

Date of Hearing: March 24, 2026

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Alex Lee, Chair

AB 1846 (Stefani) – As Amended March 18, 2026

SUBJECT: Dependency: placement of child with relative

SUMMARY: Clarifies that when a child is removed from the physical custody of their parents that the preferential consideration given to a request by a relative of the child for placement is applicable throughout the dependency process until the termination of parental rights and not just the dispositional hearing. Further clarifies that if the court does not initially place a foster youth with a relative, the court to state for the record the reasons that placement was delayed.

Specifically, **this bill:**

- 1) Specifies that the preferential consideration given to a request by a relative of the child for placement with the relative, regardless of the relative's immigration status when a child is removed from the physical custody of their parents, shall be given until the hearing to terminate parental rights and the preference for relative caretakers or foster parents over all other applications for adoptive placement is applicable.
- 2) Requires, after the dispositional hearing and until the hearing for termination of parental rights where preference for relative caretakers or foster parents over all other applicants for adoptive placement is applicable, the social worker to assess any relative who requests placement and who has not been previously assessed or found to be unsuitable.
- 3) Requires the county social worker and the court, if the court has terminated family reunification services prior to the relative's request for placement, in addition to the factors described in 9) below in existing law, to consider all of the following:
 - a) The child's relationship with the current caregiver;
 - b) The child's progress toward permanency with the current caregiver; and,
 - c) The child's placement preference.
- 4) Requires, notwithstanding 2) above, if the social worker complied with existing family finding and notice requirements and the relative's initial request for placement is made after family reunification services have been terminated, the social worker to have discretion to assess the relative. Authorizes the court, if the social worker does not assess the relative, to order the relative to be assessed upon request by any party or the relative, if the court finds it is in the child's best interests. This does not apply if the parents were denied reunification services.
- 5) Clarifies that if the court does not *initially* place the child with a relative who has been considered for placement, the court is required to state for the record the reasons placement with that relative was delayed in addition to the existing requirement to document the reasons for a denial.

- 6) Requires, whenever a new placement of the child must be made, consideration for placement to again be given as described in these provisions to relatives who have not been found to be unsuitable and who will fulfill the child's reunification or permanent plan requirements.
- 7) Requires the county social worker, in addition to the factors described in 9) below in existing law, to consider whether the relative has established and maintained a relationship with the child.
- 8) Specifies that these provisions do not prevent the court from ordering placement with a relative subsequent to the dispositional hearing or from giving the social worker the discretion for a placement change into the appropriate home of a relative.

EXISTING LAW:

- 1) Establishes a state and local system of child welfare services, including foster care, for children who have been adjudged by the court to be at risk of abuse and neglect or have been abused or neglected, as specified. (Welfare and Institutions Code [WIC] § 202 *et seq.*)
- 2) States legislative intent to preserve and strengthen a child's family ties whenever possible and to reunify a foster youth with their biological family whenever possible, or to provide a permanent placement alternative, such as adoption or guardianship. (WIC § 16000)
- 3) Requires the social worker, if the child is removed, to conduct, within 30 days, an investigation in order to identify and locate all grandparents, parents of a sibling of the child, other adult relatives of the child, including any other adult relatives suggested by the parents, and, if it is known or there is reason to know the child is an Indian child, any extended family members, as defined. Requires the social worker to provide to all adult relatives who are located, except when that relative's history of family or domestic violence makes notification inappropriate, within 30 days of removal of the child, written notification and to also, whenever appropriate, provide oral notification in person or by telephone, that the child has been removed and various options to participate in the care and placement of the child, among other information. (WIC § 309(e))
- 4) Requires the social worker to use due diligence in investigating the names and locations of the relatives and requires each county to create and make public a procedure by which a parent and relatives of a child who has been removed from their parents or guardians may identify themselves to the county. (WIC § 309(e)(3)(A))
- 5) Specifies due diligence shall include "family finding," which means conducting an investigation, including, but not limited to, through a computer-based search engine, to identify relatives and kin and to connect a child or youth, who may be disconnected from their parents, with those relatives and kin in an effort to provide family support and possible placement. If it is known, or there is reason to know, that the child is an Indian child, "family finding" also includes contacting the Indian child's tribe to identify relatives and kin. (WIC § 309(e)(3)(B))
- 6) Requires preferential consideration be given to a request by a relative to have the child placed with the relative if the child has been removed from the physical custody of the child's parents, regardless of the relative's immigration status. (WIC § 361.3(a))

