

Date of Hearing: April 29, 2025

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Alex Lee, Chair

AB 495 (Celeste Rodriguez) – As Amended April 23, 2025

SUBJECT: Family Preparedness Plan Act of 2025

SUMMARY: Establishes the Family Preparedness Plan Act of 2025 to support families during temporary parental absences. Expands the caregiver’s authorization affidavit (affidavit) to include nonrelative extended family members. Creates a new form of joint guardianship allowing custodial parents to nominate a temporary guardian without relinquishing parental rights. Authorizes courts to activate the guardianship upon specified events, such as detention, illness, or military deployment. Requires schools and licensed child daycare facilities to distribute updated immigration-related guidance developed by the Attorney General (AG). Specifically, **this bill:**

- 1) Updates the information required to be provided to parents by local educational agencies (LEAs) regarding their child’s right to a free public education, regardless of immigration status or religious beliefs, to include “Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California’s K-12 Schools in Responding to Immigration Issues” issued by the AG on January 6, 2025, including, but not limited to, information related to plans for family safety and the importance of providing the school with, and regularly updating, emergency contact information, including secondary and additional contact information.
- 2) Requires the information in 1) above, to be revised as necessary to be consistent with any revisions or updates to the guidance issued by the AG.
- 3) Requires all LEAs to revise their model policies, limiting assistance with immigration enforcement at public schools, as necessary, to be consistent with any revisions or updates to the model policies developed by the AG, including “Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California’s K-12 Schools in Responding to Immigration Issues” issued by the AG on January 6, 2025, including, but not limited to, information related to plans for family safety and the importance of providing the school with, and regularly updating, emergency contact information, including secondary and additional contact information.
- 4) Expands authorization to execute an affidavit to enroll a minor in school and consent to school-related medical care to include a caregiver who is a nonrelative extended family member, as defined in 5) below. Clarifies that the medical care authorized by the nonrelative extended family member may include mental health treatment subject to the limitations of state law.
- 5) Defines “nonrelative extended family member” as any adult caregiver who has an established familial or mentoring relationship with the child or who has an established familial relationship with a relative of the child.

- 6) Revises the definition of “relative” to include an adult who is related to the child by blood, adoption, or affinity within the fifth degree of kinship, including all stepparents, stepsiblings, and all relatives whose status is preceded by the words “great,” “great-great,” or “grand.”
- 7) Clarifies the definition of “school-related medical care” to include immunizations, physical examinations, and medical examinations conducted in school for pupils that are required by state or local governmental authority as a condition for school enrollment or participation in LEA-related extracurricular activities.
- 8) Modifies the notices on the affidavit to alert the caregiver that the affidavit is no longer valid once the minor ceases living with them, and that they are required to notify any school, health care provider, or health care service plan that the minor is no longer living with them and that, as a result, the affidavit is no longer valid.
- 9) Clarifies the notices on the affidavit to school officials and health care providers that when signed by a relative or nonrelative extended family member, the affidavit confers the same rights to authorize medical care and dental care for the minor that are given to guardians under existing law and that a parent’s signature or seal or signature of the court is not required on the affidavit.
- 10) Makes other conforming changes to the caregiver’s authorization affidavit.
- 11) Requires a court to give a nomination of a guardian due weight pursuant to state law.
- 12) Adds the subsequent absence of a person making the nomination to the conditions under which a nomination of a guardian may become effective upon its occurrence and ensures that, unless the writing making the nomination expressly provides otherwise, a nomination of guardianship remains effective notwithstanding the subsequent absence of the person making the nomination.
- 13) Expands existing provisions authorizing a court to appoint the custodial parent and person nominated by the parent as joint guardians to include such an appointment when a custodial parent will be temporarily unavailable due to specified circumstances, including but not limited to, a serious medical condition or disability, military service, incarceration, or an immigration-related administrative action.
- 14) Prohibits the nomination made pursuant to 13) above, to be made over the objection of a noncustodial parent without a finding that the noncustodial parent’s custody would be detrimental to the minor.
- 15) Revises guardianship provisions in the following ways:
 - a) Makes the guardian immediately empowered to assume guardianship duties in the parent’s absence immediately upon the occurrence of an activating event set forth in the order appointing a joint guardian;
 - b) Grants the appointed guardian shared authority with the parent, custodian, or guardian of the minor child, upon commencement of the duties of the guardian, unless the petition says otherwise;

