

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

SB 1234 (Alvarado-Gil)
Version: February 19, 2026
Hearing Date: April 7, 2026
Fiscal: No
Urgency: No
AWM

SUBJECT

Dependency: fentanyl testing

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.

EXECUTIVE SUMMARY

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 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. The bill is named "Leo's Law," after an Oklahoma child who died from exposure to fentanyl while his mother was under the supervision of the Oklahoma Department of Human Services.

This bill is sponsored by Jacob Towe and is supported by the Alpine County Probation Department, the Alpine County Sheriff's Office, the Amador County Sheriff's Office, the California Consortium of Addiction Programs and Professionals, the Madera County Sheriff's Office, the Merced County Sheriff's Office, the Mono County District

Attorney's Office, and the Placer County Sheriff's Office. The Committee has not received timely opposition to this bill. If this Committee passes this bill, it will be referred to the Senate Human Services Committee.

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 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.)

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

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

1. Author's comment

According to the author:

Leo's Law honors the memory of three-year-old Leo Towe, who tragically lost his life due to fentanyl poisoning while in the care of one of his parents. 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 drugs in the current opioid crisis, is included when testing is already deemed necessary by the court.

The dangers of fentanyl must be addressed for the safety of children and families. Fentanyl is a synthetic opioid that is up to 50 times stronger than heroin and 100 times stronger than morphine. An amount as small as .007% of an ounce is considered fatal. Fentanyl is a factor in approximately 69 percent of overdose deaths, and nearly 73,000 deaths occurred due 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.

Leo's Law takes a straightforward step to better protect children during the reunification process. When a court already requires drug testing, this bill simply ensures that fentanyl is included in the test panel so judges have the information they need to make decisions that prioritize a child's safety and help prevent tragedies like the one that took Leo's life.

2. Background on the dependency system

The overarching goal of dependency proceedings is to safeguard the welfare of California's children.² Welfare and Institutions Code section 300 sets forth the circumstances that can bring a child within the jurisdiction of the juvenile dependency court. " 'Although the harm or risk of harm to the child [for jurisdictional purposes] must generally be the result of an act, omission or inability of one of the parents or guardians, the central focus of dependency jurisdiction is clearly on the child rather than the parent.' " ³

As explained by the California Supreme Court:

Dependency proceedings span up to four stages: jurisdiction, disposition, reunification, and permanency. At the jurisdictional stage, the juvenile court determines whether to declare a child a dependent of the court because the child is suffering, or at risk of suffering, significant harm. At the dispositional stage, the court decides if the child can be returned to, or must be removed from, a parent's custody. During the reunification stage, qualifying parents are offered services to address the causes that led to the loss of custody. Finally, if the child cannot be safely returned to the parent within a statutorily specified timeframe, the juvenile court proceeds to the permanency stage, where it either terminates parental rights and places the child up for adoption or it selects another permanent plan, such as placement with a guardian or in long-term foster care. Throughout the proceedings, the juvenile court is instructed to pay careful attention to the well-being of the child, the efforts of the parent, and the services provided by the state to ensure that cases proceed to this final stage only when necessary.⁴

Reunification services are a vital component of the state's "strong preference for maintaining the family relationship if at all possible" because they "enable [parents] to demonstrate parental fitness and so regain custody of their dependent children."⁵ This policy is balanced, however, by the interest in promptly resolving a dependent child's case, so that they do not remain in familial limbo indefinitely.⁶ A dependency judge has broad authority to order a parent to take the steps it deems necessary for reunification.⁷

² *In re Josiah Z.* (2005) 36 Cal.4th 664, 673.

³ *In re R.T.* (2017) 3 Cal.5th 622, 626.

⁴ *Michael G. v. Superior Court of Orange County* (2023) 14 Cal.5th 609, 624 (internal citations omitted).

⁵ *In re Nolan W.* (2009) 45 Cal.4th 1217, 1228 (internal quotation marks omitted).

⁶ *Michael G.*, 14 Cal.5th at p. 625.

⁷ Welf. & Inst. Code, § 362.

3. This bill requires a juvenile court, when it orders the parent of a dependent child to undergo substance testing, to require the testing panel to include testing for fentanyl

Current law permits a juvenile court judge to order a parent of a dependent child to undergo testing for substances; judges generally make these orders when the parent's substance use is an underlying cause for the child being removed from their custody. This bill requires, when a juvenile court judge orders a parent to undergo testing for substances, that the testing panel includes testing for fentanyl. The author and sponsor believe that the possibility of overdose from fentanyl is so high that it warrants testing for fentanyl use even when the court has no specific reason to believe that the parent has used fentanyl. The bill is entitled "Leo's Law," named for the son of the bill's sponsor, who died from exposure to fentanyl from his mother who was, at the time of his death, under the supervision of the Oklahoma Department of Human Services.

4. Arguments in support

According to Jacob Towe, the bill's sponsor:

As the sponsor for SB 1234, I am writing to respectfully express my strong support for legislative efforts that strengthen protections for children and improve accountability in cases involving fentanyl exposure and drug-related harm. I lost my 3-year-old son, Leo, to fentanyl poisoning.

California continues to face a devastating fentanyl crisis that has taken the lives of countless young people and placed vulnerable children at serious risk. Families across the nation are calling for stronger safeguards, improved enforcement tools, and clearer accountability when children are exposed to dangerous controlled substances.

This type of legislation is centered on prevention, protection, and justice. It supports stronger investigative standards, improved testing protocols in child welfare-related cases, and enhanced accountability measures to ensure preventable tragedies are addressed with urgency and seriousness.

SUPPORT

Jacob Towe (sponsor)
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
Merced County Sheriff's Office
Mono County District Attorney's Office

Placer County Sheriff's Office

OPPOSITION

None received

RELATED LEGISLATION

Pending legislation: None known.

Prior legislation:

SB 463 (Wahab, Ch. 714, Stats. 2023) eliminated the evidentiary presumption in juvenile court that a parent or guardian's lack of participation or progress in a treatment program endangers the child, for purposes of determining whether the child should be returned to the parent or guardian's custody

AB 788 (Calderon, Ch. 201, Stats. 2021) clarified the meaning of "resisted" for the purposes of existing law which permits a juvenile dependency court to deny reunification services for a parent who has a history of drug or alcohol abuse and has resisted court-ordered treatment.
