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## SENATE COMMITTEE ON PUBLIC SAFETY

Senator Jesse Arreguin, Chair  
2025 - 2026 Regular

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**Bill No:** AB 1195      **Hearing Date:** June 24, 2025  
**Author:** Quirk-Silva  
**Version:** May 1, 2025  
**Urgency:** No      **Fiscal:** Yes  
**Consultant:** SJ

**Subject:** *Juveniles: incarcerated parent: visitation*

### HISTORY

**Source:** Families Inspiring Reentry & Reunification 4 Everyone  
All of Us or None, Orange County Chapter  
A New Way of Life Re-Entry Project  
Starting Over  
Legal Services for Prisoners with Children

**Prior Legislation:** AB 1226 (Haney), Ch. 98, Stats. of 2023  
AB 958 (Santiago), held in Senate Appropriations, 2023  
SB 1139 (Kamlager), Ch. 837, Stats. 2022  
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AB 964 (Medina), held in Assembly Appropriations, 2019  
SB 1157 (Mitchell), vetoed, 2016  
SB 843 (Com. on Budget), Ch. 33, Stats. of 2016  
AB 2133 (Goldberg), Ch. 238, Stats. of 2002

**Support:** ACLU California Action; Alliance for Children's Rights; American Academy of Pediatrics, California; California Public Defenders Association; Center on Reproductive Rights and Justice At Berkeley Law; Ella Baker Center for Human Rights; Family Reunification Equity & Empowerment; Initiate Justice; Initiate Justice Action; Justice2Jobs Coalition; LA Defensa; Public Counsel; Riverside All of Us or None; Seneca Family of Agencies; Smart Justice California

**Opposition:** None known

**Assembly Floor Vote:** 79 - 0

### PURPOSE

*The purpose of this bill is to require 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.*

*Existing law* provides the grounds for which the juvenile court which may adjudge a person to be a dependent child of the court, including, among other grounds, that the child has suffered, or there is a substantial risk that the child will suffer, serious physical harm or illness, or that the

child's parent has been incarcerated and cannot arrange for the care of the child. (Welf. & Inst. Code, § 300, subds. (a)-(j).)

*Existing law* requires the court to order reasonable reunification services if a parent or guardian is incarcerated unless the court determines by clear and convincing evidence that those services would be detrimental to the child. (Welf. & Inst. Code, § 361.5, subd. (e)(1).)

*Existing law* requires the court to consider, in determining detriment, the age of the child, the degree of parent-child bonding, the length of the sentence, the length and nature of the treatment, the nature of the crime or illness, the degree of detriment to the child if services are not offered and, for children 10 years of age or older, the child's attitude toward the implementation of family reunification services, the likelihood of the parent's discharge from incarceration within the reunification time limitations, and any other appropriate factors. (Welf. & Inst. Code, § 361.5, subd. (e)(1).)

*Existing law* requires the court to consider, in determining the content of reasonable services, the particular barriers to an incarcerated parent's access to those court-mandated services and ability to maintain contact with the child, and to document this information in the child's case plan. (Welf. & Inst. Code, § 361.5, subd. (e)(1).)

*Existing law* provides that reasonable reunification services for an incarcerated parent and their child may include, but is not be limited to, all of the following:

- Maintaining contact between the parent and child through collect phone calls;
- Transportation services, when appropriate;
- Visitation services, when appropriate; and,
- Attendance of counseling, parenting classes, or vocational training programs as part of the reunification service plan if actual access to these services is provided. (Welf. & Inst. Code, § 361.5, subd. (e)(1).)

*Existing law* prohibits reunification services from being denied to parents and guardians in custody prior to conviction. (Welf. & Inst. Code, § 361.5, subd. (e)(4).)

*Existing law* authorizes the court to make any and all reasonable orders for the care, supervision, custody, conduct, maintenance, and support of the child, if a child is adjudged a dependent child of the court. (Welf. & Inst. Code, § 362, subd. (a).)

*Existing law* authorizes the court, in order to facilitate coordination and cooperation among agencies, to, at any time after a petition has been filed, join in the juvenile court proceedings any agency that the court determines has failed to meet a legal obligation to provide services to a dependent child, regardless of the status of the adjudication. (Welf. & Inst. Code, § 362, subd. (b)(1).)

