

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

AB 1201 (Jackson)
Version: June 8, 2026
Hearing Date: June 23, 2026
Fiscal: Yes
Urgency: No
AWM

SUBJECT

Family reunification services

DIGEST

This bill provides that a dependency court does not need to provide reunification services to a parent or guardian when the court finds, by clear and convincing evidence, that the parent or guardian has been convicted of a violent felony, as defined, and the victim was either a child or someone with whom the parent or guardian had a child in common at the time of the offense.

EXECUTIVE SUMMARY

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. 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, a juvenile court generally must order reunification services for the parent to try and remedy the issues that led to the child's removal. In some circumstances, however, a court cannot order reunification services unless the court finds, by clear and convincing evidence, that reunification is in the best interest of the child. One such circumstance is when a parent has been convicted of a "violent felony," as defined in the Penal Code; this provision is known as the "felony bypass." California's felony bypass is one of the harshest in the country.

This bill is intended to ensure that the felony bypass's automatic denial of reunification services is more closely tailored to circumstances that raise serious concerns about the child's safety and wellbeing, while still giving courts the discretion to deny reunification services where the facts of the particular case warrant the denial. To do so, the bill narrows the felony bypass to circumstances where the parent has been

convicted of a violent felony, and the victim was a child or a person with whom the parent had a child at the time of the commission of the offense. The bill does not affect other existing presumptions against reunification services, such as for a parent who has committed acts of violence against the child or their siblings.

This bill is sponsored by Dependency Legal Services and Starting Over Strong and is supported by a number of children's advocacy, parent's advocacy, and social justice organizations. The Committee has not received timely opposition to this bill. The Senate Human Services Committee passed this bill with a vote of 4-0.

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) Requires, subject to certain exceptions, whenever a child has been removed from the custody of their parent or guardian,¹ the juvenile court to order the social worker to provide child welfare services to the child and the child's parents; the welfare services shall include family reunification services as follows:
 - a) For a child who was three years or older at the time of removal from the physical custody of their parent, court-ordered services shall be provided for a period of up to 12 months from the date the child entered foster care, with the potential for two six-month extensions if certain conditions are met (for a total of 24 months of reunification services).
 - b) For a child who was under three years of age on the date of the removal from the physical custody of their parent, court-ordered services shall be provided for a period of six months, but no longer than 12 months, from the date the child entered foster care. (Welf. & Inst. Code, §§ 361.5(a) & (a)(1), 361.21, 366.22.)
- 4) Provides reunification services need not be provided to a parent when the court finds, by clear and convincing evidence, that specified conditions exist, including

¹ Going forward, this analysis uses "parent" to include "guardian."

that the parent has been convicted of a violent felony, as defined in 7). (Welf. & Inst. Code, § 361.5(b).)

- 5) Requires a court to hold a dispositional hearing to determine whether to order reunification services, and provides that a court shall not order reunification for a parent who was convicted of a violent felony, as defined in 7), unless the court finds, by clear and convincing evidence, that reunification is in the best interest of the child. (Welf. & Inst. Code, § 361.5(c).)
- 6) Provides that, if at the dispositional hearing, the court does not order reunification services pursuant to 4), the court shall determine whether a hearing shall be set in order to determine whether adoption, guardianship, relative placement, or another planned permanent living arrangement, or, in the case of an Indian child, in consultation with the child's tribe, tribal customary adoption, is the most appropriate plan for the child; if the court determines that such an approach is appropriate, the hearing shall be conducted within 120 days of the dispositional hearing. (Welf. & Inst. Code, § 361.5(f).)
- 7) Defines a "violent felony" to include specified criminal acts set forth in the Penal Code, including murder, mayhem, specified violent felonies, specified sexual crimes including rape, burglary, and specified crimes using weapons. (Pen. Code, § 667.5(c).)

This bill:

- 1) Limits the circumstances in which reunification services are presumed to be denied, on the basis of the parent's conviction of a violent felony, as defined, to circumstances where the victim of the felony was either a child or someone with whom the parent had a child in common at the time of the commission of the offense.
- 2) Makes nonsubstantive technical and conforming changes.

