

THIRD READING

Bill No: AB 1846
Author: Stefani (D)
Amended: 8/13/26 in Senate
Vote: 21

SENATE JUDICIARY COMMITTEE: 12-0, 6/9/26

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

NO VOTE RECORDED: Stern

SENATE HUMAN SERVICES COMMITTEE: 5-0, 6/29/26

AYES: Becker, Ochoa Bogh, Laird, Pérez, Weber Pierson

SENATE APPROPRIATIONS COMMITTEE: 7-0, 8/13/26

AYES: Cervantes, Seyarto, Cabaldon, Dahle, Grayson, Richardson, Wahab

ASSEMBLY FLOOR: 68-0, 4/16/26 (Consent) - See last page for vote

SUBJECT: Dependency: placement of child with relative

SOURCE: Children's Law Center of California
County Welfare Directors Association
Dependency Legal Services

DIGEST: This bill clarifies that the relative placement preference for a child who is a dependent of the juvenile court extends throughout the dependency proceeding, unless and until parental rights are terminated, as specified.

ANALYSIS:

Existing law:

- 1) Establishes the juvenile court, which has jurisdiction over minors who are suffering or at substantial risk of suffering harm or abuse and may adjudge the

minor to be a dependent of the court. (Welfare and Institutions Code (Welf. & Inst. Code), § 300.)

- 2) States that it is the intent of the Legislature 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. (Welf. & Inst. Code, § 16000.)
- 3) Requires a county to petition the juvenile court for a detention hearing, within 48 hours of placing a child in temporary custody, to determine whether a child should remain in custody and whether any specific court permissions are necessary to provide for the health and safety of the child. (Welf. & Inst. Code, §§ 313, 319.)
- 4) Requires a social worker, within 30 days of removing a child from the custody of their parents, to conduct an investigation in order to identify and locate any grandparents, siblings, or other adult relatives of the child, including any other adult relatives suggested by the child, and, unless a relative's history of family or domestic violence makes notification inappropriate, notify the family member of the following:
 - a) That the child has been removed from their parents' custody.
 - b) An explanation of the various options to participate in the care and placement of the child and support for the child's family, as specified. (Welf. & Inst. Code, § 309(e).)
- 5) Requires the social worker, at the initial petition hearing on a petition to make a child a dependent of the juvenile court, to report to the court on topics including whether there are any relatives who are able and willing to take temporary physical custody of the child. (Welf. & Inst. Code, § 319(b).)
- 6) Provides that, if the court does not order the child released from custody and returned to their parents at the hearing in 5), the court must order the temporary placement of the child; preference must be given to placement in the home of a relative, or if no relative is available, a nonrelative extended family member, as defined. (Welf. & Inst. Code, § 319(h).)
- 7) Requires the court, after finding that a child is a dependent of the juvenile court, to hold a hearing on the disposition of the child (the "dispositional hearing"); at this hearing, the court must determine whether to return the child to their parents' custody. If the court does not return the child to their parents' custody, the court must make additional determinations, including:

- a) Where to place the child pending the possible return to their parents' custody, including a finding as to whether the social worker exercised due diligence in conducting its investigation into whether any of the child's relatives would be willing to accept placement of the child.
 - b) Whether to order reunification services to the parents. (Welf. & Inst. Code, §§ 358, 361.5.)
- 8) Requires the social worker's report to the court, filed in advance of the dispositional hearing, to include the appropriateness of any relative placement for the child and, when the child has been placed in an approved relative's home on a short-term basis, whether the relative desires and is willing to be appointed the child's legal guardian. (Welf. & Inst. Code, § 358.1.)
- 9) Provides that, in any case where the juvenile court removes a child from their parents' physical custody, preferential consideration shall 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, and that the social worker and court shall consider specified factors in determining whether placement with a relative is appropriate. (Welf. & Inst. Code, § 361.3(a).)
- 10) Provides that, in any case in which more than one relative requests preferential consideration, each relative shall be considered; this provision does not limit a social worker's ability to place a child in the home of a relative or a nonrelative extended family member pending the consideration of other relatives who have requested preferential consideration. (Welf. & Inst. Code, § 361.3(b).)
- 11) Requires, following the dispositional hearing, that whenever a new placement of the child must be made, consideration for placement shall again be given as described under 9) to any relative who has not been found to be unsuitable and who will fulfill the child's reunification or permanent plan requirements; the social worker shall consider, in addition to the other factors, whether the relative has established and maintained a relationship with the child. (Welf. & Inst. Code, § 361.3(d).)
- 12) Requires the social worker, in advance of every status hearing to review a parent's progress toward regaining custody of their child, to include in its report to the court, for a child who does not reside with their relatives or nonrelative extended family members, information about the social worker's efforts to locate relatives or nonrelative extended family members who could potentially provide family support of a placement for the child. (Welf. & Inst. Code, §§ 366.1 & 366.21.)

- 13) Requires the court, in cases where parental rights have been terminated, to determine whether to place the child for adoption or to establish a legal guardian for the child; in such cases, the application of any person who, as a relative caretaker or foster parent, has cared for the child for whom the court approved a permanent plan for adoption or who has been freed for adoption, shall be given preference with respect to that child over all other applications for adoptive placement if the agency making the placement determines that the child has substantial emotional ties to the relative caretaker or foster parent and removal from the relative caretaker or foster parent would be seriously detrimental to the child's wellbeing. (Welf. & Inst. Code, §§ 366.21, 366.26.)