*Existing law* requires any order placing a child in foster care and ordering reunification services to provide the following in order to maintain the ties between the parent or guardian and any siblings and the child, and to provide information relevant to deciding if, and when, to return a child to the custody of their parent or guardian, or to encourage or suspend sibling interaction:

- Visitation between parent or guardian and the child being as frequent as possible, consistent with the well-being and safety of the child;
- Visitation between the child and any siblings, unless the court finds by clear and convincing evidence that sibling interaction is contrary to the safety or well-being of either child; and,
- If the child is a teen parent who has custody of their child and that child is not a dependent of the court, visitation among the teen parent, the child's noncustodial parent, and appropriate family members, unless the court finds by clear and convincing evidence that visitation would be detrimental to the teen parent. (Welf. & Inst. Code, § 362.1, subd. (a).)

*This bill* requires an order placing a child in foster care and ordering reunification services to include all of the following if the parent of the child is incarcerated in a county jail and the court has ordered reasonable services to the parent:

- That the incarcerated parent is entitled to regularly scheduled, in-person visitation and that the county jail ensure that the incarcerated parent is made available to attend those regularly scheduled, in-person visits with their dependent child, unless in-person visits are not feasible due to logistical or safety concerns at the jail or the court finds that in-person visitation between the dependent child and the incarcerated parent would be detrimental to the child's well-being.
- That the county jail facilitate the incarcerated parent's participation in regularly scheduled visitation using videoconferencing technology or telephonic communication if regularly scheduled, in-person visitation is not feasible due to logistical or safety concerns at the county jail. Specifies that dependent children 12 years of age and older may opt to use videoconferencing technology or telephonic communication in lieu of in-person visits, and dependent children under 12 years of age may also opt to use videoconferencing technology or telephonic communication in lieu of in-person visits with the consent of their caregiver.
- That the child welfare agency coordinate with the county jail to ensure that the visitation schedule between the incarcerated parent and the dependent child is maintained and that, to the extent possible, there are no logistical barriers preventing incarcerated parents from participating in regularly scheduled visitation.
- That the child welfare agency and county jail document all scheduled visits, including, but not limited to, any cancellations of, or delays in, regularly scheduled visitation, and include a written explanation for any missed visits. This documentation shall be submitted to the court at each hearing in the dependency action.
- That the child welfare agency ensure the incarcerated parent is notified of their visitation rights, including instructions on how to request visitation, and how to participate in dependency proceedings, in writing, at the commencement of the dependency proceeding, or at the time of their detention, whichever occurs first.
- That community-based organizations with licensed visitation monitors may facilitate scheduled visits between an incarcerated parent and the dependent child.

*This bill* includes legislative findings and declarations.

## COMMENTS

### 1. Need For This Bill

According to the author:

When a parent is incarcerated, a child should not be punished with separation. California law recognizes the importance of the parent-child bond, but too often bureaucratic obstacles and a lack of coordination prevent meaningful visitation. AB 1195 ensures that county jails and child welfare agencies uphold the rights of incarcerated parents by requiring regular, in-person visits, unless a court finds, with clear and convincing evidence, that it would harm the child. This bill is about stability, reunification, and breaking the cycles of trauma so that children are not left to bear the weight of a system that was never designed with them in mind.

### 2. Child Welfare System and Reunification Services

California's child welfare services system was established to provide safety and protection to children from abuse, neglect, and exploitation. Reports of child abuse or neglect can be made to law enforcement or a county child welfare agency, and are often submitted by mandated reporters who are legally required to report suspected child abuse or neglect. When a report of suspected child abuse or neglect is made, a preliminary investigation is made to determine whether or not any action should be taken. If the social workers determines that court involvement is necessary, the child may remain in the custody of the parent or guardian, or may be removed from the physical custody of the parent or guardian if it is believed that the child is in immediate danger. The child's social worker and the court collaborate to evaluate and review the circumstances of each case, seeking either reunification or placement outside of the home.

