

AMENDED IN ASSEMBLY APRIL 9, 2025

CALIFORNIA LEGISLATURE—2025–26 REGULAR SESSION

**ASSEMBLY BILL**

**No. 651**

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**Introduced by Assembly Member Bryan  
(Principal coauthor: Assembly Member Solache)**

February 13, 2025

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An act to amend Section 2625 of the Penal Code, and to amend Section 349 of the Welfare and Institutions Code, relating to juveniles.

LEGISLATIVE COUNSEL’S DIGEST

AB 651, as amended, Bryan. Juveniles: dependency: incarcerated parent.

Existing law requires notice of, and the opportunity for an incarcerated parent to be physically present in, proceedings terminating their parental rights or seeking to adjudicate the child of a prisoner a dependent child of the court. Existing law prohibits these proceedings from being adjudicated without the physical presence of the parent unless the court receives a knowing waiver from the parent of their right to be physically present at the proceedings, or an affidavit signed by a person in charge of the incarcerating institution that the prisoner does not intend to appear at the proceeding. Existing law authorizes, in the court’s discretion, an incarcerated parent who has waived the right to be physically present at those proceedings to be given the opportunity to participate in the proceeding by videoconference, if that technology is available. Existing law authorizes, if videoconferencing technology is not available, the use of teleconferencing.

This bill would also require notice of, and the opportunity for an incarcerated parent to be physically present in, specified additional dependency hearings relating to their child. The bill would additionally

require an incarcerated parent who has waived the right to be physically present to be given the opportunity to participate in those proceedings by videoconference, and, if videoconferencing technology is not available, require the use of teleconferencing. By increasing the duties of local county jail officials, this bill would impose a state-mandated local program.

*Existing law entitles a minor who is the subject of a juvenile court hearing to be present at that hearing and specifies that the minor has the right to be represented at the hearing by counsel of their choice. Existing law requires the court to inform the minor, if the minor is present at the hearing, of their right to address the court and participate in the hearing. Existing law requires the court, if the minor is 10 years of age or older and not present at the hearing, to determine whether the minor was properly notified of their right to attend the hearing and inquire whether they were given an opportunity to attend. Existing law generally requires the court to continue the hearing to allow the minor to be present, if they were not properly notified or if they wished to present, but were not given the opportunity. Existing law requires the court to continue the hearing only for the period of time necessary to provide the child notice and secure their presence.*

*This bill would expand the above provisions to include nonminor dependents.*

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 2625 of the Penal Code is amended to
- 2 read:
- 3 2625. (a) For the purposes of this section only, the term
- 4 “prisoner” includes any individual in custody in a state prison, the
- 5 California Rehabilitation Center, or a county jail, or who is a ward
- 6 confined in a secure youth treatment facility or who, upon a verdict

1 or finding that the individual was insane at the time of committing  
2 an offense, or mentally incompetent to be tried or adjudged to  
3 punishment, is confined in a state hospital for the care and  
4 treatment of persons with mental health disorders or in any other  
5 public or private treatment facility.

6 (b) In a proceeding brought under Part 4 (commencing with  
7 Section 7800) of Division 12 of the Family Code, and Section  
8 366.26 of the Welfare and Institutions Code, if the proceeding  
9 seeks to terminate the parental rights of a prisoner, or a proceeding  
10 brought under Section 300 of the Welfare and Institutions Code,  
11 if the proceeding seeks to adjudicate the child of a prisoner a  
12 dependent child of the court, a proceeding brought under Section  
13 388 of the Welfare and Institutions Code, if the prisoner is the  
14 petitioner, or a hearing described in Section 361, 366.21, 366.22,  
15 or 366.25, when that hearing is related to the child of the prisoner,  
16 or any hearing at which parentage of a child of the prisoner is to  
17 be determined, the superior court of the county in which the  
18 proceeding is pending, or a judge thereof, shall order notice of any  
19 court proceeding regarding the proceeding transmitted to the  
20 prisoner.

21 (c) Service of notice shall be made pursuant to Section 7881 or  
22 7882 of the Family Code or Section 290.2, 291, 293, or 294 of the  
23 Welfare and Institutions Code, as appropriate.

24 (d) Upon receipt by the court of a statement from the prisoner  
25 or the prisoner's attorney indicating the prisoner's desire to be  
26 present during the court's proceedings, the court shall issue an  
27 order for the temporary removal of the prisoner from the institution,  
28 and for the prisoner's production before the court. A proceeding  
29 shall not be held under Part 4 (commencing with Section 7800) of  
30 Division 12 of the Family Code or Section 366.26 of the Welfare  
31 and Institutions Code and a petition to adjudge the child of a  
32 prisoner a dependent child of the court pursuant to Section 300 of  
33 the Welfare and Institutions Code shall not be adjudicated without  
34 the physical presence of the prisoner or the prisoner's attorney,  
35 unless the court has before it a knowing waiver of the right of  
36 physical presence signed by the prisoner or an affidavit signed by  
37 the warden, superintendent, or other person in charge of the  
38 institution, or a designated representative stating that the prisoner  
39 has, by express statement or action, indicated an intent not to  
40 appear at the proceeding.

