

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

AB 1846 (Stefani)
Version: March 18, 2026
Hearing Date: June 9, 2026
Fiscal: Yes
Urgency: No
AWM

SUBJECT

Dependency: placement of child with relative

DIGEST

This bill clarifies that the relative placement preference for a child who is a dependent of the juvenile court extends throughout the dependency proceeding, unless and until parental rights are terminated, as specified.

EXECUTIVE SUMMARY

Research shows that a child taken from the custody of their parent, guardian, or Indian custodian will suffer fewer negative outcomes if they are placed with a trusted relative or other person with whom they have a family-like relationship, rather than with a stranger. To this end, California law establishes a relative placement preference when a child is taken into custody and declared a dependent of the juvenile court, and the child's social worker is required to make efforts to find any suitable relatives for a placement, and such relatives are given preference over any other placement alternatives.

According to the author and sponsor, there are ambiguities in the relative placement preference statutes that have led to confusion over the duration and application of the relative placement preferences. This bill is intended to clarify that the relative placement preference extends throughout a child's dependency proceeding unless and until parental rights are terminated, and that a child may be placed with a suitable relative, even if they have already been placed with a non-relative, if the social worker or court deem the new placement in the child's best interests. The bill also clarifies that a relative requesting a placement must be assessed if the request comes prior to the termination of reunification services, and gives the social worker or court the discretion to assess the suitability of a requested placement if the request comes after the termination of reunification services.

This bill is sponsored by Children’s Law Center of California, the County Welfare Directors Association, and Dependency Legal Services, and is supported by the California Alliance of Child and Family Services and the Family Law Executive Committee of the California Lawyers Association. 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 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) States that it is the intent of the Legislature to preserve and strengthen a child’s family ties whenever possible and to reunify a foster youth with their biological family whenever possible, or to provide a permanent placement alternative, such as adoption or guardianship. (Welf. & Inst. Code, § 16000.)
- 4) Requires a county to petition the juvenile court for a detention hearing, within 48 hours of placing a child in temporary custody, to determine whether a child should remain in custody and whether any specific court permissions are necessary to provide for the health and safety of the child. (Welf. & Inst. Code, §§ 313, 319.)¹
- 5) Requires a social worker, within 30 days of removing a child from the custody of their parents, to conduct an investigation in order to identify and locate any grandparents, siblings, or other adult relatives of the child, including any other adult relatives suggested by the child, and, unless a relative’s history of family or domestic

¹ The federal Indian Child Welfare Act of 1978 (ICWA) (25 U.S.C. §§ 1901 et seq.) and the California Indian Child Welfare Act (CalICWA) (*see* AB 81 (Ramos, Ch. 656, Stats. 2024)) set forth distinct and separate requirements for children in the dependency system who are, or may be, Indian children, as defined. This bill does not affect the ICWA and CalICWA requirements, so those provisions are not discussed in this analysis.

violence makes notification inappropriate, notify the family member of the following:

- a) That the child has been removed from their parents' custody.
 - b) An explanation of the various options to participate in the care and placement of the child and support for the child's family, as specified. (Welf. & Inst. Code, § 309(e).)
- 6) Requires the social worker, at the initial petition hearing on a petition to make a child a dependent of the juvenile court, to report to the court on topics including whether there are any relatives who are able and willing to take temporary physical custody of the child. (Welf. & Inst. Code, § 319(b).)
- 7) Provides that, if the court does not order the child released from custody and returned to their parents at the hearing in 6), the court must order the temporary placement of the child; preference must be given to placement in the home of a relative, or if no relative is available, a nonrelative extended family member, as defined. (Welf. & Inst. Code, § 319(h).)
- 8) Requires the court, after finding that a child is a dependent of the juvenile court, to hold a hearing on the disposition of the child (the "dispositional hearing"); at this hearing, the court must determine whether to return the child to their parents' custody. If the court does not return the child to their parents' custody, the court must make additional determinations, including:
 - a) Where to place the child pending the possible return to their parents' custody, including a finding as to whether the social worker exercised due diligence in conducting its investigation into whether any of the child's relatives would be willing to accept placement of the child.
 - b) Whether to order reunification services to the parents. (Welf. & Inst. Code, § 358, 361.5.)
- 9) Requires the social worker's report to the court, filed in advance of the dispositional hearing, to include the appropriateness of any relative placement for the child and, when the child has been placed in an approved relative's home on a short-term basis, whether the relative desires and is willing to be appointed the child's legal guardian. (Welf. & Inst. Code, § 358.1.)
- 10) Defines the following relevant terms for purposes of 11)-14):
 - a) "Preferential consideration" means that the relative seeking placement shall be the first placement to be considered and investigated.
 - b) "Relative" means an adult who is related to the child by blood, adoption, or affinity within the first degree of kinship, including stepparents, stepsiblings, and all relatives whose status is preceded by the words "great," "great-great," or "grand," or the spouse of any of these persons even if the marriage was terminated by death or dissolution. (Welf. & Inst. Code, § 361.3(c).)

