

AMENDED IN ASSEMBLY MARCH 24, 2025

CALIFORNIA LEGISLATURE—2025–26 REGULAR SESSION

**ASSEMBLY BILL**

**No. 495**

**Introduced by Assembly Member Celeste Rodriguez**

February 10, 2025

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~~An act relating to public social services. An act to amend Section 234.7 of the Education Code, to amend Sections 6550 and 6552 of the Family Code, to add Section 1596.7997 to the Health and Safety Code, and to amend Sections 1502 and 2105 of the Probate Code, relating to immigration.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 495, as amended, Celeste Rodriguez. ~~Public social services: children.~~ *Family Preparedness Plan Act of 2025.*

(1) *Under existing law, a caregiver who is 18 years of age or older and signs a caregiver's authorization affidavit under penalty of perjury for a minor who lives in their home is authorized to enroll the minor in school and consent to school-related medical care on behalf of the minor. Under existing law, a caregiver who is 18 years of age or older, signs the caregiver's authorization affidavit under penalty of perjury, and who is a certain type of relative of the minor who lives in their home, has the same rights to authorize medical care and dental care for the minor that are given to guardians, as specified. Under existing law, a person who acts in good faith reliance on a completed caregiver's authorization affidavit to provide medical or dental care, without actual knowledge of facts contrary to those stated on the affidavit, is not subject to criminal or civil liability or professional disciplinary action for that reliance, but is not relieved from liability for violations of other provisions of law. Existing law requires a caregiver to notify any school,*

health care provider, or health care service plan that has been given the affidavit if the minor stops living with the caregiver. Under existing law, a caregiver's authorization affidavit is invalid after the school, health care provider, or health care service plan receives notice that the minor is no longer living with the caregiver.

This bill, the Family Preparedness Plan Act of 2025, would instead provide that a caregiver's authorization affidavit is valid until the parent, legal guardian, person having legal custody, or caregiver rescinds the affidavit. The bill would require that, in any case, the caregiver's authorization affidavit would not be valid for more than one year after the date on which it was executed.

The bill would also expand the type of person who is authorized to execute a caregiver's authorization affidavit to include a "nonrelative extended family member," as defined, and grant them the same rights to authorize school-related medical care, as defined, for the minor that are given to guardians, as specified. By expanding who is authorized to sign a caregiver's authorization affidavit for these purposes under penalty of perjury, this bill would expand the crime of perjury, thereby imposing a state-mandated local program.

This bill would amend the statutory form for a caregiver's authorization affidavit.

(2) Existing law generally provides for the establishment and administration of guardianships. Existing law authorizes a court to appoint joint guardians of a person, an estate, or a person and an estate. Existing law requires a nomination of a guardian to become effective when made, and remain effective, unless stated otherwise in writing, as specified.

This bill would specifically authorize a court, if a custodial parent is subject to an immigration administrative action where the parent may be temporarily unavailable to care for their child, 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, as specified. The bill would make all records, petitions, orders, and documents related to these proceedings to be confidential, as specified, and would prohibit this information from being disclosed to federal immigration authorities or any entity engaged in immigration enforcement without a court order, as specified. The bill would also make these proceedings closed to the public, except as specified.

The bill would provide that the circumstances of a person making the nomination of a guardian being subject to an order of deportation,

*physical absence from the United States due to deportation, or prolonged detention by immigration authorities 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. The bill would require a court to give due weight to the nomination of a guardian when signed by one or both parents if there is good cause to waive notice because the person cannot with reasonable diligence be notified or giving the notice would be contrary to the interest of justice.*

*(3) Existing law prohibits, except as required by state or federal law or as required to administer a state or federally supported educational program, school officials and employees of a local educational agency, as defined, from collecting information or documents regarding citizenship or immigration status of pupils or their family members. Existing law requires that if an employee of a school is aware that a pupil's parent or guardian is not available to care for the pupil, the school shall 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 and encourages schools work with parents or guardians to update the emergency contact information and not to contact Child Protective Services to arrange for the pupil's care unless the school is unable to arrange for care through the use of emergency contact information or other information or instructions provided by the parent or guardian. Existing law requires the governing board or body of a local educational agency to perform specified actions relating to pupils and immigration status, including, among others, providing information to parents and guardians, as appropriate, regarding their children's right to a free public education, regardless of immigration status or religious beliefs. Existing law requires the Attorney General, by April 1, 2018, in consultation with the appropriate stakeholders, to publish model policies limiting assistance with immigration enforcement at public schools, to the fullest extent possible consistent with federal and state law, as specified. Existing law requires all local educational agencies to adopt the model policies developed by the Attorney General, or equivalent policies, by July 1, 2018.*

