

## CONCURRENCE IN SENATE AMENDMENTS

AB 495 (Celeste Rodriguez)

As Amended September 5, 2025

Majority vote

**SUMMARY**

Establishes the Family Preparedness Plan Act of 2025.

**Major Provisions**

- 1) Requires local educational agencies to provide information to parents and guardians regarding their children's right to a free public education including information relating model policies developed by the Attorney General.
- 2) Requires all 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 Attorney General.
- 3) Modifies the definition of "relative" for purposes of the caregivers 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.
- 4) Clarifies the definition of "school-related medical care" to include medical care, including immunizations, physical examinations, and medical examinations conducted in school for pupils.
- 5) Makes various other technical and clarifying changes to the caregiver's authorization affidavit.
- 6) Prohibits licensed child day care facilities and employees of licensed child day care facilities from collecting information or documents regarding citizenship or immigration status of pupils or their family members, except as required.
- 7) Requires the *licensee* or administrator of a licensed child day care facility, as applicable, to report to the department and Attorney General any requests for information or access to the facility by an officer or employee of a law enforcement agency, *ensuring the confidentiality and privacy of any information in accordance with the right to privacy contained in the California Constitution*.
- 8) *Requires a licensee or administrator of a licensed child day care facility to request parents or authorized representatives to review and update their emergency contact information, as needed.*
- 9) Requires the facility to first exhaust any parental instruction relating to the child's care found in the child's emergency contact information if *a licensee, administrator, or worker, or any*

*other representative* is aware that a child's parent or *authorized representative* is not available to care for the child.

- 10) Requires the Attorney General, by April 1, 2026, in consultation with appropriate stakeholders, to publish model policies limiting assistance with immigration enforcement at licensed child day care facilities and requires all licensed child day care facilities to adopt the model policies, or equivalent policies, as soon as possible, but no later than July 1, 2026 and to update the policies to conform with any revisions or updates to the model policies developed by the Attorney General.
- 11) *Requires a licensed child day care facility to provide a child's parent or authorized representative with information about how to access the model policies as best practice guidance. Requires the department to inform licensed child day care facilities of any revisions or updates to the model policies when the department is notified by the Attorney General of updates to the model policies.*
- 12) Expands existing provisions authorizing a court to appoint the custodial parent and person nominated by the parent as joint guardians to include such an appointment when a custodial parent **is** temporarily unavailable due to circumstances, including but not limited to, a serious medical condition or disability, military service, incarceration, or an immigration-related administrative action, *specified in the parent's nomination of guardian.*
- 13) Requires a court to give a nomination of a guardian *of the person* due weight pursuant to Family Code Section 3043.
- 14) Makes a nomination of a guardian effective when made except that the writing nominating a guardian may provide that the nomination becomes effective only upon the occurrence of such condition or conditions, including conditions as to the subsequent absence of the person making the nomination.
- 15) Ensures that, unless the writing making the nomination provides otherwise, a nomination of guardianship remains effective notwithstanding the subsequent absence of the person making the nomination.
- 16) Authorizes a parent *appointed as a joint guardian to file a petition to terminate the joint guardianship because of conditions specified in the nomination, or otherwise stated in the petition for guardianship, no longer impairs* the parent's availability to care for their child.
- 17) Establishes a presumption that termination of the guardianship is in the child's best interest upon a showing that the activating event no longer affects the parent's ability to provide care for their child.
- 18) Makes all court records, petitions, orders, and documents related to the appointment of a joint guardian pursuant to the Act confidential, and requires them to be made available only to the persons who have been served in the proceeding and their attorneys, if applicable.
- 19) Requires the clerk of the court to make provisions to limit access to the 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.

20) Prohibits information contained in these records from being 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.

21) *Includes a severability clause.*

### **Senate Amendments**

Removes changes to the caregiver's authorization affidavit related to nonrelative family members, includes clarifying and streamlining changes to the provisions related to daycare and child care facilities and joint guardianship. Adds a severability clause and adopts chaptering amendments.

## **COMMENTS**

*This bill* proposes the "Family Preparedness Plan Act" (Act). First, the bill bolsters existing law relating to schools' obligations to provide vital information to parents and their students regarding their right to access public education. Second, the bill imposes new requirements related to immigration-related enforcement actions at day care facilities that mirror existing provisions for local educational agencies. Finally, the bill modifies provisions of the Probate Code to expand the eligibility to petition for joint guardianship for parents who may be facing a future event that keeps them from being available to care for their child.