COMMENTS

1. Author's comment

According to the author:

California law currently allows courts to deny family reunification services whenever a parent or guardian has been convicted of *any* violent felony, regardless of whether that crime had anything to do with their child or their family. AB 1201 recognizes that tearing a family apart is itself a serious harm, and that a violent felony conviction should only stand as a barrier to

reunification when that crime was committed against a child, or against someone with whom the parent or guardian shared a child at the time of the offense. This focused change ensures that the law's protective purpose, keeping children safe, remains intact, while preventing the blanket exclusion of parents from reunification simply because of a conviction wholly unrelated to their family. Children deserve a system that makes decisions based on actual risk to them, not on a rigid rule that can permanently sever a parent-child relationship without any connection to the harm the law is meant to prevent.

2. Background on the provision or denial of family reunification services

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, a juvenile court generally must order reunification services for the parent to try and remedy the issues that led to juvenile jurisdiction in the first instance, such as parenting classes or drug or alcohol treatment.³ These "[f]amily reunification services play a critical role in dependency proceedings" and should be "tailored to the particular needs of the family."⁴ The parent must be offered services for at least 12 months, or six months if the child was under three years of age when the child entered foster care, and may be extended for up to 24 months, or 12 months for a child who was under three years of age when they entered foster care, depending on circumstances such as the parent's progress.⁵

In some cases, however, reunification might not be in the child's best interest. To ensure that the court can order, or deny, services based on the specific facts of a case, the current law establishes two categories of circumstances that can lead to the denial of reunification services:

- In the first category, circumstances in which a court *can decide* not to order reunification services, *if* it finds, by clear and convincing evidence, that the services are not in the child's best interest.⁶
- In the second category, circumstances where the court *cannot* order reunification services *unless* the court finds, by clear and convincing evidence, that reunification is in the best interest of the child.⁷

² Welf. & Inst. Code, § 202(a).

³ *Id.*, § 361.5.

⁴ *In re M.F.* (2019) 32 Cal.App.5th 1, 13.

⁵ Welf. & Inst. Code, § 361.5.

⁶ *Id.*, § 361.5(b).

⁷ *Id.*, § 361.5(b), (c).

When a court determines that reunification services should not be offered, the matter is set for a permanency hearing at which parental rights may be terminated.⁸

One of the circumstances in which reunification services are presumptively not provided – absent a finding by the court, by clear and convincing evidence, that reunification services are in the best interest of the child – is when a parent has been convicted of a “violent felony,” as defined in Penal Code section 667.5(c)⁹; this presumptive denial of services is known as the “felony bypass.” The crimes included in Penal Code section 667.5(c) range from murder to crimes for which the penalty is as low as imprisonment for two years.¹⁰ The felony bypass is imposed regardless of whether anyone was actually injured, whether the parent was a parent at the time they committed the crime, and whether the crime had anything to do with children. While the felony bypass is not, technically, an absolute bar to the provision of services, the high burden of proof that a parent has to overcome – showing, by clear and convincing evidence, that reunification services are in the best interest of the child – makes it extremely difficult to overcome the presumption against services.

According to information provided by stakeholders, California’s felony bypass is one of the strictest in the country. In recent years, bills have been introduced to modify the felony bypass, but none made it through the legislative process.

3. This bill narrows the felony bypass to apply only to violent felonies committed against a child or the partner of a person with whom the parent had a child in common at the time of the commission of the offense

To prevent reunification services from being automatically denied to parents who do not pose a health or safety risk to their children, this bill narrows the scope of the felony bypass. Under this bill, reunification services would be automatically denied on the basis of a conviction for a violent felony only if the victim of the offense was a child or someone with whom the parent had a child in common at the time of the commission of the offense. A dependency court retains the discretion to deny reunification services to a parent who was convicted of other felonies; but that denial would have to be on the basis of a particularized finding that reunification services are not in the child’s best interest under the circumstances of the case, rather than automatic.

The language in this bill was worked out among stakeholders and is similar to felony bypass laws in other states. The bill also does not affect other circumstances giving rise to a presumption against services, such as when the parent has committed acts of violence against the child, the child’s siblings, or the child’s other parent. The Child Welfare Directors Association, which opposed a prior version of the bill, removed its opposition and now supports the bill.

⁸ *Id.*, §§ 361.5(f), 366.26.

⁹ *Id.*, § 361.5(b)(12), (c)(2).

