

Date of Hearing: April 14, 2026

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Alex Lee, Chair

AB 2379 (Solache) – As Amended March 23, 2026

SUBJECT: Family daycare homes: Fourth Amendment training

SUMMARY: Requires the California Department of Social Services (CDSS) to notify and provide multilingual training, through an experienced statewide entity, to licensed and license-exempt family daycare home providers on their constitutional Fourth Amendment rights related to searches, seizures, and immigration enforcement interactions, without imposing penalties for noncompliance. Specifically, **this bill:**

- 1) Requires CDSS to notify all licensed and license-exempt family daycare home providers of a person's rights under the Fourth Amendment to the United States (U.S.) Constitution.
- 2) Requires the notice to include, but not be limited to, information relating to the protections against searches and seizures of a home and detentions and arrests of a person in a home by local, state, or federal law enforcement officers and employees, including the U.S. Immigration and Customs Enforcement (ICE), without providing valid identification, a written statement of purpose, and a valid judicial warrant.
- 3) Requires this notification to be developed and provided in coordination with the training required pursuant to 4) through 8) below.
- 4) Requires CDSS, with the concurrence of any exclusive representative for licensed and license-exempt family daycare home providers, to designate a statewide entity that has recent and significant experience in providing plain language, accessible childcare worker training in multiple languages to develop and provide a training program about the rights and responsibilities of a family daycare home related to a person's rights under the Fourth Amendment to the U.S. Constitution.
- 5) Requires the training program to include the policies limiting assistance with immigration enforcement at licensed child daycare facilities, published pursuant to existing law governing family preparedness in licensed child daycare facilities.
- 6) Requires, commencing July 1, 2026, the designated statewide entity to offer the training program to licensed and license-exempt family daycare home providers.
- 7) Requires family daycare home providers that are licensed on the date that the act added these provisions becomes effective to complete this training no later than June 30, 2027, and family daycare home providers that are licensed after the date that the act added these provisions becomes effective to complete this training within 12 months of their initial licensing.
- 8) Provides that a violation pursuant to 1) through 7) above is not subject to criminal, civil, or administrative penalties.

- 9) Provides that this act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are to ensure guaranteed access to vital childcare without fear of harassment, intimidation, or unwarranted searches by U.S. ICE officials, it is necessary that this act take effect immediately.

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 it is the intent of the legislature that all families have access to childcare and development services, through resource and referral services 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) Specifies the purposes of the California Child Day Care Facilities Act, which include streamlining the administration of childcare licensing and thereby increasing the efficiency and effectiveness of this system; and, encouraging the development of licensing staff with knowledge and understanding of children and childcare needs. (Health and Safety Code [HSC] § 1596.73)
- 4) Prohibits, except as required by state or federal law or as required to administer a state or federally supported educational program, licensed child daycare facilities, employees of licensed child daycare facilities, and license-exempt California State Preschool Program (CSPP) facilities from collecting information or documents regarding citizenship or immigration status of children or their family members. (HSC § 1597.640(a))
- 5) Requires the owner, operator, or administrator of a licensed child daycare facility, as applicable, to report to CDSS and Attorney General (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 immigration laws in a manner that ensures the confidentiality and privacy of any potentially identifying information. (HSC § 1597.640(b)(1)(A))
- 6) 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. (HSC § 1597.640(f)(1))
- 7) Requires CDSS to inform licensed child daycare facilities, and the California Department of Education (CDE) to inform license-exempt CSPP facilities, of the AG's model policies. (HSC § 1597.640(g)(1))
 - 8) Requires a licensed child daycare facility and license-exempt CSPP facilities to ensure parents or authorized representatives of children in care are aware of the model policies published by the AG, including, but not limited to, how to obtain a copy of the model policies. (HSC § 1597.640(g)(3))
 - 9) Requires CDSS to inform licensed child daycare facilities and CDE to inform license-exempt CSPP facilities of any revisions or updates to the model policies when the applicable department is notified by the AG of updates to the model policies. (HSC § 1597.640(h)(2))

Federal law:

- 10) Provides that the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized. (Fourth Amendment of the U.S. Constitution)

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

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

Background: *California's Immigrant Population.* California is home to the largest immigrant population in the U.S., with nearly 11 million immigrants residing in the state, representing about 28% of the state's total population. According to the Public Policy Institute of California, the vast majority of immigrants in California are lawfully present residents, and in 2023 about 80% of documented immigrants were either naturalized citizens or had other legal statuses, such as lawful permanent residents or visa holders, down from 83% in 2022¹ Almost half (44%) of California children have at least one immigrant parent.

