

Date of Hearing: April 23, 2025

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

AB 926 (Gipson) – As Introduced February 19, 2025

Urgency: No State Mandated Local Program: Yes Reimbursable: No

SUMMARY:

This bill changes the way a court must consider, during a specified child dependency proceeding, whether to order supervised or unsupervised visitation between a parent and a child who has been removed from the parent's custody, favoring ordering unsupervised visitation except where doing so would be contrary to the child's welfare.

Specifically, among other provisions, this bill:

- 1) Requires, at the initial petition hearing, the court to make an order regarding visitation between the child and the parent. The order must set the frequency and duration of visitation that is most conducive to quality family time. If the court orders the visitation to be supervised, the court must specify the factual basis for doing so, and must order a child welfare agency to assess the person proposed to supervise visitation.
- 2) Requires a child welfare agency or its designee to supervise visitation if, after the agency's assessment, no person is approved to supervise visitation.
- 3) Requires the court, at a subsequent hearing when a child has not been returned to the custody of their parent, to order unsupervised visitation with the parent unless the court finds that unsupervised visitation is contrary to the child's welfare, and other specified circumstances exist.
- 4) Requires the court, at each review hearing, to review and consider the social worker's report and recommendations, which shall specify why the return of the child would be detrimental to the child and, if visitation has not been liberalized, what efforts were put in place to liberalize the parent or legal guardian's visits and why liberalization was contrary to the child's welfare.

FISCAL EFFECT:

Costs (General Fund, federal funds) of an unknown but potentially significant amount to county child welfare agencies, possibly in the hundreds of thousands to low millions of dollars annually. This bill permits the court to order, in specified circumstances, a county child welfare agency to assess the proposed supervisor for supervised visitation, and requires, if no supervisor is approved, the child welfare agency to supervise visitation. The bill also requires social workers to include additional information in the report they are required to provide the court for a foster child's review hearing. Actual costs will depend on the number of applicable cases and the

amount of time needed to supervise visits and complete the required reporting. There are currently more than 40,000 youth in foster care in California.

Although these county costs are mandated by the state, they are not reimbursable but instead must be paid by the state pursuant to Proposition 30 (2012). Proposition 30 provides that 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 applies to local agencies only to the extent the state provides annual funding for the cost increase.

COMMENTS:

1) Purpose. According to the author:

Requiring supervision without considering the circumstances of the separation exacerbates the profound damage created by the separation of a child from their family. According to the Children's Bureau, regular family visits expedite permanency and increase the likelihood of reunification. As children are removed from their parents and supervised visits are ordered, children may go weeks without seeing their parents. If a family cannot provide an approved monitor, current law does not require the agency to provide one. As a result, visits often do not happen at all.

1) Background. When a child is removed from their parent's custody, decisions about the child's welfare are made in court dependency proceedings. Generally, a social worker will provide the court information about the parent's abuse or neglect of the child and the court determines whether removing the child from their parent's custody is in the child's best interest. When a child is removed from their parent's custody, the court initiates a reunification plan, including arrangements for the child's care and steps the parent can take to re-obtain custody of the child. The court may also order supervised or unsupervised visits between the parent and the child. Existing law generally provides the court discretion over whether to order visitation and the terms of visitation, unless the court determines visitation would jeopardize the health, safety, or welfare of the child.

This bill changes how a court must decide whether to order supervised or unsupervised visitation between a child and their parent, essentially establishing a presumption in favor of granting unsupervised visitation unless doing so would be contrary to the child's welfare. If the court orders supervised visitation, the court must provide the factual basis for its decision, and a child welfare agency must either evaluate and approve a proposed visitation supervisor or provide supervision for the visitation. The bill also sets out guidelines for how and where visitation must be conducted and other factors for the court's consideration in making visitation orders.

2) Prior Legislation. AB 2752 (Calderon), of the 2023-24 Legislative Session, would have required, during a specified child dependency proceeding, the court to order unsupervised visits between a parent and child unless doing so was contrary to the child's welfare. AB 2752 was held on the Senate Appropriations Committee's suspense file.