- c) Authorizes a parent, custodian, or guardian to revoke a joint guardianship issued pursuant to a) above, by filing a request to terminate the guardianship with the court pursuant to existing provisions of state law;
 - d) Establishes a presumption that termination of the guardianship is in the best interest, upon a showing that the activating event no longer affects the parent's ability to provide care for their child; and,
 - e) Makes all court records, petitions, orders, and documents related to the appointment of a joint guardian pursuant to 13) above, confidential, and requires them to be made available only to the persons who have been served in the proceeding and their attorneys, if applicable.
- 16) Requires the clerk of the court to make provisions to limit access to the documents and any other personally identifiable information of the minor, custodial parent, the appointed guardian, or family members who are a party to or identified in the proceeding.
- 17) Prohibits information contained in these records from being disclosed to federal immigration authorities or any entity engaged in immigration enforcement without a court order based on a showing of compelling necessity unrelated to immigration enforcement.
- 18) Prohibits licensed child daycare facilities and employees of licensed child daycare facilities from collecting information or documents regarding the citizenship or immigration status of pupils or their family members, except as required by state or federal law or as required to administer a state or federally supported educational program.
- 19) Requires the owner, operator, or administrator of a licensed child daycare facility, as applicable, to report to the California Department of Social Services (CDSS) and AG any requests for information or access to the facility by an officer or employee of a law enforcement agency for the purpose of enforcing the immigration laws in a manner that ensures the confidentiality and privacy of any potentially identifying information.
- 20) Requires a facility, if an employee of a licensed child daycare facility is aware that a child's parent or guardian is not available to care for the child, to first exhaust any parental instruction relating to the child's care found in the child's emergency contact information. Encourages a facility to work with parents or guardians to update their emergency contact information.
- 21) Specifies that nothing in these provisions prohibits a licensed child daycare facility from establishing stronger standards and protections.
- 22) Requires the AG by April 1, 2026, in consultation with the appropriate stakeholders, to publish model policies limiting assistance with immigration enforcement at licensed child daycare facilities, to the fullest extent possible consistent with federal and state law, and ensuring that daycare facilities remain safe and accessible to all California residents, regardless of immigration status. Requires the AG to, at a minimum, consider all of the following issues when developing the model policies:
- a) Procedures related to requests for access to facility grounds for purposes related to immigration enforcement;

- b) Procedures for daycare facility employees to notify the owner, operator, or administrator of the facility, as applicable, if an individual requests or gains access to facility grounds for purposes related to immigration enforcement; and,
 - c) Procedures for responding to requests for personal information about children or their family members for purposes of immigration enforcement.
- 23) Permits the DOJ, notwithstanding existing rulemaking provisions, to implement, interpret, or make specific these provisions without taking any regulatory action.
- 24) Requires all licensed child daycare facilities to adopt the model policies developed pursuant to 22) above, or equivalent policies, as soon as possible, but in no event later than July 1, 2026. Requires licensed daycare facilities to update these policies to conform with any revisions or updates to the model policies by the AG.
- 25) Requires a licensed daycare facility, upon enrolling or reenrolling any child, to provide the parent or guardian with written information relating to the model policies, including, but not limited to, information related to family safety plans and the importance of completing and maintaining emergency contact information. Requires the provided information to be revised as necessary to be consistent with any revisions or updates to the guidance issued by the AG.
- 26) Specifies that “licensed child day care facility” has the same meaning as defined in existing law, that is licensed pursuant to the California Child Day Care Act.
- 27) Makes the following findings and declarations:
- a) Several federal immigration policies in recent years have contributed to increases in the number of unaccompanied children. Separation of a child from their parent or primary caregiver has known developmental, psychological, and physical impacts. Younger children are especially vulnerable. During these early years, children are developing emotionally and physically, and forming attachments that help with emotional regulation, sense of identity, and psychological safety. Separating parents and caregivers who are key attachment figures during this vulnerable period can have lifelong impacts on children’s emotional and physical wellbeing;
 - a) Stable caregiving arrangements are essential for the health, safety, and emotional well-being of children, particularly in times of crisis. The state recognizes the unique challenges faced by immigrant families due to the federal administration’s enhanced deportation actions, which risk widespread family separations and disrupt caregiving stability for children under 18 years of age;
 - b) Despite existing tools, such as caregiver authorization affidavits and guardianship nominations, families and caregivers face significant uncertainty due to the lack of clarity, consistency, and enforceability of these mechanisms, resulting in schools and service providers refusing to accept them. Temporary and general guardianship options, while available, fail to adequately safeguard the rights of parents—particularly immigrant parents—to remain involved in their child’s upbringing during periods of immigration detention or deportation. These gaps in the legal framework exacerbate the emotional trauma experienced by children, disrupt access to education and health care, and hinder the ability of families to respond effectively to crises;

