Date of Hearing: April 21, 2026

ASSEMBLY COMMITTEE ON JUDICIARY
Ash Kalra, Chair
AB 2379 (Solache) – As Amended March 23, 2026

SUBJECT: FAMILY DAYCARE HOMES: FOURTH AMENDMENT TRAINING

KEY ISSUES:

1) SHOULD THE DEPARTMENT OF SOCIAL SERVICES BE REQUIRED TO INFORM FAMILY DAYCARE HOME PROVIDERS OF INDIVIDUAL RIGHTS UNDER THE FOURTH AMENDMENT?

2) SHOULD FAMILY DAYCARE HOME PROVIDERS BE REQUIRED TO COMPLETE A TRAINING RELATED TO RIGHTS ENSURED UNDER THE FOURTH AMENDMENT PROVIDED BY THE DEPARTMENT IN COLLABORATION WITH A DESIGNATED ENTITY?

SYNOPSIS

The Fourth Amendment to the United States Constitution ensures the right of individuals to be secure in their person and property, and prohibits the government from searching either absent a warrant. Since May 2025, Immigration and Customs Enforcement (ICE) has been operating pursuant to a memo directing agents that they can engage in home searches and arrests absent a judicial warrant, so long as they have an administrative warrant. The distinction between an administrative and judicial warrant is significant, as only a judicial warrant is signed by a neutral arbiter. Following in the tradition of bills seeking to empower daycares and schools that host children of immigrant and nonimmigrant families alike, this bill requires the Department of Social Services to notify family daycare home providers of their rights under the Fourth Amendment; develop a training for daycare home providers regarding the protections of the Fourth Amendment; and requires providers to complete the training on a specified timeline.

This bill is sponsored by Child Care Providers United, SEIU-California, and United Domestic Workers/AFSCME Local 3930. It is additionally supported by a number of child care provider representatives, labor unions, and the Alameda County Office of Education. There is no known opposition. This bill was previously heard by the Assembly Committee on Human Services where it was approved on a vote of 5-0.

SUMMARY: Requires the Department of Social Services to develop and provide a training for family daycare home providers regarding individual rights under the Fourth Amendment. Specifically, **this bill**:

1) Requires the Department of Social Services (DSS) to notify all licensed and license-exempt family daycare home providers of a person's rights under the Fourth Amendment to the United States Constitution. Requires the notice to include, but is not 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 United States Immigration and Customs Enforcement, without providing valid identification, a written statement of purpose, and a valid judicial warrant.

2) Requires the notification in 1) to be developed and provided in coordination with the training required pursuant to 3).

3) Requires the department, 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 United States constitution, as described in 1). Requires the training program to include the policies limiting assistance with immigration enforcement at licensed child daycare facilities, published pursuant to Health and Safety Code Section 1597.640.

4) Requires the designating program described in 3) to licensed and license-exempt family daycare home providers, commencing July 1, 2026. Requires family daycare home providers that are licensed on the date that the act that added this section becomes effective to complete the training no later than June 30, 2027, and requires family daycare home providers that are licensed after the date that the act that added this section becomes effective to complete the training within 12 months of their initial licensing.

5) Exempts a violation of this section from enforcement via criminal, civil, or administrative penalties.

6) Includes an urgency clause and makes relevant findings regarding the facts constituting the necessity.

EXISTING 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) Section 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 Section 10207.5.)

3) 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. (Health and Safety Code Section 1597.640 (a).)

4) Requires the owner, operator, or administrator of a licensed child daycare facility, as applicable, to report to DSS 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. (Health and Safety Code Section 1597.640 (b)(1)(A).)

5) 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. (Health and Safety Code Section 1597.640 (f)(1).)

6) Requires DSS 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. (Health and Safety Code Section 1597.640 (g)(1).)

7) 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. (Health and Safety Code Section 1597.640 (g)(3).)

8) 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: As currently in print this bill is keyed fiscal.

