
THIRD READING

Bill No: AB 2230
Author: Ávila Farías (D)
Amended: 8/21/26 in Senate
Vote: 21

SENATE HUMAN SERVICES COMMITTEE: 5-0, 6/29/26

AYES: Becker, Ochoa Bogh, Laird, Pérez, Weber Pierson

ASSEMBLY FLOOR: 60-15, 5/27/26 - See last page for vote

SUBJECT: Child daycare facilities

SOURCE: Author

DIGEST: This bill 1) prohibits employees of a licensed child daycare facility from providing voluntary consent to a law enforcement officer to enter a nonpublic area of a licensed child daycare facility unless presented with a valid judicial warrant, judicial subpoena, or a court order or if exigent circumstances exist; and 2) requires employees of a licensed child daycare facility to request valid information from a law enforcement officer seeking to enter a nonpublic area of a licensed child daycare facility.

Senate Floor Amendments of 8/21/26 specify that this bill does not prevent a child care facility from cooperating with law enforcement officers participating in a licensing inspection or investigation or investigating potential criminal conduct discovered as the result of a licensing inspection or investigation conducted by the Child Care and Development Services (CDSS).

ANALYSIS:

Existing law:

- 1) 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 United States Constitution)

- 2) Establishes the Child Care and Development Services Act to provide a comprehensive, coordinated, and cost-effective system of child care and development services for children from infancy 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 § 10207 et seq.)
- 3) Establishes the California Child Day Care Facilities Act to create a separate licensing category for child daycare centers and family day care homes within the existing licensing structure at CDSS. (Health and Safety Code [HSC] §1596.70 et seq.)
- 4) Defines “child daycare facility” to mean a facility that provides nonmedical care to children under 18 years of age in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a 24-hour basis. Child daycare facilities include daycare centers, employer-sponsored child care centers, and family daycare homes. (HSC § 1596.750)
- 5) Defines “daycare center” as a child daycare facility other than a family day care home, and includes infant centers, preschools, extended day care facilities, and schoolage child care centers, and includes child care centers with a single license. (HSC § 1596.76)
- 6) Defines “family daycare home” as a facility that regularly provides care, protection, and supervision for 14 or fewer children, in the provider’s own home, for periods of less than 24 hours per day, while the parents or guardians are away, and is either a large family day care home or a small family day care home, as defined. (HSC § 1596.78)
- 7) Prohibits any person or entity operating a child daycare facility from providing care or supervision without a valid license from the CDSS. (22 California Code of Regulations § 101156(a))
- 8) Requires the licensee or administrator of a licensed child daycare facility to report to CDSS and the Attorney General any requests for information or access to the facility by an officer or employee of a law enforcement agency for the

purpose of immigration enforcement. Prohibits a licensee or administrator from providing personal information, as defined, of staff, children in care, or their relatives and family members. (HSC § 1597.640(b)(1)(A))

- 9) Requires the Attorney General, by April 1, 2026, in consultation with the appropriate stakeholders, as specified, 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 those facilities remain safe and accessible to all California residents, regardless of immigration status. Requires the Attorney General to consider certain issues when developing the model policies, as specified. (HSC § 1597.640(f))
- 10) Requires CDSS to inform licensed child daycare facilities of the model policies published by the Attorney General. Requires a licensed child daycare facility to ensure parents or authorized representatives of children in care are aware of the model policies published by the Attorney General. (HSC § 1597.640(g))
- 11) Requires a licensed child daycare facility to provide a child's parent or authorized representative with information about how to access the model policies as best practices guidance. Requires CDSS to inform licensed child daycare facilities of any revisions or updates to the model updates. Requires any information, policies, or guidance provided by facilities to parents or authorized representatives to be revised as necessary, as specified. (HSC § 1597.640(h))

This bill:

- 1) Makes findings and declarations about untargeted arrests and brutality by United States Immigration and Customs Enforcement officers and the need to ensure child care facilities are safe and free from violence.
- 2) Prohibits employees of a licensed child daycare facility, except as required by state or federal law or as required to administer a state or federally supported early care and learning program, from providing voluntary consent to a law enforcement officer to enter a nonpublic area of a licensed child daycare facility unless presented with a valid judicial warrant, judicial subpoena, or a court order or if exigent circumstances exist.
- 3) Requires any employee of a licensed child daycare facility, to the extent practicable, to request a valid identification from a law enforcement officer seeking to enter a nonpublic area of a licensed child daycare facility.

