
THIRD READING

Bill No: SB 1234
Author: Alvarado-Gil (R), et al.
Amended: 4/8/26
Vote: 21

SENATE JUDICIARY COMMITTEE: 11-0, 4/14/26
AYES: Umberg, Niello, Allen, Ashby, Caballero, McNerney, Reyes, Stern,
Wahab, Weber Pierson, Wiener
NO VOTE RECORDED: Durazo, Valladares

SENATE HUMAN SERVICES COMMITTEE: 4-0, 4/20/26
AYES: Becker, Niello, Laird, Weber Pierson
NO VOTE RECORDED: Pérez

SUBJECT: Dependency: fentanyl testing

SOURCE: Author

DIGEST: This bill requires, whenever a juvenile court judge orders a parent or guardian of a child adjudged to be a dependent of the juvenile court to submit to testing for controlled substances, the testing panel to include testing for fentanyl.

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 (Welf.) & Institutions (Inst.) Code, § 300.)
- 2) Provides that the purpose of the juvenile court dependency system is the maximum safety and protection for children who are currently being abused, neglected, or exploited, and 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.)

- 3) Provides that the juvenile court may, after a dispositional hearing, order that a dependent child be removed from, or remain out of, the custody of their parent or guardian¹ if, on the basis of the evidence presented, the court determines that the child cannot safely remain in their parent's custody. (Welf. & Inst. Code, § 358.)
- 4) Requires, whenever a child is removed from a parent's custody, that the juvenile court order the social worker to provide child welfare services and reunification services to the child and the child's mother and statutorily presumed father or guardians. (Welf. & Inst. Code, § 361.5(a).)
- 5) Establishes a number of exceptions to the requirement to provide services to a parent under 4), including, but not limited to, circumstances wherein the parent has inflicted serious physical harm or sexual abuse upon the child or a sibling; where the parent's parental rights have already been terminated with respect to a sibling of the child, and the parent has not made a reasonable effort to treat the problems that led to the removal of that sibling; and where the parent has a history of extensive, abusive, and chronic use of drugs or alcohol and has resisted prior court-ordered treatment, as specified. (Welf. & Inst. Code, § 361.5(b).)
- 6) Permits the juvenile court to order direct any orders to the parent of a dependent child that the court deems necessary and proper to further the court's goals, including, but not limited to, ordering the parent to participate in a counseling or education program or ordering the parent to ensure the child's regular school attendance. (Welf. & Inst. Code, § 362.)

This bill requires, whenever a juvenile court judge orders a parent or guardian of a child adjudged to be a dependent of the juvenile court to submit to testing for controlled substances, the testing panel to include testing for fentanyl.

Comments

California's child welfare system is responsible for ensuring the protection and safety of children at risk of abuse, neglect, or abandonment. When it is necessary for the state to remove a child from their parent's custody, the primary objective of the child welfare system is to reunify the child with their family, if doing so is consistent with the best interests of the child. To that end, in most cases a juvenile

¹ Going forward, the term "parent" includes "guardian."

court orders reunification services—such as counseling for the family, and parenting classes or drug or alcohol treatment for the child’s parents—before making a final determination regarding parental rights. A juvenile court has broad discretion in what it can require of a parent with a child in the dependency system, including ordering the parent to submit to testing for controlled substances.

This bill requires, whenever a juvenile court judge orders a parent or guardian of a child adjudged to be a dependent of the juvenile court to submit to testing for controlled substances, the testing panel to include testing for fentanyl.

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

SUPPORT: (Verified 4/21/26)

Alpine County Probation Department
Alpine County Sheriff’s Office
Amador County Sheriff’s Office
California Consortium of Addiction Programs and Professionals
Madera County Sheriff’s Office
Mariposa County Probation Department
Merced County Sheriff’s Office
Mono County District Attorney’s Office
Placer County Sheriff’s Office
One individual

OPPOSITION: (Verified 4/21/26)

Los Angeles Dependency Lawyers, Inc.
Dependency Legal Services San Diego

ARGUMENTS IN SUPPORT: According to the Placer County Sheriff’s Office:

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.

Including fentanyl in these cases supports more informed decision-making by courts and child welfare professionals when assessing child safety, risk, and reunification. For counties like Placer, this is an important step in strengthening our ability to protect vulnerable children and respond to evolving substance use trends in our communities.

ARGUMENTS IN OPPOSITION: According to Los Angeles Dependency Lawyers, Inc., and Dependency Legal Services San Diego:

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.

Prepared by: Allison Whitt Meredith / JUD. / (916) 651-4113
4/22/26 16:11:12

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