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## SENATE COMMITTEE ON APPROPRIATIONS

Senator Anna Caballero, Chair  
2025 - 2026 Regular Session

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### AB 495 (Celeste Rodriguez) - Family Preparedness Plan Act of 2025

**Version:** April 23, 2025

**Policy Vote:** JUD. 11 - 2, HUMAN S. 4 -  
1

**Urgency:** No

**Mandate:** Yes

**Hearing Date:** August 18, 2025

**Consultant:** Liah Burnley

**Bill Summary:** AB 495 requires schools and licensed child day care facilities to adopt model policies developed by the Attorney General regarding interaction with immigration enforcement authorities, and requires the Attorney General to develop those model policies.

#### **Fiscal Impact:**

- The Department of Justice (DOJ) anticipates no significant fiscal impact. However, the DOJ notes that while the impact of AB 495 would not pose a significant impact to the DOJ, as numerous bills this session may result in no significant impact to the DOJ, should an aggregate of these bills chapter, the DOJ would submit a workload BCP for additional resources to process the increase to the DOJ workload.
- Ongoing costs (General Fund, Proposition 98) to local education agencies to update model policies and provide required information to parents and guardians. The state has approximately 2,300 local education agencies, including charter schools; even if costs are relatively minor for an individual agency, costs in the aggregate may be significant. If the Commission on State Mandates determines the bill's requirements to be a reimbursable state mandate, the state would need to reimburse these costs or provide funding through the K-12 Mandate Block Grant.
- Unknown, potentially significant costs to the state funded trial court system (Trial Court Trust Fund, General Fund) This bill may lead to additional case filings that otherwise would not have been commenced, which could lead to lengthier and more complex court proceedings with attendant workload and resource costs to the court. The fiscal impact of this bill to the courts will depend on many unknowns, including the number of cases filed and the factors unique to each case. An eight-hour court day costs approximately \$10,500 in staff in workload. If court days exceed 10, costs to the trial courts could reach hundreds of thousands of dollars. While the courts are not funded on a workload basis, an increase in workload could result in delayed court services and would put pressure on the General Fund to fund additional staff and resources and to increase the amount appropriated to backfill for trial court operations.
- The California Department of Social Service (CDSS) indicates General fund costs of \$5,372,000 one-time and ongoing costs of 5,366,000 to support 29 full-time permanent positions for CDSS, who will have the following associated workload:

- 21.0 Licensing Program Analysts, one for each regional office across the state, to provide technical assistance to child day care providers, conduct site visits, manage and process all unusual incident reports and other duties related to implementation of this bill;
- 4.0 Associate Governmental Program Analysts (AGPA) for the child care program to ensure that all facilities have updated emergency contact information on all their clients, review children's files to ensure no sensitive data has been collected, assist the centralized application bureau to review model policy plans with new applicants and serve as subject matter experts for all immigration and enforcement policies;
- 1.0 AGPA to handle extra personnel workload to assist the division with additional workload related to implementation of AB 495;
- 1.0 Staff Services Manager I in child care licensing program, who will oversee the new licensing unit consisting of the 4.0 new AGPAs and serve as subject matter experts for all immigration and enforcement policies;
- 1.0 Interchangeable Attorney III/IV for the Enforcement branch to provide legal consultation and representation of newly formed child care licensing unit; and,
- 1 Attorney V for personnel work related to the increase in staffing.

**Background:** According to the Migration Policy Institute, 133,000 undocumented children between the ages of 3 and 17 years are enrolled in California public schools, and 750,000 K-12 students in California have an undocumented parent. When an immigrant parent is detained or deported, children can suddenly lose access to school, medical care, and a stable home.

The Office of the Attorney General published "Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues" in December 2024. This document shares guidance on all of the following: gathering and handling student and family information, sharing student and family information, responding to requests for access to school grounds for immigration-enforcement purposes, responding to the detention or deportation of a student's family member, and responding to hate crimes and bullying related to national origin or ethnicity. The document's appendix additionally includes copies of federal forms for subpoenas and arrest, removal, and search and seizure warrants.

Current law requires the Attorney General to publish model policies limiting assistance with immigration enforcement at public schools to ensure that public schools remain safe and accessible to all California residents. The law further requires the governing board of a local educational agency to provide information to parents and guardians regarding their child's right to a free public education, regardless of immigration status, and include information from the Attorney General.

Licensed child care providers are required to maintain certain information in each child's record, including basic information on the child such as name and birthdate, and

emergency contact information. Licensees are required to keep these child records confidential, with the exception that a licensing agency may request to review and make copies of records. The law also permits a child's parent or guardian to review their child's record. Licensees are not required to maintain information about a child, parent, or guardian's citizenship or immigration status. Child care licensees are required to maintain an emergency information card for each child that includes the telephone number and location of a parent or other responsible adult to be contacted in an emergency, and the name and telephone number of the child's physician and the parent's authorization for the licensee to consent to emergency medical care. Child care centers are also required to keep a current list of adults authorized to pick up the child from care, including relatives or others who can assume responsibility for the child if the authorized representative cannot be reached when necessary. This requirement does not apply to family child care homes, though it is considered a best practice.

