

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
(Coauthors: Assembly Members Connolly, Harabedian, Kalra, Lee,
Stefani, and Zbur)**

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 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. 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 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 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 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.

~~(4)~~

(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.

~~(5)~~

(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.

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:
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, fail to adequately safeguard
27 the rights of parents—particularly immigrant parents—to remain
28 involved in their child’s upbringing during periods of immigration
29 detention or deportation. These gaps in the legal framework
30 exacerbate the emotional trauma experienced by children, disrupt
31 access to education and health care, and hinder the ability of
32 families to respond effectively to crises.
33 (d) To address these challenges, the Legislature seeks to ensure
34 that children facing the risk of family separation due to a parent’s
35 immigration status have stable and legally recognized caregiving

1 arrangements that protect their emotional and physical well-being.
2 The intent of the Legislature is to provide clear and streamlined
3 processes for short-term guardianships that address urgent needs,
4 such as medical care and educational decisionmaking, while
5 upholding the rights of parents. It is also the intent of the
6 Legislature to refine the scope of guardianship nominations by
7 delineating the rights and responsibilities of nominated guardians.
8 Finally, it is the intent of the Legislature to clarify the powers
9 granted under caregiver authorization affidavits to ensure consistent
10 recognition by schools, health care providers, and other agencies
11 to demonstrate continued support for children who reside with a
12 relative or nonrelative extended family member caregiver.

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

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

23 234.7. (a) Except as required by state or federal law or as
24 required to administer a state or federally supported educational
25 program, school officials and employees of a local educational
26 agency shall not collect information or documents regarding
27 citizenship or immigration status of pupils or their family members.

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

36 (c) 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 their emergency contact information and not
2 to contact Child Protective Services to arrange for the pupil’s care
3 unless the school is unable to arrange for care through the use of
4 emergency contact information or other information or instructions
5 provided by the parent or guardian.

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

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

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

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

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

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

1 (B) Procedures for local educational agency employees to notify
 2 the superintendent of the school district or the superintendent’s
 3 designee, the superintendent of the county office of education or
 4 the superintendent’s designee, or the principal of the charter school
 5 or the principal’s designee, as applicable, if an individual requests
 6 or gains access to school grounds for purposes related to
 7 immigration enforcement.

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

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

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

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

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

32 6550. (a) A caregiver’s authorization affidavit that meets the
 33 requirements of this part authorizes a caregiver 18 years of age or
 34 older who completes items 1 to 4, inclusive, of the affidavit
 35 provided in Section 6552 and signs the affidavit to enroll a minor
 36 in school and consent to school-related medical care on behalf of
 37 the minor. A caregiver who is a relative or a nonrelative extended
 38 family member and who completes items 1 to 8, inclusive, of the
 39 affidavit provided in Section 6552 and signs the affidavit shall
 40 have the same rights to authorize medical care and dental care for

1 the minor that are given to guardians under Section 2353 of the
2 Probate Code. The medical care authorized by this caregiver who
3 is a relative or a nonrelative extended family member may include
4 mental health treatment subject to the limitations of Section 2356
5 of the Probate Code.

6 (b) The decision of a caregiver to consent to or to refuse medical
7 or dental care for a minor shall be superseded by any contravening
8 decision of the parent or other person having legal custody of the
9 minor, provided the decision of the parent or other person having
10 legal custody of the minor does not jeopardize the life, health, or
11 safety of the minor.

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

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

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

28 (f) If the minor stops living with the caregiver, the caregiver
29 shall notify any school, health care provider, or health care service
30 plan that has been given the affidavit. The affidavit is invalid after
31 the school, health care provider, or health care service plan receives
32 notice that the minor is no longer living with the caregiver.

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

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

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

5 (2) "Nonrelative extended family member" means any adult
6 caregiver who has an established familial or mentoring relationship
7 with the child or who has an established familial relationship with
8 a relative of the child.

9 (3) "Relative" means an adult who is related to the child by
10 blood, adoption, or affinity within the fifth degree of kinship,
11 including all stepparents, stepsiblings, and all relatives whose
12 status is preceded by the words "great," "great-great," or "grand,"
13 or the spouse of any of the persons specified in this definition,
14 even after the marriage has been terminated by death or dissolution.

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

21 SEC. 5. Section 6552 of the Family Code is amended to read:
22 6552. The caregiver's authorization affidavit shall be in
23 substantially the following form:

24
25 Caregiver's Authorization Affidavit

26
27 Use of this affidavit is authorized by Part 1.5 (commencing with
28 Section 6550) of Division 11 of the California Family Code.

29
30 Instructions: Completion of items 1-4 and the signing of the affidavit is
31 sufficient to authorize enrollment of a minor in school and authorize
32 school-related medical care. Completion of items 5-8 is additionally
33 required to authorize any other medical care. Print clearly.

34
35 The minor named below lives in my home and I am 18 years of age or
36 older.

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38 1. Name of minor: _____.

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40 2. Minor's birth date: _____.

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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”).

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.

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. My date of birth: _____.