- 7) Requires, when placing a child in the home of a relative, an extended family member, or non-relative extended family member (NREFM) on a temporary basis, the court to consider the recommendations of the social worker based on the assessment required by current law, including the results of a criminal records check and prior child abuse allegations, if any, before ordering that the child be placed with a relative or NREFM. (WIC § 319(h)(3))
- 8) Establishes the Center Excellence in Family Finding, Engagement, and Support Program to provide, or contract for the provision of, multi-tiered, culturally appropriate training and technical assistance to county child welfare and probation departments, participating tribes, and foster care providers to enhance their practices, policies, and efforts for family finding, support, and engagement. (WIC §§ 16546-16549)
- 9) Requires, in any case in which a child is removed from the physical custody of their parents due to substantial risk to the child's health, safety, or emotional well-being, preferential consideration to be given to a request by a relative of the child for placement of the child with the relative, regardless of the relative's immigration status. Requires, in determining whether placement with a relative is appropriate, the county social worker and court to consider, but not be limited to, consideration of all the following factors:
 - a) The best interest of the child, including special physical, psychological, educational, medical, or emotional needs;
 - b) The wishes of the parent, the relative, and child, if appropriate;
 - c) The provisions in existing law regarding relative placement;
 - d) Placement of siblings and half siblings in the same home, unless that placement is found to be contrary to the safety and well-being of any of the siblings, as provided;
 - e) The good moral character of the relative and any other adult living in the home, including whether any individual residing in the home has a prior history of violent criminal acts or has been responsible for acts of child abuse or neglect;
 - f) The nature and duration of the relationship between the child and the relative, and the relative's desire to care for, and to provide legal permanency for, the child if reunification is unsuccessful;
 - g) The ability of the relative to do the following: provide a safe, secure, and stable environment for the child; exercise proper and effective care and control of the child; provide a home and the necessities of life for the child; protect the child from their parents; facilitate court-ordered reunification efforts with the parents; facilitate visitation with the child's other relatives; facilitate implementation of all elements of the case plan; provide legal permanence for the child if reunification fails; arrange for appropriate and safe childcare, as necessary; and,
 - h) The safety of the relative's assessed home. (WIC 361.3(a))

FISCAL EFFECT: Unknown, this bill has not been analyzed by a fiscal committee.

COMMENTS: This analysis only discusses policy issues germane to the jurisdiction of the Assembly Committee on Human Services.

Background: *Family Finding and Due Diligence.* It has long been the goal of the child welfare services system to preserve familial ties whenever possible. Under certain circumstances, family maintenance services are provided to families in order to prevent the removal of children from their parents' home, including family therapy, parenting classes, or substance use treatment. However, in instances when a youth is removed from the custody of their parents and placed in the child welfare services system, county social workers are required to identify and locate all relatives or NREFMs who may serve as caregivers to the youth.

Data from the California Child Welfare Indicators Project reveals a wide discrepancy in relative placement rates across counties in California. While the state average is 35%, Los Angeles County, which has one-third of California's foster youth population, has a relative placement rate of 39%. Orange County places 48% of foster youth with relatives, Alameda County stands at 36%, and San Diego County at 37%. Sacramento County, with 28%, is not only lower than the state average, but it is also significantly lower than the national average of 35.5%.

The reasons for this variation stem from several interconnected factors, including California's county-operated, state-supervised child welfare services system. This structure allows each county to have its own policies within the same statutory framework. There are also variations on caseloads between counties and some counties may have less bandwidth to perform family finding than others.

When a child is placed into foster care due to allegations of abuse or neglect, it is state policy that the child be placed by the court with a relative caregiver, if at all possible. This relative preference in the dependency court proceeding requires that relatives are the first placements to be considered and investigated for suitability. This placement preference applies when a youth first becomes a foster youth, and it continues to apply after disposition whenever a new placement of the child must be made for a relative who has not been found to be unsuitable and will fulfill the child's reunification or permanent plan requirements. However, stakeholders and advocates contend that state law is not clear when a foster youth has been first placed with a non-related foster parent and a relative is available and requests placement after the dispositional hearing has occurred whether that preference still applies.

