
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Jesse Arreguín, Chair
2025 - 2026 Regular

Bill No: AB 1689 **Hearing Date:** June 30, 2026
Author: Quirk-Silva
Version: June 4, 2026
Urgency: No **Fiscal:** No
Consultant: ML

Subject: *Juvenile courts: temporary probate guardianship*

HISTORY

Source: Alliance for Children's Rights

Prior Legislation: AB 260 (Stone), Ch. 578, Stats. of 2021.
AB 2124 (Stone), not heard in Assembly Judiciary, 2020
AB 1757 (Fletcher), Ch. 638, Stats. of 2012

Support: Unknown

Opposition: None known

Assembly Floor Vote: 74 - 0

PURPOSE

The purpose of this bill is to authorize a juvenile court to terminate or suspend a temporary guardianship at an initial dependency hearing, without advance notice, to the extent necessary to allow the juvenile court to exercise its own authority.

Existing law requires a court investigator, probation officer, or domestic relations office to make an investigation and file with the court a report and recommendation concerning each proposed guardianship of the person or guardianship of the estate, unless waived by the court for good cause. (Prob. Code, § 1513, subd. (a).)

Existing law authorizes the court, if the proposed ward is determined to be a dependent of the state, to refer the matter, in writing, to the local child welfare agency to initiate an investigation, as specified. (Prob. Code, § 1513, subd. (b).)

Existing law requires guardianship proceedings to be stayed if the juvenile court commences dependency proceedings. (Prob. Code, § 1513, subd. (b)(5).)

Existing law requires the court to review the required report provided by the social worker on the reasons why the child has been removed from the parent's, guardian's, or Indian custodian's physical custody, and examine the child's parents, guardians, Indian custodian, or other persons having relevant knowledge and hear the relevant evidence as the child, the child's parents or guardians, the child's Indian custodian, the petitioner, the Indian child's tribe, or their counsel

desires to present. Authorizes the court to examine the child, as specified. (Welf. & Inst. Code, § 319, subd. (a).)

Existing law authorizes a person who has applied to the social worker to commence juvenile court proceedings within one month of application, if the social worker does not file a petition within three weeks after the application, to apply to the juvenile court to review the decision of the social worker, and authorizes the court to either affirm the decision of the social worker or, if it finds that the child is, prima facie, a dependent of the court, order the social worker to commence juvenile court proceedings. (Welf. & Inst. Code, § 331, subd. (a).)

Existing law authorizes the probate court or counsel appointed by the probate court, if the court has referred a matter to the child welfare agency and the agency has not filed a petition to commence juvenile court proceedings within three weeks of the referral, to within one month of the referral, request that the juvenile court review the decision of the social worker not to file the petition. (Welf. & Inst. Code, § 331, subd. (b).)

Existing law prevents either the appointment of a temporary probate guardian or any delay attributable to the child welfare investigation from precluding the juvenile court from ordering the social worker to commence dependency proceedings or from hearing and determining a petition alleging that the child is a dependent of the court. (Welf. & Inst. Code, § 331, subd. (b)(1).)

Existing law authorizes the juvenile court to terminate or modify a guardianship of the person of a minor previously established under the Probate Code, or appoint a coguardian or successor guardian of the person of the minor, if the minor is the subject of a petition filed under sections 300, 601, or 602 of the Welfare and Institutions Code, which allow for a minor in physical danger, a minor who habitually fails to obey their guardian, or a minor who violates any criminal law, respectively, to be made a ward of the juvenile court. (Welf. & Inst. Code, § 728, subd. (a).)

Existing law requires that where a juvenile court terminates or modifies guardianship as described above, at least 45 days before the hearing date, the social worker or probation officer must typically give notice of the hearing to the mother; the fathers, presumed and alleged; the Indian custodian, if it is known or there is reason to know that the child is an Indian child; the child, if the child is 10 years of age or older; the child's tribe, if known; any known sibling of the child who is the subject of the hearing if that sibling either is the subject of a dependency proceeding or has been adjudged to be a dependent child of the juvenile court; the grandparents of the child, if their address is known and if the parent's whereabouts are unknown; all counsel of record; any unknown parent by publication, if ordered by the court; the current caregiver of the child, including foster parents, relative caregivers, preadoptive parents, nonrelative extended family members, or resource family. States that any person notified may attend all hearings and may submit any information he or she deems relevant to the court in writing. (Welf. & Inst. Code, § 294.)

Existing law states that if the juvenile court decides to terminate or modify a guardianship previously established under the Probate Code, the juvenile court must provide notice of that decision to the court in which the guardianship was originally established. (Welf. & Inst. Code, § 728, subd. (b).)

This bill authorizes the juvenile court at the initial petition hearing, when a matter is referred from the probate court where the probate court has appointed a temporary guardian, to issue an order to terminate or suspend the temporary guardianship to the extent necessary to allow the juvenile court to exercise its authority, upon the written or oral motion of any party in the case or the court's own motion, if the court finds the order is in the best interest of the child.

COMMENTS

1. Need for This Bill

The author writes:

Children involved in juvenile court proceedings deserve timely decisions that prioritize their safety and stability. When a child's well-being is at stake, unnecessary procedural delays create uncertainty for families, caregivers, and the children themselves. AB 1689 helps juvenile courts make timely decisions regarding temporary guardianships while ensuring that children have what they need during critical moments in their lives. This bill keeps the focus where it belongs: on protecting the best interests of the child and providing families with greater clarity during difficult circumstances.