¹⁰ Pen. Code, § 667.5.

4. Arguments in support

According to Starting Over Strong:

California has made significant progress in recent years toward reducing the long-term consequences of criminal convictions and supporting successful reentry into communities. For instance, California has reversed rigid criminal law and incarceration trends, rolling back the controversial "three strikes" law in 2012 and reducing felony-qualifying crimes through Proposition 47 in 2014. However, Welfare and Institutions Code section 361.5(b)(12) continues to impose a broad barrier to reunification services based solely on a parent's prior conviction for a violent felony, regardless of whether the offense has any connection to child safety or parenting capacity.

This provision disproportionately affects families already impacted by incarceration. National data show that 11.4% of African American children and 3.5% of Hispanic children have experienced parental incarceration, compared to 1.8% of white children. Moreover, Penal Code section 667.5(c) includes a wide range of offenses classified as violent felonies, including crimes such as robbery and carjacking. While these convictions are serious, they do not necessarily indicate that a parent poses a risk to their child or lacks the ability to safely reunify.

Research consistently demonstrates that children generally experience better long-term outcomes when they can safely remain with or reunify with their families. Furthermore, formerly incarcerated parents with positive family and parenting relationships are less likely to reoffend. Yet current California law is more restrictive than the laws of most other states. While many states limit reunification services when a parent's criminal history involves harm to a child, California broadly denies services based on certain convictions without requiring any connection between the conviction and current child safety concerns. As a result, parents may be denied the opportunity to demonstrate their capacity to safely care for their children, even when the underlying offense bears no relationship to the circumstances that brought the family before the dependency court.

AB 1201 addresses this issue by narrowing the bypass provision to convictions involving a child or the other parent of a shared child. The bill preserves important protections for children and families while ensuring that reunification decisions are more closely tied to current safety concerns and the individual circumstances of each case.

SUPPORT

Dependency Legal Services (co-sponsor)
Starting Over Strong (co-sponsor)
A New Way of Life Re-entry Project
All of US or None
All of US or None Orange County
Alliance for Boys and Men of Color
Alliance for Children's Rights
California Alliance of Child and Family Services
California Black Power Network
County Welfare Directors Association of California
Families Inspiring Reentry & Reunification 4 Everyone (FIR4E)
Legal Services for Prisoners With Children
Los Angeles Dependency Lawyers, Inc.
Movement for Family Power
Public Counsel
Riverside County Democratic Party
Rubicon Programs
Time for Change Foundation
Victor Valley Family Resource Center
Western Center on Law & Poverty

OPPOSITION

None received

RELATED LEGISLATION

Pending legislation: AB 1195 (Quirk-Silva, 2025) requires any order placing a child in foster care and ordering reunification services to include specified provisions if the parent of the dependent child is incarcerated in a county jail, including that the incarcerated parent is entitled to regularly scheduled, in-person visitation, that the county jail is required to ensure that the incarcerated parent is made available to attend regularly scheduled, in-person visits with their dependent child, and that the child welfare agency and county jail are required to document all scheduled visits and submit that documentation to the court at each hearing in the dependency action. AB 1195 is on the Assembly inactive file.

Prior legislation:

AB 2282 (McKinnor, 2024) would have modified the felony bypass to apply only where the parent has been convicted of a violent felony against a child. AB 2282 died in this Committee.

AB 1134 (McKinnor, 2023) would have modified the felony bypass to apply only in circumstances where the victim of the violent felony was a child under the custody of the parent or guardian. AB 1134 died in the Assembly Judiciary Committee.

AB 2159 (Bryan, Ch. 691, Stats. 2022) prohibited a juvenile court from denying family reunification services to a parent or guardian who is in custody before conviction and required the court, in determining the appropriate reunification services for the parent or guardian in custody, to consider the particular barriers to an incarcerated, institutionalized, detained, or deported parent's or guardian's access to those court-mandated services and ability to maintain contact with the child, and to document that information in the child's care plan.

PRIOR VOTES:

Senate Human Services Committee (Ayes 4, Noes 0)
Assembly Floor (Ayes 55, Noes 15)
Assembly Appropriations Committee (Ayes 11, Noes 3)
Assembly Human Services Committee (Ayes 6, Noes 1)
Assembly Judiciary Committee (Ayes 9, Noes 3)