- c) To address these challenges, the Legislature seeks to ensure that children facing the risk of family separation due to a parent's immigration status have stable and legally recognized caregiving arrangements that protect their emotional and physical well-being. States legislative intent to provide clear and streamlined processes for short-term guardianships that address urgent needs, such as medical care and educational decision making, while upholding the rights of parents. Declares legislative intent to refine the scope of guardianship nominations by delineating the rights and responsibilities of nominated guardians. Finally, states legislative intent to clarify the powers granted under caregiver authorization affidavits to ensure consistent recognition by schools, health care providers, and other agencies to demonstrate continued support for children who reside with a relative or nonrelative extended family member caregiver; and,
- d) By establishing a more coherent legal structure, expresses legislative intent to reduce uncertainty and administrative barriers, enabling families to act swiftly and effectively in times of crisis. Supporting the stability of caregiving arrangements will mitigate the negative impacts on children's mental health, educational outcomes, and overall well-being. These efforts reflect California's commitment to protecting vulnerable families and upholding the fundamental rights of children and parents.

EXISTING LAW:

State law:

- 1) Establishes the Child Care and Development Services Act to provide childcare and development services as part of a coordinated, comprehensive, and cost-effective system serving children from birth to 13 years of age and their parents, including a full range of supervision, health, and support services through full- and part-time programs. (Welfare and Institutions Code [WIC] § 10207 *et seq.*)
- 2) States legislative intent that all families have access to childcare and development services, through resource and referral where appropriate, and regardless of demographic background or special needs, and that families are provided the opportunity to attain financial stability through employment while maximizing growth and development of their children and enhancing their parenting skills through participation in childcare and development programs. (WIC § 10207.5)
- 3) Declares that it is the policy of the State of California to afford all persons in public schools, regardless of their disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in the Penal Code, equal rights and opportunities in the educational institutions of the state. (Education Code [EDC] § 200)
- 4) Guarantees all pupils the right to participate fully in the educational process, free from discrimination and harassment, and declares that California's public schools have an affirmative obligation to combat racism, sexism, and other forms of bias, and a responsibility to provide equal educational opportunity. (EDC § 201)
- 5) Declares that no person is to be subjected to discrimination on the basis of disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in the

Penal Code in any program or activity conducted by an educational institution that receives, or benefits from, state financial assistance or enrolls pupils who receive state student financial aid. (EDC § 220)

- 6) Prohibits a school district, county office of education, or charter school from collecting or soliciting social security numbers or the last four digits of social security numbers from pupils or their parents or guardians unless otherwise required to do so by state or federal law. (EDC § 49076.7(b))
- 7) Prohibits school officials and employees of an LEA from collecting information or documents regarding citizenship or immigration status of pupils or their family members, except as required by state or federal law or as required to administer a state or federally supported educational program. (EDC § 234.7(a))
- 8) Requires the superintendent of a school district, the superintendent of a county office of education, and the principal of a charter school, as applicable, to report to the respective governing board or body of the LEA in a timely manner any requests for information or access to a school site by an officer or employee of a law enforcement agency for the purpose of enforcing the immigration laws in a manner that ensures the confidentiality and privacy of any potentially identifying information. (EDC 234.7(b))
- 9) Requires the school, if an employee of a school is aware that a pupil's parent or guardian is not available to care for the pupil, to first exhaust any parental instruction relating to the pupil's care in the emergency contact information it has for the pupil to arrange for the pupil's care. (EDC § 234.7(c))
- 10) Requires the governing board or body of an LEA to do all of the following:
 - a) Provide information to parents and guardians, as appropriate, regarding their children's right to a free public education, regardless of immigration status or religious beliefs. Requires the information to include information relating to the Immigration-Enforcement Actions at California Schools Guide for Students and Families, also known as "Know Your Educational Rights," developed by the AG and may be provided in the annual notification to parents and guardians pursuant to state law or any other cost-effective means determined by the LEA; and,
 - b) Post the guide specified in a) above, in the administrative building and on the LEA's website. (EDC § 234.7(d))
- 11) Clarifies that nothing in 3) – 10) above, prohibits the governing board or body of an LEA from establishing stronger standards and protections. (EDC § 234.7(e))
- 12) Requires the AG, by April 1, 2018, in consultation with the appropriate stakeholders, to publish model policies limiting assistance with immigration enforcement at public schools, to the fullest extent possible consistent with federal and state law, and ensuring that public schools remain safe and accessible to all California residents, regardless of immigration status and requires the AG to, at a minimum, consider specified issues when developing the model policies. (EDC § 234.7(f))