*This bill would delete the provisions encouraging schools not to contact Child Protective Services described above. The bill would revise the information disclosure requirements to require the governing board or body of a local educational agency to provide information related to specified guidance on immigration enforcement issued by the Attorney General and would require that information to be revised as necessary*

*to be consistent with any revisions or updates to the Attorney General's guidance. This bill would also require 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, as specified. By imposing additional duties on local educational agencies, the bill would impose a state-mandated local program.*

*(4) Existing law, the California Child Day Care Facilities Act, provides for the licensure and regulation of child day care facilities, including day care centers and day care homes, by the State Department of Social Services. Under existing law, willful violation of these provisions is punishable as a misdemeanor.*

*Similar to the provisions related to local educational agencies described above, this bill would prohibit licensed child day care facilities, as defined, and employees of licensed child day care facilities from collecting information or documents regarding citizenship or immigration status of children or their family members, except as required by state or federal law or as required to administer a state or federally supported educational program. The bill would require the owner, operator, or administrator of a licensed child day care facility, as applicable, to report to the department 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. The bill would require a licensed child day care 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 a licensed child day care facility is aware that a child's parent or guardian is not available to care for the child. The bill would encourage facilities to work with parents or guardians to update their emergency contact information. The bill would require the Attorney General, by April 1, 2026, in consultation with the appropriate stakeholders, to publish model policies limiting assistance with immigration enforcement at child day care facilities similar to the model policies developed for local educational agencies described above. The bill would require all licensed child day care facilities to adopt the model policies developed by the Attorney General, or equivalent policies, as soon as possible, but in no event later than July 1, 2026. The bill would require licensed day care facilities to update these policies to conform with any revisions or updates to the model*

*policies developed by the Attorney General. Upon enrolling or reenrolling any child, the bill would require a licensed child day care facility to provide the parent or guardian with written information relating to the model policies developed by the Attorney General described above, including, but not limited to, information related to family safety plans and the importance of completing and maintaining emergency contact information. The bill would require the provided information to be updated to include any revisions or updates to the model policies issued by the Attorney General. Because a violation of these provisions by a licensed day care facility would constitute a crime, this bill would impose a state-mandated local program.*

*(5) Existing constitutional provisions require a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies to be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.*

*This bill would make legislative findings to that effect.*

*(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.*

*With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.*

~~Existing law expresses the intent of the Legislature to preserve and strengthen a child's family ties whenever possible and to remove a child from the custody of their parents only when necessary for their welfare or for the safety and protection of the public. Existing law establishes procedures to determine the placement of a dependent child when they are removed from the custody of the dependent child's parent or guardian and requires foster care placements, if possible, be made in the home of a relative unless the placement would not be in the best interest of the child.~~

~~This bill would express the intent of the Legislature to enact legislation to encourage facilities and agencies that serve children and families to implement family safety plans in the event that a noncitizen parent or~~

~~guardian of a dependent child is detained or deported. The bill would also express findings and declarations of the Legislature.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: ~~no~~-yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. This act shall be known, and may be cited, as the  
2     Family Preparedness Plan Act of 2025.  
3     SEC. 2. The Legislature finds and declares all of the following:  
4     (a) Several federal immigration policies in recent years have  
5     contributed to increases in the number of unaccompanied children.  
6     Separation of a child from their parent or primary caregiver has  
7     known developmental, psychological, and physical impacts.  
8     Younger children are especially vulnerable. During these early  
9     years, children are developing emotionally and physically, and  
10    forming attachments that help with emotional regulation, sense of  
11    identity, and psychological safety. Separating parents and  
12    caregivers who are key attachment figures during this vulnerable  
13    period can have lifelong impacts on children's emotional and  
14    physical wellbeing.  
15    (b) Stable caregiving arrangements are essential for the health,  
16    safety, and emotional well-being of children, particularly in times  
17    of crisis. The state recognizes the unique challenges faced by  
18    immigrant families due to the federal administration's enhanced  
19    deportation actions, which risk widespread family separations and  
20    disrupt caregiving stability for children under 18 years of age.  
21    (c) Despite existing tools, such as caregiver authorization  
22    affidavits and guardianship nominations, families and caregivers  
23    face significant uncertainty due to the lack of clarity, consistency,  
24    and enforceability of these mechanisms, resulting in schools and  
25    service providers refusing to accept them. Temporary and general  
26    guardianship options, while available, are overly broad and fail  
27    to adequately safeguard the rights of parents —particularly  
28    immigrant parents — to remain involved in their children's  
29    upbringing during periods of immigration detention or deportation.  
30    These gaps in the legal framework exacerbate the emotional  
31    trauma experienced by children, disrupt access to education and  
32    health care, and hinder the ability of families to respond effectively  
33    to crises.

