
THIRD READING

Bill No: AB 651
Author: Bryan (D), et al.
Amended: 4/9/25 in Assembly
Vote: 21

SENATE PUBLIC SAFETY COMMITTEE: 6-0, 7/1/25
AYES: Arreguín, Seyarto, Caballero, Gonzalez, Pérez, Wiener

SENATE JUDICIARY COMMITTEE: 13-0, 7/8/25
AYES: Umberg, Niello, Allen, Arreguín, Ashby, Caballero, Durazo, Laird, Stern, Valladares, Wahab, Weber Pierson, Wiener

SENATE APPROPRIATIONS COMMITTEE: 7-0, 8/29/25
AYES: Caballero, Seyarto, Cabaldon, Dahle, Grayson, Richardson, Wahab

ASSEMBLY FLOOR: 79-0, 6/3/25 - See last page for vote

SUBJECT: Juveniles: dependency: incarcerated parent

SOURCE: Dependency Legal Services
Families Inspiring Reentry and Reunification 4 Everyone
Legal Services for Prisoners with Children
Los Angeles Dependency Lawyers

DIGEST: This bill requires notice and the opportunity for an incarcerated parent to be physically present at specified dependency hearings related to their child, or the opportunity to participate in those proceedings by videoconference or teleconference when their physical presence is waived.

ANALYSIS:

Existing law:

- 1) Requires notice to a “prisoner” in a proceeding seeking to terminate the parental rights of the person, or a proceeding seeking to adjudicate the child of a prisoner a dependent child of the court. (Penal Code (Pen. Code), § 2625, subd. (b).)
- 2) Defines “prisoner” to include any individual in custody in a state prison, the California Rehabilitation Center, or a county jail, or who is a ward of a juvenile facility, or who, upon a verdict or finding that the individual was insane at the time of the commitment offense, or mentally incompetent to be tried or adjudged to punishment, is confined in a state hospital for the care and treatment of persons with mental health disorders or in any other public or private treatment facility. (Pen. Code, § 2625, subd. (a).)
- 3) Requires the court, upon receipt of a statement from the prisoner or the prisoner’s attorney indicating the prisoner’s desire to be present during the court’s proceedings, to issue an order for the temporary removal of the prisoner from the institution, and for the prisoner’s production before the court. (Pen. Code, § 2625, subd. (d).)
- 4) Prohibits specified proceedings seeking to terminate the parental rights of a prisoner, or proceedings seeking to adjudicate the child of a prisoner a dependent child from being held without the physical presence of the prisoner or the prisoner’s attorney, unless the court has before it a knowing waiver of the right of physical presence signed by the prisoner, or an affidavit signed by the warden, superintendent, or other person in charge of the institution stating that the prisoner has, by express statement or action, indicated an intent not to appear at the proceeding. (Pen. Code, § 2625, subd. (d).)
- 5) Authorizes the court, in any other action or proceeding or action adjudicating the prisoner’s parental rights, to issue an order for the prisoner’s temporary removal from the institution and for the prisoner’s production before the court. (Pen. Code, § 2625, subd. (e).)
- 6) Authorizes a prisoner who is a parent of a child involved in a dependency hearing and who has either waived the right to physical presence at the hearing or who has not been ordered before the court to be given the opportunity to participate in the hearing by videoconference, at the court’s discretion, if that technology is available and if participation otherwise complies with the law. Authorizes teleconferencing to be utilized if videoconferencing technology is not available. Specifies that these provisions do not authorize the use of

videoconference or teleconference to replace in-person family visits with prisoners. (Pen. Code, § 2625, subd. (g).)

- 7) Establishes the juvenile court with jurisdiction over children who are subject to abuse or neglect. (Welfare and Institutions Code (Welf. & Inst. Code), § 300.)
- 8) States that the purpose of the juvenile court dependency system is to provide maximum safety and protection for children who are currently being abused, neglected, or exploited. Provides that the focus is on the preservation of the family, as well as the safety, protection, and physical and emotional well-being of the child. (Welf. & Inst. Code, § 300.2, subd. (a).)
- 9) Provides that a minor who is the subject of a juvenile court hearing, and any person entitled to notice of the hearing, is entitled to be present at the hearing. (Welf. & Inst. Code, § 349, subd. (a).)
- 10) Requires the court, if the minor is present at the hearing, to inform the minor that he or she has the right to address the court and participate in the hearing. Requires the court to allow the minor, if the minor so desires, to address the court and participate in the hearing. (Welf. & Inst. Code, § 349, subd. (c).)

This bill:

- 1) Adds the following proceedings to those that require notice and opportunity for an incarcerated parent to be physically present, or the opportunity to participate in those proceedings by videoconference or teleconference:
 - a) Proceedings related to changing, modifying, or setting aside any order of court previously made or to terminating the jurisdiction of the court when the incarcerated parent is the petitioner;
 - b) Hearings related to limitations on parent or guardian control and appointment of another adult to make educational or developmental services decisions;
 - c) Hearings on dependency status review;
 - d) Hearings on permanency review following continuance;
 - e) Any subsequent permanency review hearings; and,
 - f) Any hearing at which parentage of a child of the incarcerated person is to be determined.
- 2) Requires an incarcerated person who is a parent of a child involved in a dependency hearing and who has either waived the right to physical presence at the hearing or who has not been ordered before the court to be given the

opportunity to participate in the hearing by videoconference if that technology is available and if participation otherwise complies with the law. Requires teleconferencing to be utilized if videoconferencing technology is not available.

