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AMENDED IN SENATE AUGUST 29, 2025

AMENDED IN ASSEMBLY APRIL 23, 2025

AMENDED IN ASSEMBLY APRIL 21, 2025

AMENDED IN ASSEMBLY MARCH 24, 2025

CALIFORNIA LEGISLATURE—2025–26 REGULAR SESSION

ASSEMBLY BILL

No. 495

Introduced by Assembly Member Celeste Rodriguez

(Principal coauthor: Senator Wahab)

**(Coauthors: Assembly Members Addis, Ahrens, Aguiar-Curry,
Bennett, Calderon, Carrillo, Connolly, Garcia, Mark González,
Harabedian, Kalra, Lee, Ortega, Stefani, and Zbur)**

(Coauthors: Senators Gonzalez, Limón, Menjivar, Richardson, and
Wiener)

February 10, 2025

An act to amend Section 234.7 of the Education Code, to amend Sections 6550 and 6552 of the Family Code, to add Chapter 3.62 (commencing with Section 1597.640) to Division 2 of 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. 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.

This bill, the Family Preparedness Plan Act of 2025, would *revise the definition of relative* to expand the type of ~~person~~ *relative* 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 authorize a court, in its discretion, to appoint a custodial parent and a person nominated by the custodial parent 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. The bill would make all records, petitions, orders, and documents related to these proceedings confidential, as specified.

The bill would provide 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) 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 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 child'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 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 daycare~~ facilities, including ~~day-care daycare~~ centers and ~~day-care daycare~~ homes, by the State Department of Social Services. *The act exempts certain types of facilities from licensure under its provisions, including California state preschool programs that meet certain requirements, including, among other things, that the programs are operated by local educational agencies in a school building.*

Similar to the provisions related to local educational agencies described above, this bill would prohibit licensed ~~child-day-care daycare~~ facilities, as defined, ~~and employees of licensed child-day-care facilities daycare facilities,~~ and license-exempt California state preschool

program 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~~. *law or as required to administer a state or federally supported educational program.* The bill would require the licensee 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. *The bill would authorize license-exempt California state preschool program facilities to make that report to the State Department of Education and the Attorney General. The bill would require the State Department of Social Services to provide any information on California state preschool programs collected pursuant to those provisions to the Superintendent of Public Instruction.* The bill would require a licensed child ~~day care~~ *daycare* facility and a license-exempt California 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 a licensed child ~~day care~~ *the facility* is aware that a child's parent or authorized representative is not available to care for the child. The bill would require licensees or administrators of ~~licensed those~~ facilities to request that parents or authorized representatives 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~~ *daycare* facilities and license-exempt California state preschool program facilities similar to the model policies developed for local educational agencies described above. *The bill would require the State Department of Social Services to inform licensed daycare facilities, and the State Department of Education to inform license-exempt California state preschool program facilities, of the model policies.* The bill would require all ~~licensed child day care facilities~~ *California state preschool programs* 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~~ *California state preschool programs* to update these policies to conform with any revisions or updates to the model policies developed by the Attorney General. The bill would require a licensed child ~~day care~~ *daycare* facility and license-exempt California state preschool program facilities to provide the parent or authorized representative with information about

how to access those model policies. The bill would require the ~~department~~ *State Department of Social Services* to inform licensed child day care ~~facilities~~ *facilities, and the State Department of Education to inform license-exempt California state preschool program facilities*, of any revisions or updates to the model policies and require any information, policies, or guidance provided by ~~licenses~~ *facilities* to parents or authorized representatives to be updated to include any revisions or updates to the model policies issued by the Attorney General. The bill would authorize the ~~department~~ *State Department of Social Services* to administer these provisions by interim licensing standards until regulations are adopted.

(5) This bill would provide that its provisions are severable.

(6) 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.

(7) 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.

This bill would incorporate additional changes to Section 234.7 of the Education Code proposed by AB 49, AB 419, or both, to be operative only if this bill and AB 49, AB 419, or both, are enacted and this bill is enacted last.

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

1 (a) Several federal immigration policies in recent years have
2 contributed to increases in the number of unaccompanied children.
3 Separation of a child from their parent or primary caregiver has
4 known developmental, psychological, and physical impacts.
5 Younger children are especially vulnerable. During these early
6 years, children are developing emotionally and physically, and
7 forming attachments that help with emotional regulation, sense of
8 identity, and psychological safety. Separating parents and
9 caregivers who are key attachment figures during this vulnerable
10 period can have lifelong impacts on children’s emotional and
11 physical wellbeing.

12 (b) Stable caregiving arrangements are essential for the health,
13 safety, and emotional well-being of children, particularly in times
14 of crisis. Immigration enforcement activities that separate parents
15 and caregivers from their families or their workplace are highly
16 disruptive for children and youth in their care.

17 (c) Despite existing tools, such as caregiver authorization
18 affidavits and guardianship nominations, families and caregivers
19 face significant uncertainty due to the lack of clarity, consistency,
20 and enforceability of these mechanisms, resulting in schools and
21 service providers refusing to accept them. Temporary and general
22 guardianship options, while available, fail to adequately safeguard
23 the rights of parents—particularly immigrant parents—to remain
24 involved in their child’s upbringing during periods of immigration
25 detention or deportation. These gaps in the legal framework
26 exacerbate the emotional trauma experienced by children, disrupt
27 access to education and health care, and hinder the ability of
28 families to respond effectively to crises. *It is the intent of the*
29 *Legislature to strengthen parental rights and family options.*

30 (d) To address these challenges, the Legislature seeks to ensure
31 that children facing the risk of family separation due to a parent’s
32 immigration status have stable and legally recognized caregiving
33 arrangements that protect their emotional and physical well-being.
34 The intent of the Legislature is to provide clear and streamlined
35 processes for short-term guardianships that address urgent needs,
36 such as medical care and educational decisionmaking, while
37 upholding the rights of parents. It is also the intent of the
38 Legislature to refine the scope of guardianship nominations by
39 delineating the rights and responsibilities of nominated guardians.
40 Finally, it is the intent of the Legislature to clarify the powers

1 granted under caregiver authorization affidavits to ensure consistent
2 recognition by schools, health care providers, and other agencies
3 to demonstrate continued support for children who reside with a
4 relative or ~~nonrelative extended family member~~ caregiver.

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

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

15 234.7. (a) Except as required by state or federal law or as
16 required to administer a state or federally supported educational
17 program, school officials and employees of a local educational
18 agency shall not collect information or documents regarding
19 citizenship or immigration status of pupils or their family members.