- 13) Authorizes an adult caregiver that completes an affidavit to enroll a minor in school and consent to school-related medical care on behalf of a minor. Authorizes an adult caregiver who is a relative who completes a more extensive affidavit to have the same rights to authorize medical care and dental care for the minor that are given to guardians under Probate Code Section 2353, and may include mental health treatment subject to the limitations of Probate Code Section 2356. (Family Code [FAM] § 6550(a))
- 14) Provides that the affidavit is invalid after the school, health care provider, or health care service plan receives notice that the minor is no longer living with the caregiver. (FAM § 6550(f))
- 15) Provides guidelines for the form and substance of the affidavit. (FAM § 6552)
- 16) Defines a “qualified relative” for purposes of the affidavit as “a spouse, parent, stepparent, brother, sister, stepbrother, stepsister, half brother, half sister, uncle, aunt, niece, nephew, first cousin, or any person denoted by the prefix “grand” or “great,” or the spouse of any of the persons specified in this definition, even after the marriage has been terminated by death or dissolution.” (FAM § 6552)
- 17) Requires the court to consider and give due weight to the nomination of a guardian of the person of the child by a parent when determining the person or persons to whom custody should be granted in family court custody proceedings. (FAM § 3043)
- 18) Authorizes a nomination of a guardian to be made in the petition for the appointment of the guardian or at the hearing on the petition or in a writing signed either before or after the petition for the appointment of the guardian is filed. (Probate Code [PROB] § 1502(a))
- 19) Makes a nomination of a guardian effective when made except that a writing nominating a guardian may provide that the nomination becomes effective only upon the occurrence of such specified condition or conditions as are stated in the writing, including but not limited to such conditions as the subsequent legal incapacity or death of the person making the nomination. (PROB § 1502(b))
- 20) Makes a nomination of guardian effective notwithstanding the subsequent legal incapacity or death of the person making the nomination unless the writing making the nomination expressly provides otherwise. (PROB § 1502(c))
- 21) Authorizes a court, in its discretion, to appoint two or more joint guardians or conservators of the person. (PROB § 2105(a)(1))
- 22) Authorizes the court, in its discretion, if a custodial parent has been diagnosed as having a terminal condition, as evidenced by a declaration executed by a licensed physician, to appoint the custodial parent and a person nominated by the custodial parent as joint guardians of the person of the minor. (PROB § 2105(f))
- 23) Prohibits an appointment pursuant to 22) above, to be made over the objection of a noncustodial parent without a finding that the noncustodial parent’s custody would be detrimental to the minor. (PROB § 2105(f))

24) Grants guardians the same right as a parent having legal custody of a child to give consent to medical treatment performed upon the child and to require them to receive medical treatment, subject to specified exceptions. (PROB § 2353)

Federal law:

25) Provides that, notwithstanding any other provision of federal, state, or local law, a federal, state, or local government entity or official may not prohibit, or in any way restrict, any government entity or official from sending to, or receiving from, the Immigration and Naturalization Service (INS) information regarding the citizenship or immigration status, lawful or unlawful, of any individual. (8 United States Code [U.S.C.] § 1373(a))

26) Provides that, notwithstanding any other provision of federal, state, or local law, no person or agency may prohibit, or in any way restrict, a federal, state, or local government entity from doing any of the following with respect to information regarding the immigration status, lawful or unlawful, of any individual: (a) sending such information to, or requesting or receiving such information from, the INS; (b) maintaining such information; and (c) exchanging such information with any other federal, state, or local government entity. (8 U.S.C. § 1373(b))

27) Pursuant to the Family Educational Rights and Privacy Act, generally prohibits schools from disclosing information contained in a student's education records to a third party without the student's written consent, except in certain circumstances, including in order to comply with a judicial order or lawfully issued subpoena. (20 U.S.C. § 1232g(a))

28) Provides that all children have a constitutional right to attend public school regardless of their immigration status. (*Plyler v. Doe* (1982) 457 U.S. § 202)

FISCAL EFFECT: Unknown, this bill has not been analyzed by a fiscal committee.

COMMENTS:

Background: *Immigrants* with legal standing in the United States (U.S.), both temporary and permanent, are those who have been granted permission to live and work in the country by obtaining a visa or obtaining other legal statuses, such as legal permanent residency (LPR), being granted asylum, admitted as a refugee, a parolee, or conditional entrant, among others. Once in the country, these immigrants are entitled to certain rights and protections under the law, including access to government benefits and services, such as healthcare, education, and public social services. As of 2023, the California Budget and Policy Center reports that over 11 million immigrants, defined as foreign-born individuals, reside in California, making up 28% of the state population. According to the Public Policy Institute of California (PPIC), the vast majority of immigrants in California are documented residents, meaning they have legal authorization to reside in the U.S. In 2022, 83% of documented immigrants were either naturalized citizens or had other legal statuses, such as visa holder and LPR.