COMMENTS: Since at least 2007, Immigrations and Customs Enforcement (ICE) had considered schools to be "sensitive locations," and sharply restricted ICE activity at or surrounding schools absent exigent circumstances. The Biden administration reiterated that restriction in a 2021 memo that directed "[t]o the fullest extent possible, [ICE and CBP] should not take enforcement action in or near a location that would restrain people's access to essential services or engagement in essential activities. Such a location is referred to as a 'protected area.'" The memo went on to describe a number of protected areas, including "a school, such as a pre-school, primary or secondary school, vocational or trade school, or college or university." In justifying the directive, the memo stated the "need to consider the fact that an enforcement action taken near – and not necessarily in—the protected area can have the same restraining impact on an individual's access to the protected area itself. […] The fundamental question is whether our enforcement action would restrain people from accessing the protected area to

receive essential services or engage in essential activities." (U.S. Department of Homeland Security, *Guidelines for Enforcement Actions in or Near Protected Areas*, October 27, 2021 available at: https://www.dhs.gov/sites/default/files/2022-06/ICE%20-%20Immigration%20Enforcement%20at%20Sensitive%20Locations.pdf.)

On January 21, 2025, the first full day of the second Trump administration, Acting Department of Homeland Security (DHS) Secretary Benjamine Huffman rescinded the Biden directive stating that it "thwart[ed] law enforcement in or near so-called 'sensitive' areas.'" (U.S. Department of Homeland Security, *Statement from a DHS Spokesperson on Directives Expanding Law Enforcement and Ending the Abuse of Humanitarian Parole,* January 21, 2025 available at: https://www.dhs.gov/news/2025/01/21/statement-dhs-spokesperson-directives-expanding-law-enforcement-and-ending-abuse.) On January 31, 2025, DHS issued a new directive stating they were "not issuing rules regarding where immigration laws are permitted to be enforced. Instead […] the ICE Director charges Assistant Field Office Directors and Assistant Special Agents in Charge with responsibility for making case-by-case determinations regarding whether, where and when to conduct an immigration enforcement action in or near a protected area." (U.S. Department of Homeland Security, *ICE Directive Common Sense Enforcement Actions in or Near Protected Areas,* January 31, 2025 available at: https://www.ice.gov/about-ice/ero/protected-areas.) In March, the Department issued yet another directive reverting back to the 2021 policy only in relation to places of worship. (U.S. Department of Homeland Security, *Enforcement Actions in or Near Places of Worship – Injunction,* March 2025 available at: https://www.ice.gov/about-ice/ero/protected-areas.)

Last year the Legislature enacted a number of bills relating to ICE and immigration enforcement in and around schoolsites. As part of that package, AB 495 (Celeste Rodriguez) Chap. 664, Stats. 2025, applied existing standards imposed on local educational agencies (LEAs) to licensed day care facilities, restricting them from collecting students' and families' immigration-related information and requirements to follow care instructions on students' emergency contact information when a parent is unavailable to apply to licensed childcare facilities. AB 495 also required daycares to report requests by law enforcement to access the daycare center for immigration-related purposes to the Department of Social Services and the Attorney General.

This bill aims to further empower the state's parents, families, and daycare providers by requiring DSS to: 1) notify all licensed and license-exempt family daycare home providers of individual rights under the Fourth Amendment, specifically as to their protections against warrantless searches and seizures; and 2) develop and provide a training program for childcare workers about the rights and responsibilities of a family daycare home regarding individual rights under the Fourth Amendment, including the policies limiting assistance with immigration enforcement. The bill also requires licensed family daycare home providers to complete the training within a year of its availability or a year of licensure, and clarifies that any violation of the bill's provisions does not give rise to criminal, civil, or administrative penalties. Although proposed statutes with no enforcement mechanism often raise concern over their efficacy, the current bill is focused on promoting education and self-empowerment, rather than dissuading bad behavior. Therefore, avoiding punitive measures seems appropriate. According to the author:

> AB 2379 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.
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> 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.

ICE and the Fourth Amendment. The Fourth Amendment to the United States Constitution provides:

> 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.