20 (b) The superintendent of a school district, the superintendent
21 of a county office of education, and the principal of a charter
22 school, as applicable, shall report to the respective governing board
23 or body of the local educational agency in a timely manner any
24 requests for information or access to a schoolsite by an officer or
25 employee of a law enforcement agency for the purpose of enforcing
26 the immigration laws in a manner that ensures the confidentiality
27 and privacy of any potentially identifying information.

28 (c) If an employee of a school is aware that a pupil’s parent or
29 guardian is not available to care for the pupil, the school shall first
30 exhaust any parental instruction relating to the pupil’s care in the
31 emergency contact information it has for the pupil to arrange for
32 the pupil’s care. A school is encouraged to work with parents or
33 guardians to update their emergency contact information and not
34 to contact Child Protective Services to arrange for the pupil’s care
35 unless the school is unable to arrange for care through the use of
36 emergency contact information or other information or instructions
37 provided by the parent or guardian.

38 (d) The governing board or body of a local educational agency
39 shall do all of the following:

1 (1) Provide information to parents and guardians, as appropriate,
2 regarding their child’s right to a free public education, regardless
3 of immigration status or religious beliefs. This information shall
4 include information relating to “Promoting a Safe and Secure
5 Learning Environment for All: Guidance and Model Policies to
6 Assist California’s K–12 Schools in Responding to Immigration
7 Issues” issued by the Attorney General on January 6, 2025,
8 including, but not limited to, information related to plans for family
9 safety, the caregiver’s authorization affidavit in Section 6552 of
10 the Family Code, and the importance of providing the school with,
11 and regularly updating, emergency contact information, including
12 secondary and additional contact information. The provided
13 information shall be revised as necessary to be consistent with any
14 revisions or updates to the guidance issued by the Attorney
15 General. The information may be provided in the annual
16 notification to parents and guardians pursuant to Section 48980 or
17 any other cost-effective means determined by the local educational
18 agency.

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

22 (e) This section does not prohibit the governing board or body
23 of a local educational agency from establishing stronger standards
24 and protections.

25 (f) (1) The Attorney General, by April 1, 2018, in consultation
26 with the appropriate stakeholders, shall publish model policies
27 limiting assistance with immigration enforcement at public schools,
28 to the fullest extent possible consistent with federal and state law,
29 and ensuring that public schools remain safe and accessible to all
30 California residents, regardless of immigration status. The Attorney
31 General shall, at a minimum, consider all of the following issues
32 when developing the model policies:

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

35 (B) Procedures for local educational agency employees to notify
36 the superintendent of the school district or the superintendent’s
37 designee, the superintendent of the county office of education or
38 the superintendent’s designee, or the principal of the charter school
39 or the principal’s designee, as applicable, if an individual requests

1 or gains access to school grounds for purposes related to
2 immigration enforcement.

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

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

11 (g) All local educational agencies shall adopt the model policies
12 developed pursuant to subdivision (f), or equivalent policies, by
13 July 1, 2018, and revise their model policies as necessary to be
14 consistent with any revisions or updates to the model policies
15 developed by the Attorney General, including “Promoting a Safe
16 and Secure Learning Environment for All: Guidance and Model
17 Policies to Assist California’s K–12 Schools in Responding to
18 Immigration Issues” issued by the Attorney General on January
19 6, 2025, including, but not limited to, information related to plans
20 for family safety, the caregiver’s authorization affidavit in Section
21 6552 of the Family Code, and the importance of providing the
22 school with, and regularly updating, emergency contact
23 information, including secondary and additional contact
24 information.

25 (h) For purposes of this section, “local educational agency”
26 means a school district, county office of education, or charter
27 school.

28 *SEC. 3.1. Section 234.7 of the Education Code is amended to*
29 *read:*

30 234.7. (a) Except as required by state or federal law or as
31 required to administer a state or federally supported educational
32 program, school officials and employees of a local educational
33 agency shall not ~~collect information or documents regarding~~
34 ~~citizenship or immigration status of pupils or their family members.~~
35 *do either of the following:*

36 (1) *Collect information or documents regarding citizenship or*
37 *immigration status of pupils or their family members.*

38 (2) *Allow an officer or employee of an agency conducting*
39 *immigration enforcement to enter a nonpublic area of a schoolsite*
40 *for any purpose without being presented with a valid judicial*

1 warrant or judicial subpoena, or a court order. Any school official
2 or employee of a local educational agency shall, to the extent
3 practicable, request a valid identification from an officer or
4 employee of an agency conducting immigration enforcement
5 seeking to enter a nonpublic area of a schoolsite. This subdivision
6 shall not be construed to limit a local educational agency's or
7 school official's right to consult with counsel or challenge the
8 validity of a warrant, subpoena, or court order in a court of
9 competent jurisdiction.

10 (b) A local educational agency and its personnel, to the extent
11 practicable, shall not disclose or provide in writing, verbally, or
12 in any other manner, the education records of or any information
13 about a pupil or a pupil's family and household without the pupil's
14 parents' or guardians' written consent, a school employee, or a
15 teacher, including, but not limited to, personal information as
16 defined in subdivision (a) of Section 1798.3 of the Civil Code,
17 information about a pupil's home, and information about a pupil's
18 travel schedule, to an officer or employee of an agency conducting
19 immigration enforcement absent a valid judicial warrant or judicial
20 subpoena, or court order directing the local educational agency
21 or its personnel to do so. Any disclosure of a pupil's education
22 records pursuant to a valid judicial warrant or judicial subpoena,
23 or court order shall be in accordance with the parent notification
24 requirements set forth in Section 99.31(a)(9)(ii) of Title 34 of the
25 Code of Federal Regulations.

26 (b)

27 (c) The superintendent of a school district, the superintendent
28 of a county office of education, and the principal of a charter
29 school, as applicable, shall report to the respective governing board
30 or body of the local educational agency in a timely manner any
31 requests for information or access to a schoolsite by an officer or
32 employee of a law enforcement agency for the purpose of enforcing
33 the immigration laws in a manner that ensures the confidentiality
34 and privacy of any potentially identifying information.

35 (e)

36 (d) If an employee of a school is aware that a pupil's parent or
37 guardian is not available to care for the pupil, the school shall first
38 exhaust any parental instruction relating to the pupil's care in the
39 emergency contact information it has for the pupil to arrange for
40 the pupil's care. A school is encouraged to work with parents or

1 guardians to update ~~the~~ *their* emergency contact information and
2 not to contact Child Protective Services to arrange for the pupil's
3 care unless the school is unable to arrange for care through the use
4 of emergency contact information or other information or
5 instructions provided by the parent or guardian.