Undocumented immigrants are individuals who enter or reside in a country without legal authorization. However, the definition of “legal authorization” is not fixed and can shift depending on the policies of the presidential administration in power. For example, under the Biden administration, Venezuelan migrants were granted Temporary Protected Status, which allowed them to live and work legally in the U.S. This designation was later revoked by the

current Trump administration, rendering many of those same individuals undocumented under current federal policy. A planned mass deportation of these individuals is now on hold, pending the outcome of a legal challenge before the federal courts.

Undocumented immigrants often fear deportation and lack access to basic rights and protections afforded to legal residents. Nationally, undocumented immigrants contributed \$96.7 billion in federal, state, and local taxes, with \$59.4 billion paid to the federal government and the remaining \$37.3 billion to state and local governments. Despite undocumented Californians contributing \$8.5 billion in state and local taxes in 2022, they may be vulnerable to exploitation and abuse in the workplace and elsewhere, and they typically face significant barriers to accessing government services. A national 2024 report by the Institution on Taxation and Economic Policy highlighted that for every 1 million undocumented immigrants who reside in the country, public services receive \$8.9 billion in additional tax revenue. Nationally, providing access to work authorization to all current undocumented immigrants would increase their tax contributions by \$40.2 billion annually, to \$136.9 billion. More than a third of the tax dollars paid by undocumented immigrants are toward payroll taxes dedicated to funding programs, like Social Security, Medicare, and unemployment insurance—that undocumented workers are barred from accessing. In the same PPIC report, it was noted that in 2022, there were 1.8 million undocumented immigrants in California, which represented 4.6% of the total population.

Right to Public Education. The U.S. Supreme Court in the landmark 1982 case *Plyler v Doe* affirmed the right of undocumented children to access free public education. The case challenged a 1975 Texas law that allowed school districts to deny enrollment to children not legally admitted to the U.S. and to withhold state education funding for those students. The Court ruled that this law violated the Fourteenth Amendment of the U.S. Constitution, which guarantees that no state may deprive any person of life, liberty, or property without due process of law, nor deny any person within its jurisdiction equal protection under the law.

In 1994, California voters approved Proposition 187, a ballot initiative that sought to bar undocumented immigrants from accessing public education, healthcare, and other services. It also would have required educators, healthcare providers, and social service workers to report individuals suspected of being undocumented. However, a federal court struck down Proposition 187 as unconstitutional, reaffirming that states cannot override federal authority or deny essential services based on immigration status.

Federal Policy on Immigration Enforcement in Schools. Since 1993, the federal government—initially through INS and later the Department of Homeland Security (DHS)—has maintained a policy discouraging immigration enforcement at sensitive locations, such as schools, places of worship, and religious ceremonies. In 2011, DHS reaffirmed this policy, stating that enforcement actions at these sites should only occur under exigent circumstances, when operations lead to such locations, or with prior approval.

In 2021, DHS issued updated guidance to Immigration and Customs Enforcement (ICE) and Customs and Border Protection, emphasizing that enforcement actions should avoid locations that could restrict access to essential services or activities, referring to these as “protected areas.” Examples included schools (from preschool to college), childcare centers, recreation spaces, foster care facilities, and school bus stops.

However, on January 21, 2025, the U.S. DOJ issued a memo rescinding these protections, eliminating previous restrictions on immigration enforcement in or near sensitive locations. The

memo emphasized that the federal law prohibits state and local interference with lawful immigration actions. A DHS spokesperson stated that under the Trump administration, law enforcement officers would no longer be restricted from making arrests in schools or churches, asserting that such protections allowed “criminals” to avoid arrest and that officers should be trusted to use “common sense.”

As a result, this indiscriminate approach has heightened fear and uncertainty among immigrant communities, prompting some families to keep their children home from school and avoid going to work. These fears are largely driven by the risk of family separation resulting from the detention or deportation of unauthorized immigrant parents. In some documented cases, ICE has detained parents after dropping their children off at school, reinforcing the perception that even educational settings are not safe. This fear can significantly impact a child’s education and mental well-being. Students may struggle academically, leave school early, or lose motivation due to the belief that higher education and stable employment are out of reach without legal status. A report by the Center for American Progress highlights that many children of undocumented parents internalize a sense of vulnerability and fear from an early age, especially when parents hesitate to send them to school or interact with authorities due to fear of deportation.

