

**SENATE JUDICIARY COMMITTEE**  
**Senator Thomas Umberg, Chair**  
**2025-2026 Regular Session**

SB 452 (Weber Pierson)  
Version: March 27, 2025  
Hearing Date: April 22, 2025  
Fiscal: Yes  
Urgency: No  
AWM

**SUBJECT**

Child welfare services: prevention legal services

**DIGEST**

This bill establishes a three-year pilot program, subject to an appropriation by the Legislature, through which the State Department of Social Services (DSS) would provide grants to qualified organizations, as defined, to provide prevention legal services, and other services, to prevent the filing of a petition in the juvenile court or stabilize a family who is at risk of juvenile court involvement.

**EXECUTIVE SUMMARY**

California's dependency laws attempt to strike a delicate balance: they recognize that a child's family ties should be preserved and strengthened whenever possible, while also recognizing that, in some cases, the risk to the child's welfare and safety require the child to be removed from family custody. A growing body of research demonstrates that removing a child from their family's care can cause significant emotional and mental harm, leading the state to make increased efforts to help families avoid the conditions necessitating removal.

This bill is intended to help keep families together by requiring DSS, subject to an appropriation, to establish a pilot grant program to provide pre-petition services to families who may be at risk of entering the dependency system. Covered services may include pre-petition legal services and direct assistance for families at risk of child welfare services. Priority for services should be given to families who have been at risk of receiving child welfare services for a minimum of two years. At the end of the three-year pilot program, DSS will submit a report to the Legislature evaluating the effectiveness of the program.

This bill is sponsored by the Children's Law Center of California and the Dependency Advocacy Center and is supported by All for Kids, All of Us or None, the California

Alliance of Caregivers, the California Alliance of Child and Family Services, the California Tribal Families Coalition, Children Now, the Dependency Advocacy Center, Dependency Legal Services, Los Angeles Dependency Lawyers, Legal Services for Prisoners with Children, and Starting Over Strong. The Committee has not received timely opposition to this bill. The Senate Human Services passed this bill with a vote of 5-0.

### **PROPOSED CHANGES TO THE LAW**

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. (Welf. & Inst. Code, § 300.)
- 2) Provides that the purpose of the juvenile court and the dependency system is to provide the maximum safety and protection for children who are currently being physically, sexually, or emotionally abused, being neglected, or being exploited, and to ensure the safety, protection, and physical and emotional well-being of children who are at risk of that harm. This safety, protection, and physical and emotional well-being may include the provision of a full array of social and health services to help the child and family and to prevent the reabuse of children. (Welf. & Inst. Code, § 300.2.)
- 3) Provides that the following parties are entitled to be represented by counsel in a dependency proceeding: the child;<sup>1</sup> the child's parent(s); any alleged or presumed fathers; any legal guardian(s) of the child; any Indian custodian of the child; any tribe of the child; and any sibling of the child, if the sibling is either the subject of a dependency proceeding or has been adjudged to be a dependent child of the juvenile court. (Welf. & Inst. Code, §§ 290.1, 290.2, 349.)
- 4) Requires, if the child is not represented by counsel, the court to appoint counsel to represent the child, unless the court finds that the child would not benefit from the appointment of counsel.
  - a) A primary responsibility of counsel appointed to represent a child shall be to advocate for the protection, safety, and physical and emotional well-being of the child.
  - b) Counsel may be a district attorney, public defender, or other member of the bar, provided that they do not represent another party or county agency whose interests conflict with the child's.
  - c) The appointed counsel shall have a caseload and training that ensures adequate representation of the child, as specified. (Welf. & Inst. Code, § 317(c).)

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<sup>1</sup> For purposes of this analysis, "child" includes a nonminor dependent.

- 5) Requires the court to appoint counsel for a parent or guardian in a dependency proceeding as follows:
  - a) If the proceeding is an Indian custody proceeding, the court shall appoint counsel for a parent or Indian custodian who desires counsel but cannot presently afford, and cannot for that reason employ, counsel.
  - b) Where the child has been placed, or the child welfare agency is recommending that the child be placed, in out-of-home care, the court shall appoint counsel for a parent or guardian who desires counsel but is presently unable to afford, and for that reason cannot employ, counsel. (Welf. & Inst. Code, § 317(a), (b).)
- 6) Provides that all parties who are represented by counsel at dependency proceedings are entitled to competent counsel. (Welf. & Inst. Code, § 317.5.)
- 7) Defines “child welfare services” as public services that are directed toward the accomplishment of any or all of the following purposes:
  - a) Protecting and promoting the welfare of all children, including disabled, homeless, dependent, or neglected children.
  - b) Preventing or remedying, or assisting in the solution of problems that may result in, the neglect, abuse, exploitation, or delinquency of children.
  - c) Preventing the unnecessary separation of children from their families by identifying family problems, assisting families in resolving their problems, and preventing breakup of the family where the prevention of child removal is desirable and possible.
  - d) Restoring to their families children who have been removed, by the provision of services to the child and the families.
  - e) Identifying children to be placed in suitable adoptive homes, in cases where restoration to the biological family is not possible or appropriate.
  - f) Ensuring adequate care of children away from their homes, in cases where the child cannot be returned home or cannot be placed for adoption.
  - g) Helping children alleged to be the victims of child abuse, neglect, or exploitation. (Welf. & Inst. Code, § 16501.)
- 8) Requires the state, through DSS and county welfare departments, to establish and support a public system of statewide child welfare services to be developed as rapidly as possible and to be available in each county of the state. All counties shall establish and maintain specialized organizational entities within the county welfare department which shall have sole responsibility for the operation of the child welfare services program. (Welf. & Inst. Code, § 16500.)

