

Date of Hearing: June 16, 2026

ASSEMBLY COMMITTEE ON JUDICIARY  
Ash Kalra, Chair  
SB 1234 (Alvarado-Gil) – As Amended June 8, 2026

**SENATE VOTE:** 36-0

**SUBJECT:** DEPENDENCY: FENTANYL TESTING

**SYNOPSIS**

*The policy of the state of California in the context of dependency proceedings is to reunify a child with their parent or guardian whenever possible while maintaining the health and safety of the minor. Existing law authorizes courts adjudicating dependency proceedings to issue any orders to the parent or guardian it deems necessary to safely effectuate that reunification, including requiring a parent or guardian to submit to testing for controlled substances. Recognizing the risk of fentanyl use, this bill aims to ensure that courts include testing requirements for fentanyl specifically for parents and guardians. Until recently, this bill would have required a court to order testing for fentanyl in every case where the court found it necessary to order testing for any other controlled substance. Understandably, this broad mandate raised concerns from various stakeholders, including the County Welfare Directors Association, that the bill was unnecessarily overbroad and would improperly require courts to mandate testing for fentanyl from parents or guardians who were at no risk of fentanyl use. In response to these concerns, the author amended the bill to instead require courts to mandate testing for fentanyl if the court found a risk of fentanyl use by the parent or guardian. While the Los Angeles Dependency Lawyers remain opposed to the bill, it seems this recent amendment may address their similar concern that the bill's original over reach may hinder reunification efforts.*

*This bill is supported by a number of local law enforcement agencies, the California Consortium of Addiction Programs and Professionals (CCAPP), and one individual. It is opposed by the Los Angeles Dependency Lawyers, and the County Welfare Directors Association has submitted fiscal concerns. Should this bill be approved by this Committee, it will be referred to the Assembly Committee on Human Services.*

**SUMMARY:** Requires a juvenile court that finds a risk of fentanyl use by a parent or guardian to order the parent or guardian to submit to testing for fentanyl.

**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 and Institutions Code Section 300. All further statutory references are to the Welfare and Institutions Code unless otherwise specified.)
- 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. (Section 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 guardian if, on the basis of the evidence presented, the court determines that the child cannot safely remain in their parent's custody. (Section 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. (Section 361.5 (a).)
- 5) Permits the juvenile court to direct any orders to the parent or guardian 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 or guardian to participate in a counseling or education program or ordering the parent or guardian to ensure the child's regular school attendance. (Section 362.)

**FISCAL EFFECT:** As currently in print this bill is keyed non-fiscal.

**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 policy of the state is to reunify a child with their parent or guardians if at all possible, and families are entitled to reunification services, subject to few exceptions, throughout the pendency of the juvenile court proceedings to effectuate that goal. (*In re Nolan W.* (2009) 45 Cal.4th 1217, 1228.) Courts also have broad discretion to make any reasonable orders to the parent or guardians they deem necessary to assist in the final adjudication of a dependency proceeding. Such orders may include counseling services, whether for substance abuse or family counseling, and testing for controlled substances. (Welfare and Institutions Code Section 362.) The law is not overly prescriptive in the types of orders that can be issued in part acknowledging the immense variability in the types of circumstances families in dependency proceedings may face. As with many issues before the Legislature, dependency courts have seen firsthand the impact of the opioid crisis and fentanyl use.

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 finds a risk of fentanyl use by a parent or guardian in dependency proceedings, the court may obtain information necessary to assess that risk through drug testing. 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, existing law does not specifically address situations in which there is a concern regarding fentanyl use, despite the unique dangers posed by this highly potent synthetic opioid.

This bill adds a new subsection to Section 362 of the Welfare and Institutions Code requiring a juvenile court to order testing when it finds a risk of fentanyl use by a parent or guardian. The bill focuses on circumstances in which a court identifies a specific concern regarding fentanyl use and ensures that courts have access to information necessary to make informed decisions regarding child safety and family reunification. By addressing fentanyl-related risks in dependency proceedings, the bill responds to one of the most dangerous and prevalent substances contributing to the ongoing opioid crisis.