While research from the Urban Institute shows that schools can serve as stabilizing space for children affected by enforcement actions, this only holds true when parents feels safe enough to engage with the school system. Without that trust, children may be denied not only educational continuity but also access to social services, medical care, and emotional support. Over time, these experiences teach children to fear public institutions and to anticipate sudden family separation—even during routine activities like going to school or visiting a doctor.

This bill updates the information that LEAs must provide to parents about their child’s right to a free public education, regardless of immigration status or religious beliefs.

California AG Guidance to Schools on Immigration Enforcement. In response to growing concerns about immigration enforcement on school campuses, California enacted AB 699 (O’Donnell), Chapter 493, Statutes of 2017. This law required the California AG to develop model policies for public schools that limit cooperation with immigration enforcement, and mandates that LEAs adopt these or equivalent policies. It also directs schools to provide support and information to immigrant students and their families. The first set of guidance was issued by the AG on March 30, 2018, helping K-12 schools understand their obligations to protect the privacy and rights of undocumented students and families, while providing a template for local policies.

In response to new federal immigration directives, the California AG released updated guidance on February 4, 2025, reaffirming that schools should be safe and supportive spaces for all students, regardless of immigration status. The AG emphasized that recent federal actions had caused renewed fear among immigrant communities and that schools need clear procedures to protect students’ rights and ensure appropriate responses to enforcement actions.

The 2025 guidance outlines specific protocol for school staff if an immigration officer comes to campus:

- 1) Notify the designated LEA administrator and inform the officer that, unless there are exigent circumstances, no action will be taken without direction from the administrator;

- 2) Request and document the officer's credentials, including name, badge number, and supervisor's contact information;
- 3) Ask for the officer's reason for the visit and any supporting documentation authorizing entry. Make copies of all documents provided;
- 4) If exigent circumstances are not declared, follow the response protocols based on the officer's documentation;
- 5) Do not consent to entry unless exigent circumstances exist or a federal judicial warrant is presented—but do not physically obstruct the officer. If entry occurs without consent, observe and document all actions;
- 6) Notify parents or guardians as soon as possible—ideally before any questioning or removal of a student—unless legally prohibited by a warrant or subpoena;
- 7) Provide collected documentation and notes to the LEA's legal counsel, Superintendent, or designated administrator; and,
- 8) Report the incident to the California DOJ.

Local Educational Agencies and Schools. Current state law restricts the collection of immigration-related information about students and their families, and requires schools, when a parent is unavailable, to follow any care instructions listed in the student's emergency contact information before taking other steps. Additionally, schools are encouraged to help families keep this information updated and are advised not to contact child protective services unless all other options have been exhausted.

Current law also requires schools to inform parents and guardians of their child's right to a free public education, regardless of immigration status or religious beliefs. In particular, *this bill* specifies that schools are required to distribute materials, such as the AG's 2025 report, *Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Status*, which covers family safety planning and the importance of updated emergency contact information. *This bill* also requires LEAs to revise this information as needed to remain consistent with any updates made to the AG's guidance and emphasizes the importance of regularly updated emergency contact information, including secondary and additional contacts.

Additionally, *this bill* adds provisions that mirror similar requirements for licensed childcare facilities related to immigration enforcement and information collection. Specifically, it prohibits licensed child daycare facilities and their employees from collecting information or documents regarding the immigration status of children or their family members, except as required by state or federal law. *This bill* specifies that if a law enforcement officer seeks access to a daycare facility for immigration enforcement purposes, the facility's owner, operator, or administrator must report the request to both CDSS and the AG. *This bill* further requires the AG to publish model policies limiting assistance with immigration enforcement at licensed daycare facilities by April 1, 2026, including policies that address procedures for handling immigration enforcement access requests, notifying facility leadership of such requests, and responding to demands for personal information about children and their families. Licensed daycare facilities are required to

adopt these or equivalent policies by July 1, 2026, provide written information to families upon enrollment or reenrollment, and update policies as needed.

Caregiver’s Authorization Affidavit. Under current law, a nonparent adult can enroll a child in school and authorize school-related medical care by completing an affidavit. If the adult is a relative, they may also authorize additional medical and dental care. The affidavit becomes valid once signed by the caregiver and offers legal protections to schools and healthcare providers who rely on it in good faith, provided they are unaware of any conflicting wishes from the child’s parent. Importantly, even with a valid affidavit, the parent retains ultimate decision-making authority, and any conflicting decision by the parent overrides the caregiver’s consent.