*Local educational agencies and schools.* Existing law imposes certain restrictions and obligations on local educational agencies (LEAs) and schoolsites related to actual or attempted immigration enforcement actions on their campuses. This bill specifies that schools are required to provide the report titled "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," and include 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."

*Day care facilities.* Existing law restricts LEAs and schoolsites from collecting immigration-related information from students and their families and requires schools to follow care instructions included in a student's emergency contact information when a parent is unavailable. This bill mirrors those provisions for licensed childcare facilities.

*Guardianships.* Finally, this bill modifies provisions of the Probate Code that provide for issuance of a joint guardianship between a guardian and custodial parent, and clarifies the weight a parent's nomination should carry for purposes of a guardianship nomination.

### **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.

**Arguments in Support**

This bill is sponsored by Public Counsel and the Alliance for Children's Rights. It is supported by a broad coalition of immigrants' rights advocates, dependency and children's law organizations, and legal aid and civil rights advocates. In support of the measure, the sponsors submit:

California is home to 10.6 million immigrants, and nearly half of all children in the state have at least one immigrant parent. When an immigrant parent is detained or deported, children can suddenly lose access to school, medical care, and a stable home—simply because their emergency caregiver lacks the perceived authority to act.

Without additional clarity and enforceability, many families are forced to make impossible choices, such as placing their children into the foster care system to ensure they receive care or making the difficult choice to give up their parental rights altogether through the more complicated and costly permanent probate guardianship process.

This bill prevents unnecessary trauma for children, strengthens family stability, and ensures that schools and agencies are equipped to support families in times of crisis.

**Arguments in Opposition**

This bill is opposed by the California Family Council, the National Center for Law & Policy, Protect Our Kids, Concerned Women for America, Pacific Justice Institute, and numerous other organizations as well as 32 individuals who appear primarily concerned with modifications to the caregiver's authorization affidavit which was included in a prior version of this bill. Women are Real submits:

This bill creates a dangerous loophole in California law by granting broad authority over children to unvetted adults. It expands the Caregiver's Authorization Affidavit to include "nonrelative extended family members," a category so loosely defined it could include almost anyone—a neighbor, a teacher, a mentor, or a casual acquaintance. Once this form is signed, that adult is legally empowered to enroll a child in school and even make medical decisions. This is all without any court oversight, background check, or verification with the child's parent or legal guardian.

In practice, this opens the door to abuse and trafficking. The bill also makes records of joint guardianship appointments confidential, shielding them from public scrutiny and potentially hindering law enforcement and social services from identifying patterns of abuse.

California must not sacrifice child safety for bureaucratic convenience or ideological signaling. There are ways to support immigrant families without handing over parental rights to loosely defined third parties.

**FISCAL COMMENTS**

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

- 1) 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.

- 2) 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.
- 3) 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.
- 4) 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:
  - a) 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;
  - b) 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;
  - c) 1.0 AGPA to handle extra personnel workload to assist the division with additional workload related to implementation of AB 495;
  - d) 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;
  - e) 1.0 Interchangeable Attorney III/IV for the Enforcement branch to provide legal consultation and representation of newly formed child care licensing unit; and,
  - f) 1 Attorney V for personnel work related to the increase in staffing.

**VOTES:****ASM JUDICIARY: 9-1-2**

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

**NO:** Macedo

**ABS, ABST OR NV:** Dixon, Sanchez

**ASM HUMAN SERVICES: 5-1-1**

**YES:** Lee, Calderon, Elhawary, Jackson, Celeste Rodriguez

**NO:** Tangipa

**ABS, ABST OR NV:** Castillo

**ASM APPROPRIATIONS: 11-3-1**

**YES:** Wicks, Arambula, Calderon, Caloza, Elhawary, Fong, Mark González, Hart, Pacheco, Pellerin, Solache

**NO:** Dixon, Ta, Tangipa

**ABS, ABST OR NV:** Sanchez

**ASSEMBLY FLOOR: 62-7-10**

**YES:** 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

**NO:** Davies, DeMaio, Dixon, Ellis, Gallagher, Patterson, Sanchez

**ABS, ABST OR NV:** Castillo, Chen, Flora, Jeff Gonzalez, Hadwick, Hoover, Lackey, Macedo, Ta, Tangipa

**UPDATED**

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CONSULTANT: Manuela Boucher / JUD. / (916) 319-2334

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