- 4) Provides that 2) and 3) above do not apply to law enforcement officers who are complying with the requirements of the Child Abuse and Neglect Reporting Act.
- 5) Provides that 2) and 3) above shall not be construed to limit a licensed child daycare facility or employee's right to consult with counsel or challenge the validity of a warrant, subpoena, or court order in a court of competent jurisdiction.
- 6) Provides that a violation of this act is not subject to criminal, civil, or administrative penalty, and shall not result in a licensee being subject to citation under this act.
- 7) Provides that this act does not prevent a child care facility from cooperating with law enforcement officers who are participating in a licensing inspection or investigation or investigating potentially criminal conduct discovered as the result of a licensing inspection conducted by CDSS.

Background

Purpose of the Bill. According to the author, "ICE has terrorized California residents, U.S. citizens and non-citizens alike, through untargeted arrests and brutality based on nothing more than a person's racial appearance, language spoken, occupation, and exercise of First Amendment-protected expression. As a result, we've seen children held hostage and used as bait to lure family members from their homes. Families do not deserve to face fear, uncertainty, and potential disruptions to their children's education and lives. Childcare facilities should remain safe locations where all children, regardless of immigration status, can learn and thrive without fear of enforcement actions. AB 2230 will ensure that childcare facilities are free from violence and intimidation by prohibiting ICE agents from entering these spaces without a valid judicial warrant."

Subsidized Child Care in California. California's subsidized child care system is designed to provide assistance for income eligible parents and guardians who are working, in training, seeking employment, incapacitated, or in need of respite. Subsidized child care is available through a number of programs, which are provided at either a licensed family child care home, a licensed child care center, or at a license-exempt provider's home.

Families are considered income eligible for subsidized child care programs if the family's adjusted monthly income is at or below 85 percent of the State Median

Income, adjusted for family size, as calculated by the Department of Finance. However, the number of income eligible children exceeds the amount of funding available for subsidized care. According to the Legislative Analyst's Office, the 2025–26 state budget provided \$7.4 billion for child care programs and \$2.8 billion for State Preschool. According to the California Budget and Policy Center, only 11% of children eligible for subsidized child care received services in 2022.

Child Care Facilities. A family child care home is a child care business that is operated in the licensee's own home. Statute defines a child care center as a child care facility other than a family child care home. Child care centers are usually located in commercial buildings. Child care centers may have multiple classrooms, enabling them to serve more children than family child care homes. State law requires family child care homes and child care centers to be licensed to operate. Licensing statutes and regulations dictate various requirements for family child care homes and child care centers, including teacher-to-child ratios, maximum capacity, health and safety requirements, and employee training requirements, among others. If a licensee is found to be in violation of licensing requirements, they will receive a citation and may be subject to a fine.

As of April 2026, there were 44,256 licensed child care facilities (including both family child care homes and child care centers) with a total capacity to serve 1,093,002 children. This represents a 2% year-over-year increase in the number of facilities and a 1% year-over-year increase in capacity to serve children.

Early Childhood Education and Child Care Providers Guidance and Model Policies. On April 1, 2026, the Office of the Attorney General published guidance and model policies for child care providers to keep child care facilities safe and accessible to all children and families in California, regardless of immigration status. The guidance includes several chapters to address the questions related to immigration enforcement for child care providers. The guidance also includes a detailed appendix with examples of warrants, subpoenas, and other enforcement documents; a summary of confidentiality laws; a “know your rights” guide for families; a quick reference best practices checklist and a quick reference requirements checklist; and a list of resources.