(e) In any other action or proceeding in which a prisoner's parental or marital rights are subject to adjudication, an order for the prisoner's temporary removal from the institution and for the prisoner's production before the court may be made by the superior court of the county in which the action or proceeding is pending, or by a judge thereof. A copy of the order shall be transmitted to the warden, superintendent, or other person in charge of the institution not less than 15 days before the order is to be executed. The order shall be executed by the sheriff of the county in which it shall be made, whose duty it shall be to bring the prisoner before the proper court, to keep the prisoner safely, and when the prisoner's presence is no longer required, to return the prisoner to the institution from which the prisoner was taken. The expense of executing the order shall be a proper charge against, and shall be paid by, the county in which the order shall be made.

The order shall be to the following effect:

County of \_\_\_\_ (as the case may be).

The people of the State of California to the warden of \_\_\_\_:

An order having been made this day by me, that (name of prisoner) be produced in this court as a party in the case of \_\_\_\_, you are commanded to deliver (name of prisoner) into the custody of \_\_\_\_ for the purpose of (recite purposes).

Dated this \_\_\_\_ day of \_\_\_\_, 20\_\_.

(f) When a prisoner is removed from the institution pursuant to this section, the prisoner shall remain in the constructive custody of the warden, superintendent, or other person in charge of the institution.

(g) A prisoner who is a parent of a child involved in a dependency hearing described in this section and who has either waived the right to physical presence at the hearing pursuant to subdivision (d) or who has not been ordered before the court shall, in order to facilitate the parent's participation, be given the opportunity to participate in the hearing by videoconference, if that technology is available, and if that participation otherwise complies with the law. If videoconferencing technology is not available, teleconferencing shall be utilized to facilitate parental participation. This subdivision does not limit a prisoner's right to physically attend a dependency hearing as provided in this section. This section does not authorize the use of videoconference or teleconference to replace in-person family visits with prisoners.

1 (h) It is the intent of the Legislature to maintain internal job  
2 placement opportunities and preserve earned privileges for  
3 prisoners, and prevent the removal of prisoners subject to this  
4 section from court-ordered courses as a result of their participation  
5 in the proceedings described in this section.

6 (i) Notwithstanding any other law, a court shall not order the  
7 removal and production of a prisoner sentenced to death, whether  
8 or not that sentence is being appealed, in any action or proceeding  
9 in which the prisoner's parental rights are subject to adjudication.

10 SEC. 2. Section 349 of the Welfare and Institutions Code is  
11 amended to read:

12 349. (a) A minor *or nonminor dependent* who is the subject  
13 of a juvenile court hearing, and any person entitled to notice of  
14 the hearing under Sections 290.1, 290.2, 291, 293, and 294 is  
15 entitled to be present at the hearing.

16 (b) The minor *or nonminor dependent* and any person who is  
17 entitled to that notice has the right to be represented at the hearing  
18 by counsel of their own choice.

19 (c) If the minor *or nonminor dependent* is present at the hearing,  
20 the court shall inform the minor *or nonminor dependent* that they  
21 have the right to address the court and participate in the hearing  
22 and the court shall allow the ~~minor~~, *minor or nonminor dependent*,  
23 ~~if the minor they so desires, desire,~~ to address the court and  
24 participate in the hearing.

25 ~~If the minor~~ For a minor who is 10 years of age or older and  
26 ~~the minor is older, or for a nonminor dependent, if they are not~~  
27 present at the hearing, the court shall determine whether the minor  
28 *or nonminor dependent* was properly notified of their right to attend  
29 the hearing and inquire whether the minor *or nonminor dependent*  
30 was given an opportunity to attend. If that minor *or nonminor*  
31 *dependent* was not properly notified or if the minor *or nonminor*  
32 *dependent* wished to be present and was not given an opportunity  
33 to be present, the court shall continue the hearing to allow the  
34 minor *or nonminor dependent* to be present ~~unless unless, in the~~  
35 ~~case of a minor,~~ the court finds that it is in the best interest of the  
36 minor not to continue the hearing. The court shall continue the  
37 hearing only for that period of time necessary to provide notice  
38 and secure the presence of the ~~child~~, *minor or nonminor dependent*.  
39 The court may issue any and all orders reasonably necessary to

1 ensure that the ~~child~~ *minor or nonminor dependent* has an  
2 opportunity to attend.

3 (e) Nothing in this section shall prevent or limit any ~~child's~~  
4 *minor's or nonminor dependent's* right to attend or participate in  
5 the hearing.

6 SEC. 3. If the Commission on State Mandates determines that  
7 this act contains costs mandated by the state, reimbursement to  
8 local agencies and school districts for those costs shall be made  
9 pursuant to Part 7 (commencing with Section 17500) of Division  
10 4 of Title 2 of the Government Code.