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## SENATE COMMITTEE ON HUMAN SERVICES

Senator Becker, Chair  
2025 - 2026 Regular

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**Bill No:** AB 1689  
**Author:** Quirk-Silva  
**Version:** June 4, 2026  
**Urgency:** No  
**Consultant:** Heather Hopkins  
**Hearing Date:** June 29, 2026  
**Fiscal:** No

**Subject:** Juvenile courts: temporary probate guardianship

### SUMMARY

This bill allows a dependency court to terminate temporary probate guardianship at any hearing if it is in the best interests of the minor.

### ABSTRACT

#### Existing Law:

- 1) Outlines who may file a petition for guardianship and specifies that any relative or other person on behalf of a minor (or the minor themselves if 12 years of age or older) may file a petition to appoint a guardian of the person, estate, or both. Requires the petition to include the names and addresses of parents, legal custodians, and relatives within the second degree. (*Probate Code [PROB] 1510*)
- 2) Authorizes the appointment of a temporary guardian if the court finds there is good cause. Specifies this can only be filed on or after a petition for a permanent guardian has been made, pursuant to 1) above. (*PROB 2250(a-b)*)
- 3) Requires a notice of the hearing for the appointment of a guardian be given to specific parties, including a minor 12 years of age or older, parents, and any person having legal custody or serving as the guardian. (*PROB 1511(b)*)
- 4) Outlines the process for the court to refer a minor to the county child welfare services agency (county) if there is a concern that the child has been or is at risk of being abused or neglected. Requires the probate court, if a proposed ward is suspected of being abused or neglected, to refer the matter in writing to the county. Requires, upon receiving the referral, the county to immediately investigate to determine if juvenile dependency proceedings should be started. Requires the county to generally report its findings and conclusions back to the probate court within three weeks. Prohibits the probate court from determining the guardianship petition until the county has completed its investigation and submitted its report. (*PROB 1513(b)*)

- 5) Establishes the standards and timelines for the appointment of a guardian, which includes requiring the court to wait for investigations to be completed before a guardian can be appointed. Requires the court to act in the best interest of the child and mandates specific screening requirements for the proposed guardian to ensure the safety and well-being of the minor. (*PROB 1514 and 1516*)
- 6) Establishes procedures and criteria for the initial detention hearing of a child taken into temporary custody. Requires the court to order the release of the child unless there is prima facie showing that the child has been abused or neglected. (*Welfare and Institutions Code [WIC] 319*)
- 7) Establishes the process for a person or the probate court to request that a social worker investigate whether a child should be made a dependent of the court due to abuse or neglect. Requires, upon the application or a referral from the probate court, the social worker to immediately investigate. Provides the social worker three weeks to receive the application or referral to decide whether to file a dependency petition. (*WIC 329*)
- 8) Governs the procedures that allow individuals to ask the juvenile court to review a social worker's decision not to file a petition for dependency, after they have already requested such an investigation under existing law in 7) above. (*WIC 331*)

**This Bill:**

- 1) Allows a dependency court to terminate or modify a probate guardianship at any regularly scheduled hearing without the 45 days' notice usually required, if it is in the best interests of the minor.

**FISCAL IMPACT**

This bill has been keyed non-fiscal by the Legislative Counsel.

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

According to the author, "When a child enters the dependency system, courts need to be able to act quickly to ensure that child receives the services, support, and stability they need. AB 1689 provides a simple procedural clarification that helps prevent unnecessary delays when a child transitions from a temporary probate guardianship into the dependency system, allowing courts to focus on what matters most, which is the best interests of the child."

*Child Welfare System*

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 well-being 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.

### *Temporary Probate Guardianship*

A parent who is unable to care for their child temporarily may make arrangements for the child to be cared for by another adult, but custody cannot be given to another adult without a court order. Probate guardianship is a court-ordered relationship that gives an adult legal and physical custody of a child. That adult becomes the guardian and has the right to make parental decisions about the child's care, residence, education and medical treatment. Probate guardianship does not automatically terminate parental rights; it only transfers custody. This arrangement may occur in cases where parents cannot take care of their children but the dependency system is not yet involved. This bill seeks to address the issue of when there is a probate guardianship and then a dependency case involving the same child is opened, resulting in dual jurisdiction over the same child. This bill will allow, at any dependency hearing, for the dependency court to terminate the temporary probate guardianship without having to provide a 45-day notice to the parties. Having a minor be involved in both probate guardianship and a dependency case can result in conflicting court orders, delays, and limit access to services and supports.

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

*AB 260 (Stone, Chapter 578, Statutes of 2021)* established processes to ensure abused or neglected children are not improperly diverted into probate guardianships in lieu of the foster care system and required the Judicial Council to develop a form regarding the differences between probate guardianships and the foster care system.

## COMMENTS

When a child is cared for under a probate guardianship and then enters the juvenile dependency court system, they end up with overlapping and potentially conflicting court orders. The dependency court may be unable, or unsure, of whether they can make various placement decisions or provide support services. This bill addresses this situation by making it clear to the dependency court that they can end the probate guardianship and proceed within the dependency system. This ensures the timely ability to provide for placement, services and other supports. Children in this position are incredibly vulnerable and it is important to allow them to access services and supports as quickly as possible. This bill helps to achieve that goal.

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

**PRIOR VOTES**

Assembly Floor:	74 - 0
Assembly Judiciary Committee:	12 - 0

**POSITIONS**

**Support:**

Alliance for Children's Rights (Sponsor)

**Oppose:**

None received

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