**Proposed Law:**

- Revises the requirement for a governing board or body of a local educational agency to provide information to parents and guardians, as appropriate, regarding their child's right to a free public education, regardless of immigration status or religious beliefs. Requires the information to include information relating to "Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues" issued by the Attorney General on January 6, 2025, including, but not limited to, information related to plans for family safety and the importance of providing the school with, and regularly updating, emergency contact information, including secondary and additional contact information. Requires the provided information to be revised as necessary to be consistent with any revisions or updates to the guidance issued by the Attorney General.
- Requires all local agencies to revise their model policies as necessary to be consistent with any revisions or updates to the model policies developed by the Attorney General.
- Adds a nonrelative extended family member to the meaning of caregiver for purposes of a caregiver's authorization affidavit. Defines "nonrelative extended family member" as any adult caregiver who has an established familial or mentoring relationship with the child or who has an established familial relationship with a relative of the child.
- Revises, for purposes of a caregiver's authorization affidavit, the following definitions:
  - Revises "relative" to mean an adult who is related to the child by blood, adoption, or affinity within the fifth degree of kinship, including all stepparents, stepsiblings, and all relatives whose status is preceded by the words "great," "great-great," or "grand," or the spouse of any of the persons specified in this definition, even after the marriage has been terminated by death or dissolution; and,

- Revises “school-related medical care” to mean medical care, including immunizations, physical examinations, and medical examinations conducted in schools for pupils, that is required by state or local governmental authority as a condition for school enrollment or participation in local educational agency-related extracurricular activities.
- Makes various conforming revisions to the template caregiver’s authorization affidavit form, including the following:
  - Revises the definition of “relative” and adds the definition of “nonrelative extended family member”;
  - Adds a government-issued consular card as a form of identification;
  - Adds a warning to local educational agencies and health care service providers stating that a parent’s signature or a seal or signature from a court is not required;
  - Specifies that if a minor stops living with the caregiver, the affidavit is no longer valid, and the caregiver is required to notify any school, health care provider, or health care service plan to which they have given the affidavit that the minor is no longer living with the caregiver; and,
  - Provides that when signed by a relative or nonrelative extended family member, the affidavit shall confer the same rights to authorize medical and dental care for the minor that are given to guardians, as specified. Provides that the medical care authorized for a relative or nonrelative extended family member caregiver may include mental health treatment, as specified.
- Requires a licensed child day care facility and employees of licensed child day care facilities, except as required by state or federal law or as required to administer a state or federally supported educational program, to not collect information or documents regarding citizenship or immigration status of pupils or their family members.
- Requires the owner, operator, or administrator of a licensed child day care facility, as applicable, 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 enforcing the immigration laws in a manner that ensures the confidentiality and privacy of any potentially identifying information.
- Requires a facility, if an employee of a licensed child day care facility is aware that a child’s parent or guardian is not available to care for the child, to first exhaust any parental instruction relating to the child’s care found in the child’s emergency contact information. States that a facility is encouraged to work with parents or guardians to update their emergency contact information.
- Provides that none of these provisions prohibit a licensed child day care facility from establishing stronger standards and protections.

- Requires the Attorney General, by April 1, 2026, in consultation with the appropriate stakeholders, to publish model policies limiting assistance with immigration enforcement at licensed child day care facilities, to the fullest extent possible consistent with federal and state law, and ensuring that day care facilities remain safe and accessible to all California residents, regardless of immigration status. Authorizes the Department of Justice to implement, interpret, or make specific this provision without taking any regulatory action.
- Requires the Attorney General, at a minimum, to 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 day care 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.
- Requires all licensed child day care facilities to adopt the model policies developed by the Attorney General, or equivalent policies, as soon as possible, but no later than July 1, 2026. Requires licensed day care facilities to update these policies to conform with any revisions or updates to the model policies developed by the Attorney General.
- Requires a licensed day care facility, upon enrolling or reenrolling any child, to provide the parent or guardian with written information relating to the model policies, including, but not limited to, information related to family safety plans and the importance of completing and maintaining emergency contact information. Requires the provided information to be revised as necessary to be consistent with any revisions or updates to the guidance issued by the Attorney General.
- Defines, for the provisions of this bill, “licensed child day care facility” as 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. Provides that child day care facility includes day care centers, employer-sponsored child care centers, and family day care homes.
- Requires a court, for purposes of appointment of a guardian, to give due weight to the nomination of a guardian.
- Authorizes a court, for purposes of appointment of a guardian, if a custodial parent will be temporarily unavailable due to specified circumstances, including, but not limited to, a serious medical condition or disability, military service, incarceration, or an immigration-related administrative action, in its discretion, to

appoint the custodial parent and a person nominated by the custodial parent as joint guardians of the person of the minor. Prohibits a nomination to be made over the objection of a noncustodial parent without a finding that the noncustodial parent's custody would be detrimental to the minor. Requires the guardian, upon the occurrence of an activating event set forth in an order appointing a joint guardian, to be immediately empowered to assume guardianship duties in the parent's absence. Requires commencement of the duties of the guardian to confer upon the appointed guardian shared authority with the parent, custodian, or guardian of the minor child or minor ward, unless the petition states otherwise.

- Allows a parent, custodian, or guardian to revoke a joint guardianship by filing a request to terminate the guardianship with the court. Provides that upon a showing that the activating event no longer affects the parent's availability to provide care for their child, there shall be a presumption that termination is in the child's best interest.
- Makes all court records, petitions, orders, and documents related to the appointment of a joint guardian confidential, and provides that they shall be made available only to the persons who have been served in the proceeding and their attorneys, if applicable. Requires the clerk of the court to make provisions to limit access to these documents and any other personally identifiable information of the minor, custodial parent, the appointed guardian, or family members who are a party to or identified in the proceeding. Requires information contained in these records to not be disclosed to federal immigration authorities or any entity engaged in immigration enforcement without a court order based on a showing of compelling necessity unrelated to immigration enforcement.

**-- END --**