AB 1689 builds on the framework established by AB 260 (2021) by giving the juvenile court a precise, consent-based tool to resolve that conflict.

[...]

Children entering the dependency system through a probate referral deserve the same clarity, stability, and access to support as any other child in foster care. When overlapping court authority creates confusion about placement decisions and resource access, it is the child and caregiver who bear the consequences. AB 1689 resolves that ambiguity with a carefully designed, consent-based process that protects the rights of all parties while ensuring the juvenile court can act decisively on behalf of the child.

REGISTERED SUPPORT / OPPOSITION:

Support

Alliance for Children's Rights (sponsor)

Opposition

None on file

Analysis Prepared by: Manuela Boucher-de la Cadena / JUD. / (916) 319-2334