Put more plainly, the Fourth Amendment generally promises individuals the security and privacy of their person and their property, and authorizes the government to search their person or property or conduct an arrest only if justified by probable cause. Courts have developed extensive jurisprudence on the Fourth Amendment and what may specifically constitute probable cause or what circumstances justify a warrantless search or arrest, but has time and again reaffirmed that a warrant is necessary to conduct a search of a person or private property, absent exigent circumstances. The Supreme Court has further held that a valid warrant must be signed by a neutral or detached magistrate. (*Coolidge v. New Hampshire* (1971) 403 U.S. 443.)

Historically, it has been widely understood that Immigration and Customs Enforcement (ICE) and Customs and Border Patrol (CBP) agents, as a branch of law enforcement, likewise need a *judicial* warrant to enter a home or conduct a search of someone's personal property or person. However, in January 2026, whistleblowers shared an internal ICE memo with Congress dated May 12, 2025, that stated: "Although the U.S. Department of Homeland Security (DHS) has not historically relied on administrative warrants alone to arrest aliens subject to final orders of removal in their place of residence, the DHS Office of the General Counsel has recently determined that the U.S. Constitution, the Immigration and Nationality Act, and the immigration regulations do not prohibit relying on administrative warrants for this purpose. Accordingly, in light of this legal determination, ICE immigration officers may arrest and detain aliens subject to a final order of removal issued *by an immigration judge, the Board of Immigration Appeals (BIA),* or a U.S. district court judge or magistrate in their place of residence." (See the anonymous whistleblower disclosure here: https://www.documentcloud.org/documents/26499371-dhs-ice-memo-1-21-26/.)

Administrative warrants are issued by individual executive branch agencies. In the case of ICE administrative warrants, they are often issued by administrative law judges (ALJs) appointed to serve as immigration judges in federal administrative courts by the executive branch. They are *not* federal or state court judges who are appointed as neutral arbiters who must either seek reelection or serve life terms. A brief summary of the BIA, an appellate entity under the executive branch tasked with interpreting immigration laws in reviewing immigration court decisions, underscores how laughable it is to refer to an immigration judge as a "neutral" third party. In the last year the current administration has made sweeping changes to the BIA. In

January 2025, the Board consisted of 25 members, 16 of which were appointed by Presidents Obama or Biden. As of March 2026, that number was down to 15, 13 of which are Trump-appointees. Reflecting the way the administration has seemingly stacked the BIA with friendly appointees, the BIA has overwhelmingly sided with the Trump administration, siding with the Department of Homeland Security in 90% of cases so far in 2026, and in 97% of cases in 2025. Comparatively, between 2021 and 2024 during the Biden administration, the BIA held in favor of DHS in an average of 64% of cases. (Ximena Bustillo and Rahul Mukherjee, *An immigration court few have heard of is quietly shaping policy behind the scenes* (March 20, 2026) NPR available at: https://www.npr.org/2026/03/20/nx-s1-5707535/trump-immigration-detention-appeals-board-deportation.)

Nevertheless, ICE and DHS have proceeded to insist that their agents are authorized to search and arrest individuals in their homes with only an administrative warrant. See, for example, the FAQs on ICE's webpage specifying that "ICE does **not** need judicial warrants to make arrests. […] ICE doesn't need a judge to issue I-200 and I-205 [administrative] warrants. Trained, authorized immigration officers can issue them." (Immigration Enforcement Frequently Asked Questions, U.S. Immigration and Customs Enforcement available at: https://www.ice.gov/immigration-enforcement-frequently-asked-questions.) The page further specifies that I-200 warrants authorize ICE to arrest people "suspected of violating immigration law," and I-205 warrants "authorize ICE to remove aliens with final orders of removal from the United States."