(d) To address these challenges, the Legislature seeks to ensure that children facing the risk of family separation due to a parent's immigration status have stable and legally recognized caregiving arrangements that protect their emotional and physical well-being. The intent of the Legislature is to provide clear and streamlined processes for short-term guardianships that address urgent needs, such as medical care and educational decisionmaking, while upholding the rights of parents. It is also the intent of the Legislature to refine the scope of guardianship nominations by delineating the rights and responsibilities of nominated guardians. Finally, it is the intent of the Legislature to clarify the powers granted under caregiver authorization affidavits to ensure consistent recognition by schools, health care providers, and other agencies to demonstrate continued support for children who reside with a relative or nonrelative extended family member caregiver.

(e) By establishing a more coherent legal structure, it is the intent of the Legislature to reduce uncertainty and administrative barriers, enabling families to act swiftly and effectively in times of crisis. Supporting the stability of caregiving arrangements will mitigate the negative impacts on children's mental health, educational outcomes, and overall well-being. These efforts reflect California's commitment to protecting vulnerable families and upholding the fundamental rights of children and parents.

SEC. 3. Section 234.7 of the Education Code is amended to read:

234.7. (a) Except as required by state or federal law or as required to administer a state or federally supported educational program, school officials and employees of a local educational agency shall not collect information or documents regarding citizenship or immigration status of pupils or their family members.

(b) The superintendent of a school district, the superintendent of a county office of education, and the principal of a charter school, as applicable, shall report to the respective governing board or body of the local educational agency in a timely manner any requests for information or access to a schoolsite 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.

(c) If an employee of a school is aware that a pupil's parent or guardian is not available to care for the pupil, the school shall first

1 exhaust any parental instruction relating to the pupil's care in the  
2 emergency contact information it has for the pupil to arrange for  
3 the pupil's care. A school is encouraged to work with parents or  
4 guardians to update ~~the~~ *their* emergency contact information and  
5 ~~not to contact Child Protective Services to arrange for the pupil's~~  
6 ~~care unless the school is unable to arrange for care through the use~~  
7 ~~of emergency contact information or other information or~~  
8 ~~instructions provided by the parent or guardian.~~ *information.*

9 (d) The governing board or body of a local educational agency  
10 shall do ~~both~~ *all* of the following:

11 (1) Provide information to parents and guardians, as appropriate,  
12 regarding their children's right to a free public education, regardless  
13 of immigration status or religious beliefs. This information shall  
14 include information relating to ~~"know your rights" immigration~~  
15 ~~enforcement established~~ *"Promoting a Safe and Secure Learning*  
16 *Environment for All: Guidance and Model Policies to Assist*  
17 *California's K-12 Schools in Responding to Immigration Issues"*  
18 *issued by the Attorney General and General on January 6, 2025,*  
19 *including, but not limited to, information related to plans for family*  
20 *safety and the importance of providing the school with, and*  
21 *regularly updating, emergency contact information, including*  
22 *secondary and additional contact information. The provided*  
23 *information shall be revised as necessary to be consistent with any*  
24 *revisions or updates to the guidance issued by the Attorney*  
25 *General. The information* may be provided in the annual  
26 notification to parents and guardians pursuant to Section 48980 or  
27 any other cost-effective means determined by the local educational  
28 agency.

29 (2) Educate pupils about the negative impact of bullying other  
30 pupils based on their actual or perceived immigration status or  
31 their religious beliefs and customs.

32 (e) ~~Nothing in this~~ *This section prohibits does not prohibit* the  
33 governing board or body of a local educational agency from  
34 establishing stronger standards and protections.

35 (f) (1) The Attorney General, by April 1, 2018, in consultation  
36 with the appropriate stakeholders, shall publish model policies  
37 limiting assistance with immigration enforcement at public schools,  
38 to the fullest extent possible consistent with federal and state law,  
39 and ensuring that public schools remain safe and accessible to all  
40 California residents, regardless of immigration status. The Attorney



General shall, at a minimum, consider all of the following issues when developing the model policies:

(A) Procedures related to requests for access to school grounds for purposes related to immigration enforcement.