This bill:

- 1) Clarifies that the preferential consideration given to a request by a relative of the child to take custody of the child who has been removed from their parent's custody extends for the duration of a dependency matter unless and until parental rights have been terminated.
- 2) Requires a social worker, if a relative makes a request for placement after the dispositional hearing and until family reunification services are terminated, to assess that relative for placement, provided that the relative has not been previously assessed and found to be unsuitable, pursuant to the existing statutory factors.
- 3) Provides that, if a relative requests placement after the termination of reunification services, the county social worker and the court must consider all of the following factors in addition to the existing statutory factors:
 - a) The child's relationship with the current caregiver.
 - b) The child's progress toward permanency with the current caregiver.
 - c) The child's placement preference, if found to be age- and developmentally appropriate.
- 4) Provides, notwithstanding 2), that if the county welfare agency has complied with family finding relative notification requirements and the relative's initial request for placement occurs after family reunification services have been terminated, the social worker may exercise discretion to conduct an initial assessment; if the social worker declines to do so, the court may order the assessment at the request of any party or the relative if the court determines that the assessment is in the best interest of the child.

- 5) Provides that 2)-4) do not apply if reunification services were not provided, as specified.
- 6) Requires a juvenile court, if it does not initially place the child with a relative who has been considered for placement, to state on the record the reasons that the placement was denied or delayed.
- 7) Clarifies, where the child is an Indian child, as defined, the placement of the child to comply with applicable state and federal law.
- 8) Requires, whenever a new placement for a child must be made, consideration for placement to again be given, using the existing order of preference and considerations, to relatives who have not been found to be unsuitable and who will fulfill the child's reunification or permanent plan requirements; in making a placement decision, the social worker shall also consider whether the relative has established and maintained a relationship with the child.
- 9) Clarifies that nothing in Section 361.3 of the Welfare and Institutions Code prevents the juvenile court from ordering placement with a relative following the dispositional hearing or from giving the social worker the discretion for a placement change into the appropriate home of a relative.

Comments

Research shows that a child taken from the custody of their parent, guardian, or Indian custodian will suffer fewer negative outcomes if they are placed with a trusted relative or other person with whom they have a family-like relationship, rather than with a stranger. To this end, California law establishes a relative placement preference when a child is taken into custody and declared a dependent of the juvenile court, and the child's social worker is required to make efforts to find any suitable relatives for a placement, and such relatives are given preference over any other placement alternatives.

According to the author and sponsor, there are ambiguities in the relative placement preference statutes that have led to confusion over the duration and application of the relative placement preferences. This bill is intended to clarify that the relative placement preference extends throughout a child's dependency proceeding unless and until parental rights are terminated, and that a child may be placed with a suitable relative—even if they have already been placed with a nonrelative—if the social worker or court deem the new placement in the child's best interests. This bill also clarifies that a relative requesting a placement must be assessed if the request comes prior to the termination of reunification services, and

gives the social worker or court the discretion to assess the suitability of a requested placement if the request comes after the termination of reunification services.

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

According to the Senate Appropriations Committee, the fiscal effect is as follows:

Up to \$125,000 in FY 2026-27 and up to \$250,000 annually thereafter for social workers to complete the additional documentation of assessing any relative who requests placement. (General Fund)

Estimated \$90,000 additional funding is provided by Title IV E of the Social Security Act, with the amount of Federal Financial Participation based on the 50 percent administration rate for those cases meeting federal eligibility criteria. (federal funds)

Although these county workload costs are mandated by the state, they are not reimbursable but instead must be funded by the state pursuant to Proposition 30 (2012). Proposition 30 requires legislation enacted after September 30, 2012, that has an overall effect of increasing the costs already borne by a local agency for programs or levels of service mandated by realignment to apply to local agencies only to the extent the state provides annual funding for the cost increase. (General Fund)

SUPPORT: (Verified 8/14/26)

Children's Law Center of California (co-source)
California Welfare Directors Association (co-source)
Dependency Legal Services (co-source)
Alliance for Children's Rights
Back to the Start
Butte County Department of Employment and Social Services
California Alliance of Child and Family Services
County of Fresno
County of Monterey
County of Stanislaus
County of Ventura
Family Law Executive Committee of the California Lawyers Association
Seneca

OPPOSITION: (Verified 8/14/26)

None received

ARGUMENTS IN SUPPORT: According to the Children's Law Center of California, the California Welfare Directors Association, and Dependency Legal Services:

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.

AB 1846 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. AB 1846 further grants the social worker or the court discretion to assess a relative if they request placement after family reunification services have been terminated. This critical legislation recognizes the positive impacts of kinship care and bolsters California's commitment to honor and prioritize keeping families together.

ASSEMBLY FLOOR: 68-0, 4/16/26

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Ávila Farías, Bains, Bauer-Kahan, Bennett, Boerner, Bryan, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Elhawary, Ellis, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Jackson, Johnson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

NO VOTE RECORDED: Arambula, Berman, Bonta, Dixon, Flora, Harabedian, Hart, Hoover, Irwin, Papan, Celeste Rodriguez, Schiavo

Prepared by: Allison Whitt Meredith / JUD. / (916) 651-4113
8/17/26 10:54:42

**** **END** ****