When it is necessary for a child to be removed from the home of their parent or guardian, the primary objective of the child welfare system is to safely reunify the child with their caregiver. In most cases, the juvenile court will order reunification services, such as counseling for the family and parenting classes. Reunification services generally must be provided to parents. In some cases, reunification services "need not" be provided if the court finds by clear and convincing evidence that one of several specified conditions exist, including that the parent is suffering from a mental disability that renders the parent incapable of using the reunification services; the parent has caused the death of another child through abuse or neglect; the child or a sibling has been adjudicated a dependent as the result of several physical or sexual abuse; the parent has been convicted of a violent felony; or the parent has an extensive and chronic history of drug or alcohol abuse and has failed to comply with court-ordered treatment programs, among others. (Welf. & Inst. Code, § 361.5, subd. (b).)

Proponents of this bill argue that current law does not adequately facilitate the provision of reunification services for incarcerated parents. To that end, this bill requires a county jail, when reunification services have been ordered for a parent incarcerated in the county jail, to ensure that the incarcerated parent is made available to attend the regularly scheduled, in-person visits with their child that the parent is entitled to, unless the court finds by clear and convincing evidence that in-person visitation would be detrimental to the child's well-being, or it is not feasible due to logistical or safety concerns at the jail. If the latter applies, the bill requires the county jail to facilitate the incarcerated parents' participation in regularly scheduled visitation

using videoconferencing technology or phone communication. This bill specifies that dependent children who are 12 or older may opt to use videoconferencing technology or phone communication in lieu of in-person visits, and dependent children under 12 may do the same with the consent of their caregiver.

It is worth noting that several counties operate jails that do not offer in-person visitation. As a result of counties moving to only offer video visitation, AB 964 (Medina) was introduced in 2019 which would have required all local detention facilities to offer in-person visitation. The Assembly Public Safety Committee analysis of that bill included the following information related to the adoption of video visitation:

At least seven California counties (Kings, Madera, Napa, San Bernardino, San Diego, San Mateo, and Solano) have eliminated in-person visitation in at least one of their jails, meaning families there can only see their loved ones through a computer screen.

Two counties (Imperial and Placer) have severely restricted in-person visitation since adopting video visits.

Nine additional counties (Lake, Orange, Riverside, San Benito, Shasta, Stanislaus, Tehama, Tulare, and Ventura) intend to renovate or build new facilities that have no space for in-person visits.

This bill also requires the county child welfare agency to coordinate with the county jail to ensure that scheduled visitation is maintained and that there are no logistical barriers to participation in the visits, to the extent possible. This bill additionally requires the child welfare agency and county jail to document all scheduled visits and to submit this information to the court at each hearing in the dependency action. Finally, this bill requires the county welfare agency to provide information to the incarcerated parent of their visitation rights and how to participate in dependency proceedings.

### **3. Impact of Incarcerated Parents on Children**

Children separated from parents due to incarceration often experience a number of negative outcomes, and parental incarceration is considered an adverse childhood experience. A recent bulletin published by the U.S. Department of Health and Human Services providing guidance to child welfare caseworkers and related professionals working with families affected by parental incarceration summarized:

While a parent is incarcerated, a child may experience a range of emotions, including sadness; shame; isolation; concern for the parent's well-being; and anger toward the parent, the caregiver, or the system (Corinne Wolfe Children's Law Center et al., 2011). Parental incarceration may also have long-term impacts on child well-being outcomes, including higher risk for learning disabilities and developmental delays (Turney, 2014), antisocial behaviors (Murray et al., 2012), and problems with school performance and engagement (Murphey & Cooper, 2015). Children's reactions to parental incarceration may vary, which makes it critical for caseworkers to consider each individual experience when delivering services and supports. For example, older children may have the cognitive capacity to understand and handle contact with incarcerated parents, whereas a

younger child may not have that capacity and require more gatekeeping and supervision from their caregivers (Shlafer & Poehlmann, 2010). However, although many studies show an association between parental incarceration and a host of negative outcomes for children, there is the possibility that these issues may be caused by risk factors predating their parents' incarceration, such as poverty, parental substance use, witnessing domestic violence, and parental mental health issues (Johnson & Easterling, 2012; Wildeman & Turney, 2014).