(B) Procedures for local educational agency employees to notify the superintendent of the school district or ~~his or her~~ *the superintendent's* designee, the superintendent of the county office of education or ~~his or her~~ *the superintendent's* designee, or the principal of the charter school or ~~his or her~~ *the principal's* designee, as applicable, if an individual requests or gains access to school grounds for purposes related to immigration enforcement.

(C) Procedures for responding to requests for personal information about pupils or their family members for purposes of immigration enforcement.

(2) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the Department of Justice may implement, interpret, or make specific this section without taking any regulatory action.

(g) All local educational agencies shall adopt the model policies developed pursuant to subdivision (f), or equivalent policies, by July 1, ~~2018~~ *2018, and revise their model policies as necessary to be consistent with any revisions or updates to the model policies developed by the Attorney General, including "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.*

(h) For purposes of this section, "local educational agency" means a school district, county office of education, or charter school.

*SEC. 4. Section 6550 of the Family Code is amended to read:*

6550. (a) (1) A caregiver's authorization affidavit that meets the requirements of this part authorizes a caregiver 18 years of age or older who completes items 1 to 4, inclusive, of the affidavit provided in Section 6552 and signs the affidavit to enroll a minor in school and consent to school-related medical care on behalf of

1 the minor. A caregiver who is a relative *or a nonrelative extended*  
2 *family member* and who completes items 1 to 8, inclusive, of the  
3 affidavit provided in Section 6552 and signs the affidavit shall  
4 have the same rights to authorize medical care and dental care for  
5 the minor that are given to guardians under Section 2353 of the  
6 Probate Code. The medical care authorized by this caregiver who  
7 is a relative may include mental health treatment subject to the  
8 limitations of Section 2356 of the Probate Code.

9 (2) *The affidavit shall be valid until the parent, legal guardian,*  
10 *person having legal custody, or caregiver rescinds the affidavit.*  
11 *In any case, the affidavit shall not be valid for more than one year*  
12 *after the date on which it was executed.*

13 (b) The decision of a caregiver to consent to or to refuse medical  
14 or dental care for a minor shall be superseded by any contravening  
15 decision of the parent or other person having legal custody of the  
16 minor, provided the decision of the parent or other person having  
17 legal custody of the minor does not jeopardize the life, health, or  
18 safety of the minor.

19 (c) A person who acts in good faith reliance on a caregiver's  
20 authorization affidavit to provide medical or dental care, without  
21 actual knowledge of facts contrary to those stated on the affidavit,  
22 is not subject to criminal liability or to civil liability to any person,  
23 and is not subject to professional disciplinary action, for that  
24 reliance if the applicable portions of the affidavit are completed.  
25 This subdivision applies even if medical or dental care is provided  
26 to a minor in contravention of the wishes of the parent or other  
27 person having legal custody of the minor as long as the person  
28 providing the medical or dental care has no actual knowledge of  
29 the wishes of the parent or other person having legal custody of  
30 the minor.

31 (d) A person who relies on the affidavit has no obligation to  
32 make any further inquiry or investigation.

33 (e) Nothing in this section relieves any individual from liability  
34 for violations of other provisions of law.

35 (f) If the minor stops living with the caregiver, the caregiver  
36 shall notify any school, health care provider, or health care service  
37 plan that has been given the affidavit. ~~The affidavit is invalid after~~  
38 ~~the school, health care provider, or health care service plan receives~~  
39 ~~notice that the minor is no longer living with the caregiver.~~

(g) A caregiver's authorization affidavit shall be invalid, unless it substantially contains, in not less than 10-point boldface type or a reasonable equivalent thereof, the warning ~~statement beginning with the word "warning"~~ *statements* specified in Section 6552. The ~~warning-statement~~ *statements* shall be enclosed in a box with 3-point rule lines.

(h) For purposes of this part, the following terms have the following meanings:

(1) "Person" includes an individual, corporation, partnership, association, the state, or any city, county, city and county, or other public entity or governmental subdivision or agency, or any other legal entity.

(2) *"Nonrelative extended family member" means 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.*

~~(2)~~

(3) "Relative" means a spouse, parent, stepparent, brother, sister, stepbrother, stepsister, half brother, half sister, uncle, aunt, niece, nephew, first cousin, or any person denoted by the prefix "grand" or "great," or the spouse of any of the persons specified in this definition, even after the marriage has been terminated by death or dissolution.