- 3) Provides that anyone who is entitled to notice of initial petition hearings, dependency status review hearings, and permanency review hearings is entitled to be present at the hearing in addition to the minor or nonminor dependent who is the subject of the juvenile hearing.
- 4) Makes other technical and conforming changes.

Background

California's child welfare services system was established to provide safety and protection to children from abuse, neglect, and exploitation. Reports of child abuse or neglect can be made to law enforcement or a county child welfare agency, and are often submitted by mandated reporters who are legally required to report suspected child abuse or neglect. When a report of suspected child abuse or neglect is made, a preliminary investigation is made to determine whether or not any action should be taken. If the social workers determines that court involvement is necessary, the child welfare agency files a petition with the juvenile court to make the child a dependent of the court. The child may remain in the custody of the parent or guardian, or may be removed from the physical custody of the parent or guardian if it is believed that the child is in immediate danger.

At the subsequent court hearing, the court may elect to keep the child in, or return the child to, their home or remove the child from the home. Removal may either result in eventual reunification with the family, or the court may determine that an alternate permanent placement, including guardianship or adoption, is appropriate. When reunification is not possible or appropriate, the child is placed in the setting deemed least restrictive and most suitable, and the court is required to give preference to potential placements with relatives or nonrelative extended family members. Throughout this process, there are multiple court hearings, including the detention hearing, the jurisdictional hearing, the dispositional hearing, review hearings, and the permanency hearing, where the custody of a child or their placement is evaluated, reviewed, and determined by the court, in consultation with the child's social worker appointed by the county and the child's attorney, to help provide the best possible support and services to the child.

Existing law requires that the court provide incarcerated parents with notice of, and opportunity to be physically present in proceedings on the initial hearing to adjudicate their child as a ward of the court and for the hearing on permanency. Existing law requires the court, upon receipt of notice that the incarcerated parent would like to participate in the hearing, to issue an order for the temporary removal of the incarcerated person from the institution and for the incarcerated person's production before the court. The court may not hold those proceedings without the physical presence of the incarcerated parent or their attorney unless the court has either a waiver of the right of physical presence signed by the incarcerated parent or an affidavit signed by the warden, superintendent, or other person in charge of the institution, or a designated representative stating that the incarcerated person has, by express statement or action, indicated an intent not to appear at the proceeding. An incarcerated parent who has waived the right to be in person or who has not been ordered before the court may, at the court's discretion, be given the opportunity to participate by videoconference, and if that technology is not available, teleconferencing may be utilized. Existing law recognizes the significance of dependency court hearings for parental rights and children's long-term care, and states that physical attendance by the parent at the hearings is preferred to participation by videoconference or teleconference.

The sponsors of this bill contend that for parents who are incarcerated in a different county than where the proceedings involving their child are taking place, those parents often are not give the option to be physically present during the proceedings, either because notice is not given or because the jail administrator refuses to produce the incarcerated parent to another county. This bill requires notice of, and the opportunity to be physically present at review hearings for the adjudication of the incarcerated parent's child and review hearings on permanency. This bill also requires, rather than allows, a judge to order an opportunity for the incarcerated parent who has either waived physical presence or has not been ordered to come before the court, to participate via videoconference. If videoconference is not available, the bill requires participation by teleconference. The videoconference requirement in the bill ensures that if the incarcerated parent cannot be transferred, there is still a meaningful opportunity to participate in these hearings.

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

According to the Senate Appropriations Committee:

- Costs of an unknown but potentially significant amount to the counties to facilitate appearances of incarcerated parents in dependency proceedings in person or through remote technology. Actual costs will depend on the number of hearings attended by parents incarcerated in county jail and whether affected jails have sufficient space and IT infrastructure. The state must reimburse these county costs from the General Fund if the Commission on State Mandates determines the duties imposed by this bill constitute a reimbursable state mandate.
- The California Department of Corrections and Rehabilitation (CDCR) recognizes the critical importance of maintaining the parent-child bond and supports efforts to preserve and strengthen these connections during a parent's incarceration as a key component of promoting family stability and success. Accordingly, CDCR currently complies with all court orders for in-person, video, or telephone appearances for dependency hearings. To the extent that this measure results in an increase in court orders for in-person appearances, the estimated cost to transport one incarcerated person, excluding fuel costs, to a court hearing is approximately \$565 for a four-hour trip and \$1,129 for an eight-hour trip. There is also potential for increased staff workload related to the facilitation of remote appearances, if significantly increased as a result of this measure.
- Possible workload cost pressures (Trial Court Trust Fund, General Fund) of an unknown amount to the courts to facilitate participation in dependency hearings by incarcerated parents. Existing law permits a court to conduct a juvenile dependency proceeding remotely, so costs may not be significant, but requiring the courts to accommodate more remote appearances may impact existing court calendars.

SUPPORT: (Verified 8/29/25)

Dependency Legal Services (co-source)

Families Inspiring Reentry and Reunification 4 Everyone (co-source)

Legal Services for Prisoners with Children (co-source)

Los Angeles Dependency Lawyers (co-source)

ACLU California Action

All of Us or None Orange County

Alliance for Children's Rights

California Alliance of Child and Family Services

Children's Law Center of California

Disability Rights California
Ella Baker Center for Human Rights
Riverside All of Us or None
Starting Over

OPPOSITION: (Verified 8/29/25)

None received

ASSEMBLY FLOOR: 79-0, 6/3/25

AYES: Addis, 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, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

Prepared by: Stephanie Jordan / PUB. S. /
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