This bill clarifies that the preference for placement of a child in foster care with relatives exists throughout the entirety of the dependency process, not just at the dispositional hearing.

Center for Excellence in Family Finding, Engagement, and Support. As a result of AB 207, (Committee on Budget), Chapter 573, Statutes of 2022, the California Department of Social Services (CDSS) contracted with the University of California, Davis to launch the center to support efforts to keep children and youth connected to their biological and extended families. The center was designed to provide multi-tiered, culturally appropriate training and technical assistance, such as conducting evidence-based, organization-specific assessments of implementation activities, and strengthening trauma-informed practices and programs related to family finding and engagement.

Kin First Culture. CDSS has recently shifted toward a more "kin-first" approach to streamline the approval of relatives and reduce barriers that historically favored non-relative foster placements. These efforts are centered on creating a separate, less burdensome approval track for

kin and increasing financial support for kinship guardians. This approach seeks to move away from the single one-size-fits-all approach that described the resource family approval (RFA) process as a way to streamline approvals for families regardless of intent to adopt or foster. Efforts to create separate licensing standards specifically for kinship caregivers aligns with new federal rules intended to increase the placement of children with relatives, provide equitable financial support to kin caregivers, and reduce barriers to licensing placements.

New Foster Care Placements. Under current law, subsequent to the dispositional hearing, where the judge decides where the foster child will live, whenever a new placement of the foster youth must be made, consideration for placement is required again to be given to suitable relatives who will fulfill the child's reunification or permanent plan requirements. In addition to the factors described in existing law related to whether the placement is suitable, the county social worker must consider whether the relative has established and maintained a relationship with the child.

This bill would require after the dispositional hearing, and until the hearing where the termination of parental rights occurs and the preference for relatives becomes applicable, the social worker to assess any relative who requests placement and who has not been previously assessed or found to be unsuitable.

Author's Statement: According to the Author, "Every child deserves stability, connection, and love, and for children in our foster care system, those connections often come from extended family. [This bill] ensures California's kin-first policy applies throughout the entire time a child is in foster care, giving courts clear authority to place children with family whenever it is safe and in their best interest. Research consistently shows that placing foster youth with relatives leads to better outcomes, including fewer placement disruptions, stronger ties to culture and community, and better long-term emotional well-being. But under current law, when a relative comes forward later in the process, the system can make it difficult to prioritize that family connection, leaving children separated from the people who know and love them for months or even years. [This bill] is about reducing trauma, strengthening families, and making sure our foster care system reflects the simple truth that kids do better when they're with family."

Equity Implications: Research indicates that by improving relative placement rates in California, outcomes for all children and families, and in particular, Black children and families who are overrepresented in the foster care system, will also improve. According to the Legislative Analyst Office (LAO) in a March 2022 publication, the proportions of Black and Native American youth in foster care are around four times larger than the proportions of Black and Native American youth in California overall. In addition, recent research on cumulative child welfare involvement of California's 1999 birth cohort found nearly one in two Black and Native American children experienced some level of child welfare involvement by the time they turned 18 years of age (compared to around 29% of Latino children, 22% of white children, and 13% of Asian/Pacific Islander children). The LAO states that this same research also found that California children with public insurance like Medi-Cal experienced child welfare involvement at more than twice the rate of those with private insurance. Because of the disproportionality across all aspects of the child welfare system, not just in foster care, but also child protective services involvement, prioritizing placement of a foster youth with their family members or other responsible adults who are known to the child has been seen as a way to address this issue by ensuring that these vulnerable youth are placed with family when possible.

Double referral: This bill was previously heard in the Assembly Committee on Judiciary on March 17, 2026, and was approved on a 12-0 vote.

Arguments in Support: The County Welfare Directors Association of California and the Children’s Law Center of California, co-sponsors of this legislation write in support, “California’s statute is clear that the relative preference applies in the initial stage of a dependency case or any time a new placement must be made. While the statute does not express a time limit on the relative preference, there is some ambiguity in the law that has led to different interpretations and practices throughout the state. In some situations, the law has been interpreted to preclude the social worker from even having discretion to assess a relative for placement to determine if that placement would be in the best interests of the child(ren). This is inconsistent with the legislative intent of relative preference, and also with recent and ongoing efforts in law and policy to remove barriers and prioritize placement with kin.

