

CONCURRENCE IN SENATE AMENDMENTS

AB 1846 (Stefani)

As Amended August 13, 2026

Majority vote

SUMMARY

Clearly establishes that preferential consideration should be given to a request by a relative for placement of a dependent at every stage of the dependency court proceedings.

Major Provisions

- 1) Requires that, in any case in which a child is removed from the physical custody of their parents, preferential consideration be given to a request by a relative of the child for placement of the child with the relative, until the caregiver preference applies.
- 2) Requires a social worker to assess any relative who requests placement and who has not been previously assessed or found to be unsuitable following the dependent's initial detention hearing and until the caregiver preference as described applies.
- 3) Requires the county social worker and the court to consider the specified additional factors if the court has terminated family reunification services prior to the relative's request for placement.
- 4) Grants the social worker discretion to conduct an assessment if the social worker complied with the family finding and notice requirements and the relative's initial request for placement is made after family reunification services have been terminated. Authorizes, if the social worker declines to conduct an assessment, the court to order an assessment if requested by any party or the relative if the court finds it is in the child's best interest.
- 5) Exempts parents who were not offered reunification services pursuant to existing provisions of law from the bill's provisions.
- 6) States that nothing in this section prevents the court from ordering placement with a relative subsequent to the initial detention hearing or from giving the social worker the discretion for a placement change into the appropriate home of a relative.

Senate Amendments

Minor technical amendments to clarify implementation.

COMMENTS

California's child welfare system is tasked with ensuring the safety of children in the state at risk of abuse, neglect, or abandonment. The most desired outcome of the child welfare system is to keep or reunite children with their parents wherever possible. In circumstances where reunification is not appropriate, courts and social workers then look to place children in a variety of alternative placements, whether that is with a relative, an adoptive family, or with a guardian.

Dependency cases typically begin when someone makes a report of child abuse or neglect to a local child welfare agency. The report triggers a social worker with the agency to investigate the

report and determine what actions are necessary to ensure the child's safety. If the social worker determines intervention is necessary, the agency files a petition with the dependency court to make the child a dependent of the court. In the event the child is removed from their parent, an initial detention hearing must be held either on the same day the petition is filed or the next court day. At the detention hearing the court determines whether the child will continue to be separated from their parent or parents, or "detained."

The next step in the dependency court process is the jurisdictional hearing, which must occur no later than 15 days after the petition is filed. At the jurisdictional hearing the court decides whether there is sufficient evidence to indicate that the child falls within the dependency court's jurisdiction. In other words, the jurisdictional hearing represents the moment a court will decide whether the facts indicate, based on a preponderance of the evidence, that a child suffered or is at risk of suffering abuse or neglect.

Following the jurisdictional hearing, the court must then set a dispositional hearing within 60 days of the initial detention hearing. That timeline is shortened in cases where the child is still detained, and in those circumstances must be held within 10 days of the jurisdictional hearing. At the dispositional hearing, the court must determine whether to dismiss the case, order informal services for the family, or make the child a dependent of the court. A child that is found to be under the jurisdiction of the dependency court is also referred to as a Welfare and Institutions Code (WIC) 300 dependent, referencing the statute that establishes the court's jurisdiction. The jurisdictional and dispositional hearings are often held simultaneously. When a court makes the determination that a child is a dependent, it must then decide the best placement for the child. Placements can range from keeping the child in the home with their parent with regular monitoring from the social worker to foster care outside the child's family. Wherever possible, however, courts and local departments strive to keep dependent children within their immediate or extended families.

Ahead of the dispositional hearing, existing law requires the child's social worker to provide the court with a detailed report about the child. The social worker must also investigate each family member they are aware of.

A dependency case is ultimately concluded in a final hearing where a judge can: terminate parental rights and place the child for adoption; appoint a relative as the child's guardian; appoint a nonrelative guardian; place the child with a willing relative; or order that the child remain in foster care. The court may also make relevant orders relating to the Indian Child Welfare Act. (WIC Section 366.26.)

Under existing law, when a family member requests that a child be placed in their home, the courts are required to grant that request preferential consideration. To ensure the placement is safe and secure for the child, the social worker is also required to consider a variety of factors including the best interest of the child, the wishes of the parent where appropriate, the nature of the relationship between the child and the relative, and the ability of the relative to provide certain elements of a beneficial placement such as a safe and stable environment, and facilitate any relevant reunification efforts with the parent. (WIC Section 361.3(a).)

Unfortunately, WIC Section 361.3 does not specify whether the court's obligation to grant preferential consideration to the relative requesting placement continues beyond the initial dispositional hearing, except that it does apply when a new placement is necessary. It is possible

to interpret the statute to impose the preference *only* up until the dispositional hearing and *only* when a new placement is necessary.

This bill proposes to clarify the ambiguity in existing law that has led to different practices across counties and judicial interpretations by imposing the family placement preference throughout the dependency proceeding until final placement or termination of parental rights under WIC Section 366.26.

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. AB 1846 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. AB 1846 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.

Arguments in Support

This bill is sponsored by the Child Welfare Directors Association (CWDA). It is further supported by the Alliance for Children's Rights. In support of the measure, CWDA submits:

When a child is placed into foster care due to allegations of abuse or neglect by their parents or guardian, federal and state law require that a relative seeking to provide a loving home be given first consideration for placement above all other settings. Relative preference does not guarantee placement; rather, it ensures that any relative requesting placement is assessed and given preferential consideration based on a number of factors, including the best interest of the child, the wishes of the parent, and the ability of the relative to provide a safe, secure and stable environment. The relative preference aligns with long-standing research that demonstrates better outcomes in such areas as placement stability, academic achievement, and emotional well-being for children placed with relatives. The data also shows that these children are far more likely to remain with their siblings and have more frequent contact with their parents.

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.

Arguments in Opposition

None on file

FISCAL COMMENTS

According to the Senate Appropriations Committee, up to \$125,000 in FY 20267 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)

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, Gipson, Elhawary, Jackson, Solache, Tangipa

ASM APPROPRIATIONS: 14-0-1

YES: Wicks, Hoover, Arambula, Caloza, Dixon, Fong, Mark González, Krell, Muratsuchi, Pacheco, Pellerin, Solache, Ta, Tangipa

ABS, ABST OR NV: Calderon

ASSEMBLY FLOOR: 68-0-12

YES: 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

ABS, ABST OR NV: Arambula, Berman, Bonta, Dixon, Flora, Harabedian, Hart, Hoover, Irwin, Papan, Celeste Rodriguez, Schiavo

UPDATED

VERSION: August 13, 2026

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

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