6 ~~(d)~~

7 (e) The governing board or body of a local educational agency
8 shall do ~~both~~ *all* of the following:

9 (1) Provide information to parents and guardians, as appropriate,
10 regarding their ~~children's~~ *child's* right to a free public education,
11 regardless of immigration status or religious beliefs. This
12 information shall include information relating to ~~"know your~~
13 ~~rights"~~ ~~immigration enforcement established by the Attorney~~
14 ~~General and "Promoting a Safe and Secure Learning Environment~~
15 ~~for All: Guidance and Model Policies to Assist California's K-12~~
16 ~~Schools in Responding to Immigration Issues" issued by the~~
17 ~~Attorney General on January 6, 2025, including, but not limited~~
18 ~~to, information related to plans for family safety, the caregiver's~~
19 ~~authorization affidavit in Section 6552 of the Family Code, and~~
20 ~~the importance of providing the school with, and regularly~~
21 ~~updating, emergency contact information, including secondary~~
22 ~~and additional contact information. The provided information~~
23 ~~shall be revised as necessary to be consistent with any revisions~~
24 ~~or updates to the guidance issued by the Attorney General. The~~
25 ~~information may be provided in the annual notification to parents~~
26 ~~and guardians pursuant to Section 48980 or any other cost-effective~~
27 ~~means determined by the local educational agency.~~

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

31 ~~(e) Nothing in this section prohibits~~

32 (f) ~~This section does not prohibit~~ the governing board or body
33 of a local educational agency from establishing stronger standards
34 and protections.

35 ~~(f)~~

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

1 California residents, regardless of immigration status. The Attorney
 2 General shall, at a minimum, consider all of the following issues
 3 when developing the model policies:

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

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

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

16 (2) *The Attorney General shall, no later than December 1, 2025,*
 17 *update the model policies described in paragraph (1) to ensure*
 18 *that these policies align with the prohibition applicable to school*
 19 *officials and employees of local educational agencies as described*
 20 *in paragraph (2) of subdivision (a), and the requirements for local*
 21 *educational agencies, as described in this section.*

22 ~~(2)~~

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

28 ~~(g)~~

29 (h) All local educational agencies shall ~~adopt~~ *do all of the*
 30 *following:*

31 (1) *Adopt* the model policies developed pursuant to ~~subdivision~~
 32 ~~(f)~~; *paragraph (1) of subdivision (g), or equivalent policies, by*
 33 *July 1, 2018.*

34 (2) *Revise their model policies as necessary to be consistent*
 35 *with any revisions or updates to the model policies developed by*
 36 *the Attorney General, including "Promoting a Safe and Secure*
 37 *Learning Environment for All: Guidance and Model Policies to*
 38 *Assist California's K-12 Schools in Responding to Immigration*
 39 *Issues" issued by the Attorney General on January 6, 2025,*
 40 *including, but not limited to, information related to plans for family*

1 safety, the caregiver’s authorization affidavit in Section 6552 of
2 the Family Code, and the importance of providing the school with,
3 and regularly updating, emergency contact information, including
4 secondary and additional contact information.

5 (3) Update their model policies to align with this section,
6 including paragraph (2) of subdivision (g), by March 1, 2026.

7 (i) This section does not prohibit or restrict any governmental
8 entity or official from sending to, or receiving from, federal
9 immigration authorities, information regarding the citizenship or
10 immigration status, lawful or unlawful, of an individual, or from
11 requesting from federal immigration authorities immigration status
12 information, lawful or unlawful, of any individual, or maintaining
13 or exchanging that information with any other federal, state, or
14 local governmental entity, pursuant to Sections 1373 and 1644 of
15 Title 8 of the United States Code.

16 (j) A local educational agency shall maintain its policy adopted
17 pursuant to subdivision (h) and make the policy available to the
18 department upon request.

19 (k) Local educational agencies may be subject to monitoring
20 and auditing by the department to ensure compliance with the
21 requirements of subdivisions (h) and (j).

22 (l) For purposes of this section, the following definitions apply:

23 (1) “Immigration enforcement” includes any and all efforts to
24 investigate, enforce, or assist in the investigation or enforcement
25 of any federal civil immigration law, and any and all efforts to
26 investigate, enforce, or assist in the investigation or enforcement
27 of any federal criminal immigration law that penalizes a person’s
28 presence in, entry, or reentry to, or employment in, the United
29 States.

30 ~~(h) For purposes of this section, “local~~

31 (2) “Local educational agency” means a school district, county
32 office of education, or charter school.

33 (3) “Schoolsite” means an individual school campus of a school
34 district, county office of education, or charter school, an area
35 where a local educational agency’s school-sponsored activity is
36 currently being held, or a schoolbus or other transportation
37 provided by a local educational agency.

38 SEC. 3.2. Section 234.7 of the Education Code is amended to
39 read:

1 234.7. (a) Except as required by state or federal law or as
 2 required to administer a state or federally supported educational
 3 program, school officials and employees of a local educational
 4 agency shall not collect information or documents regarding
 5 citizenship or immigration status of pupils or their family members.
 6 (b) The superintendent of a school district, the superintendent
 7 of a county office of education, and the principal of a charter
 8 school, as applicable, shall report to the respective governing board
 9 or body of the local educational agency in a timely manner any
 10 requests for information or access to a schoolsite by an officer or
 11 employee of a law enforcement agency for the purpose of enforcing
 12 the immigration laws in a manner that ensures the confidentiality
 13 and privacy of any potentially identifying information.
 14 (c) If an employee of a school is aware that a pupil’s parent or
 15 guardian is not available to care for the pupil, the school shall first
 16 exhaust any parental instruction relating to the pupil’s care in the
 17 emergency contact information it has for the pupil to arrange for
 18 the pupil’s care. A school is encouraged to work with parents or
 19 guardians to update ~~the~~ *their* emergency contact information and
 20 not to contact ~~Child Protective Services~~ *a child protective services*
 21 *agency* to arrange for the pupil’s care unless the school is unable
 22 to arrange for care through the use of emergency contact
 23 information or other information or instructions provided by the
 24 parent or guardian.
 25 (d) The governing board or body of a local educational agency
 26 shall do ~~both~~ *all* of the following:
 27 (1) (A) Provide information to parents and guardians, as
 28 appropriate, regarding their ~~children’s~~ *child’s* right to a free public
 29 education, regardless of immigration status or religious beliefs.
 30 This information shall include information relating to ~~“know your~~
 31 ~~rights”~~ *immigration enforcement established by the Attorney*
 32 ~~General and may both of the following:~~
 33 (i) *The Immigration-Enforcement Actions at California Schools*
 34 *Guide for Students and Families, also known as “Know Your*
 35 *Educational Rights,” developed by the Attorney General.*
 36 (ii) *“Promoting a Safe and Secure Learning Environment for*
 37 *All: Guidance and Model Policies to Assist California’s K–12*
 38 *Schools in Responding to Immigration Issues” issued by the*
 39 *Attorney General on January 6, 2025, including, but not limited*
 40 *to, information related to plans for family safety, the caregiver’s*