Licensed Childcare. The California Child Day Care Facilities Act governs the licensure, maintenance, and operation of childcare centers and family childcare homes (FCCHs) in the state. This law and the associated regulations found in Title 22 of the California Code of

¹ <https://www.ppic.org/publication/immigrants-in-california/>

Regulations establish, among other things, health and safety requirements, staff-to-child ratios, and provider training requirements. CDSS' Community Care Licensing Division licenses and monitors childcare facilities. FCCHs are operated in a provider's home and provide care to as many as 14 children in a family-like setting, while centers are typically located in commercial buildings, schools, religious facilities, or public buildings and serve larger groups of children. CDSS reports that 128,879 Californian children were enrolled in FCCHs with an additional 93,705 served in a center as of October 2025.

Federal Immigration Enforcement at Protected Locations. Since 1993, the federal government had maintained policies discouraging immigration enforcement at "sensitive locations," including schools, places of worship, and early childhood programs such as licensed childcare, preschool, and Head Start programs. In 2011, the federal Department of Homeland Security (DHS) reaffirmed this policy, stating that enforcement actions at these locations should only occur under exigent circumstances, when operations lead to such locations, or with prior approval.

In October 2021, DHS issued updated guidance establishing "protected areas," which expanded the list to sensitive locations to include social service providers and places where children gather, like playgrounds. Under this policy, immigration agents were prohibited from conducting enforcement actions in or near these locations except in limited circumstances and were instructed to avoid actions that could deter individuals from accessing these services.

However, on January 20, 2025, the Trump administration on his first day in office rescinded the protected areas policy, eliminating restrictions on immigration enforcement at locations like early childhood programs, schools, and churches.² On January 21, 2025, a followed up memo stated that federal law prohibits state and local interference with lawful immigration actions.³ A DHS spokesperson further stated immigration officers would no longer be restricted from making arrests in schools or churches, asserting that prior protections allowed "criminals" to avoid arrest and that officers should be trusted to use "common sense."⁴ Since the rescission of the protected areas policy, news reports have documented immigration enforcement activity around schools, hospitals, and other sites previously designated as protected areas.

Concerns about immigration enforcement near childcare facilities and schools have been linked to decreased school attendance, reduced participation in early childhood programs, and broader economic instability when parents miss work or lose employment due to fear of enforcement activity.⁵ Early childhood programs often provide not only education and care, but also connections to nutrition programs, health services, and family support services, meaning reduced participation can affect both children's development and family stability. In some documented cases, ICE officers have detained parents after they dropped their children off at school, reinforcing concerns among families that educational settings may not be safe from enforcement activity. A report by the Center for American Progress found that children of undocumented

² https://www.dhs.gov/sites/default/files/2025-03/25_0120_S1_enforcement-actions-in-near-protected-areas.pdf

³ https://www.washingtonpost.com/documents/2f9af176-72c5-458a-adc4-91327aa80d11.pdf?itid=hp-top-table-high_p001_f002

⁴ <https://www.dhs.gov/news/2025/01/21/statement-dhs-spokesperson-directives-expanding-law-enforcement-and-ending-abuse>

⁵ https://www.clasp.org/wp-content/uploads/2025/01/2025_safespacesguide-v3_April-Final.pdf

parents internalize a sense of vulnerability from an early age,⁶ particularly when families avoid schools, childcare, or public services due to fear of deportation. While early childhood programs provide safe and supportive environments for children to learn and grow while parents work or attend school, these benefits depend on families feeling safe enough to enroll and participate.

California Attorney General Guidance to Schools on Immigration Enforcement. In response to concerns about immigration enforcement occurring at schools, California enacted AB 699 (O'Donnell), Chapter 493, Statutes of 2017, which required the AG to develop model policies for public schools that limit cooperation with immigration enforcement and required local education agencies (LEAs) to adopt those policies, among other things.

The AG first issued guidance in March 2018 to help K-12 schools understand their obligations to protect student privacy and rights and respond to immigration enforcement actions on school campuses. Updated guidance was later issued on February 4, 2025, and March 17, 2026, reaffirming that schools should be safe and supportive spaces for all students, regardless of immigration status. The guidance⁷ outlines procedures for school staff if immigration officers come to campus, including notifying administrators, requesting credentials and documentation, not consenting to entry without a judicial warrant or exigent circumstances, documenting any enforcement activity, notifying parents or guardians when appropriate, and reporting the incident to the California Department of Justice. The guidance also includes recommendations related to family preparedness planning and providing resources to immigrant students and families about their educational rights.

AB 495 (C. Rodriguez), Chapter 664, Statutes of 2025, later extended similar requirements to programs operated by LEAs, including CSPPs, by requiring schools to provide families with information about educational rights regardless of immigration status, family preparedness resources, the AG model policies, and to post and distribute this information to parents.