~~(3)~~

(4) "School-related medical care" means medical care that is required by state or local governmental authority as a condition for school ~~enrollment~~, *enrollment or participation in local educational agency-related extracurricular activities*, including immunizations, physical examinations, and medical examinations conducted in schools for pupils.

SEC. 5. Section 6552 of the Family Code is amended to read:  
6552. The caregiver's authorization affidavit shall be in substantially the following form:

Caregiver's Authorization Affidavit

Use of this affidavit is authorized by Part 1.5 (commencing with Section 6550) of Division 11 of the California Family Code.

Instructions: Completion of items 1–4 and the signing of the affidavit is sufficient to authorize enrollment of a minor in school and authorize school-related medical care. Completion of items 5–8 is additionally required to authorize any other medical care. Print clearly.

The minor named below lives in my home and I am 18 years of age or older.

1. Name of minor: \_\_\_\_\_.

2. Minor's birth date: \_\_\_\_\_.

3. My name (adult giving authorization): \_\_\_\_\_.

~~4. My home address: \_\_\_\_\_.~~

4. My home address: \_\_\_\_\_.

\_\_\_\_\_.

5. ☐ I am a grandparent, aunt, uncle, *sibling*, or other qualified relative of the minor (see back of this form for a definition of “qualified relative”).

6. *I am a nonrelative extended family member of the child or a relative of the child, as follows (check all that apply):*

*Extended relative*\_\_\_\_, *teacher/counselor*\_\_\_\_, *medical professional*\_\_\_\_,  
*clergy/godparent*\_\_\_\_, *neighbor*\_\_\_\_, *family friend*\_\_\_\_, *previously lived with*  
*or cared for the child*\_\_\_\_, *previously lived with or cared for a relative of*  
*the child.*\_\_\_\_\_

6–7. Check one or both (for example, if one parent was advised and the other cannot be located):

☐ I have advised the parent(s) or other person(s) having legal custody of the minor of my intent to authorize medical care, and have received no objection.

☐ I am unable to contact the parent(s) or other person(s) having legal custody of the minor at this time, to notify them of my intended authorization.

7–8. My date of birth: \_\_\_\_\_.

1  
2 8-9. My California driver's license or identification card *or government*  
3 *issued consular card*  
4 number: \_\_\_\_\_.

5  
6  
7 ~~Warning:~~ *Warning to Caregiver:* Do not sign this form if any of the statements  
8 above are incorrect, or you will be committing a crime punishable by a fine,  
9 imprisonment, or both.

10  
11  
12  
13 *Warning to Local Educational Agencies and Health Care Service Providers:*  
14 *A parent's signature or a seal or signature from a court is not required.*  
15

16  
17 I declare under penalty of perjury under the laws of the State  
18 of California that the foregoing is true and correct.

19 Dated: \_\_\_\_\_ Signed: \_\_\_\_\_  
20  
21

22 Notices:

23  
24 1. This declaration does not affect the rights of the minor's parents  
25 or legal guardian regarding the care, custody, and control of the  
26 minor, and does not mean that the caregiver has legal custody of  
27 the minor.

28  
29 2. A person who relies on this affidavit has no obligation to make  
30 any further inquiry or investigation.

31  
32 Additional Information:

33  
34 TO CAREGIVERS:

35  
36 1. "Qualified relative," for purposes of item 5, means a spouse,  
37 parent, stepparent, ~~brother, sister, stepbrother, stepsister, half~~  
38 ~~brother, half-sister, sibling, stepsibling, half-sibling,~~ uncle, aunt,  
39 niece, nephew, first cousin, or any person denoted by the prefix

1 “grand” or “great,” or the spouse of any of the persons specified  
2 in this definition, even after the marriage has been terminated by  
3 death or dissolution.

4  
5 2. *“Nonrelative extended family member” for the purposes of*  
6 *item 6, means an adult caregiver who has an established familial*  
7 *relationship with a relative of the child, or a familial or mentoring*  
8 *relationship with the child. The parties may include, but are not*  
9 *limited to, teachers, medical professionals, clergy, neighbors, and*  
10 *family friends.*

11 -  
12 2.  
13  
14 3. The law may require you, if you are not a ~~relative~~ *relative*,  
15 *nonrelative extended family member*, or a currently licensed,  
16 certified, or approved foster parent, to obtain resource family  
17 approval pursuant to Section 1517 of the Health and Safety Code  
18 or Section 16519.5 of the Welfare and Institutions Code in order  
19 to care for a minor. If you have any questions, please contact your  
20 local department of social services.