1 *authorization affidavit in Section 6552 of the Family Code, and*
2 *the importance of providing the school with, and regularly*
3 *updating, emergency contact information, including secondary*
4 *and additional contact information. The provided information*
5 *shall be revised as necessary to be consistent with any revisions*
6 *or updates to the guidance issued by the Attorney General.*

7 (B) *The information may be provided in the annual notification*
8 *to parents and guardians pursuant to Section 48980 or any other*
9 *cost-effective means determined by the local educational agency.*

10 (C) *The guide specified in clause (i) subparagraph (A) shall be*
11 *posted in the administrative buildings and on the internet websites*
12 *of the local educational agency and each of its schoolsites. The*
13 *guide shall be posted in every language that the Attorney General*
14 *provides and shall be updated the school year following any*
15 *updates published by the Attorney General.*

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

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

22 (f) (1) The Attorney General, by April 1, 2018, in consultation
23 with the appropriate stakeholders, shall publish model policies
24 limiting assistance with immigration enforcement at public schools,
25 to the fullest extent possible consistent with federal and state law,
26 and ensuring that public schools remain safe and accessible to all
27 California residents, regardless of immigration status. The Attorney
28 General shall, at a minimum, consider all of the following issues
29 when developing the model policies:

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

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

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

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

9 (g) All local educational agencies shall adopt the model policies
 10 developed pursuant to subdivision (f), or equivalent policies, by
 11 July 1, ~~2018~~: 2018, and revise their model policies as necessary
 12 to be consistent with any revisions or updates to the model policies
 13 developed by the Attorney General, including “Promoting a Safe
 14 and Secure Learning Environment for All: Guidance and Model
 15 Policies to Assist California’s K–12 Schools in Responding to
 16 Immigration Issues” issued by the Attorney General on January
 17 6, 2025, including, but not limited to, information related to plans
 18 for family safety, the caregiver’s authorization affidavit in Section
 19 6552 of the Family Code, and the importance of providing the
 20 school with, and regularly updating, emergency contact
 21 information, including secondary and additional contact
 22 information.

23 (h) For purposes of this section, “local educational agency”
 24 means a school district, county office of education, or charter
 25 school.

26 SEC. 3.3. Section 234.7 of the Education Code is amended to
 27 read:

28 234.7. (a) Except as required by state or federal law or as
 29 required to administer a state or federally supported educational
 30 program, school officials and employees of a local educational
 31 agency shall not ~~collect information or documents regarding~~
 32 ~~citizenship or immigration status of pupils or their family members.~~
 33 do either of the following:

34 (1) Collect information or documents regarding citizenship or
 35 immigration status of pupils or their family members.

36 (2) Allow an officer or employee of an agency conducting
 37 immigration enforcement to enter a nonpublic area of a schoolsite
 38 for any purpose without being presented with a valid judicial
 39 warrant or judicial subpoena, or a court order. Any school official
 40 or employee of a local educational agency shall, to the extent

1 *practicable, request a valid identification from an officer or*
2 *employee of an agency conducting immigration enforcement*
3 *seeking to enter a nonpublic area of a schoolsite. This subdivision*
4 *shall not be construed to limit a local educational agency's or*
5 *school official's right to consult with counsel or challenge the*
6 *validity of a warrant, subpoena, or court order in a court of*
7 *competent jurisdiction.*

8 (b) *A local educational agency and its personnel, to the extent*
9 *practicable, shall not disclose or provide in writing, verbally, or*
10 *in any other manner, the education records of or any information*
11 *about a pupil or a pupil's family and household without the pupil's*
12 *parents' or guardians' written consent, a school employee, or a*
13 *teacher, including, but not limited to, personal information as*
14 *defined in subdivision (a) of Section 1798.3 of the Civil Code,*
15 *information about a pupil's home, and information about a pupil's*
16 *travel schedule, to an officer or employee of an agency conducting*
17 *immigration enforcement absent a valid judicial warrant or judicial*
18 *subpoena, or court order directing the local educational agency*
19 *or its personnel to do so. Any disclosure of a pupil's education*
20 *records pursuant to a valid judicial warrant or judicial subpoena,*
21 *or court order shall be in accordance with the parent notification*
22 *requirements set forth in Section 99.31(a)(9)(ii) of Title 34 of the*
23 *Code of Federal Regulations.*

24 ~~(b)~~

25 (c) *The superintendent of a school district, the superintendent*
26 *of a county office of education, and the principal of a charter*
27 *school, as applicable, shall report to the respective governing board*
28 *or body of the local educational agency in a timely manner any*
29 *requests for information or access to a schoolsite by an officer or*
30 *employee of a law enforcement agency for the purpose of enforcing*
31 *the immigration laws in a manner that ensures the confidentiality*
32 *and privacy of any potentially identifying information.*

33 ~~(e)~~

34 (d) *If an employee of a school is aware that a pupil's parent or*
35 *guardian is not available to care for the pupil, the school shall first*
36 *exhaust any parental instruction relating to the pupil's care in the*
37 *emergency contact information it has for the pupil to arrange for*
38 *the pupil's care. A school is encouraged to work with parents or*
39 *guardians to update ~~the~~ their emergency contact information and*
40 *not to contact ~~Child Protective Services~~ a child protective services*

1 agency to arrange for the pupil’s care unless the school is unable
2 to arrange for care through the use of emergency contact
3 information or other information or instructions provided by the
4 parent or guardian.

5 ~~(d)~~

6 (e) The governing board or body of a local educational agency
7 shall do ~~both~~ all of the following:

8 (1) (A) Provide information to parents and guardians, as
9 appropriate, regarding their ~~children’s~~ child’s right to a free public
10 education, regardless of immigration status or religious beliefs.