2. Probate and Dependency Court

In circumstances where one or both parents struggle to provide care for their child, there are multiple potential courts that may make orders regarding the custody and care of the minor. A parent or another party may seek a temporary or full guardianship in probate court, which would grant an adult other than the parent custody of the child without terminating the parents' parental rights. In cases involving abuse or neglect, a case may be initiated in dependency court (which is a subdivision of juvenile court). Additionally, in cases where a minor is accused of committing a crime, the minor may be made a ward of the juvenile court. On occasion, the two courts overlap where a probate court has made an order for temporary guardianship and, in the course of conducting the statutorily mandated investigation of the temporary guardian, determines the child meets the standards making the child potentially a dependent of the court. (Welf. & Inst. Code, § 300.) In these matters a probate judge may refer the guardianship case to the dependency court. (Prob. Code, § 1513.)

In such cases, existing law authorizes the juvenile court to terminate or modify a guardianship of the person of a minor previously established under the Probate Code, or appoint a coguardian or successor guardian of the person of the minor, if the minor is the subject of a specified petitions, which allow for a minor in physical danger, a minor who habitually fails to obey their guardian, or minor who violates any criminal law, to be a ward of the juvenile court. If the probation officer supervising the minor provides information to the court regarding the minor's present circumstances and makes a recommendation to the court regarding a motion to terminate or modify a guardianship established in any county under the Probate Code, or to appoint a coguardian or successor guardian, for a minor who is before the juvenile court under one of the petitions described above, the court must order the appropriate county department, or the district attorney or county counsel, to file the recommended motion. The motion may also be made by

the guardian or the minor's attorney. The hearing on the motion may be held simultaneously with any regularly scheduled hearing held in proceedings to declare the minor a dependent child or ward of the court, or at any subsequent hearing concerning the dependent child or ward. (Welf. & Inst. Code, § 728, subd. (a).)

In such circumstances, at least 45 days before the hearing date, the social worker or probation officer must typically give notice of a the hearing to the mother; the fathers, presumed and alleged; the Indian custodian, if it is known or there is reason to know that the child is an Indian child; the child, if the child is 10 years of age or older; the child's tribe, if known; any known sibling of the child who is the subject of the hearing if that sibling either is the subject of a dependency proceeding or has been adjudged to be a dependent child of the juvenile court; the grandparents of the child, if their address is known and if the parent's whereabouts are unknown; all counsel of record; any unknown parent by publication, if ordered by the court; the current caregiver of the child, including foster parents, relative caregivers, preadoptive parents, nonrelative extended family members, or resource family. Any person notified may attend all hearings and may submit any information he or she deems relevant to the court in writing. (Welf. & Inst. Code, § 294.) Additionally, if the juvenile court decides to terminate or modify a guardianship previously established under the Probate Code, the juvenile court must provide notice of that decision to the court in which the guardianship was originally established. (Welf. & Inst. Code, § 728, subd. (b).)

As a result, when a dependency attorney asks the juvenile court at an early hearing to terminate or modify the temporary probate guardianship so the dependency case can proceed without delay, counties may object that 45-day notice must first be provided. That creates a mismatch between the dependency court's urgent early-hearing timelines and the 45-day notice requirement. The practical result is that the juvenile court may be unable or reluctant to resolve the temporary guardianship at the point when placement and support decisions are most urgent.

This gap can harm children and caregivers. A temporary probate guardianship may interfere with or delay juvenile court placement orders, emergency caregiver funding, Resource Family Approval-related steps, and other supports that depend on the child being placed through the dependency system. For caregivers who have stepped forward to care for a child, even a delay of several weeks can create significant hardship. For the child, delay can mean unnecessary legal uncertainty at the very moment the dependency court is supposed to stabilize the child's placement and ensure access to services.

3. Effect of This Bill

This bill seeks to remedy this conflict. The bill allows the court, in cases where a child was referred to dependency court by the probate court after issuing a temporary guardianship, to terminate or suspend the temporary guardianship at any hearing without requiring notice be provided 45 days prior to the hearing to the parents, caretakers, and other parties, as described above. In order to terminate or suspend the temporary guardianship, the court would be required to find that the order is in the best interest of the child. Additionally, the juvenile court would still be required to provide notice of its decision to the originating probate court that instituted guardianship.

4. Argument in Support

The Alliance for Children's Rights writes:

Under Probate Code section 1513(b), the probate court may refer a proposed guardianship to the local child welfare agency when the circumstances suggest the child may be described by WIC section 300. If the agency files a dependency petition, the case moves to juvenile court. Current law authorizes the juvenile court to terminate or modify Probate Code guardianships once a minor is the subject of a section 300 petition, but courts are restricted from acting to modify or terminate guardianships without providing currently required 45 days' advance notice. That framework is appropriate for permanent guardianship modifications. It is unworkable for temporary guardianships, which under Probate Code section 2257 terminate by operation of law 30 days after appointment unless the probate court extends them for good cause. The required notice period is longer than the guardianship itself.

When a dependency attorney asks the juvenile court at an early hearing to resolve the temporary guardianship so placement and support decisions can proceed, counties may, and do, object that section 294 notice must first run. The juvenile court may then be unable or unwilling to act at precisely the moment when stabilizing the child's placement is most urgent. This typically means pausing the proceedings until the temporary guardianship expires. The consequences then include delayed placement orders, barriers to emergency caregiver funding, stalled Resource Family Approval steps, and legal uncertainty for caregivers who have stepped forward to care for the child.

AB 1689 eliminates that mismatch for the temporary guardianship context without disturbing the procedural protections that apply to established, permanent guardianships. Notice requirements are preserved for all permanent guardianship actions. Any termination of a temporary guardianship under the new exception remains subject to a best interest finding by the court.

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