21 -

22 3.  
23  
24 4. If the minor stops living with you, you are required to notify  
25 any school, health care provider, or health care service plan to  
26 which you have given this affidavit. The affidavit is invalid after  
27 the school, health care provider, or health care service plan receives  
28 notice that the minor no longer lives with you.

29 -

30 4.  
31  
32 5. If you do not have the information requested in item 8  
33 (California driver’s license or I.D.), provide another form of  
34 identification such as your social security number or Medi-Cal  
35 number.

36  
37 TO SCHOOL OFFICIALS:

38  
39 1. Section 48204 of the Education Code provides that this affidavit  
40 constitutes a sufficient basis for a determination of residency of

1 the minor, without the requirement of a guardianship or other  
2 custody order, unless the school district determines from actual  
3 facts that the minor is not living with the caregiver.

4  
5 2. The school district may require additional reasonable evidence  
6 that the caregiver lives at the address provided in item 4.

7  
8 3. *A parent's signature or seal or signature of the court is not*  
9 *required.*

10  
11 TO HEALTH CARE PROVIDERS AND HEALTH CARE  
12 SERVICE PLANS:

13  
14 1. A ~~person~~ *health care service provider* who acts in good faith  
15 reliance upon a caregiver's authorization affidavit to provide  
16 medical or dental care, without actual knowledge of facts contrary  
17 to those stated on the affidavit, is not subject to criminal liability  
18 or to civil liability to any person, and is not subject to professional  
19 disciplinary action, for that reliance if the applicable portions of  
20 the form are completed. *A parent's signature or seal or signature*  
21 *of the court is not required.*

22  
23 2. This affidavit does not confer dependency for health care  
24 coverage purposes.

25 SEC. 6. *Section 1596.7997 is added to the Health and Safety*  
26 *Code, to read:*

27 1596.7997. (a) *Except as required by state or federal law or*  
28 *as required to administer a state or federally supported educational*  
29 *program, licensed child day care facilities and employees of*  
30 *licensed child day care facilities shall not collect information or*  
31 *documents regarding citizenship or immigration status of pupils*  
32 *or their family members.*

33 (b) *The owner, operator, or administrator of a licensed child*  
34 *day care facility, as applicable, shall report to the department and*  
35 *Attorney General any requests for information or access to the*  
36 *facility by an officer or employee of a law enforcement agency for*  
37 *the purpose of enforcing the immigration laws in a manner that*  
38 *ensures the confidentiality and privacy of any potentially*  
39 *identifying information.*

1 (c) If an employee of a licensed child day care facility is aware  
2 that a child's parent or guardian is not available to care for the  
3 child, the facility shall first exhaust any parental instruction  
4 relating to the child's care found in the child's emergency contact  
5 information. A facility is encouraged to work with parents or  
6 guardians to update their emergency contact information.

7 (d) Nothing in this section prohibits a licensed child day care  
8 facility from establishing stronger standards and protections.

9 (e) (1) The Attorney General, by April 1, 2026, in consultation  
10 with the appropriate stakeholders, shall publish model policies  
11 limiting assistance with immigration enforcement at licensed child  
12 day care facilities, to the fullest extent possible consistent with  
13 federal and state law, and ensuring that day care facilities remain  
14 safe and accessible to all California residents, regardless of  
15 immigration status. The Attorney General shall, at a minimum,  
16 consider all of the following issues when developing the model  
17 policies:

18 (A) Procedures related to requests for access to facility grounds  
19 for purposes related to immigration enforcement.

20 (B) Procedures for day care facility employees to notify the  
21 owner, operator, or administrator of the facility, as applicable, if  
22 an individual requests or gains access to facility grounds for  
23 purposes related to immigration enforcement.

24 (C) Procedures for responding to requests for personal  
25 information about children or their family members for purposes  
26 of immigration enforcement.

27 (2) Notwithstanding the rulemaking provisions of the  
28 Administrative Procedure Act (Chapter 3.5 (commencing with  
29 Section 11340) of Part 1 of Division 3 of Title 2 of the Government  
30 Code), the Department of Justice may implement, interpret, or  
31 make specific this section without taking any regulatory action.

32 (f) All licensed child day care facilities shall adopt the model  
33 policies developed pursuant to subdivision (e), or equivalent  
34 policies, as soon as possible, but in no event later than July 1,  
35 2026. Licensed day care facilities shall update these policies to  
36 conform with any revisions or updates to the model policies  
37 developed by the Attorney General.