11 This information shall include information relating to ~~“know your
12 rights” immigration enforcement established by the Attorney
13 General and may both of the following:~~

14 (i) *The Immigration-Enforcement Actions at California Schools
15 Guide for Students and Families, also known as “Know Your
16 Educational Rights,” developed by the Attorney General.*

17 (ii) *“Promoting a Safe and Secure Learning Environment for
18 All: Guidance and Model Policies to Assist California’s K–12
19 Schools in Responding to Immigration Issues” issued by the
20 Attorney General on January 6, 2025, including, but not limited
21 to, information related to plans for family safety, the caregiver’s
22 authorization affidavit in Section 6552 of the Family Code, and
23 the importance of providing the school with, and regularly
24 updating, emergency contact information, including secondary
25 and additional contact information. The provided information
26 shall be revised as necessary to be consistent with any revisions
27 or updates to the guidance issued by the Attorney General.*

28 (B) *The information may be provided in the annual notification
29 to parents and guardians pursuant to Section 48980 or any other
30 cost-effective means determined by the local educational agency.*

31 (C) *The guide specified in clause (i) subparagraph (A) shall be
32 posted in the administrative buildings and on the internet websites
33 of the local educational agency and each of its schoolsites. The
34 guide shall be posted in every language that the Attorney General
35 provides and shall be updated the school year following any
36 updates published by the Attorney General.*

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

40 ~~(e) Nothing in this section prohibits~~

1 (f) *This section does not prohibit* the governing board or body
2 of a local educational agency from establishing stronger standards
3 and protections.

4 ~~(f)~~

5 (g) (1) The Attorney General, by April 1, 2018, in consultation
6 with the appropriate stakeholders, shall publish model policies
7 limiting assistance with immigration enforcement at public schools,
8 to the fullest extent possible consistent with federal and state law,
9 and ensuring that public schools remain safe and accessible to all
10 California residents, regardless of immigration status. The Attorney
11 General shall, at a minimum, consider all of the following issues
12 when developing the model policies:

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

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

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

25 (2) *The Attorney General shall, no later than December 1, 2025,*
26 *update the model policies described in paragraph (1) to ensure*
27 *that these policies align with the prohibition applicable to school*
28 *officials and employees of local educational agencies as described*
29 *in paragraph (2) of subdivision (a), and the requirements for local*
30 *educational agencies, as described in this section.*

31 ~~(2)~~

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

37 ~~(g)~~

38 (h) All local educational agencies shall ~~adopt~~ *do all of the*
39 *following:*

1 (1) ~~Adopt~~ the model policies developed pursuant to ~~subdivision~~
2 ~~(f)~~; paragraph (1) of subdivision (g), or equivalent policies, by
3 July 1, 2018.

4 (2) *Revise their model policies as necessary to be consistent*
5 *with any revisions or updates to the model policies developed by*
6 *the Attorney General, including “Promoting a Safe and Secure*
7 *Learning Environment for All: Guidance and Model Policies to*
8 *Assist California’s K–12 Schools in Responding to Immigration*
9 *Issues” issued by the Attorney General on January 6, 2025,*
10 *including, but not limited to, information related to plans for family*
11 *safety, the caregiver’s authorization affidavit in Section 6552 of*
12 *the Family Code, and the importance of providing the school with,*
13 *and regularly updating, emergency contact information, including*
14 *secondary and additional contact information.*

15 (3) *Update their model policies to align with this section,*
16 *including paragraph (2) of subdivision (g), by March 1, 2026.*

17 (i) *This section does not prohibit or restrict any governmental*
18 *entity or official from sending to, or receiving from, federal*
19 *immigration authorities, information regarding the citizenship or*
20 *immigration status, lawful or unlawful, of an individual, or from*
21 *requesting from federal immigration authorities immigration status*
22 *information, lawful or unlawful, of any individual, or maintaining*
23 *or exchanging that information with any other federal, state, or*
24 *local governmental entity, pursuant to Sections 1373 and 1644 of*
25 *Title 8 of the United States Code.*

26 (j) *A local educational agency shall maintain its policy adopted*
27 *pursuant to subdivision (h) and make the policy available to the*
28 *department upon request.*

29 (k) *Local educational agencies may be subject to monitoring*
30 *and auditing by the department to ensure compliance with the*
31 *requirements of subdivisions (h) and (j).*

32 (l) *For purposes of this section, the following definitions apply:*

33 (1) *“Immigration enforcement” includes any and all efforts to*
34 *investigate, enforce, or assist in the investigation or enforcement*
35 *of any federal civil immigration law, and any and all efforts to*
36 *investigate, enforce, or assist in the investigation or enforcement*
37 *of any federal criminal immigration law that penalizes a person’s*
38 *presence in, entry, or reentry to, or employment in, the United*
39 *States.*

40 (h) ~~For purposes of this section, “local~~

1 (2) “*Local educational agency*” means a school district, county
2 office of education, or charter school.

3 (3) “*Schoolsite*” means an individual school campus of a school
4 district, county office of education, or charter school, an area
5 where a local educational agency’s school-sponsored activity is
6 currently being held, or a schoolbus or other transportation
7 provided by a local educational agency.

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

9 6550. (a) A caregiver’s authorization affidavit that meets the
10 requirements of this part authorizes a caregiver 18 years of age or
11 older who completes items 1 to 4, inclusive, of the affidavit
12 provided in Section 6552 and signs the affidavit to enroll a minor
13 in school and consent to school-related medical care on behalf of
14 the minor. A caregiver who is a relative ~~or a nonrelative extended~~
15 ~~family member~~ and who completes items 1 to 8, inclusive, of the
16 affidavit provided in Section 6552 and signs the affidavit shall
17 have the same rights to authorize medical care and dental care for
18 the minor that are given to guardians under Section 2353 of the
19 Probate Code. The medical care authorized by this caregiver who
20 is a relative ~~or a nonrelative extended family member~~ may include
21 mental health treatment subject to the limitations of Section 2356
22 of the Probate Code.

23 (b) The decision of a caregiver to consent to or to refuse medical
24 or dental care for a minor shall be superseded by any contravening
25 decision of the parent or other person having legal custody of the
26 minor, provided the decision of the parent or other person having
27 legal custody of the minor does not jeopardize the life, health, or
28 safety of the minor.

29 (c) A person who acts in good faith reliance on a caregiver’s
30 authorization affidavit to provide medical or dental care, without
31 actual knowledge of facts contrary to those stated on the affidavit,
32 is not subject to criminal liability or to civil liability to any person,
33 and is not subject to professional disciplinary action, for that
34 reliance if the applicable portions of the affidavit are completed.
35 This subdivision applies even if medical or dental care is provided
36 to a minor in contravention of the wishes of the parent or other
37 person having legal custody of the minor as long as the person
38 providing the medical or dental care has no actual knowledge of
39 the wishes of the parent or other person having legal custody of
40 the minor.

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

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

5 (f) If the minor stops living with the caregiver, the caregiver
6 shall notify any school, health care provider, or health care service
7 plan that has been given the affidavit. The affidavit is invalid after
8 the school, health care provider, or health care service plan receives
9 notice that the minor is no longer living with the caregiver.

10 (g) A caregiver’s authorization affidavit shall be invalid, unless
11 it substantially contains, in not less than 10-point boldface type or
12 a reasonable equivalent thereof, the warning statements specified
13 in Section 6552. The warning statements shall be enclosed in a
14 box with 3-point type rule lines.

