

ASSEMBLY THIRD READING
AB 2379 (Solache and Carrillo)
As Amended March 23, 2026
2/3 vote. Urgency

SUMMARY

Requires the California Department of Social Services (CDSS) to notify and provide multilingual training, through an experienced statewide entity, to licensed and licensed-exempt family daycare home providers on their constitutional Fourth Amendment rights related to searches, seizures, and immigration enforcement interactions, without imposing penalties or subjecting a licensee to citation for noncompliance.

Major Provisions

- 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, and shall not result in a licensee being subject to citation.

- 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.

COMMENTS

Background: *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.¹ On January 21, 2025, a followed up memo stated that federal law prohibits state and local interference with lawful immigration actions.² 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."³ 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.⁴ 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.

California Attorney General Guidance to Childcare Facilities on Immigration Enforcement. The AG's *Early Childhood Education and Child Care Providers Guidance and Model Policies*⁵

¹ https://www.dhs.gov/sites/default/files/2025-03/25_0120_S1_enforcement-actions-in-near-protected-areas.pdf

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

³ <https://www.dhs.gov/news/2025/01/21/statement-dhs-spokesperson-directives-expanding-law-enforcement-and-ending-abuse>

⁴ https://www.clasp.org/wp-content/uploads/2025/01/2025_safespacesguide-v3_April-Final.pdf

⁵ <https://oag.ca.gov/system/files/media/ece-childcare-guidance-model-policies-public.pdf>

released on April 1, 2026, explains that although federal policy no longer restricts immigration enforcement at protected locations, childcare facilities and providers are still protected under California law, including the California Immigrant Worker Protection Act established through AB 450 (Chiu), Chapter 492, Statutes of 2017. This law prohibits employers from voluntarily consenting to immigration enforcement agents entering nonpublic areas of a workplace unless the agent presents a judicial warrant or federal law requires access. Voluntary consent must be truly voluntary and cannot be the result of coercion or intimidation, staff are allowed to verify warrants and consult legal counsel before complying, and providers are not required to assist immigration enforcement agents with searches, entry into nonpublic areas, or the physical apprehension of individuals.

The guidance also explains that the Fourth Amendment to the U.S. Constitution protects homes and businesses, including childcare facilities, from unreasonable searches and seizures. Whether law enforcement officers may enter an area depends on whether there is a reasonable expectation of privacy. Public areas are open to the general public and generally have a lower expectation of privacy, while nonpublic areas, such as classrooms, offices, staff-only areas, and childcare spaces, generally require a judicial warrant, consent, or limited exceptions such as exigent circumstances. Exigent circumstances are emergency, time-sensitive situations where officers reasonably believe someone may be in danger, a suspect may escape, or evidence may be destroyed. Officers may also seize items in "plain view" if they are lawfully present in the area and the items are clearly visible and believed to be related to illegal activity.

The AG guidance further explains the importance for childcare providers to understand the differences between immigration enforcement documents, including administrative warrants, judicial warrants, subpoenas, court orders, and notices to appear because these documents provide different levels of legal authority. For example, an ICE administrative warrant does not authorize entry into nonpublic areas or access to records, while a federal judicial warrant issued by a judge may authorize entry, search, or arrest. Subpoenas may request documents but generally do not require immediate compliance and may be challenged in court, and a notice to appear begins immigration court proceedings but does not authorize arrest, search, or access, to facilities or records.

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, as well as a citation.

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."

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.

FISCAL COMMENTS

According to the Assembly Appropriations Committee on May 6, 2026:

CDSS estimates one-time General Fund costs in the hundreds of thousands of dollars to develop the training. Costs to CDSS to provide the notification and to evaluate and designate a statewide entity to provide the training are minor and absorbable. CDSS is unaware of an entity that can provide such training.

The Legislative Analyst's Office recently warned of General Fund structural deficits of around \$35 billion per year in the 2027-28 fiscal year and ongoing.

VOTES

ASM HUMAN SERVICES: 5-0-2

YES: Lee, Calderon, Elhawary, Jackson, Solache

ABS, ABST OR NV: Castillo, Tangipa

ASM JUDICIARY: 9-3-0

YES: Kalra, Bauer-Kahan, Bryan, Connolly, Harabedian, Pacheco, Papan, Stefani, Zbur

NO: Macedo, Dixon, Sanchez

ASM APPROPRIATIONS: 12-2-1

YES: Wicks, Aguiar-Curry, Calderon, Caloza, Fong, Mark González, Krell, Pacheco, Pellerin, Sharp-Collins, Solache, Tangipa

NO: Dixon, Ta

ABS, ABST OR NV: Hoover

UPDATED

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