
THIRD READING

Bill No: AB 495
Author: Celeste Rodriguez (D), et al.
Amended: 9/5/25 in Senate
Vote: 21

SENATE JUDICIARY COMMITTEE: 11-2, 7/1/25

AYES: Umberg, Allen, Arreguín, Ashby, Caballero, Durazo, Laird, Stern, Wahab,
Weber Pierson, Wiener

NOES: Niello, Valladares

SENATE HUMAN SERVICES COMMITTEE: 4-1, 7/7/25

AYES: Arreguín, Becker, Durazo, Limón

NOES: Ochoa Bogh

SENATE APPROPRIATIONS COMMITTEE: 5-2, 8/29/25

AYES: Caballero, Cabaldon, Grayson, Richardson, Wahab

NOES: Seyarto, Dahle

ASSEMBLY FLOOR: 62-7, 6/3/25 - See last page for vote

SUBJECT: Family Preparedness Plan Act of 2025

SOURCE: Alliance for Children's Rights; Coalition for Humane Immigrant Rights; and Public Counsel

DIGEST: This bill enacts the Family Preparedness Plan Act of 2025.

Senate Floor Amendments of 9/5/25 remove provisions in this bill that would have allowed a “nonrelative extended family member” to utilize a caregiver’s authorization affidavit. The amendments specify that it is the intent of the Legislature to strengthen parental rights and family options. The amendments apply provisions of this bill that protect immigrants to license-exempt California state preschool program facilities. Amendments also prevent any chaptering out issues if AB 49 and/or AB 419 are signed into law.

ANALYSIS:

Existing law:

- 1) Requires the school, if an employee of a school is aware that a pupil's parent or guardian is not available to care for the pupil, to first exhaust any parental instruction relating to the pupil's care in the emergency contact information it has for the pupil to arrange for the pupil's care. (Education (Educ.) Code § 234.7 (c).)
- 2) Requires the Attorney General (AG) to publish model policies limiting assistance with immigration enforcement at public schools, as specified. (Educ. Code § 234.7 (f).)
- 3) Authorizes an adult caregiver, as defined, that completes a caregiver's authorization affidavit, as specified, to enroll a minor in school and consent to school-related medical care on behalf of a minor. (Family (Fam.) Code §§ 6550, 6552.)
- 4) Requires the court to consider and give due weight to the nomination of a guardian of the person of the child by a parent when determining to whom custody should be granted in family custody proceedings. (Fam. Code § 3043.)
- 5) Authorizes a nomination of a guardian to be made in the petition for the appointment of the guardian or at the hearing on the petition or in a writing signed either before or after the petition for the appointment of the guardian is filed. Makes a nomination of a guardian effective when made except that a writing nominating a guardian may provide that the nomination becomes effective only upon the occurrence of such specified condition or conditions as are stated in the writing, including but not limited to such conditions as the subsequent legal incapacity or death of the person making the nomination. Makes a nomination of guardian effective notwithstanding the subsequent legal incapacity or death of the person making the nomination unless the writing making the nomination expressly provides otherwise. (Probate (Prob.) Code § 1502.)
- 6) Authorizes a court, in its discretion, to appoint two or more joint guardians or conservators of the person. Authorizes the court, in its discretion, if a custodial parent has been diagnosed as having a terminal condition, as evidenced by a declaration executed by a licensed physician, to appoint the custodial parent and a person nominated by the custodial parent as joint guardians of the person of

the minor. Prohibits an appointment 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. (Prob. Code § 2105.)

This bill:

- 1) Defines "relative" for the purpose of being authorized to use a caregiver's authorization affidavit 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.
- 2) Authorizes a court, in its discretion, to appoint a custodial parent and a person nominated by them as joint guardians of the person of the minor, if the custodial parent will be temporarily unavailable due to specified circumstances, including, among other things, an immigration-related administrative action, as specified. Makes all records, petitions, orders, and documents related to these proceedings confidential, as specified. Provides that absence is a basis for a delayed effectiveness of a guardianship and that such circumstances would not be a basis for subsequent legal incapacity for the nomination.
- 3) Requires the governing board or body of a local educational agency to provide information related to specified guidance on immigration enforcement issued by the AG and requires that information to be revised as necessary to be consistent with any revisions or updates to the AG's guidance. Requires local educational agencies to revise their model policies as necessary to be consistent with any revisions or updates to the model policies developed by the AG, as specified.
- 4) Prohibits licensed child daycare facilities, as defined, and license-exempt state preschool program facilities from collecting information or documents regarding citizenship or immigration status of children or their family members, except as specified. Requires the licensee or administrator of a licensed child daycare facility, to report to DSS and the AG any requests for information or access to the facility by an officer or employee of a law enforcement agency.
- 5) Requires a licensed child daycare facility and a license-exempt state preschool program facility to first exhaust any parental instruction relating to the child's care found in the child's emergency contact information if an employee of the facility is aware that a child's parent or authorized representative is not

available to care for the child. Requires facilities to request that parents or authorized representatives update their emergency contact information.