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

17 (1) “Person” includes an individual, corporation, partnership,
18 association, the state, or any city, county, city and county, or other
19 public entity or governmental subdivision or agency, or any other
20 legal entity.

21 ~~(2) “Nonrelative extended family member” means any adult
22 caregiver who has an established familial or mentoring relationship
23 with the child or who has an established familial relationship with
24 a relative of the child.~~

25 ~~(3)~~

26 (2) “Relative” means an adult who is related to the child by
27 blood, adoption, or affinity within the fifth degree of kinship,
28 including all stepparents, stepsiblings, and all relatives whose
29 status is preceded by the words “great,” “great-great,” or “grand,”
30 or the spouse of any of the persons specified in this definition,
31 even after the marriage has been terminated by death or dissolution.

32 ~~(4)~~

33 (3) “School-related medical care” means medical care, including
34 immunizations, physical examinations, and medical examinations
35 conducted in schools for pupils, that is required by state or local
36 governmental authority as a condition for school enrollment or
37 participation in local educational agency-related extracurricular
38 activities.

39 SEC. 5. Section 6552 of the Family Code is amended to read:

1 6552. The caregiver’s authorization affidavit shall be in
2 substantially the following form:

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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: _____
_____.

5. I am a ~~relative or nonrelative extended family member~~ of the child (see back of this form for a definition of “relative” and “~~nonrelative extended family member~~”): “relative”).

6. 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.

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

4
5 7. My date of birth: _____.

6
7 8. My California driver’s license or identification card or
8 government-issued consular card number: _____.

9
10
11 Warning to Caregiver: Do not sign this form if any of the statements above
12 are incorrect, or you will be committing a crime punishable by a fine,
13 imprisonment, or both.

14
15
16
17 Warning to Local Educational Agencies and Health Care Service Providers:
18 ~~A parent’s signature or a seal or signature from a court is not required.~~ This
19 form is not required to be notarized.

20
21
22 I declare under penalty of perjury under the laws of the State
23 of California that the foregoing is true and correct.
24 Dated: _____ Signed: _____

25
26
27 Notices:

28
29 1. This declaration does not affect the rights of the minor’s parents
30 or legal guardian regarding the care, custody, and control of the
31 minor, and does not mean that the caregiver has legal custody of
32 the minor.

33
34 2. A person who relies on this affidavit has no obligation to make
35 any further inquiry or investigation.

36
37 Additional Information:

38
39 TO CAREGIVERS:

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1. “Relative,” for purposes of item 5, means an adult who is related to the child by blood, adoption, or affinity within the fifth degree of kinship, including stepparents, stepsiblings, and all relatives whose status is preceded by the words “great,” “great-great,” or “grand,” or the spouse of any of these persons even if the marriage was terminated by death or dissolution.

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

~~3. The~~

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

~~4. If~~

3. *If* the minor stops living with you, the affidavit is no longer valid. You are required to notify any school, health care provider, or health care service plan to which you have given this affidavit that the minor is no longer living with you and that, as a result, the affidavit is no longer valid.

~~5. If~~

4. *If* you do not have the information requested in item 8 (California driver’s license or I.D., or government-issued consular card), provide another form of identification such as your social security number or Medi-Cal number.

TO SCHOOL OFFICIALS:

1 1. Section 48204 of the Education Code provides that this affidavit
2 constitutes a sufficient basis for a determination of residency of
3 the minor, without the requirement of a guardianship or other
4 custody order, unless the school district determines from actual
5 facts that the minor is not living with the caregiver.

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

9
10 3. ~~A parent's signature or seal or signature of the court is not~~
11 ~~required. This form is not required to be notarized.~~

12
13 TO HEALTH CARE PROVIDERS AND HEALTH CARE
14 SERVICE PLANS:

15
16 1. When signed by a ~~relative or nonrelative extended family~~
17 ~~member~~, *relative*, this affidavit shall confer the same rights to
18 authorize medical care and dental care for the minor that are given
19 to guardians under Section 2353 of the Probate Code. The medical
20 care authorized by a ~~relative or nonrelative extended family~~
21 ~~member~~ caregiver may include mental health treatment subject to
22 the limitations of Section 2356 of the Probate Code.

23
24 2. A health care service provider who acts in good faith reliance
25 upon a caregiver's authorization affidavit to provide medical or
26 dental care, without actual knowledge of facts contrary to those
27 stated on the affidavit, is not subject to criminal liability or to civil
28 liability to any person, and is not subject to professional
29 disciplinary action, for that reliance if the applicable portions of
30 the form are completed. ~~A parent's signature or seal or signature~~
31 ~~of the court is not required. This form is not required to be~~
32 ~~notarized.~~

33
34 3. This affidavit does not confer dependency for health care
35 coverage purposes.

36 SEC. 6. Chapter 3.62 (commencing with Section 1597.640) is
37 added to Division 2 of the Health and Safety Code, to read:

1 CHAPTER 3.62. FAMILY PREPAREDNESS IN LICENSED CHILD
2 DAYCARE FACILITIES

3
4 1597.640. (a) Except as required by state or federal law, or as
5 required to administer a state or federally supported educational
6 program, licensed child day care facilities and employees of
7 licensed child day care facilities daycare facilities, employees of
8 licensed child daycare facilities, and license-exempt California
9 state preschool program facilities shall not collect information or
10 documents regarding citizenship or immigration status of children
11 or their family members.

12 (b) (1) (A) The licensee or administrator of a licensed child
13 day care daycare facility, as applicable, shall report to the
14 department State Department of Social Services and Attorney
15 General any requests for information or access to the facility by
16 an officer or employee of a law enforcement agency, ensuring the
17 confidentiality and privacy of any information in accordance with
18 the right to privacy contained in Section 1 of Article I of the
19 California Constitution. for the purpose of immigration
20 enforcement. The licensee or administrator shall not provide the
21 personal information, as defined in Section 1798.3 of the Civil
22 Code, of staff, children in care, or their relatives and family
23 members, except that a licensee or administrator of a licensed
24 child daycare facility may provide to the State Department of
25 Social Services and Attorney General documentation that the
26 licensee or administrator has received from an officer or employee
27 of a law enforcement agency that includes that personal
28 information.

29 (B) A license-exempt California state preschool program facility
30 may submit the report described in subparagraph (A) to the State
31 Department of Education and Attorney General. If the report is
32 submitted, the facility shall ensure the confidentiality and privacy
33 of any information in accordance with the right to privacy
34 contained in Section 1 of Article I of the California Constitution.
35 An individual making a report pursuant to this paragraph shall
36 not be required to offer or submit any personally identifying
37 information, including, but not limited to, their name, phone
38 number, or address.