This bill:

- 1) States that the Legislature finds and declares that for many families who come to the attention of the county child welfare department, the provision of early, high-quality

legal representation can help stabilize families and prevent unnecessary family separation and foster care placement.

- 2) Requires, subject to an appropriation by the Legislature in the annual Budget Act, DSS to establish and implement the Family Advocacy Pilot Program for three years to provide grants to qualified organizations.
  - a) On or before July 1, 2026, DSS shall, in consultation with lived experience experts, advocates, dependency attorneys, tribes, civil legal-aid organizations, and community-based organizations, develop parameters and an implementation plan to distribute the grants.
  - b) DSS shall seek federal reimbursement through Title IV-E of the federal Social Security Act, Temporary Assistance for Needy Families block grant, and any other applicable federal funding to the maximum extent possible for any prevention legal services provided pursuant to the pilot. Any costs that are reimbursed shall be used to supplement, not supplant, the funds appropriated by the Legislature for the program.
  - c) If any county is funding prevention legal services programs that are providing the services described in 3), DSS shall seek federal reimbursement from the sources in 2)(b); any costs reimbursed shall supplement, not supplant, the funding available in that county for prevention legal services.
- 3) Requires DSS to provide grants to qualified organizations to provide one or more of the following services, as determined by DSS:
  - a) Prevention legal services designed to prevent the filing of a petition in a juvenile court or stabilize a family that is at risk of receiving child welfare services or in cases in which a report regarding a family has been made to the county child welfare department or tribal Title IV-E agency. Prevention legal services may include, but are not limited to, navigating an investigation by the county welfare department or a tribal Title IV-E agency, obtaining a restraining order, formalizing safe custody or visitation arrangements, obtaining immigration relief for survivors of domestic violence, obtaining or maintaining public benefits, improving a family's housing stability, reducing barriers to reentry for those who have had involvement with the criminal legal system, accessing health care and coverage, addressing education barriers, and handling probate guardianship matters.
  - b) Direct assistance by an interdisciplinary team, including, but not limited to, a social worker, case worker, parent partner, and peer advocate, for families who are at risk of child welfare services or in cases in which a report regarding a family has been made to the county child welfare department or tribal Title IV-E agency. Assistance by the interdisciplinary team may include, but is not limited to, navigating an investigation by the county child welfare department and accessing services related to substance use, mental health counseling, domestic violence, education, housing, employment, childcare, immigration, and public benefits.

- c) Legal training or technical assistance to other qualified organizations providing the services described in 3)(a) and (b).
- 4) Requires all services provided by qualified organizations under a grant provided pursuant to the pilot program shall be free to the recipients of the services.
- 5) Provides that a “qualified organization” for purposes of 2)-4) includes both:
  - a) A legal aid or community-based nonprofit or tribal organization that has a minimum of three years of experience providing legal services to low-income Californians.
  - b) A legal service organization providing legal training and technical assistance that has a minimum of seven years of experience conducting dependency legal services and technical assistance training.
- 6) Provides that priority for grants shall be given to qualified organizations that have been providing prevention legal services to families who are at risk of receiving child welfare services for a minimum of two years.
- 7) Requires DSS, at the conclusion of the three-year pilot program, to submit a report to the Legislature evaluating the effectiveness of the program; the report shall be submitted in compliance with Section 9795 of the Government Code. The report shall not contain any personal identifying information about any person or family that participated in the program.

### COMMENTS

#### 1. Author’s comment

According to the author:

This important bill aligns with California’s efforts to provide early support to families at risk of child welfare involvement by creating the Family Advocacy Pilot Program. The program would support prevention legal services designed to prevent the filing of a petition in a juvenile court or stabilize a family that is at risk of receiving child welfare services. Prevention legal service programs throughout the country have shown great promise in helping to address inequities and strengthen families. Early legal services can be the difference in keeping a family out of the child welfare system by stopping an eviction, or accessing government benefits, or securing a needed family law order. A family’s income level should not determine whether they have access to an attorney who can help them prevent the unnecessary and traumatic separation of children from their families.