Though limited in scope, the affidavit is a critical tool for ensuring stability when a parent is temporarily unavailable. It allows trusted adults to make timely decisions for the child without suspending or terminating parental rights. Recognizing the affidavit’s importance, especially for immigrant families, *this bill* expands accessibility and clarifies its use. Specifically, *this bill* allows a “nonrelative extended family member” to complete an affidavit, which includes any adult who has an established familial or mentoring relationship with the child or with a relative of the child. The intent is to recognize the diverse and meaningfully support networks that many children rely on, even when those individuals are not legally related.

This bill also updates the affidavit form to ensure consistent definitions of “family member” with those used elsewhere in state law. It simplifies the inclusion of “nonrelative extended family members” and ensures they are clearly recognized as authorized caregivers. Lastly, *this bill* addresses a recurring issue, which is that schools and health providers sometimes refuse to honor a valid affidavit despite its legal standing. To combat this, *this bill* includes new, explicit notices within the affidavit form that reaffirm its legal authority and the obligations of institutions to recognize it.

Guardianships. Under current law, a traditional guardianship suspends parental rights and assigns full legal authority over the child to a guardian. Specifically, current law allows courts to appoint joint guardians, including a specific form of joint guardianship for a parent diagnosed with terminal illness. In such cases, the parent and the nominated guardian share custody until the parent passes away. Current law also permits temporary guardianships, but only as a bridge while a full guardianship petition is pending.

However, there is a gap in current law, which is that if a parent anticipates becoming temporarily unavailable—due to detention, illness, military deployment, or incarceration—but does not want their parental rights suspended, there is no clear legal mechanism for a court to authorize shared caregiving. While an affidavit provides limited authority, it is not a court order and may not be honored by schools or health care providers.

To address this gap, *this bill* creates a new form of joint guardianship that allows a custodial parent to pre-authorize a guardian to step in temporarily without relinquishing parental rights. This was originally proposed in the context of immigration-related absences, but *this bill* has since expanded to apply to any temporary absence, including medical treatment, military service, or incarceration. Key features of the new joint guardianship structure include:

- 1) *Custodial parent and guardian share authority.* The court may appoint both the parent and the nominated guardian as joint guardians. The guardian’s role becomes active only when a

specified “activating event” (e.g. immigration detention) has occurred. The parent retains legal custody unless otherwise stated;

- 2) *Limitations on noncustodial parent objection.* As with current law for terminal illness cases, the court may not approve a joint guardianship over the objection of a noncustodial parent unless it finds that giving custody to the noncustodial parent would be detrimental to the child;
- 3) *Automatic activation upon triggering event.* Once the activating event occurs, the guardian is immediately empowered to assume their duties. This allows for a seamless transition of care during emergencies;
- 4) *Simplified termination process.* Unlike traditional guardianships, the new model presumes that the guardianship should end once the activating event no longer prevents the parent from providing care. This eases the process of returning full caregiving authority to the parent;
- 5) *Enhanced privacy protections.* Given the sensitive nature of many potential triggering events (especially those involving immigration), *this bill* imposes confidentiality requirements for all court records related to this guardianship type. This ensure families can use this tool without fear of exposure to immigration enforcement or public scrutiny; and,
- 6) *Conforming code changes.* *This bill* makes changes to existing law, allowing a parent’s nomination of a guardian to take effect upon the occurrence of an activating event.

This new guardianship option sits between two existing frameworks: traditional guardianships, which fully suspend parental rights, and the limited powers granted under an affidavit. *This bill* offers a court-recognized, flexible solution for parents who need to temporarily transfer caregiving responsibilities without surrendering their rights. While it lacks a set endpoint—as in the case of a terminal illness—it fills a gap by supporting family continuity and child stability during a temporary crises.

Author’s Statement: According to the Author, “Families across the state and nation are facing the terrifying possibility of separation due to immigration actions by the current presidential administration. As we have seen, anyone can be detained and deported. In the event that this happens to a parent when their children are at school or childcare, it is critical that there are plans and tools in place to provide stability and prevent additional childhood trauma. No child should face uncertainty if a parent is detained. [This bill] strengthens protections, increases preparedness, and provides clear guidance for caregivers and institutions.”

Equity Implications: By creating legal mechanisms that help families plan for temporary absences, such as detention, deportation, incarceration, or medical emergencies, *this bill* seeks to address longstanding structural inequities that disproportionately affect marginalized groups.

Immigrant parents, especially those who are undocumented or part of mixed-status families, often live under the constant threat of sudden separation from their children. Existing legal tools, like traditional guardianships or caregiver affidavits, are either rigid, burdensome, or not universally honored by institutions. As a result, children in these communities are more likely to face disruptions in education, healthcare, and caregiving because there is no recognized adult with legal authority to act on their behalf in an emergency.