The model guidelines cover several key topics related to this bill, including voluntary consent, what constitutes a nonpublic space, and what constitutes an exigent circumstance. According to the model guidelines:

- Voluntary consent depends on the specific circumstances of the interaction between an employer and the immigration enforcement agent. Courts look at the words and actions of both parties to decide if consent was voluntary. For consent to be voluntary, it cannot be the result of duress or coercion, meaning you cannot force or intimidate someone into consenting using violence or threats, whether direct or implied.
- Unless part of the child care facility is open to the general public, the entire facility is considered a nonpublic space. Nonpublic spaces generally have greater protection from warrantless searches. All child care facilities (whether based in a home, center, or school) should post signs clearly identifying the nonpublic areas of their premises. For home-based providers, your entire facility is likely to be nonpublic space. For center and school-based providers, public space is only those parts of your facility where anyone can enter without permission, such as an entry or lobby area. However, these may still be nonpublic if you restrict access, for example, if they are locked and require approval for entry.
- In urgent “exigent” situations, immigration and law enforcement agents may enter a facility without a judicial warrant. An exigent circumstance is a time-sensitive situation in which an agent believes that people or evidence may disappear, or that someone may be harmed before they can obtain a judicial warrant. An agent entering an area due to exigent circumstances must limit searches and seizures to investigating the urgent incident.

This bill would prohibit employees of a licensed child daycare facility from providing voluntary consent to a law enforcement officer to enter a nonpublic area of the facility unless presented with valid documentation or if exigent circumstances exist. This bill would additionally require employees of a licensed child daycare facility to request valid identification from a law enforcement officer seeking to enter a nonpublic area of a licensed child daycare facility.

Comments

This bill seeks to reinforce the Fourth Amendment right to be free from unreasonable search and seizure at licensed child care facilities. On June 6, 2025, U.S. Immigration and Customs Enforcement (ICE) conducted a series of immigration raids across the Los Angeles area, leading to dozens of arrests. According to the Los Angeles Times, almost three-quarters had no criminal convictions, and more than half had never been charged with a crime. Additionally, a survey of 330 Mexican citizens in local detention centers found that half of

respondents had lived in the U.S. for at least 10 years. In some cases, ICE has detained U.S. citizens. These indiscriminate acts of profiling by ICE agents have caused heightened anxiety in immigrant communities and communities of color.

Fears about immigration enforcement are especially relevant to family child care providers, many of whom are immigrants. According to a 2025 survey by the UC Berkeley Center for the Study of Child Care Employment, 44% of family child care providers were born in another country, and only 18% of those surveyed were white. This bill would ensure that both licensed and license-exempt family child care providers have access to information and training about their Fourth Amendment rights.

This bill builds upon recent legislation to require licensed child care facilities to adopt model policies developed by the Attorney General and to prohibit local educational agencies from allowing immigration enforcement officer to enter nonpublic areas of a schoolsite without valid documentation.

Related/Prior Legislation

AB 2379 (Solache) would require CDSS to notify all licensed and license-exempt family daycare home providers of a person's right under the Fourth Amendment of the United States Constitution. AB 2379 would require CDSS to designate a statewide entity to develop and provide a training program and require licensed family daycare home providers to complete this training within 12 months. The bill is pending on the Senate Floor.

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

AB 495 (Celeste Rodriguez, Chapter 664, Statutes of 2025) established the Family Preparedness Plan Act of 2025, which, in part, required licensed child daycare facilities to adopt model policies developed by the Attorney General regarding interaction with immigration enforcement authorities and required the Attorney General to develop those model policies.

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

FISCAL EFFECT: Appropriation: No Fiscal Com.: No Local: No

SUPPORT: (Verified 8/21/26)

California Democratic Party
First 5 Association of California
Fresno Unified School District

OPPOSITION: (Verified 8/21/26)

None received

ASSEMBLY FLOOR: 60-15, 5/27/26

AYES: Addis, Aguiar-Curry, Ahrens, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Connolly, Elhawary, Fong, Gabriel, Garcia, Gipson, Mark González, Haney, Harabedian, Hart, Irwin, Jackson, Kalra, Krell, Lee, Lowenthal, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Michelle Rodriguez, Rogers, Blanca Rubio, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

NOES: Chen, DeMaio, Dixon, Ellis, Flora, Gallagher, Hadwick, Hoover, Johnson, Lackey, Macedo, Patterson, Sanchez, Ta, Tangipa

NO VOTE RECORDED: Alanis, Castillo, Davies, Jeff Gonzalez, Celeste Rodriguez

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8/24/26 11:36:55

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