
ENATE COMMITTEE ON PUBLIC SAFETY

Senator Jesse Arreguín, Chair
2025 - 2026 Regular

Bill No: AB 2379 **Hearing Date:** June 30, 2026
Author: Solache
Version: May 18, 2026
Urgency: Yes **Fiscal:** Yes
Consultant: ML

Subject: *Family daycare homes: Fourth Amendment training*

HISTORY

Source: Child Care Providers United; SEIU-California; United Domestic Workers
AFSCME Local 3930

Prior Legislation: AB 495 (Celeste Rodriguez), Ch. 664, Stats. of 2025
AB 378 (Limón), Ch. 385, Stats. of 2019
AB 450 (Chiu) Ch. 492, Stats. of 2017

Support: ACLU California Action; Alameda County Office of Education; All for Kids;
First 5 Association of California; First 5 LA; Immigrants Rising; UnidosUS

Opposition: None known

Assembly Floor Vote: 65 - 12

PURPOSE

The purpose of this bill is to require the Department of Social Services (DSS) to develop and provide a training for family daycare home providers regarding individual rights under the Fourth Amendment.

Existing law 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. (Welf. & Inst. Code, § 10207 et seq.)

Existing law 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. (Welf. & Inst. Code, § 10207.5.)

Existing law 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 & Saf. Code, § 1597.640, subd. (a).)

Existing law 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 & Saf. Code, § 1597.640, subd. (b)(1)(A).)

Existing law 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:

- Procedures related to requests for access to facility grounds for purposes related to immigration enforcement;
- 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,
- Procedures for responding to requests for personal information about children or their family members for purposes of immigration enforcement. (Health & Safety Code, § 1597.640 (f)(1).)

Existing law 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 & Safety Code, § 1597.640, subd. (g)(1).)

Existing law 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 & Safety Code, § 1597.640, subd. (g)(3).)

Existing law 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. (U.S. Const., 4th Amend.)

This bill requires 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 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 United States Immigration and Customs Enforcement (ICE), without providing valid identification, a written statement of purpose, and a valid judicial warrant.

This bill requires the notification to be developed and provided in coordination with a required training, discussed below.

This bill requires DSS, 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 child care 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. Requires the training program to include the policies limiting assistance with immigration enforcement at licensed child daycare facilities.

This bill requires, commencing July 1, 2026, the designated statewide entity to offer the training program to licensed and license-exempt family daycare home providers. Requires family daycare home providers that are licensed on the date that this bill becomes effective to complete this training no later than June 30, 2027, and family daycare home providers that are licensed after the date that this bill becomes effective to complete this training within 12 months of their initial licensing.

This bill provides that a violation of this section is not subject to criminal, civil, or administrative penalties, and shall not result in a licensee being subject to citation under this act.

This bill has an urgency clause.

COMMENTS

1. Need for This Bill

The author writes:

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.

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.

2. ICE Activity at Schoolsites

Since at least 2007, Immigration 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 Customs and Border Patrol (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) <<https://www.dhs.gov/sites/default/files/2022-06/ICE%20-%20Immigration%20Enforcement%20at%20Sensitive%20Locations.pdf>> [as of June 22, 2026].)

On January 21, 2025, the first full day of the second Trump administration, Acting Department of Homeland Security (DHS) Secretary Benjamin 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) <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) <<https://www.ice.gov/about-ice/ero/protected-areas>> [as of June 22, 2026].) 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) <<https://www.ice.gov/about-ice/ero/protected-areas>> [as of June 26, 2026].)

On June 6, 2025, 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.¹ 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.² 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.³ This bill would ensure that both licensed

¹ <https://www.latimes.com/california/story/2025-07-16/ice-arrests-accelerate-social-june>

² *Ibid.*

³ <https://cscce.berkeley.edu/publications/data-snapshot/californias-ecce-workforce-in-eight-charts/>

and license-exempt family child care providers have access to information and training about their Fourth Amendment rights.

Last year, in response to ICE activity, the Legislature enacted a number of bills relating to ICE and immigration enforcement in and around schoolsites. As part of that package, AB 495 (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 DSS and the AG .

3. 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. 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 ICE and 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. 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) <<https://www.npr.org/2026/03/20/nx-s1-5707535/trump-immigration-detention-appeals-board-deportation>> [as of June 22, 2026].)

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 <<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.

The question of whether ICE needs a judicial warrant to enter private property may make its way before the Supreme Court in the coming months and years.

4. Effect of This Bill

This bill requires 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 clarifies that any violation of the bill's provisions does not give rise to criminal, civil, or administrative penalties.

The notification requirement commences July 1, 2026. Given that this bill will not be signed prior to July 1 of this year, this is likely a drafting error. The author and Committee may consider amending this date to instead state that the notification requirement will commence the date the bill is signed into law. This bill contains an urgency provision.

Family daycare home providers that are licensed on the date that the bill becomes effective must complete the training no later than June 30, 2027, and family daycare home providers that are licensed after the date that the act that added this section becomes effective shall complete this training within 12 months of their initial licensing.

5. Argument in Support

Immigrants Rising writes:

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 entities.

AB 2379 offers a practical solution by requiring the California Department of Social Services to notify providers of their Fourth Amendment rights and to provide accessible, multilingual training through a trusted statewide entity. This ensures providers understand their rights related to searches, seizures, arrests, and detentions in their homes.

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