

CONCURRENCE IN SENATE AMENDMENTS

AB 1689 (Quirk-Silva)

As Amended August 20, 2026

Majority vote

SUMMARY

Allows a dependency court to terminate or modify a temporary probate guardianship at any regularly scheduled hearing without the required notice if *notice of the hearing was given as required and the court determines, based on specified evidence, that termination is in the best interest of the minor.*

Senate Amendments

Streamline the bill's provisions to conform with an existing provision of the Welfare and Institutions Code.

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.

This bill seeks to remedy this potential confusion. The bill amends Welfare and Institutions Code Section 728, which authorizes juvenile courts to terminate or modify a probate guardianship if

the minor is under the jurisdiction of the dependency court and with 45 days' notice to the parties, to explicitly also authorize the court to terminate or modify a temporary guardianship *without 45-days' notice at any hearing if notice of the specific hearing was given as required, the notice informs the parties that termination or modification of the temporary guardianship may occur at the hearing, and the juvenile court determines, based certain evidence, that termination or modification is in the best interest of the child.*

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.

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:

Under Probate Code section 1513(b), the probate court may refer a proposed guardianship to the local child welfare agency when the circumstances suggest the child may be described by WIC section 300. If the agency files a dependency petition, the case moves to juvenile court. Current law authorizes the juvenile court to terminate or modify Probate Code guardianships once a minor is the subject of a section 300 petition, but courts are restricted from acting to modify or terminate guardianships without providing currently required 45 days' advance notice. That framework is appropriate for permanent guardianship modifications. It is unworkable for temporary guardianships, which under Probate Code section 2257 terminate by operation of law 30 days after appointment unless the probate court extends them for good cause. The required notice period is longer than the guardianship itself.

When a dependency attorney asks the juvenile court at an early hearing to resolve the temporary guardianship so placement and support decisions can proceed, counties may, and do, object that section 294 notice must first run. The juvenile court may then be unable or unwilling to act at precisely the moment when stabilizing the child's placement is most urgent. This typically means pausing the proceedings until the temporary guardianship expires. The consequences then include delayed placement orders, barriers to emergency caregiver funding, stalled Resource Family Approval steps, and legal uncertainty for caregivers who have stepped forward to care for the child.

AB 1689 eliminates that mismatch for the temporary guardianship context without disturbing the procedural protections that apply to established, permanent guardianships. Notice requirements are preserved for all permanent guardianship actions. Any termination of a temporary guardianship under the new exception remains subject to a best interest finding by the court.

Arguments in Opposition

None on file

FISCAL COMMENTS

None

VOTES:**ASM JUDICIARY: 12-0-0**

YES: Kalra, Macedo, Bauer-Kahan, Bryan, Connolly, Dixon, Harabedian, Pacheco, Papan, Sanchez, Stefani, Zbur

ASM HUMAN SERVICES: 7-0-0

YES: Lee, Castillo, Calderon, Elhawary, Jackson, Solache, Tangipa

ASSEMBLY FLOOR: 74-0-6

YES: Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Johnson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Solache, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wilson, Zbur, Rivas

ABS, ABST OR NV: Addis, Hadwick, Celeste Rodriguez, Sharp-Collins, Soria, Wicks

SENATE FLOOR: 39-0-1

YES: Allen, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Hurtado, Jones, Laird, Limón, McGuire, McNeerney, Menjivar, Niello, Ochoa Bogh, Padilla, Pérez, Reyes, Richardson, Rubio, Seyarto, Smallwood-Cuevas, Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener

ABS, ABST OR NV: Alvarado-Gil

UPDATED

VERSION: August 20, 2026

CONSULTANT: Manuela Boucher-de la Cadena / JUD. / (916) 319-2334

FN: 0004004