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.

SB 1234 strengthens child safety during the reunification process. When a court identifies a risk of fentanyl use by a parent or guardian, this bill ensures that the court has access to information necessary to make informed decisions that prioritize the well-being of children and help prevent further loss of life.

*This bill* seeks to assist in addressing the opioid crisis as it arises in dependency courts by requiring judges, where they find a risk of fentanyl use by the parent or guardian, to order the parent or guardian to submit to testing for fentanyl. Many judges are likely to already adhere to this practice, considering the incredibly high risk of harm arising from fentanyl use. However, it is also possible that some judges determine it is unnecessary to issue such orders even when faced with evidence of potential fentanyl use. Thus, to the extent the threat of fentanyl is well-established it seems reasonable to require testing in any circumstance where there is a risk of use by the individual who would be the child's caretaker.

As introduced, and until amended recently, this bill required courts to order testing for fentanyl in any case where a judge determined it appropriate to issue testing for *any* controlled substance. In effect this change to the law would have resulted in parents and guardians who may suffer from some form of substance abuse entirely unrelated to fentanyl also being subjected to fentanyl testing. The Los Angeles Dependency Lawyers, who oppose the bill, raised the following concerns:

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 failures to complete an unnecessary test.

Their point was well-taken, and in response the bill was recently amended to apply only in those circumstances where a judge identifies a risk of *fentanyl* use. This amendment would seem to assuage the concern raised by LADL about the bill's overbreadth. To the extent LADL would oppose *any* mandatory testing, limiting such an obligation to circumstances involving one of the most dangerous substances seems a reasonable approach, and one to which many judges likely already adhere. Although the LADL is still opposed, it seems the most recent set of amendments may address at least some of their concerns.

While they did not assume a formal position, the County Welfare Directors Association, who represent California's county welfare agencies, raised fiscal concerns about the bill. They point to data reflecting that nearly half of children in out-of-home care had at least one parent with a documented substance abuse concern to underly their contention that a broad expansion of testing requirements, as previously reflected in the bill, would result in substantial costs to the counties, and would "require counties to re-negotiate existing contracts and incur additional costs by adding fentanyl testing with substance use testing providers." In order to address those cost concerns, the CWDA requested language incorporating reference to the State's obligation to provide funding to counties for legislation that results in new costs. This language is typically included by Legislative Counsel rather than at the request of a policy committee. Additionally, as the language addresses fiscal, rather than policy, concerns, it is arguably more appropriately addressed by the fiscal committee.

***ARGUMENTS IN SUPPORT:*** This bill is supported by a number of local law enforcement agencies, the California Consortium of Addiction Programs and Professionals (CCAPP), and one individual. In support of the measure, CCAPP submits:

SB 1234 provides a simple but critical update by requiring that fentanyl be included in any court-ordered drug testing panel. This ensures that testing reflects current realities in the illicit drug supply and supports courts, social workers, and treatment providers in making informed decisions that prioritize child safety while connecting parents to appropriate services. Importantly, the bill does not expand the circumstances under which testing may be ordered; it simply ensures that when testing is already deemed necessary, it includes screening for the substance most responsible for overdose deaths in California. This is a responsible, targeted approach that strengthens the dependency system without imposing unnecessary burdens on families or providers.

***ARGUMENTS IN OPPOSITION:*** This bill is opposed by the Los Angeles Dependency Lawyers, Inc. They submit:

There are 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.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

Alpine County Probation Department  
Alpine County Sheriff's Office  
Amador County Sheriff's Office  
California Consortium of Addiction Programs and Professionals  
Leos Law SB 1234  
Mariposa County Probation Department  
Merced County Sheriff's Office  
Mono County District Attorney  
Placer County Sheriff's Office

**Opposition**

Los Angeles Dependency Lawyers, INC

**Other**

County Welfare Directors Association of California

**Analysis Prepared by:** Manuela Boucher-de la Cadena / JUD. / (916) 319-2334