- 11) Provides that, in any case where the juvenile court removes a child from their parents' physical custody, preferential consideration shall be given to a request by a relative of the child for placement of the child with the relative, regardless of the relative's immigration status, and that the social worker and court shall consider the following factors in determining whether placement with a relative is appropriate:
- a) The best interest of the child, including special physical, physiological, educational, medical, or emotional needs.
 - b) The wishes of the parent, the relative, and child, if appropriate.
 - c) Specified considerations in the Family Code prohibiting discrimination in placements.
 - d) Placement of siblings and half-siblings in the same home, unless that placement is found to be contrary to the safety and wellbeing of any sibling, as provided.
 - e) The good moral character of the relative and any other adult living in the home, including whether any individual residing in the home has a prior history of violent criminal acts or has been responsible for acts of child abuse or neglect.
 - f) The nature and duration of the relationship between the child and the relative, and the relative's desire to care for, and to provide legal permanency for, the child if reunification is unsuccessful.
 - g) The ability of the relative to provide a safe and secure environment and provide for the child, as specified.
 - h) The safety of the relative's home, including the results of an assessment, as provided. (Welf. & Inst. Code, § 361.3(a).)
- 12) Provides that, in any case in which more than one relative requests preferential consideration under 11), each relative shall be considered under the factors enumerated in 11); this provision does not limit a social worker's ability to place a child in the home of a relative or a nonrelative extended family member pending the consideration of other relatives who have requested preferential consideration. (Welf. & Inst. Code, § 361.3(b).)
- 13) Requires, following the dispositional hearing, that whenever a new placement of the child must be made, consideration for placement shall again be given as described under 11) to any relative who has not been found to be unsuitable and who will fulfill the child's reunification or permanent plan requirements; the social worker shall consider, in addition to the factors set forth in 11), whether the relative has established and maintained a relationship with the child. (Welf. & Inst. Code, § 361.3(d).)
- 14) Requires a court, if the court does not place the child with a relative who has been considered for placement, to state on the record the reasons placement with the relative was denied. (Welf. & Inst. Code, § 361.3(e).)

- 15) Requires the social worker, in advance of every status hearing to review a parent's progress toward regaining custody of their child, to include in its report to the court, for a child who does not reside with their relatives or nonrelative extended family members, information about the social worker's efforts to locate relatives or nonrelative extended family members who could potentially provide family support of a placement for the child. (Welf. & Inst. Code, §§ 366.1 & 366.21.)
- 16) Requires the court, in cases where parental rights have been terminated, to determine whether to place the child for adoption or to establish a legal guardian for the child; in such cases, the application of any person who, as a relative caretaker or foster parent, has cared for the child for whom the court approved a permanent plan for adoption or who has been freed for adoption, shall be given preference with respect to that child over all other applications for adoptive placement if the agency making the placement determines that the child has substantial emotional ties to the relative caretaker or foster parent and removal from the relative caretaker or foster parent would be seriously detrimental to the child's wellbeing. (Welf. & Inst. Code, §§ 366.21, 366.26.)