State Policy on Immigration Enforcement at Licensed Childcare Facilities. While California established statewide guidance and procedures for K-12 schools through AB 699, these requirements did not initially extend to licensed child daycare facilities and license-exempt preschool settings until the implementation of AB 495. According to the AB 495 bulletin issued by the AG, AB 495 was intended to help families prepare for situations in which a parent or guardian becomes unavailable due to immigration enforcement, incarceration, military deployment, or other emergencies, and to ensure continuity of care for children.⁸

Under AB 495, licensed childcare facilities and license-exempt CSPP facilities are prohibited from collecting information or documents about the citizenship or immigration status of children or their family members, except as required by law. Facilities are required to report any requests from law enforcement for information or access related to immigration enforcement to CDSS or CDE and the AG, and are prohibited from providing personal information about children, staff, or families except to document the request to the appropriate state agencies. AB 495 also strengthened family preparedness requirements by requiring facilities to request that parents update emergency contact information, provide information related to guardianship or authorized

⁶ <https://www.americanprogress.org/wp-content/uploads/sites/2/2012/08/DrebyImmigrationFamiliesFINAL.pdf>

⁷ <https://oag.ca.gov/system/files/media/school-guidance-model-k12.pdf>

⁸ <https://oag.ca.gov/system/files/media/ab-495-bulletin.pdf>

caregivers in the event a parent becomes unavailable, and follow parental instructions regarding care to help ensure continuity of care and avoid unnecessary child welfare system involvement.

The AG is required to develop model policies limiting assistance with immigration enforcement at childcare facilities and license-exempt CSPP facilities by April 1, 2026, and CSPPs are required to adopt these policies by July 1, 2026.

California Attorney General Guidance to Childcare Facilities on Immigration Enforcement: Fourth Amendment Protections. According to the AG’s *Early Childhood Education and Child Care Providers Guidance and Model Policies*⁹ released on April 1, 2026, the Fourth Amendment to the U.S. Constitution protects homes and businesses, including childcare facilities, from unreasonable searches and seizures by immigration and other law enforcement officers. However, the level of protection depends on the location and whether a person has a reasonable expectation of privacy in the area officers are trying to enter. A reasonable expectation of privacy generally exists in private spaces, such as a home or nonpublic areas of a childcare facility, meaning law enforcement officers typically need a judicial warrant, consent, or specific legal justification to enter. In contrast, there is a much lower expectation of privacy in public spaces, such as sidewalks, parks, or areas open to the public, where officers may be present without a warrant.

Even if a childcare facility is open to the public in certain areas, such as a lobby or entry area, nonpublic areas where unauthorized visitors are not allowed, such as classrooms, offices, staff-only areas, and childcare spaces, generally have a higher expectation of privacy. Facilities may designate areas as nonpublic by restricting areas, locking doors, posting signage, or establishing visitor policies, although the determination of whether an area is public or nonpublic by the court ultimately depends on the factual circumstances and facility layout.

There are two major exceptions to the Fourth Amendment warrant requirement that may allow officers to enter or seize items without a judicial warrant, including exigent circumstances and plain view. Exigent circumstances are emergency, time-sensitive situations where an officer reasonably believes that someone may be in danger, a suspect may escape, or evidence may be destroyed before a warrant can be obtained. When entering under exigent circumstances, officers must limit their actions to addressing the emergency and may not conduct broader searches unrelated to the urgent situation.

Law enforcement or immigration officers may also view and seize items that are in plain view if they are lawfully present in the area. “Plain view” means that items or documents are clearly visible without searching, such as items visible in public areas of a facility or visible in nonpublic areas when officers are lawfully present there. If officers see items in plain view and reasonably believe they are related to illegal activity, they may seize those items. However, this exception does not allow officers to search or seize items in areas they entered unlawfully.

The AG guidance also explains the importance for childcare providers understanding the difference between ICE administrative warrants, judicial warrants, subpoenas, and court orders when responding to immigration enforcement requests because these documents provide different levels of legal authority. For example, an ICE administrative warrant does not authorize

⁹ <https://oag.ca.gov/system/files/media/ece-childcare-guidance-model-policies-public.pdf>

entry into nonpublic areas or access to records, while a federal judicial warrant issued by a judge may authorize entry, search, or arrest.

This bill requires CDSS to notify and train licensed and license-exempt family daycare home providers on Fourth Amendment rights and immigration enforcement interactions, requires providers to complete the training by June 30, 2027, for existing licensees and within 12 months of initial licensure for new providers, and provides that a violation is not subject to criminal, civil, or administrative penalties.

Author’s Statement: According to the Author, “[This bill] builds on existing sensitive location protections by ensuring family child care providers have the information and tools they need to protect themselves, the children in their care, and the families they serve. By educating providers of their constitutional rights, the bill helps keep child care doors open and safe from intimidation, misinformation, and unlawful searches or arrests by law enforcement, including federal immigration authorities.