39 (2) The State Department of Social Services and the State
40 Department of Education is not responsible for confirming whether

1 a report was made to the Attorney General, as described in
2 paragraph (1), and failing to make that report to the Attorney
3 General is not a violation of this section.

4 (3) The State Department of Social Services shall provide any
5 information on licensed California state preschool program
6 facilities collected pursuant to this subdivision to the
7 Superintendent of Public Instruction for legislative reporting
8 purposes.

9 (c) A licensee or administrator of a licensed ~~child-day-care~~
10 ~~daycare~~ facility or a license-exempt California state preschool
11 ~~program facility~~ shall request parents or authorized representatives
12 to review and update their emergency contact information, as
13 needed.

14 (d) If a licensee, administrator, or worker, or any other
15 representative, of a licensed ~~child-day-care~~ ~~daycare~~ facility or a
16 license-exempt California state preschool program facility is aware
17 that a child's parent or authorized representative is not available
18 to care for the child, the facility shall first exhaust any parental
19 instruction relating to the child's care found in the child's
20 emergency contact information.

21 (e) Nothing in this section prohibits a licensed ~~child-day-care~~
22 ~~daycare~~ facility or a license-exempt California state preschool
23 ~~program facility~~ from establishing stronger standards and
24 protections, in accordance with applicable laws.

25 (f) (1) The Attorney General, by April 1, 2026, in consultation
26 with the appropriate stakeholders, including, but not limited to,
27 ~~child-day-care licensees, daycare licensees, the State Department~~
28 ~~of Social Services, the State Department of Education, and the~~
29 ~~Early Childhood Policy Council established pursuant to Section~~
30 ~~10320 of the Welfare and Insurance Code, shall publish model~~
31 ~~policies limiting assistance with immigration enforcement at~~
32 ~~licensed child-day-care facilities, daycare facilities and~~
33 ~~license-exempt California state preschool program facilities~~ to
34 the fullest extent possible consistent with federal and state law,
35 and ensuring that ~~child-day-care~~ *those* facilities remain safe and
36 accessible to all California residents, regardless of immigration
37 status. The Attorney General shall, at a minimum, consider all of
38 the following issues when developing the model policies:

39 (A) Procedures related to requests for access to facility grounds
40 for purposes related to immigration enforcement.

1 (B) Procedures for ~~day care~~ facility employees to notify the
2 licensee or administrator of the facility, as applicable, if an
3 individual requests or gains access to facility grounds for purposes
4 related to immigration enforcement.

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

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

13 (g) (1) *The State Department of Social Services shall inform*
14 *licensed child daycare facilities, and the State Department of*
15 *Education shall inform license-exempt California state preschool*
16 *program facilities, of the model policies published by the Attorney*
17 *General pursuant to subdivision (f).*

18 ~~(g)~~

19 (2) ~~All licensed child day care facilities~~ *California state*
20 *preschool programs, including both those that are licensed and*
21 *those that are license-exempt, shall adopt the model policies*
22 *developed pursuant to subdivision ~~(e)~~, (f), or equivalent policies,*
23 *as soon as possible, but in no event later than July 1, 2026.*
24 ~~Licensed day care facilities~~ *Those California state preschool*
25 *programs shall update these policies to conform with any revisions*
26 *or updates to the model policies developed by the Attorney*
27 *General.*

28 (3) *A licensed child daycare facility and license-exempt*
29 *California state preschool program facilities shall ensure parents*
30 *or authorized representatives of children in care are aware of the*
31 *model policies published by the Attorney General pursuant to*
32 *subdivision (f), including, but not limited to, how to obtain a copy*
33 *of the model policies.*

34 (h) (1) *A licensed child ~~day care~~ daycare facility and a*
35 *license-exempt California state preschool program facility shall*
36 *provide a child's parent or authorized representative with*
37 *information about how to access the model policies described in*
38 *paragraph (1) of subdivision (f) as best practices guidance.*

39 (2) ~~The department~~ *State Department of Social Services shall*
40 *inform licensed child day care ~~facilities~~ facilities, and the State*

1 Department of Education shall inform license-exempt California
 2 state preschool program facilities, of any revisions or updates to
 3 the model policies described in paragraph (1) of subdivision (f)
 4 when the applicable department is notified by the Attorney General
 5 of updates to the model policies.

6 (3) Any information, policies, or guidance provided by licensees
 7 facilities to parents or authorized representatives shall be revised
 8 as necessary to be consistent with any revisions or updates to the
 9 model policies issued by the Attorney General.

10 (i) For purposes of this section, ~~“licensed the following terms~~
 11 ~~have the following meanings:~~

12 (1) “California state preschool program” means any classroom
 13 that is funded, in whole or in part, by funds received pursuant to
 14 Section 8207 of the Education Code.

15 (2) “License-exempt California state preschool program
 16 facility” means a California state preschool program that is exempt
 17 from licensure under the California Child Day Care Act pursuant
 18 to subdivision (o) of Section 1596.792.

19 (3) “~~Licensed child day care daycare~~ facility” means a child
 20 ~~day care daycare~~ facility, as defined in Section 1596.750, that is
 21 licensed pursuant to ~~this chapter.~~ the California Child Day Care
 22 Act.

23 (j) Notwithstanding the rulemaking provisions of the
 24 Administrative Procedure Act (Chapter 3.5 (commencing with
 25 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
 26 Code), the ~~department~~ State Department of Social Services may
 27 implement, interpret, make specific, and administer this section
 28 by means of interim licensing standards that shall have the same
 29 force and effect as regulations, until regulations are adopted.

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

31 1502. (a) A nomination of a guardian under this article may
 32 be made in the petition for the appointment of the guardian or at
 33 the hearing on the petition or in a writing signed either before or
 34 after the petition for the appointment of the guardian is filed. The
 35 court shall give due weight to the nomination of a guardian of the
 36 person pursuant to Section 3043 of the Family Code.

37 (b) The nomination of a guardian under this article is effective
 38 when made except that a writing nominating a guardian under this
 39 article may provide that the nomination becomes effective only
 40 upon the occurrence of such condition or conditions as are specified

1 in the writing, including, but not limited to, conditions as to the
2 subsequent absence, legal incapacity, or death of the person making
3 the nomination.

4 (c) Unless the writing making the nomination expressly
5 otherwise provides, a nomination made under this article remains
6 effective notwithstanding the subsequent absence, legal incapacity,
7 or death of the person making the nomination.