2. This bill establishes a pilot grant program for DSS to provide funds to qualified organizations to provide a range of services to help families avoid the filing of a petition in juvenile court

California's dependency laws attempt to strike a delicate balance: they recognize that a child's family ties should be "preserve[d] and strengthen[ed]...whenever possible" while also recognizing that, in some cases, the risk to the child's welfare and safety require the child to be removed from family custody.<sup>2</sup> While it might seem like removal is always the preferred option when there's a question about the child's safety, a substantial body of research now demonstrates that removing a child from their family's care—even if the child is ultimately reunited with their family—can also cause significant emotional and mental harm.<sup>3</sup> Accordingly, in recent years, there have been increased efforts to avoid children being removed from their homes.

This bill is one such effort. Provided that an appropriation is made in the Budget Act, this bill will require DSS to establish a pilot grant program to provide pre-petition services to families who may be at risk of entering the dependency system. Covered services may include pre-petition legal services, which could be used to help a parent with legal issues such as navigating the protective order filing process, applying for benefits, and navigating the county child welfare investigation process. Covered services may also include direct assistance for families at risk of child welfare services, which can include services related to substance abuse, mental health counseling, and housing. The bill clarifies that services must be provided by "qualified organizations," defined as organizations with a history of providing said services, and that priority for services should be given to families who have been at risk of receiving child welfare services for a minimum of two years.

At the end of the three-year pilot program, DSS will submit a report to the Legislature evaluating the effectiveness of the program. The bill specifies that the report cannot include any personal identifying information of the individuals or families who participated in the program, to ensure that their privacy is protected.

By providing families with services—including legal services—this bill should help families resolve the issues that might result in juvenile court involvement. While a parent must be provided counsel in a dependency case when the child has been placed, or may be placed, in out-of-home care,<sup>4</sup> at that point, it's too late to avoid the harms of court involvement and the risks or actual trauma of removal. By providing families with legal, and other, services before the juvenile court is involved, this pilot program

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<sup>2</sup> Welf. & Inst. Code, § 202.

<sup>3</sup> E.g., Trivedi, *The Harm of Child Removal* (2019) 43 N.Y.U. Rev. L. & Soc. Change 523, 528-541; Sankaran, et al., *A Cure Worse Than the Disease? The Impact of Removal on Children and Their Families* (Summer 2019) 102 Marq. L. Rev. 1161, *passim*; Beller, *When in Doubt, Take Them Out: Removal of Children from Victims of Domestic Violence* (Spring 2015) 22 Duke J. of Gender L. & Pol'y 205, 217, 238.

<sup>4</sup> Welf. & Inst. Code, § 317.)

will help families remain intact and proactively address the problems before court intervention is necessary.

3. Arguments in support

According to the Children's Law Center of California, the bill's sponsor:

The goal of prevention legal services (also often referred to as pre-petition representation) is to prevent the unnecessary and traumatic separation of children from their families, particularly when poverty-related issues are conflated with neglect. Far too many families lack adequate income, housing, or education because of systemic inequities that have left opportunities scarce in certain communities, particularly communities of color. Providing legal representation before a dependency petition is filed is one way to make sure families have the support and resources they need to keep their children safely with them.

Nationwide, prevention legal service programs such as the one proposed by SB 452 have shown great promise in helping to address inequities and strengthen families. Early legal services can be the difference in keeping a family out of the child welfare system by stopping an eviction, or accessing government benefits, or securing a needed family law order. A family's income level should not determine whether they have access to an attorney who can help them prevent the unnecessary and traumatic separation of children from their families.

**SUPPORT**

Children's Law Center of California (co-sponsor)

Dependency Advocacy Center (co-sponsor)

All for Kids

All of Us or None

California Alliance of Caregivers

California Alliance of Child and Family Services

California Tribal Families Coalition

Children Now

Dependency Advocacy Center

Dependency Legal Services

Los Angeles Dependency Lawyers

Legal Services for Prisoners with Children

Starting Over Strong

**OPPOSITION**

None received

**RELATED LEGISLATION**

Pending legislation: AB 1378 (Rogers, 2025) clarifies that, when an Indian tribe or tribal consortium that is a party to an agreement with DSS regarding the care and custody of Indian children and Indian child custody proceedings, the tribe or tribal consortium shall be eligible to receive allocations of child welfare funds, including, but not limited to, administrative funds to support the cost of legal representation for the agency, parent, guardian, and children's advocates in cases under a tribe's jurisdiction pursuant to the agreement. AB 1378 is pending before the Assembly Judiciary Committee.

Prior legislation: None known.

**PRIOR VOTES:**

Senate Human Services Committee (Ayes 5, Noes 0)

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