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## SENATE COMMITTEE ON HUMAN SERVICES

Senator Becker, Chair

2025 - 2026 Regular

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**Bill No:** SB 1234  
**Author:** Alvarado-Gil  
**Version:** April 8, 2026  
**Urgency:** No  
**Consultant:** Heather Hopkins

**Hearing Date:** April 20, 2026  
**Fiscal:** No

**Subject:** Dependency: fentanyl testing

### SUMMARY

This bill requires in dependency cases where a court has ordered the parent or guardian to submit to drug testing, that the test panel includes testing for fentanyl.

### ABSTRACT

#### Existing Law:

- 1) Establishes the juvenile court with jurisdiction over children who are subject to abuse or neglect. (*Welfare & Institutions Code Section [WIC] 300 et seq.*)
- 2) States that the purpose of the juvenile court dependency system is 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. (*WIC 300.2*)
- 3) Requires the court, if at the initial hearing the juvenile court orders a child removed from their parent due to abuse or neglect, to order that child welfare reunification services be provided to the family as soon as possible in order to reunify the child with their family, if appropriate. (*WIC 319(e)*)
- 4) Requires a social worker, whenever the social worker has cause to believe that there was or is abuse or neglect of a child, to immediately make any investigation they deem necessary to determine whether child welfare services should be offered to the family and whether proceedings in the juvenile court should be commenced. Further requires the social worker, if they determine that it is appropriate to offer child welfare services to the family, to make a referral to those services. (*WIC 328(a)*)
- 5) Requires the court, at the dispositional hearing, to order a social worker to provide child welfare services to a child who has been removed from their parents' custody and to the parents in order to support the goal of reunification, for a specified time period, except under certain circumstances. Provides that children and families in the child welfare system should typically receive a full six months of reunification services if the child is

under three years of age, and twelve months if the child is over three years of age, but that may be extended up to 18 or 24 months, as provided. (*WIC 361.5(a)*)

- 6) Requires, if a child is adjudged a dependent child of the court and the court orders that a parent shall retain custody of the child subject to the supervision of the social worker, the parents to participate in child welfare services or services provided by an appropriate agency designated by the court. (*WIC 362(c)*)
- 7) Permits the juvenile court to direct any reasonable orders to the parents of the child who is the subject of any proceedings as the court deems necessary and proper. Permits that order to include a direction to participate in a counseling or education program, including, but not limited to, a parent education and parenting program operated by a community college, school district, or other appropriate agency designated by the court. Authorizes a foster parent with whom the child is placed to be directed to participate in such a program in cases in which the court deems participation is appropriate and in the child's best interest. Requires the program in which a parent is required to participate to be designed to eliminate those conditions that led to the court's finding that the child is a person described by WIC 300. (*WIC 362(d)*)

**This Bill:**

- 1) Provides that in dependency cases where the juvenile court orders a parent or guardian to submit to testing for controlled substances, the test panel shall include testing for fentanyl.

**FISCAL IMPACT**

This bill has been keyed non-fiscal by Legislative Counsel.

**BACKGROUND AND DISCUSSION**

**Purpose of the Bill:**

According to the author, "This measure is intended to honor the memory of children who have tragically lost their lives due to fentanyl poisoning and to recognize the profound impact these losses have had on families and parents across communities. Senate Bill 1234 addresses a critical gap in existing law by ensuring that when a juvenile court orders a parent or guardian to submit to drug testing as a condition related to dependency proceedings, the testing panel must include fentanyl. Under current law, courts have discretion to order drug testing in cases where a child has been adjudged a dependent of the court due to abuse, neglect, or unsafe living conditions; however, there is no requirement that fentanyl be included in those tests.

"This bill adds a new subsection to Section 362 of the Welfare and Institutions Code requiring fentanyl testing when controlled substance testing is already ordered. Importantly, the bill does not expand when testing may occur, nor does it impose new testing requirements. It simply

ensures that fentanyl, one of the most dangerous and prevalent substances contributing to the ongoing opioid crisis, is included when testing is already deemed necessary by the court.