- 6) Requires the AG to publish model policies limiting assistance with immigration enforcement at child daycare facilities and license-exempt state preschool program facilities. Requires all state preschool programs to adopt the model policies developed by the AG, or equivalent policies. Requires state preschool programs to update these policies to conform with any revisions or updates to the model policies developed by the AG. Requires DSS to inform licensed child day care facilities, and the California Department of Education to inform license-exempt state preschool program facilities, of any revisions or updates to the model policies and require any information, policies, or guidance provided by facilities to parents or authorized representatives to be updated to include any revisions or updates to the model policies issued by the AG.

Comments

Nearly half of California children have at least one immigrant parent. According to the Migration Policy Institute, there are 133,000 children between the ages of three and 17 who are enrolled in public schools and are undocumented. There are also 750,000 K-12 California students who have an undocumented parent.

According to the author:

Families across the state and nation are facing the terrifying possibility of separation due to immigration actions by the current presidential administration. As we have seen, anyone can be detained and deported. In the event that this happens to a parent when their children are at school or childcare, it is critical that there are plans and tools in place to provide stability and prevent additional childhood trauma. No child should face uncertainty if a parent is detained. AB 495 strengthens protections, increases preparedness, and provides clear guidance for caregivers and institutions.

President Trump has issued executive orders that expand arrests, detention, and deportation of Californians. On January 21, 2025, the Department of Homeland Security rescinded a policy that has protected Californians from immigration enforcement actions in sensitive areas such as courts, hospitals, and schools. There is widespread fear in immigrant communities that children and their parents will be separated by the federal government. The bill, among other things, revises the definition of “relative” for the purpose of being authorized to use a caregiver’s

authorization affidavit. This bill requires the AG to publish model policies limiting assistance with immigration enforcement at child daycare facilities and license-exempt state preschool program facilities similar to the model policies developed for local educational agencies. This bill requires all state preschool programs to adopt the model policies developed by the AG, or equivalent policies. The bill also requires California state preschool programs to update these policies to conform with any revisions or updates to the model policies developed by the AG.

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

According to the Senate Appropriations Committee the fiscal effect is as follows:

- 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.

SUPPORT: (Verified 9/7/25)

Alliance for Children's Rights (co-source)

Coalition for Humane Immigrant Rights (co-source)

Public Counsel (co-source)

A New Way of Life Re-entry Project

Alameda County Office of Education

All of Us or None

All of Us or None Orange County

Asian Americans Advancing Justice Southern California

Bet Tzedek Legal Services

California Alliance of Caregivers

California Alliance of Child and Family Services

California Catholic Conference

California Community Foundation

California Court Appointed Special Advocate Association

California Faculty Association

California Legislative Latino Caucus

California Legislative Women's Caucus
California State PTA
California Undocumented Higher Education Coalition
California WIC Association
California Women Lawyers
Californians Together
Catalyst California
CFT – A Union of Educators & Classified Professionals, AFT, AFL-CIO
Children's Law Center of California
City of Glendale
City of Los Angeles
City of San José
County of Santa Clara
Dependency Advocacy Center
Dependency Legal Services
Early Edge California
EveryChild California
Families Inspiring Reentry and Reunification 4 Everyone
First 5 California
Fresno Unified School District
Immigrant Defenders Law Center
Immigration Center for Women and Children
John Burton Advocates for Youth
Latino Legislative Caucus
Legal Aid of Sonoma County
Legal Assistance for Seniors
Legal Services for Prisoners with Children
Los Angeles County Office of Education
Los Angeles Dependency Lawyers, Inc.
Seneca Family of Agencies
Survivor Justice Center
Sycamores
The Children's Partnership
Vision y Compromiso
3Strands Global Foundation
Eleven individual members of the North Westwood Neighborhood Council

OPPOSITION: (Verified 9/7/25)

Advocates for Faith & Freedom
California Family Council

Californians United for Sen-Based Evidence in Policy and Law
Carlsbad Citizens for Community Oversight
Catalyst Legacy
City of Anderson
City of Porterville
Concerned Women for America Legislative Action Committee
Drive4Impact Foundation
Intersection of Faith and Culture
Michael Kobseff, Siskiyou County Supervisor
National Center for Law & Policy
Natomas USD for Freedom
Our Duty
Pacific Justice Institute – Center for Public Policy
PERK
Philip Peters, Kern County Supervisor
Protect Our Kids
Real Impact
Serving Family Values Alliance
Stand Up Sacramento County
Women Are Real
Yeladim
Three individuals

ASSEMBLY FLOOR: 62-7, 6/3/25

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, 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, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

NOES: Davies, DeMaio, Dixon, Ellis, Gallagher, Patterson, Sanchez

NO VOTE RECORDED: Castillo, Chen, Flora, Jeff Gonzalez, Hadwick, Hoover, Lackey, Macedo, Ta, Tangipa

Prepared by: Margie Estrada / JUD. / (916) 651-4113

9/8/25 21:13:54

**** END ****