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

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

Warning to Local Educational Agencies and Health Care Service Providers: A parent’s signature or a seal or signature from a court is not required.

1

2

3 I declare under penalty of perjury under the laws of the State
4 of California that the foregoing is true and correct.

5 Dated: _____ Signed: _____

6

7

8 Notices:

9

10 1. This declaration does not affect the rights of the minor’s parents
11 or legal guardian regarding the care, custody, and control of the
12 minor, and does not mean that the caregiver has legal custody of
13 the minor.

14

15 2. A person who relies on this affidavit has no obligation to make
16 any further inquiry or investigation.

17

18 Additional Information:

19

20 TO CAREGIVERS:

21

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

28

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

35

36 3. The law may require you, if you are not a relative, nonrelative
37 extended family member, or a currently licensed, certified, or
38 approved foster parent, to obtain resource family approval pursuant
39 to Section 1517 of the Health and Safety Code or Section 16519.5

1 of the Welfare and Institutions Code in order to care for a minor.
2 If you have any questions, please contact your local department
3 of social services.

4

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

10

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

15

16 TO SCHOOL OFFICIALS:

17

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

23

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

26

27 3. A parent's signature or seal or signature of the court is not
28 required.

29

30 TO HEALTH CARE PROVIDERS AND HEALTH CARE
31 SERVICE PLANS:

32

33 1. When signed by a relative or nonrelative extended family
34 member, this affidavit shall confer the same rights to authorize
35 medical care and dental care for the minor that are given to
36 guardians under Section 2353 of the Probate Code. The medical
37 care authorized for a relative or nonrelative extended family
38 member caregiver may include mental health treatment subject to
39 the limitations of Section 2356 of the Probate Code.

1 2. A health care service provider who acts in good faith reliance
 2 upon a caregiver’s authorization affidavit to provide medical or
 3 dental care, without actual knowledge of facts contrary to those
 4 stated on the affidavit, is not subject to criminal liability or to civil
 5 liability to any person, and is not subject to professional
 6 disciplinary action, for that reliance if the applicable portions of
 7 the form are completed. A parent’s signature or seal or signature
 8 of the court is not required.

9
 10 3. This affidavit does not confer dependency for health care
 11 coverage purposes.

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

14 *1596.7997. (a) Except as required by state or federal law or*
 15 *as required to administer a state or federally supported educational*
 16 *program, licensed child day care facilities and employees of*
 17 *licensed child day care facilities shall not collect information or*
 18 *documents regarding citizenship or immigration status of pupils*
 19 *or their family members.*

20 *(b) The owner, operator, or administrator of a licensed child*
 21 *day care facility, as applicable, shall report to the department and*
 22 *Attorney General any requests for information or access to the*
 23 *facility by an officer or employee of a law enforcement agency for*
 24 *the purpose of enforcing the immigration laws in a manner that*
 25 *ensures the confidentiality and privacy of any potentially*
 26 *identifying information.*

27 *(c) If an employee of a licensed child day care facility is aware*
 28 *that a child’s parent or guardian is not available to care for the*
 29 *child, the facility shall first exhaust any parental instruction*
 30 *relating to the child’s care found in the child’s emergency contact*
 31 *information. A facility is encouraged to work with parents or*
 32 *guardians to update their emergency contact information.*

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

35 *(e) (1) The Attorney General, by April 1, 2026, in consultation*
 36 *with the appropriate stakeholders, shall publish model policies*
 37 *limiting assistance with immigration enforcement at licensed child*
 38 *day care facilities, to the fullest extent possible consistent with*
 39 *federal and state law, and ensuring that day care facilities remain*
 40 *safe and accessible to all California residents, regardless of*

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

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

6 *(B) Procedures for day care facility employees to notify the*
7 *owner, operator, or administrator of the facility, as applicable, if*
8 *an individual requests or gains access to facility grounds for*
9 *purposes related to immigration enforcement.*

10 *(C) Procedures for responding to requests for personal*
11 *information about children or their family members for purposes*
12 *of immigration enforcement.*

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

18 *(f) All licensed child day care facilities shall adopt the model*
19 *policies developed pursuant to subdivision (e), or equivalent*
20 *policies, as soon as possible, but in no event later than July 1,*
21 *2026. Licensed day care facilities shall update these policies to*
22 *conform with any revisions or updates to the model policies*
23 *developed by the Attorney General.*

24 *(g) A licensed day care facility, upon enrolling or reenrolling*
25 *any child, shall provide the parent or guardian with written*
26 *information relating to the model policies developed pursuant to*
27 *subdivision (e), including, but not limited to, information related*
28 *to family safety plans and the importance of completing and*
29 *maintaining emergency contact information. The provided*
30 *information shall be revised as necessary to be consistent with any*
31 *revisions or updates to the guidance issued by the Attorney*
32 *General.*

33 *(h) For purposes of this section, “licensed child day care*
34 *facility” means a child day care facility, as defined in Section*
35 *1596.750, that is licensed pursuant to this chapter.*

36 ~~SEC. 6.~~

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

38 1502. (a) A nomination of a guardian under this article may
39 be made in the petition for the appointment of the guardian or at
40 the hearing on the petition or in a writing signed either before or

1 after the petition for the appointment of the guardian is filed. The
2 court shall give due weight to the nomination pursuant to Section
3 3043 of the Family Code.

