

Date of Hearing: April 14, 2026

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Alex Lee, Chair

AB 1689 (Quirk-Silva) – As Amended March 19, 2026

SUBJECT: Juvenile courts: temporary probate guardianship

SUMMARY: Establishes procedures for the juvenile court, when it makes specified findings, to terminate temporary guardianships appointed in a probate court. Specifically, **this bill:**

- 1) Authorizes the juvenile court, in a case in which the child was previously appointed a temporary guardian by a probate court and the child was referred by the probate court to a child welfare agency, upon the written or oral motion of any party in the case or on the juvenile court's own motion, to issue an order to terminate or suspend the temporary guardianship to the extent necessary to allow the juvenile court to exercise its authority, if the court makes all of the following findings on the record:
 - a) The order is in the best interest of the child;
 - b) The order is either necessary to avoid conflicting court orders or necessary to order a temporary placement of the child pursuant to existing law; and,
 - c) The temporary guardian consents to the order.
- 2) Specifies the provisions in 1) above do not create a new entitlement to any benefit, service, or payment, and do not change eligibility standards under existing law.
- 3) Clarifies that the juvenile court is authorized to issue an order terminating or suspending the temporary probate guardianship pursuant to existing law governing procedures and criteria for the initial detention hearing of a child taken into temporary custody, when applicable.

EXISTING LAW:

- 1) Outlines who may file a petition for guardianship and specifies that any relative or other person on behalf of a minor (or the minor themselves if 12 years of age or older) may file a petition to appoint a guardian of the person, estate, or both. Requires the petition to include the names and addresses of parents, legal custodians, and relatives within the second degree. (Probate Code [PROB] § 1510)
- 2) Authorizes the appointment of a temporary guardian if the court finds there is good cause. Specifies this can only be filed on or after a petition for a permanent guardian has been made, pursuant to 1) above. (PROB § 2250(a-b))
- 3) Requires a notice of the hearing for the appointment of a guardian be given to specific parties, including a minor 12 years of age or older, parents, and any person having legal custody or serving as the guardian. (PROB § 1511(b))
- 4) Outlines the process for the court to refer a minor to the county child welfare services agency (county) if there is a concern that the child has been or is at risk of being abused or neglected.

Requires the probate court, if a proposed ward is suspected of being abused or neglected, to refer the matter in writing to the county. Requires, upon receiving the referral, the county to immediately investigate to determine if juvenile dependency proceedings should be started. Requires the county to generally report its findings and conclusions back to the probate court within three weeks. Prohibits the probate court from determining the guardianship petition until the county has completed its investigation and submitted its report. (PROB § 1513(b))

- 5) Establishes the standards and timelines for the appointment of a guardian, which includes requiring the court to wait for investigations to be completed before a guardian can be appointed. Requires the court to act in the best interest of the child and mandates specific screening requirements for the proposed guardian to ensure the safety and well-being of the youth. (PROB §§ 1514 and 1516)
- 6) Establishes procedures and criteria for the initial detention hearing of a child taken into temporary custody. Requires the court to order the release of the child unless there is prima facie showing that the child has been abused or neglected. (Welfare and Institutions Code [WIC] § 319)
- 7) Establishes the process for a person or the probate court to request that a social worker investigate whether a child should be made a dependent of the court due to abuse or neglect. Requires, upon the application or a referral from the probate court, the social worker to immediately investigate. Provides the social worker three weeks to receive the application or referral to decide whether to file a dependency petition. (WIC § 329)
- 8) Governs the procedures that allow individuals to ask the juvenile court to review a social worker's decision not to file a petition for dependency, after they have already requested such an investigation under existing law in 7) above. (WIC § 331)

FISCAL EFFECT: This bill has been keyed non-fiscal by the Legislative Counsel.

COMMENTS: This analysis only discusses policy issues germane to the jurisdiction of the Assembly Committee on Human Services.

Background: *Probate Guardianships.* The probate court grants guardianships in instances where the child's parents are unable to care for them due to serious illness, military duty, substance use disorders, incarceration, or death. In these instances, a child may already be living with an alternate caregiver, and the caregiver can petition the probate court to become the child's legal guardian. Current law allows the parent or the child, if the child is 12 years of age or older, to object to the creation of a guardianship, or to ask to terminate an existing guardianship. A probate court investigator conducts a report upon which the judge decides to grant guardianship based on what is in the best interest of the child.