By expanding the definition of who may be issued an affidavit and creating a new, flexible form of joint guardianship, *this bill* acknowledges and affirms the reality that families come in many forms—including kinship networks, extended family, and trusted community members. This shift reduces reliance on the foster care system and minimizes the trauma associated with family separation.

Importantly, *this bill* also imposes confidentiality protections to safeguard sensitive information from immigration enforcement on school campuses and licensed child daycare facilities, which may help ensure that families can safely access these legal tools without fear of surveillance or retaliation. Taken together, these provisions help to equalize access to stability, care, and due process, especially for those who have historically been left out of the legal and child welfare systems.

Double referral: This bill was previously heard by the Assembly Judiciary Committee on April 22, 2025, and was approved on a 9-1-2 vote.

RELATED AND PRIOR LEGISLATION:

AB 49 (Muratsuchi) of the current legislative session, prohibits public school employees and officials from allowing an officer or employee of an agency conducting immigration enforcement from entering school sites without valid identification and a valid, signed judicial warrant, and having received approval from the superintendent of the school district or county office of education, or the principal of a charter school. Also requires that officers or employees of the agency conducting immigration enforcement who meet these requirements be limited to accessing facilities where students are not present. *AB 49 is set to be heard by the Assembly Committee on Judiciary on April 29, 2025.*

AB 1025 (Pellerin) of the current legislative session, permits a custodial parent or legal guardian to designate a standby guardian to care for their minor child in the event of an adverse immigration action, such as detention or deportation. Provides that the designation becomes effective upon such an action and is formalized through a court process, ensuring temporary guardianship without terminating parental rights and maintaining legal safeguards for the child's wellbeing. *AB 1025 is set to be heard by the Assembly Judiciary Committee on April 29, 2025.*

AB 419 (Connolly) of the current legislative session, requires school sites and LEAs to post specified immigration-related know your rights information. *AB 419 is pending before the Assembly Appropriations Committee.*

AB 85 (Essayli) of the current legislative session, requires law enforcement officials to cooperate with immigration authorities by detaining and transferring an individual and providing release information if a person has been convicted of a felony. *AB 85 was referred to the Assembly Committee on Public Safety and the hearing was canceled at the request of the author.*

SB 48 (Gonzalez) of the current legislative session, an urgency measure, prohibits an LEA and its personnel from granting U.S. immigration authorities access to a school site or its pupils or consenting to searches without a valid judicial warrant or court order. SB 48 further dictates how an LEA responds to requests from immigration authorities with or without a valid judicial warrant or court order. Lastly, SB 48 prohibits an LEA from disclosing any information about a student, their family and household, school employees, or teachers to immigration authorities

without a valid judicial warrant or court order. *SB 48 is set to be heard by the Senate Committee on Judiciary Committee on April 29, 2025.*

SB 98 (Pérez) of the current legislative session, requires the governing boards of LEAs, the California State University, each California Community College District, and each Cal Grant qualifying independent institution of higher education and requests the University of California Regents to issue a notification to specified individuals when the presence of immigration enforcement is confirmed on their respective campuses or school sites. *SB 98 is set to be heard by the Senate Committee on Appropriations on April 28, 2025.*

AB 699 (O'Donnell) Chapter 493, Statutes of 2017, see comments above.

SB 54 (de León), Chapter 495, Statutes of 2017, limited the involvement of state and local law enforcement agencies in federal immigration enforcement. Required the AG to publish model policies limiting assistance with immigration enforcement to the fullest extent possible consistent with federal and state law at public schools, public libraries, health facilities operated by the state or a political subdivision of the state, courthouses, Division of Labor Standards Enforcement facilities, the Division of Workers Compensation, and shelters, and ensuring that they remain safe and accessible to all California residents, regardless of immigration status. Required all public schools, health facilities operated by the state or a political subdivision of the state, and courthouses to implement the model policy or an equivalent policy.

REGISTERED SUPPORT / OPPOSITION:

Support

Alliance for Children's Rights (Co-Sponsor)
Public Counsel (Co-Sponsor)
A New Way of Life Re-entry Project
All of US or None Orange County
California Alliance of Caregivers
California WIC Association
Californians Together
Children's Law Center of California
Dependency Advocacy Center
Early Edge California
Families Inspiring Reentry & Reunification 4 Everyone (FIR4E)
Immigrant Defenders Law Center
Immigration Center for Women and Children
John Burton Advocates for Youth
Los Angeles Dependency Lawyers, INC.
The Children's Partnership
Vision Y Compromiso (UNREG)

Opposition

None on file.

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