4 (b) The nomination of a guardian under this article is effective
5 when made except that a writing nominating a guardian under this
6 article may provide that the nomination becomes effective only
7 upon the occurrence of such specified condition or conditions as
8 are stated in the writing, including, but not limited to, conditions
9 as to the subsequent absence, legal incapacity, or death of the
10 person making the nomination.

11 (c) Unless the writing making the nomination expressly
12 otherwise provides, a nomination made under this article remains
13 effective notwithstanding the subsequent absence, legal incapacity,
14 or death of the person making the nomination.

15 ~~SEC. 7.~~

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

17 2105. (a) The court, in its discretion, may appoint for a ward
18 or conservatee:

- 19 (1) Two or more joint guardians or conservators of the person.
- 20 (2) Two or more joint guardians or conservators of the estate.
- 21 (3) Two or more joint guardians or conservators of the person
22 and estate.

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

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

- 26 (1) Where there are two guardians or conservators, both must
27 concur to exercise a power.
- 28 (2) Where there are more than two guardians or conservators,
29 a majority must concur to exercise a power.

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

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

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

18 "Terminal condition," for purposes of this subdivision, means
19 an incurable and irreversible condition that, without the
20 administration of life-sustaining treatment, will, within reasonable
21 medical judgment, result in death.

22 (g) (1) If a custodial parent will be temporarily unavailable due
23 to specified circumstances, including, but not limited to, a serious
24 medical condition or disability, military service, incarceration, or
25 an immigration-related administrative action, the court, in its
26 discretion, may appoint the custodial parent and a person nominated
27 by the custodial parent as joint guardians of the person of the
28 minor. A nomination made pursuant to this subdivision shall not
29 be made over the objection of a noncustodial parent without a
30 finding that the noncustodial parent's custody would be detrimental
31 to the minor, as provided in Section 3041 of the Family Code.
32 Upon the occurrence of an activating event set forth in an order
33 appointing a joint guardian, the guardian shall be immediately
34 empowered to assume guardianship duties in the parent's absence.
35 Commencement of the duties of the guardian shall confer upon
36 the appointed guardian shared authority with the parent, custodian,
37 or guardian of the minor child or minor ward, unless the petition
38 states otherwise.

39 (2) A parent, custodian, or guardian may revoke a joint
40 guardianship issued pursuant to this subdivision by filing a request

1 to terminate the guardianship with the court pursuant to Section
2 1601. Upon a showing that the activating event no longer affects
3 the parent's availability to provide care for their child, there shall
4 be a presumption that termination is in the child's best interest.

5 (3) All court records, petitions, orders, and documents related
6 to the appointment of a joint guardian pursuant to this subdivision
7 shall be confidential, and shall be made available only to the
8 persons who have been served in the proceeding and their attorneys,
9 if applicable. The clerk of the court shall make provisions to limit
10 access to these documents and any other personally identifiable
11 information of the minor, custodial parent, the appointed guardian,
12 or family members who are a party to or identified in the
13 proceeding.

14 (4) Consistent with Section 7284.6 of the Government Code,
15 information contained in these records shall not be disclosed to
16 federal immigration authorities or any entity engaged in
17 immigration enforcement without a court order based on a showing
18 of compelling necessity unrelated to immigration enforcement.

19 ~~SEC. 8.~~

20 *SEC. 9.* The Legislature finds and declares that Section 7 of
21 this act, which amends Section 2105 of the Probate Code, imposes
22 a limitation on the public's right of access to the meetings of public
23 bodies or the writings of public officials and agencies within the
24 meaning of Section 3 of Article I of the California Constitution.
25 Pursuant to that constitutional provision, the Legislature makes
26 the following findings to demonstrate the interest protected by this
27 limitation and the need for protecting that interest:

28 In order to protect the privacy interests of immigrants, it is
29 essential to maintain the confidentiality of the records and
30 information described in Section 7 of this act.

31 ~~SEC. 9.~~

32 *SEC. 10.* No reimbursement is required by this act pursuant to
33 Section 6 of Article XIII B of the California Constitution for certain
34 costs that may be incurred by a local agency or school district
35 because, in that regard, this act creates a new crime or infraction,
36 eliminates a crime or infraction, or changes the penalty for a crime
37 or infraction, within the meaning of Section 17556 of the
38 Government Code, or changes the definition of a crime within the
39 meaning of Section 6 of Article XIII B of the California
40 Constitution.

1 However, if the Commission on State Mandates determines that
2 this act contains other costs mandated by the state, reimbursement
3 to local agencies and school districts for those costs shall be made
4 pursuant to Part 7 (commencing with Section 17500) of Division
5 4 of Title 2 of the Government Code.

6

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8 **CORRECTIONS:** _____

9 **Heading—Line 2.**

10 **REVISIONS:**

11 **Heading—Line 2.**

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