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

9 2105. (a) The court, in its discretion, may appoint for a ward
10 or conservatee:

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

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

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

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

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

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

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

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

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

32 (f) If a custodial parent has been diagnosed as having a terminal
33 condition, as evidenced by a declaration executed by a licensed
34 physician, the court, in its discretion, may appoint the custodial
35 parent and a person nominated by the custodial parent as joint
36 guardians of the person of the minor. However, this appointment
37 shall not be made over the objection of a noncustodial parent
38 without a finding that the noncustodial parent's custody would be
39 detrimental to the minor, as provided in Section 3041 of the Family
40 Code. It is the intent of the Legislature in enacting the amendments

1 to this subdivision adopted during the 1995–96 Regular Session
2 for a parent with a terminal condition to be able to make
3 arrangements for the joint care, custody, and control of their minor
4 children so as to minimize the emotional stress of, and disruption
5 for, the minor children whenever the parent is incapacitated or
6 upon the parent’s death, and to avoid the need to provide a
7 temporary guardian or place the minor children in foster care,
8 pending appointment of a guardian, as might otherwise be required.
9 “Terminal condition,” for purposes of this subdivision, means
10 an incurable and irreversible condition that, without the
11 administration of life-sustaining treatment, will, within reasonable
12 medical judgment, result in death.

13 (g) (1) If a custodial parent is temporarily unavailable due to
14 circumstances, including, but not limited to, a serious medical
15 condition or disability, military service, incarceration, or an
16 immigration-related administrative action, specified in the parent’s
17 nomination of a guardian, the court, in its discretion, may appoint
18 the custodial parent and the person nominated by the custodial
19 parent as joint guardians of the person of the minor. A nomination
20 made pursuant to this subdivision shall not be made over the
21 objection of a noncustodial parent without a finding that the
22 noncustodial parent’s custody would be detrimental to the minor,
23 as provided in Section 3041 of the Family Code.

24 (2) If a parent appointed as a joint guardian pursuant to this
25 subdivision files a petition to terminate the joint guardianship
26 because the conditions specified in the nomination, or otherwise
27 stated in the petition for guardianship, no longer impairs the
28 parent’s availability to provide care for their child, there shall be
29 a presumption that termination would be in the child’s best interest.

30 (3) All court records, petitions, orders, and documents related
31 to the appointment of joint guardians pursuant to this subdivision
32 shall be confidential, and shall be made available only to the
33 persons who have been served in the proceeding and their attorneys,
34 if applicable. The clerk of the court shall make provisions to limit
35 access to these documents and any other information that
36 personally identifies the minor, custodial parent, the appointed
37 guardian, or family members who are a party to or identified in
38 the proceeding.

39 (4) Consistent with Section 7284.6 of the Government Code,
40 information contained in these records shall not be disclosed to

1 law enforcement officers or agencies or any entity engaged in
2 immigration enforcement without a court order.

3 SEC. 9. The provisions of this act are severable. If any
4 provision of this act or its application is held invalid, that invalidity
5 shall not affect other provisions or applications that can be given
6 effect without the invalid provision or application.

7 SEC. 10. The Legislature finds and declares that *Section 6 of*
8 *this act, which adds Chapter 3.62 (commencing with Section*
9 *1597.640) to Division 2 of the Health and Safety Code, and Section*
10 *8 of this act, which amends Section 2105 of the Probate Code,*
11 *imposes a limitation on the public's right of access to the meetings*
12 *of public bodies or the writings of public officials and agencies*
13 *within the meaning of Section 3 of Article I of the California*
14 *Constitution. Pursuant to that constitutional provision, the*
15 *Legislature makes the following findings to demonstrate the interest*
16 *protected by this limitation and the need for protecting that interest:*

17 In order to protect the privacy interests of ~~immigrants,~~
18 *immigrants and their children*, it is essential to maintain the
19 confidentiality of the records and information described in *Section*
20 *6 and Section 8* of this act.

21 SEC. 11. No reimbursement is required by this act pursuant to
22 Section 6 of Article XIII B of the California Constitution for certain
23 costs that may be incurred by a local agency or school district
24 because, in that regard, this act creates a new crime or infraction,
25 eliminates a crime or infraction, or changes the penalty for a crime
26 or infraction, within the meaning of Section 17556 of the
27 Government Code, or changes the definition of a crime within the
28 meaning of Section 6 of Article XIII B of the California
29 Constitution.

30 However, if the Commission on State Mandates determines that
31 this act contains other costs mandated by the state, reimbursement
32 to local agencies and school districts for those costs shall be made
33 pursuant to Part 7 (commencing with Section 17500) of Division
34 4 of Title 2 of the Government Code.

35 SEC. 12. (a) *Section 3.1 of this bill incorporates amendments*
36 *to Section 234.7 of the Education Code proposed by both this bill*
37 *and Assembly Bill 49. That section of this bill shall only become*
38 *operative if (1) both bills are enacted and become effective on or*
39 *before January 1, 2026, (2) each bill amends Section 234.7 of the*
40 *Education Code, (3) Assembly Bill 419 is not enacted or as enacted*

1 *does not amend that section, and (4) this bill is enacted after*
2 *Assembly Bill 49, in which case Section 234.7 of the Education*
3 *Code, as amended by Assembly Bill 49, shall remain operative*
4 *only until the operative date of this bill, at which time Section 3.1*
5 *of this bill shall become operative, Sections 3, 3.2, and 3.3 of this*
6 *bill shall not become operative.*

7 *(b) Section 3.2 of this bill incorporates amendments to Section*
8 *234.7 of the Education Code proposed by both this bill and*
9 *Assembly Bill 419. That section of this bill shall only become*
10 *operative if (1) both bills are enacted and become effective on or*
11 *before January 1, 2026, (2) each bill amends Section 234.7 of the*
12 *Education Code, (3) Assembly Bill 49 is not enacted or as enacted*
13 *does not amend that section, and (4) this bill is enacted after*
14 *Assembly Bill 419, in which case Sections 3, 3.1, and 3.3 of this*
15 *bill shall not become operative.*

16 *(c) Section 3.3 of this bill incorporates amendments to Section*
17 *234.7 of the Education Code proposed by this bill, Assembly Bill*
18 *49, and Assembly Bill 419. That section of this bill shall only*
19 *become operative if (1) all three bills are enacted and become*
20 *effective on or before January 1, 2026, (2) all three bills amend*
21 *Section 234.7 of the Education Code, and (3) this bill is enacted*
22 *after Assembly Bill 49 and Assembly Bill 419, in which case Section*
23 *234.7 of the Education Code, as amended by Assembly Bill 49,*
24 *shall remain operative only until the operative date of this bill, at*
25 *which time Section 3.3 of this bill shall become operative, and*
26 *Sections 3, 3.1, and 3.2 of this bill shall not become operative.*

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