This bill:

- 1) Clarifies that the preferential consideration given to a request by a relative of the child to take custody of the child who has been removed from their parent's custody extends for the duration of a dependency matter unless and until parental rights have been terminated.
- 2) Requires a social worker, following the dispositional hearing and until family reunification services are terminated, to assess for placement of the child any relative who requests placement and who has not been previously assessed and found to be unsuitable.
- 3) Gives the social worker or the court, when a relative requests a placement following the termination of reunification services, the discretion to consider the relative for placement; if the social worker opts not to assess the relative, the court may order the relative to be assessed upon the request of any party or the relative if the court finds that it is in the child's best interests.
- 4) Provides that 3) does not apply if the parents were not provided reunification services under specified statutory provisions.
- 5) Requires the social worker and the court, when determining whether to conduct a discretionary assessment under 3), to consider all of the following in connection with their discretionary assessment of the request:
 - a) The child's relationship with the current caregiver.
 - b) The child's progress toward permanency with the current caregiver.

- c) The child's placement preference.
- 6) Requires a juvenile court, if it does not initially place the child with a relative who has been considered for placement, to state on the record the reasons that the placement was denied or delayed.
- 7) Requires, whenever a new placement for a child must be made, consideration for placement to again be given, using the existing order of preference and considerations, to relatives who have not been found to be unsuitable and who will fulfill the child's reunification or permanent plan requirements; in making a placement decision, the social worker shall also consider whether the relative has established and maintained a relationship with the child.
- 8) Clarifies that nothing in Section 361.3 of the Welfare and Institutions Code prevents the juvenile court from ordering placement with a relative following the dispositional hearing or from giving the social worker the discretion for a placement change into the appropriate home of a relative.

COMMENTS

1. Author's comment

According to the author:

Every child deserves stability, connection, and love, and for children in our foster care system, those connections often come from extended family. AB 1846 ensures California's kin-first policy applies throughout the entire time a child is in foster care, giving courts clear authority to place children with family whenever it is safe and in their best interest. Research consistently shows that placing foster youth with relatives leads to better outcomes, including fewer placement disruptions, stronger ties to culture and community, and better long-term emotional well-being. But under current law, when a relative comes forward later in the process, the system can make it difficult to prioritize that family connection, leaving children separated from the people who know and love them for months or even years. AB 1846 is about reducing trauma, strengthening families, and making sure our foster care system reflects the simple truth that kids do better when they're with family.

2. Background on the juvenile court and the preference for placing dependent children with relatives

The overarching purpose of the juvenile court is to provide for the protection and safety of the public and each child under the court's jurisdiction and, where possible, to preserve and strengthen the child's family ties so that a child is removed from their parent's custody only when necessary for the child's welfare or the safety and

protection of the public.² To that end, when a child has been removed from a parent's physical custody but the parent's parental rights have not been terminated, the social worker and the court must determine the best placement for the child pending a decision on whether the parent will be permitted to resume custody. This placement can be a short-term one – such as when a child is returned to custody at the dispositional hearing, or when the court decides that reunification services will not be offered to the parent – or for up to two years, if the court orders reunification services to the parent to help the parent resume custody of their child.³

In dependency cases, California has a strong preference for preserving and strengthening a child's family ties whenever possible and to reunify a foster youth with their biological family whenever possible.⁴ This preference is supported by research showing that family-based placements can minimize a child's trauma, increase placement stability, improve behavioral outcomes, and promote stronger relationships with the child's community and culture.⁵ To ensure that all viable relative placements are considered, a social worker is required to conduct diligent efforts to find any and all of a child's relatives with whom it may be suitable to place the child while they remain out of their parent's custody.⁶ A child's relatives are given preference in the initial placement decision, and if a child is not initially placed with a relative due to the lack of a suitable available relative, the social worker must continue to search for relatives who may possibly provide a placement.⁷ If and when a parent's rights are terminated, the preference for family members changes: at that point, preference is given to the relative caretaker or foster parent who has cared for the dependent child during the dependency proceeding if it appears that the child has substantial emotional ties to that caregiver.⁸

3. This bill clarifies the duration of the family placement preference for a dependent child

According to the author and sponsors of the bill, the current statutes are ambiguous as to how long the relative placement preference applies. Courts are in agreement that the relative placement preference applies at the initial stage of a dependency case or whenever a new placement must be made; but there is disagreement over the extent of the relative placement preference when the child has already been placed with a non-relative. The sponsors report that, in some situations, social workers have been

² Welf. & Inst. Code, § 202(a).