There are several distinct differences between the probate court and the juvenile court, where foster care is established. Families voluntarily choose guardianship in probate court, whereas juvenile court is triggered by an emergency or a report alleging neglect or abuse. Specifically, one of the goals of the juvenile court is to maintain familial ties whenever possible, which is demonstrated by the provision of family maintenance and reunification services, conducting searches for able and willing relatives to serve as placement options for youth placed in the custody of the juvenile court, and prioritizing placement with relatives and nonrelative extended family members as caregivers. In probate court, the parents and children do not have the right to

legal counsel (though a judge may choose to appoint counsel), meaning that parental rights may be suspended against the wishes of the parent who may not have legal representation. Unlike the juvenile court, the probate court does not provide family reunification services, and if a child's biological parent faces certain barriers, such as a substance use disorder or lack of access to housing that contributed to the need for a guardianship, the biological parent would not be eligible to receive the supportive services to which they would be eligible under the juvenile court. Additionally, financial support varies significantly based on how a caregiver became a guardian through probate or juvenile court and the caregiver's relationship to the child, like whether they are a relative. Foster care caregivers generally receive higher financial support than most probate guardians.

The provisions of *this bill* address the circumstances when children first come to court through probate guardianship petitions filed by relatives or other adults when a child is believed to be at risk of abuse or neglect. In some cases, after a temporary probate guardian has been appointed, a child welfare agency later initiates juvenile dependency proceedings. According to the sponsors, when this occurs, orders from the probate court and the juvenile court may remain in place at the same time, creating overlapping or conflicting authority over the same child. The sponsors contend that this can cause confusion for courts, social workers, and caregivers and may delay important placement decisions or prevent caregivers from accessing services intended to stabilize the child's placement.

This bill would authorize the juvenile court, when a child was previously appointed a temporary guardian by a probate court and was then referred by the probate court to a child welfare agency, to issue an order to terminate or suspend the temporary guardianship if the court finds that the order is in the best interest of the child, is either necessary to avoid conflicting court orders or necessary to order a temporary placement of the child, and the temporary guardian consents to the order.

Author's Statement: “[This bill] was introduced to clarify the relationship between probate guardianship proceedings and juvenile dependency proceedings when a case is referred to child welfare authorities under Probate Code Section 1513.

“The bill builds on the framework established by AB 260 (Stone, Chapter 578, Statutes of 2021), which strengthened coordination between probate and dependency courts.

“While that law improved the referral process, a procedural gap remains when temporary probate guardianships remain in effect after dependency proceedings begin.

“[This bill] addresses that gap by authorizing the juvenile court, at the initial petition hearing, to terminate or suspend a temporary probate guardianship with the consent of the guardian when doing so is necessary to avoid conflicting court authority and allow the juvenile court to carry out its responsibilities.”

Equity Implications: *This bill* seeks to ensure that children who are transitioning between probate court and juvenile court as a result of abuse and neglect are able to access the services and funding they are rightly entitled to in juvenile court without experiencing additional administrative delays.

Double referral: This bill was previously heard in the Assembly Committee on Judiciary on March 24, 2026, and was approved on a 12-0 vote.

Arguments in Support: According to the sponsor, the Alliance for Children’s Rights, “Because current law provides no clear mechanism for the juvenile court to address a temporary probate guardianship order that remains in place after a dependency petition is filed, courts may hesitate to make placement decisions, caregivers may face difficulty accessing emergency funding and support services, and social workers are left without clear guidance on how to proceed. This gap can cause avoidable delays and instability at precisely the moment when children and families need clarity and support.”

Arguments in Opposition: None on file.

RELATED AND PRIOR LEGISLATION:

AB 260 (Stone), Chapter 578, Statutes of 2021, allowed a probate judge to request that their child welfare referral of a child who is subject to a guardianship petition and who appears to have been neglected or abused be reviewed by the juvenile court.

AB 2124 (Stone) of 2020, was substantially similar to AB 260 and would have required probate courts to refer cases alleging child abuse or neglect to the county child welfare agency for an investigation and expanded Kin-GAP services to children ordered into a guardianship through dependency court. *AB 2124 was referred to the Assembly Judiciary and Human Services committees but was not heard.*

AB 1757 (Fletcher), Chapter 638, Statutes of 2012, amended PROB to permit, rather than require, the probate court to refer cases involving parental neglect and abuse to the juvenile court.

REGISTERED SUPPORT / OPPOSITION:

Support

Alliance for Children's Rights (Sponsor)
California Alliance of Caregivers

Opposition

None on file.

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