38 (g) A licensed day care facility, upon enrolling or reenrolling  
39 any child, shall provide the parent or guardian with written  
40 information relating to the model policies developed pursuant to



1 *subdivision (e), including, but not limited to, information related*  
2 *to family safety plans and the importance of completing and*  
3 *maintaining emergency contact information. The provided*  
4 *information shall be revised as necessary to be consistent with any*  
5 *revisions or updates to the guidance issued by the Attorney*  
6 *General.*

7 *(h) For purposes of this section, “licensed child day care*  
8 *facility” means a child day care facility, as defined in Section*  
9 *1596.750, that is licensed pursuant to this chapter.*

10 *SEC. 7. Section 1502 of the Probate Code is amended to read:*

11 1502. (a) A nomination of a guardian under this article may  
12 be made in the petition for the appointment of the guardian or at  
13 the hearing on the petition or in a writing signed either before or  
14 after the petition for the appointment of the guardian is filed. *The*  
15 *court shall give due weight to the nomination when signed by one*  
16 *or both parents if there is good cause to waive notice pursuant to*  
17 *subdivision (g) of Section 1511.*

18 (b) The nomination of a guardian under this article is effective  
19 when made except that a writing nominating a guardian under this  
20 article may provide that the nomination becomes effective only  
21 upon the occurrence of such specified condition or conditions as  
22 are stated in the writing, including but not limited to such to,  
23 conditions as to the subsequent legal incapacity or death of the  
24 person making the ~~nomination~~. *nomination or the person making*  
25 *the nomination is subject to an order of deportation, physical*  
26 *absence from the United States due to deportation, or prolonged*  
27 *detention by immigration authorities.*

28 (c) Unless the writing making the nomination expressly  
29 otherwise provides, a nomination made under this article remains  
30 effective notwithstanding the subsequent legal incapacity or death  
31 of the person making the ~~nomination~~. *nomination, or the person*  
32 *making the nomination is subject to an order of deportation,*  
33 *physical absence from the United States due to deportation, or*  
34 *prolonged detention by immigration authorities.*

35 *SEC. 8. Section 2105 of the Probate Code is amended to read:*

36 2105. (a) The court, in its discretion, may appoint for a ward  
37 or conservatee:

38 (1) Two or more joint guardians or conservators of the person.

39 (2) Two or more joint guardians or conservators of the estate.

(3) Two or more joint guardians or conservators of the person and estate.

(b) When joint guardians or conservators are appointed, each shall qualify in the same manner as a sole guardian or conservator.

(c) Subject to subdivisions (d) and (e):

(1) Where there are two guardians or conservators, both must concur to exercise a power.

(2) Where there are more than two guardians or conservators, a majority must concur to exercise a power.

(d) If one of the joint guardians or conservators dies or is removed or resigns, the powers and duties continue in the remaining joint guardians or conservators until further appointment is made by the court.

(e) Where joint guardians or conservators have been appointed and one or more are (1) absent from the state and unable to act, (2) otherwise unable to act, or (3) legally disqualified from serving, the court may, by order made with or without notice, authorize the remaining joint guardians or conservators to act as to all matters embraced within its order.

(f) If a custodial parent has been diagnosed as having a terminal condition, as evidenced by a declaration executed by a licensed physician, the court, in its discretion, may appoint the custodial parent and a person nominated by the custodial parent as joint guardians of the person of the minor. However, this appointment shall not be made over the objection of a noncustodial parent without a finding that the noncustodial parent's custody would be detrimental to the minor, as provided in Section 3041 of the Family Code. It is the intent of the Legislature in enacting the amendments to this subdivision adopted during the 1995–96 Regular Session for a parent with a terminal condition to be able to make arrangements for the joint care, custody, and control of ~~his or her~~ *their* minor children so as to minimize the emotional stress of, and disruption for, the minor children whenever the parent is incapacitated or upon the parent's death, and to avoid the need to provide a temporary guardian or place the minor children in foster care, pending appointment of a guardian, as might otherwise be required.

“Terminal condition,” for purposes of this subdivision, means an incurable and irreversible condition that, without the

1 administration of life-sustaining treatment, will, within reasonable  
2 medical judgment, result in death.