³ *Id.*, §§ 358, 361.1, 361.5, 362, 366.21, 366.22, 366.26.

⁴ *Id.*, § 16000.

⁵ *E.g.*, Children's Bureau, Kinship Care and the Child Welfare System (May 2022)

<https://artifacts.childwelfare.gov/public/documents/kinship-care-and-child-welfare-system-ap2.pdf> (link current as of June 4, 2026).

⁶ Welf. & Inst. Code, §§ 319, 358.1, 366.1.

⁷ *Id.*, § 361.3, 366.21.

⁸ *Id.*, § 366.24(k).

precluded from even assessing a relative placement to determine whether the placement would be in the child's best interests.

This bill clarifies that the relative placement preference applies throughout the dependency process, unless and until parental rights have been terminated. First, the bill clarifies that a social worker must conduct an assessment for any relative that requests placement of a child before reunification services are terminated. Second, the bill gives the social worker the discretion to consider a relative placement request made after the termination of reunification services but before the termination of parental rights. If the social worker declines to make the assessment, the court can order an assessment upon request of a party or relative, if the court determines that the assessment is in the child's best interests. The bill also provides that this discretionary assessment does not apply if the court did not order family reunification services under specified provisions. Finally, the bill clarifies that the relative placement preference applies whenever a new placement must be made, and that nothing prevents a change in placement after the initial placement if moving the child to a relative placement is in the child's best interests. Together, these provisions make clear that kinship placements should be prioritized, even if the child is initially placed with a non-relative.

4. Arguments in support

According to the bill's sponsors, the Children's Law Center of California, the California Welfare Director's Association, and Dependency Legal Services:

California's statute is clear that the relative preference applies in the initial stage of a dependency case or any time a new placement must be made. While the statute does not express a time limit on the relative preference, there is some ambiguity in the law that has led to different interpretations and practices throughout the state. In some situations, the law has been interpreted to preclude the social worker from even having discretion to assess a relative for placement to determine if that placement would be in the best interests of the child(ren). This is inconsistent with the legislative intent of relative preference, and also with recent and ongoing efforts in law and policy to remove barriers and prioritize placement with kin.

AB 1846 resolves these issues and aligns with significant state and county efforts to promote a kin-first culture by clarifying that the relative preference applies until family reunification services have been terminated. AB 1846 further grants the social worker or the court discretion to assess a relative if they request placement after family reunification services have been terminated. This critical legislation recognizes the positive impacts of kinship care and bolsters California's commitment to honor and prioritize keeping families together.

SUPPORT

Children's Law Center of California co-(sponsor)
California Welfare Directors Association (co-sponsor)
Dependency Legal Services (co-sponsor)
California Alliance of Child and Family Services
Family Law Executive Committee of the California Lawyers Association

OPPOSITION

None received

RELATED LEGISLATION

Pending legislation: AB 2478 (Schultz, 2026) establishes a new kinship family approval process within the California Department of Social Services as a streamlined pathway for relatives, nonrelative extended family members (NREFMs), and extended family members of Indian children to become approved foster care providers. AB 2478 is pending before the Senate Human Services Committee.

Prior legislation:

AB 2929 (Juan Carrillo, Ch. 845, Stats. 2024) required a juvenile court and social workers to consider, in status review hearings and supplemental reports, respectively, whether appropriate efforts have been made to locate family members who could support or accept placement of a foster child or non-minor dependent.

AB 448 (Juan Carrillo, 2023) would have expanded the obligations for social workers and probation officers relating to searching for relatives who may be suitable for placement for a minor who has been removed from the custody of their parents. AB 448 was vetoed by Governor Newsom, who stated in his veto message that the bill's costs were excessive in light of the state's budget shortfall.

PRIOR VOTES

Assembly Floor (Ayes 68, Noes 0)
Assembly Appropriations Committee (Ayes 14, Noes 0)
Assembly Human Services Committee (Ayes 7, Noes 0)
Assembly Judiciary Committee (Ayes 12, Noes 0)