“[This bill] resolves these issues and aligns with significant state and county efforts to promote a kin-first culture by clarifying that the relative preference applies until family reunification services have been terminated. [This bill] further grants the social worker or the court discretion to assess a relative if they request placement after family reunification services have been terminated.”

Arguments in Opposition: None on file.

RELATED AND PRIOR LEGISLATION:

AB 562 (Solache), Chapter 436, Statutes of 2025, added to the requirements for county welfare departments when investigating the names and locations of relatives of a child who has been removed from their home due to abuse or neglect, to include an annual review of data comparing the statewide average rate of placing children with relatives, and mandatory communication with the Center for Excellence in Family Finding, Engagement, and Support if the county’s average was less than the statewide average.

AB 2929 (J. Carrillo), Chapter 845, Statutes of 2024, required courts and social workers to consider, in status review hearings and supplemental reports, respectively, whether appropriate efforts have been made to locate family members who could support or accept placement of a foster child or non-minor dependent.

AB 3217 (Bryan) of 2024, was substantially similar to AB 562. *AB 3217 was held on the Senate Appropriations suspense file.*

AB 448 (J. Carrillo) of 2023, would have required a social worker and/or probation officer to immediately conduct, but no later than 30 days after the child had been removed, an investigation in order to identify and locate all relatives of the child, and to document their efforts to the court, and in the case of an Indian child, the active efforts and results of those efforts to locate relatives or kin. AB 448 would have also added requirements for social workers and probation officers to document their efforts and results to locate any relatives or kin who could provide family support or possible placement of the child or nonminor dependent. *AB 448 was vetoed by Governor Newsom due to cost.*

AB 207 (Committee on Budget), Chapter 573, Statutes of 2022, see comments above.

AB 2579 (Bennet) of 2022, would have required county placing agencies to implement model practices for intensive family finding and support for foster children, children detained but not adjudicated, and candidates for foster care. Would have also required counties to submit a plan to CDSS as a condition of receiving funding for these purposes. *AB 2579 was held on Senate Appropriations Committee suspense file.*

SB 1091 (Hurtado) of 2022, would have required that funds, appropriated by the Legislature for this purpose, be available to fund new or expanded family finding and engagement techniques and would have required CDSS to fund contracts with community-based organizations or to provide local assistance allocations to counties or Indian tribes, or both. Would have further required CDSS to convene a leadership team to develop recommendations relating to family finding and engagement. *SB 1091 was referred to the Assembly Appropriations Committee but the hearing was canceled at the request of the Author.*

SB 354 (Skinner), Chapter 687, Statutes of 2021, adopted changes to the criminal background check process during the RFA process for relatives of children placed in the child welfare system. Permitted the court to authorize placement of children with relatives in certain circumstances, regardless of the status of any criminal exemption or RFA; and, required, no later than January 1, 2024, CDSS to submit a report to the Legislature related to criminal record exemptions, as specified.

SB 1336 (Jackson), Chapter 890, Statutes of 2016, required the juvenile court to make a finding as to whether the social worker exercised due diligence in conducting their investigation to identify, locate, and notify the child's relatives, including whether specific actions were taken.

AB 1761 (Hall), Chapter 765, Statutes of 2014, clarified that the placement priority for relatives and NREFM applies both prior to the detention hearing and also after the detention hearing and prior to the dispositional hearing.

AB 2391 (I. Calderon) of 2014, would have clarified that, after the dispositional hearing for a child in foster care, preferential consideration shall be given, on a case-by-case basis to a relative of a child in foster care for purposes of placement of the child, and would have required the Judicial Council to implement this clarification. *AB 2391 was referred to the Senate Judiciary Committee but was not set for a hearing.*

REGISTERED SUPPORT / OPPOSITION:

Support

Children's Law Center of California (Co-Sponsor)
County Welfare Directors Association of California (Co-Sponsor)
Dependency Legal Services (Co-Sponsor)
Alliance for Children's Rights

Opposition

None on file.

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