“The dangers of fentanyl must be addressed to better protect children and support families. Fentanyl is a synthetic opioid that is up to 50 times stronger than heroin and 100 times stronger than morphine, and even a minuscule amount can be fatal. It is a factor in approximately 69 percent of overdose deaths, with nearly 73,000 deaths attributed to fentanyl overdoses in 2023 alone. Tragically, fentanyl poisonings among children have risen dramatically, increasing more than 900 percent among children under age 12 between 2015 and 2023.

“This legislation takes a straightforward step to strengthen child safety during the reunification process. When a court already requires drug testing, this bill ensures that fentanyl is included in the testing panel so that courts have the information necessary to make informed decisions that prioritize the well-being of children and help prevent further loss of life.”

### *Child Welfare System (CWS)*

The CWS is the system of intervention of child abuse and neglect. This system provides services to children who have been abused or neglected and their families. The goal of this system is to keep children in their home when it is safe, and when the child is at risk, to develop an alternative plan as quickly as possible<sup>1</sup>. Social workers in each county receive reports of abuse or neglect, and work to investigate and resolve those reports. When the investigation substantiates the allegations of abuse or neglect, a family is either provided with services to ensure a child’s wellbeing and avoid court involvement, or a child is removed from the family and placed into foster care. In 2025, the state’s child welfare agencies received 398,861 reports of abuse or neglect. Of these, 45,856 reports contained substantiated allegations, and 17,886 children were removed from their homes and placed into foster care via the CWS system.

After the county child welfare department becomes involved with families, approximately 12 months of services may be provided to children who are able to remain safely in their homes while the family receives “family preservation” services. If the family receives family preservation services, the child does not come under the jurisdiction of the juvenile dependency court during this time.

If a child is removed from their home, they are temporarily within the jurisdiction of the child welfare system until a court makes a determination. Within 48 hours of removal, the social worker must file a petition with the court requesting a detention hearing. The detention hearing is the first court date in a CWS case. This hearing must take place within 48 hours of the petition being filed. At the detention hearing, the social worker outlines the allegations and why the children should be removed. The court then determines if removal is in the best interest of the child. If the court makes that determination, a jurisdiction hearing must take place within 15 days.

If it is determined that a child cannot remain safely in the home, even with family preservation and support services, the child comes under the jurisdiction of the county’s juvenile dependency court while the family is served by a CWS social worker. This system seeks to ensure the safety

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<sup>1</sup> <https://www.cdss.ca.gov/inforesources/child-welfare-protection/policies>

and protection of these children and, where possible, preserve and strengthen families through visitation and family reunification. It is the state's goal to reunify a foster child or youth with their biological family whenever possible.

### *Reunification Services*

A key portion of reunification services is the case plan provided to a parent or guardian that includes the reasonable services that will be provided in an effort to reunify the parent or guardian with their child(ren). Every case plan is different and may include requirements for that parent to seek counseling, attend parent education classes, or receive substance use disorder treatment and testing services. This case plan differs based on the unique circumstances of each family. The court must also consider the particular barriers to an incarcerated, institutionalized, detained, or deported parent's access to those court-mandated services and ability to maintain contact with the child, and to document this information in the child's case plan. The social worker meets with the parents at least monthly to discuss the case progress, problems encountered and the status of the parent's cooperation. Case plans are updated every six months.

In addition to the case plan, the court has the power to make all reasonable orders for the care, maintenance, and support of a child who has been adjudicated a dependent. Such orders can include counseling, education programs, and parenting classes. The power of the court to make reasonable orders includes the ability to order the parent to take a drug test. This bill would require a test panel to include testing for fentanyl in a dependency case where a court has ordered the parent or guardian to submit to drug testing. There is nothing in the law that prohibits either the social worker or the court from requiring a parent or guardian to submit to fentanyl testing if there is suspicion of fentanyl abuse.