A child's negative reactions to parental incarceration can be buffered by protective factors, including the personal characteristics and temperament of the child, the quality of his or her home environment, caregiver support following the incarceration, and frequent and meaningful opportunities to have contact with the incarcerated parent (Hairston, 2009). (U.S. Dept. of Health and Human Services, Children's Bureau, *Child Welfare Practice with Families Affected by Parental Incarceration* (Jan. 2021), pp. 4-5.)

In observation of the importance of maintaining family ties during incarceration, including between parents and children, the Legislature has enacted many statutes designed to facilitate communication between incarcerated persons and their loved ones and provide access to visitation. (See, e.g., AB 1226 (Haney), Ch. 98, Stats. of 2023; SB 1139 (Kamlager), Ch. 837, Stats. of 2022; SB 1008 (Becker), Ch. 827, Stats. of 2022; SB 843 (Com. on Budget), Ch. 33, Stats. of 2016.) This bill is consistent with those prior efforts.

#### **4. Argument in Support**

The Center on Reproductive Rights and Justice at Berkeley Law writes:

... When children are denied meaningful contact with their parents, they often experience emotional distress, behavioral challenges, and long-term instability. Research has consistently shown that children who have regular face-to-face interactions with their incarcerated parents experience less emotional trauma, improved mental health outcomes, and a stronger sense of security despite the challenges of separation.

Additionally, parents who maintain consistent contact with their children during incarceration are more likely to successfully reintegrate into society, less likely to reoffend, and better prepared to resume their parental responsibilities upon release. Family visitation is not just a compassionate policy—it is a proven public safety strategy that supports successful reentry and reduces recidivism.

Despite the well-documented benefits of parent-child visitation, many county jails lack clear policies or sufficient infrastructure to facilitate in-person, contact visitation. As a result, incarcerated parents and their children face inconsistent and often inadequate opportunities to connect.

In some cases, visits are limited to video calls or conducted behind a glass partition, which prevents the physical interaction that is essential for bonding. These barriers further strain already fragile relationships, making reunification more difficult and increasing the likelihood of negative social and emotional outcomes for children.

AB 1195 directly addresses these challenges by:

- Guaranteeing regularly scheduled, in-person visitation between incarcerated parents and their children, unless a court determines such visits would be detrimental to the child's well-being.
- Requiring county jails to facilitate visits and, when in-person visitation is not feasible due to logistical or safety concerns, provide alternative methods such as videoconferencing to ensure continued contact.
- Mandating child welfare agencies and county jails to document and report all visitations, including any cancellations or delays, ensuring accountability and transparency in the visitation process.

By passing AB 1195, California can take a significant step toward supporting family unity, breaking cycles of intergenerational trauma, and promoting successful reentry outcomes for incarcerated parents.

**-- END --**

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*This bill* requires an order placing a child in foster care and ordering reunification services to include all of the following if the parent of the child is incarcerated in a county jail and the court has ordered reasonable services to the parent:

- That the incarcerated parent is entitled to regularly scheduled, in-person visitation and that the county jail ensure that the incarcerated parent is made available to attend those regularly scheduled, in-person visits with their dependent child, unless in-person visits are not feasible due to logistical or safety concerns at the jail or the court finds that in-person visitation between the dependent child and the incarcerated parent would be detrimental to the child's well-being.
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## COMMENTS

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Additionally, parents who maintain consistent contact with their children during incarceration are more likely to successfully reintegrate into society, less likely to reoffend, and better prepared to resume their parental responsibilities upon release. Family visitation is not just a compassionate policy—it is a proven public safety strategy that supports successful reentry and reduces recidivism.

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AB 1195 directly addresses these challenges by:

- Guaranteeing regularly scheduled, in-person visitation between incarcerated parents and their children, unless a court determines such visits would be detrimental to the child's well-being.
- Requiring county jails to facilitate visits and, when in-person visitation is not feasible due to logistical or safety concerns, provide alternative methods such as videoconferencing to ensure continued contact.
- Mandating child welfare agencies and county jails to document and report all visitations, including any cancellations or delays, ensuring accountability and transparency in the visitation process.

By passing AB 1195, California can take a significant step toward supporting family unity, breaking cycles of intergenerational trauma, and promoting successful reentry outcomes for incarcerated parents.

**-- END --**