3 *(g) If a custodial parent is subject to an immigration*  
4 *administrative action where the parent may be temporarily*  
5 *unavailable to care for their child, the court, in its discretion, may*  
6 *appoint the custodial parent and a person nominated by the*  
7 *custodial parent as joint guardians of the person of the minor.*  
8 *Upon the occurrence of an activating event set forth in an order*  
9 *appointing a joint guardian, the guardian shall be immediately*  
10 *empowered to assume guardianship duties in the parent's absence.*  
11 *Commencement of the duties of the guardian shall confer upon*  
12 *the appointed guardian shared authority with the parent, custodian,*  
13 *or guardian of the minor child or minor ward, unless the petition*  
14 *states otherwise. A parent, custodian, or guardian may revoke a*  
15 *joint guardianship by filing a request to terminate the guardianship*  
16 *with the court pursuant to Section 1601 and upon a showing that*  
17 *the activating event no longer affects the parent's availability to*  
18 *provide care for their child.*

19 *(1) All court records, petitions, orders, and documents related*  
20 *to the appointment of a joint guardian pursuant to this subdivision*  
21 *shall be confidential, accessible only to the parties to the*  
22 *proceeding, their legal representatives, and the court, unless*  
23 *otherwise ordered for good cause.*

24 *(2) The court shall ensure that information identifying the minor,*  
25 *the custodial parent, the appointed guardian, or any family*  
26 *members, including names, addresses, immigration status, or any*  
27 *other personally identifiable information, is not made available*  
28 *in any public court records or databases.*

29 *(3) Consistent with Section 7284.6 of the Government Code,*  
30 *information contained in these records shall not be disclosed to*  
31 *federal immigration authorities or any entity engaged in*  
32 *immigration enforcement without a court order based on a showing*  
33 *of compelling necessity unrelated to immigration enforcement.*

34 *(4) Hearings related to the appointment, activation, or*  
35 *termination of a joint guardianship under this subdivision shall*  
36 *be closed to the public unless the court finds that an open hearing*  
37 *is necessary and would not jeopardize the safety or privacy of the*  
38 *parties involved.*

39 *SEC. 9. The Legislature finds and declares that Section 8 of*  
40 *this act, which amends Section 2105 of the Probate Code, imposes*

1 *a limitation on the public's right of access to the meetings of public*  
2 *bodies or the writings of public officials and agencies within the*  
3 *meaning of Section 3 of Article I of the California Constitution.*  
4 *Pursuant to that constitutional provision, the Legislature makes*  
5 *the following findings to demonstrate the interest protected by this*  
6 *limitation and the need for protecting that interest:*

7 *In order to protect the privacy interests of immigrants, it is*  
8 *essential to maintain the confidentiality of the records, information,*  
9 *and hearings described in Section 8 of this act.*

10 *SEC. 10. No reimbursement is required by this act pursuant*  
11 *to Section 6 of Article XIII B of the California Constitution for*  
12 *certain costs that may be incurred by a local agency or school*  
13 *district because, in that regard, this act creates a new crime or*  
14 *infraction, eliminates a crime or infraction, or changes the penalty*  
15 *for a crime or infraction, within the meaning of Section 17556 of*  
16 *the Government Code, or changes the definition of a crime within*  
17 *the meaning of Section 6 of Article XIII B of the California*  
18 *Constitution.*

19 *However, if the Commission on State Mandates determines that*  
20 *this act contains other costs mandated by the state, reimbursement*  
21 *to local agencies and school districts for those costs shall be made*  
22 *pursuant to Part 7 (commencing with Section 17500) of Division*  
23 *4 of Title 2 of the Government Code.*

24 ~~SECTION 1. (a) The Legislature finds and declares the~~  
25 ~~following:~~

26 ~~(1) Children of noncitizens of the United States should not be~~  
27 ~~left abandoned.~~

28 ~~(2) Section 16000 of the Welfare and Institutions Code expresses~~  
29 ~~the intent of the Legislature to preserve and strengthen a child's~~  
30 ~~family ties whenever possible and to remove a child from the~~  
31 ~~custody of their parents only when necessary for their welfare or~~  
32 ~~for the safety and protection of the public. Additionally, for foster~~  
33 ~~care placements, Section 7950 of the Family Code requires that,~~  
34 ~~if possible, the placement of dependent children be in the home~~  
35 ~~of a relative, unless the placement would not be in the best interest~~  
36 ~~of the child.~~

37 ~~(b) Therefore, it is the intent of the Legislature to enact~~  
38 ~~legislation to encourage facilities and agencies that serve children~~  
39 ~~and families to implement family safety plans in the event that a~~

- 1 ~~noncitizen parent or guardian of a dependent child is detained or~~
- 2 ~~deported.~~

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