### *Oklahoma's Leo's Law*

Oklahoma House Bill 4421<sup>2</sup>, currently pending in the state legislature, makes changes to when and if parents are tested for fentanyl during child welfare cases. HB 4421, or "Leo's Law", is named after Leo, a 3-year-old who died of fentanyl poisoning while in the care of his mother. The Oklahoma bill would, in part, do the following:

- Provides that upon receipt of a report that a child may be drug-endangered, the Department of Human Services has 24 hours to conduct a safety analysis and must attempt to acquire consent for an immediate drug screening for any parent, guardian, or caregiver if substance use is suspected including the use of methamphetamine, opioids, or any indication of fentanyl presence.
- Provides that if the parent, guardian or caregiver refuses to consent to a drug screening, the Department of Human Services must report to a district attorney within 24 hours to request a court order for the drug screening.
- Requires all drug screenings to include mandatory fentanyl testing.

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<sup>2</sup> <https://legiscan.com/OK/bill/HB4421/2026>



In a letter expressing fiscal concerns, the County Welfare Directors Association wrote in part, “Each county contracts with a testing provider, who typically also works with parents on substance abuse counseling and treatment, to regularly test for alcohol or other substances as part of that parent’s services for reunification. This testing process may include both initial screening and confirmatory testing, which are separate functions that can carry additional costs. Some counties require fentanyl be included in the panel, others will request it upon suspicion of fentanyl use, while others do not include it at all. By requiring counties to include fentanyl in all substance use testing panels, SB 1234 will require counties to re-negotiate existing contracts and incur additional costs by adding fentanyl testing with substance use testing providers.”

For those counties who do not have fentanyl testing in their standard drug testing panel, this bill will cause them to use their limited dependency funds for fentanyl testing in all cases where drug testing is ordered, even in cases when fentanyl use is not suspected. With 17,886 children removed from their families in 2025 alone, the cost of this mandatory testing should be weighed against what other services could be provided with that money and if those services would be more narrowly tailored to meet the unique needs of each family.

### **SUPPORT/OPPOSITION**

#### **Arguments in Support:**

The Placer County Sheriff’s Office writes, “Fentanyl continues to be a significant driver of the opioid crisis, accounting for approximately 69 percent of overdose deaths nationwide, with nearly 73,000 deaths reported in 2023. Recent data also indicates a sharp rise in fentanyl poisonings among young children, including an increase of more than 900 percent among children under the age of 12 between 2015 and 2023. These trends underscore the growing presence of fentanyl in environments where children may be at risk.

“Under current law, courts may order drug testing in dependency cases, but there is no requirement specifying which substances must be included. SB 1234 addresses this gap by ensuring fentanyl is included in testing panels when testing has already been ordered. This targeted change would improve the effectiveness of existing court-ordered testing without expanding its scope.”

#### **Arguments in Opposition:**

The Los Angeles Dependency Lawyers, Inc. and Dependency Legal Services San Diego write, “This legislation would require a drug test panel include testing for fentanyl if a juvenile court orders a parent to submit to testing for controlled substances whether or not there is any reason to suspect fentanyl use. Mandatory drug tests waste limited dollars available for child welfare and impose an unnecessary barrier to reunification...”

“There is limited funding and resources available in the child welfare system. The system is overloaded as it currently exists. Imposing mandatory drug tests would require substantial funding which would be pulled away from necessary services designed to safely reunify families. While the idea is to add fentanyl testing only in those cases where drug testing is already occurring there is a cost associated with expanding the panel of a drug test and not every

recovering addict is a risk for fentanyl use. Requiring every test of an alcoholic to include testing for fentanyl is a waste of resources. Failures of obtaining the test for fentanyl or errors in the lab including the test could result in delays to reunification based on the failure to complete an unnecessary test.”

**PRIOR VOTES**

Senate Judiciary Committee:

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**POSITIONS**

**Support:**

Alpine County Probation Department  
Alpine County Sheriff's Office  
Amador County Sheriff's Office  
Mariposa County Probation Department  
Mono County District Attorney  
Placer County Sheriff's Office  
one individual

**Oppose:**

Los Angeles Dependency Lawyers, Inc

**-- END --**