Last year, on appeal from the Ninth Circuit, the Supreme Court stayed a district court order preventing federal immigration officers from relying on any combination of four factors – "apparent race or ethnicity," speaking in Spanish or accented English, presence at a location where undocumented immigrants 'are known to gather,' and working specific jobs such as landscaping or construction – to justify stops and detentions in Southern California. In his concurrence, Justice Kavanaugh relied on the Immigration and Nationality Act's authorization to immigration officers to "interrogate any alien or person believed to be an alien as to his right to be or to remain in the United States" to find that such stops were not violative of the Fourth Amendment. (8 U.S.C. Section 1357 (a)(1).) Justice Kavanaugh further reasoned:

> "To be clear, apparent ethnicity alone cannot furnish reasonable suspicion; under this Court's case law regarding immigration stops, however, it can be a 'relevant factor' when considered along with other salient factors. Under this Court's precedents, not to mention common sense, those circumstances taken together can constitute at least reasonable suspicion of illegal presence in the United States. Importantly, reasonable suspicion means only that immigration officers may briefly stop the individual to inquire about immigration status. If the person is a U.S. citizen or otherwise lawfully in the United States, that individual will be free to go after the brief encounter. Only if the person is illegally in the United States may the stop lead to further immigration proceedings" (*Noem v. Perdomo* (2025) 164 S. Ct. 1, 3, internal citations omitted.)

In essence it appears the Supreme Court in *Perdomo* granted the federal administration the ability to profile individuals on the basis of racially-related factors to justify *brief* immigration stops, but that anything beyond a brief detention to ascertain someone's immigration status may very well be unlawful and would certainly be unlawful where the person detained has lawful status. In her dissent, Justice Sotomayor signals that she would have gone much further in the opposite direction:

> "The Government, and now the concurrence, has all but declared that all Latinos, U.S. citizens or not, who work low wage jobs are fair game to be seized at any time, taken away from work, and held until they provide proof of their legal status to the agents' satisfaction. […] The Fourth Amendment thus prohibits what the Government is attempting to do here: seize individuals based solely on a set of facts that 'describe[s] a very large category of presumably innocent people […] The Fourth Amendment protects every individual's constitutional right to be 'free from arbitrary interference by law officers.' After today, that may no longer be true for those who happen to look a certain way, speak a certain way, and appear to work a certain type of legitimate job that pays very little. Because this is unconscionably irreconcilable with our Nation's constitutional guarantees, I dissent." (*Id* at 10 – 17.)

The question of whether ICE needs a judicial warrant to enter private property may very well make its way before the Supreme Court in the coming months and years. Given the extreme risk to immigrant and nonimmigrant families alike who rely on the security provided by home daycare centers, ensuring that daycare providers are as informed of their rights under the Fourth Amendment seems prudent.

***ARGUMENTS IN SUPPORT**:* This bill is sponsored by Child Care Providers United, SEIU California, and United Domestic Workers/AFSCME Local 3930. It is additionally supported by a number of child care provider representatives, labor unions, and the Alameda County Office of Education. In support of the measure, Child Care Providers United submits:

> Family child care providers are a cornerstone of California's child care system, particularly for working-class and immigrant families. Because providers care for children in their own homes, their workplace is also their residence. Yet current law does not ensure that providers receive clear, consistent information about their constitutional rights when confronted by immigration enforcement.
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> This gap is not theoretical. A 2026 RAPID Survey found that 67 percent of California parents of young children are concerned that immigration enforcement could affect their participation in child care, and nearly 1 in 10 reported their child missed care due to those concerns. This data highlights the immediate need for AB 2379 to address these concerns and protect families.
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> AB 2379 offers a practical solution by requiring the Department of Social Services to notify providers of their Fourth Amendment rights and to provide accessible, multilingual training through a
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> trusted statewide entity. This ensures providers understand their rights related to searches, seizures, arrests, and detentions in their homes.
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> This bill is about making sure providers have clear, consistent information. Without that, providers may feel pressured to allow entry into their homes without a warrant or comply with actions that violate their rights, creating fear and instability that can disrupt care for children and families.

REGISTERED SUPPORT / OPPOSITION:

Support

California State Council of Service Employees International Union (SEIU California) (co-sponsor)
CCPU (co-sponsor)
UDW/AFSCME Local 3930 (co-sponsor)
American Federation of State, County and Municipal Employees, AFL-CIO (co-sponsor)
Alameda County Office of Education
Early Edge California
First 5 LA
Kidango
Parent Voices California
Peach
Unidosus

Opposition

None on file

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