“Consistent statewide notice and training is needed to eliminate confusion and alleviate fear among providers, particularly in immigrant communities. Requiring the Department of Social Services to provide clear notice to family day care home providers regarding their constitutional rights when law enforcement or immigration authorities seek entry into a home-based child care setting and providing multilingual training to providers will help to prevent disrupted access to child care for families.”

Equity Implications: According to the Center for the Study of Child Care Employment, there were around 24,700 family childcare providers in 2020, with nearly 95% being women and 52% speaking other languages.¹⁰ These family childcare providers also have limited access to legal resources or formal training on constitutional rights and interactions with immigration enforcement. *This bill* may promote equity by ensuring that licensed and license-exempt family daycare home providers receive accessible, multilingual training on Fourth Amendment rights and immigration enforcement interactions, which may help providers better understand their rights and responsibilities and reduce confusion or fear when interacting with immigration enforcement.

Families who rely on family childcare homes may include immigrant and mixed-status households who may be particularly sensitive to immigration enforcement activity. Providing training to providers may help ensure that providers understand when immigration enforcement may or may not enter private homes used for childcare, which may help protect the privacy and safety of children and families and support continued participation in childcare and early learning programs. Because family childcare homes operate in private residences rather than commercial facilities, providers may face unique legal and safety concerns related to searches, entry into the home, and interactions with law enforcement. Providing training and information may help ensure these providers have the same access to information and protections as larger childcare centers or school-based programs.

Double referral: Should this bill pass out of this committee, it will be referred to the Assembly Committee on Judiciary.

¹⁰ <https://cscce.berkeley.edu/publications/fact-sheet/profiles-of-the-california-early-care-and-education-workforce-2020/#:~:text=Demographics,Read%20the%20full%20report>.

Arguments in Support: According to Parent Voices, “[This bill] builds on California’s existing sensitive location protections by ensuring providers receive clear, accessible information about their Fourth Amendment rights. The bill requires the Department of Social Services to notify licensed and license-exempt family child care providers of their rights and to coordinate a plain-language, multilingual training program delivered by an experienced statewide child care entity. This training will help providers understand their rights regarding searches, seizures, arrests, and detentions in their homes, ensuring consistent statewide guidance.

“By educating providers about their constitutional rights, [This bill] helps keep child care doors open, protects access to care for working families, and ensures providers are not subjected to intimidation, misinformation, or unlawful searches by law enforcement, including federal immigration authorities.”

Arguments in Opposition: None on file.

RELATED AND PRIOR LEGISLATION:

AB 2230 (Ávila Farías) of the current legislative session, among other things, prohibits licensed child daycare facility employees from allowing immigration enforcement from entering a licensed child daycare facility without a judicial warrant, subpoena, or a court order and prohibits immigration enforcement personnel from being stationed within 100 feet of a licensed child daycare facility except in tasks related to the immigration enforcement personnel’s own children. Provides that an immigration enforcement personnel who makes a violation is guilty of a felony punishable by a fine of up to \$10,000 and imprisonment of two, three or five years. *AB 2230 is set to be heard by the Assembly Committee on Human Services on April 14, 2026.*

AB 495 (C. Rodriguez), Chapter 664, Statutes of 2025, required schools and licensed child daycare facilities to adopt model policies developed by the AG regarding interaction with immigration enforcement authorities, and requires the AG to develop those model policies.

AB 49 (Muratsuchi), Chapter 122, Statutes of 2025, prohibited local educational agencies from allowing immigration enforcement to enter nonpublic areas of a schoolsite without providing a valid judicial warrant, judicial subpoena, or court order.

AB 419 (Connolly), Chapter 663, Statutes of 2025, required LEAs to pose “Know Your Educational Rights,” Immigration-Enforcement Action at California Schools Guide, in the administrative building of each schoolsite and to pose the guide on its website and on the websites of each school site in every language that the AG provides.

AB 450 (Chiu), Chapter 492, Statutes of 2017, prohibits an employer from providing access to a federal government immigration enforcement agent to any nonpublic areas of a place of labor if the agent does not have a warrant.

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, among other facilities, and ensured that they remain safe and accessible to all California residents, regardless of immigration status.

REGISTERED SUPPORT / OPPOSITION:

Support

California State Council of Service Employees International Union (SEIU California) (Co-Sponsor)

Child Care Providers United (Co-Sponsor)

UDW/AFSCME Local 3930 (Co-Sponsor)

Alameda County Office of Education

American Federation of State, County and Municipal Employees, Afl-cio

Early Edge California

Kidango

Parent Voices California

PEACH

UnidosUS

Opposition

None on file.

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