

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2025-2026 Regular Session

AB 495 (Celeste Rodriguez)
Version: April 23, 2025
Hearing Date: July 1, 2025
Fiscal: Yes
Urgency: No
ME

SUBJECT

Family Preparedness Plan Act of 2025

DIGEST

This bill enacts the Family Preparedness Plan Act of 2025 to help immigrants and their families plan for the inhumane family separation that is occurring due to President Trump's reign of terror on California immigrants.

EXECUTIVE SUMMARY

This bill enacts the Family Preparedness Plan Act (Act) of 2025. The Act strengthens protections for children who are at risk of having their families torn apart by President Trump's massive deportation agenda. Nearly half of California children have at least one immigrant parent. According to the Migration Policy Institute, there are 133,000 children between the ages of 3 and 17 who are enrolled in public schools and are undocumented.¹ There are also 750,000 K-12 California students who have an undocumented parent. *Id.*

This bill strengthens parent and children protections by requiring schools and licensed childcare facilities to implement the Attorney General's updated immigration-related policies for family preparedness. The bill standardizes recognition of Caregiver Authorization Affidavits, expands the categories of eligible caregivers, clarifies that a parent's choice of guardian is given due weight, and creates a short-term guardianship process that allows families facing separations to designate short term guardians while honoring parental rights.

AB 495 is sponsored by the Alliance for Children's Rights and Public Counsel, is supported by numerous organizations that support immigrants and children, and is a priority bill for the California Legislative Women's Caucus. The Committee has

¹ Migration Policy Institute, *Profile of the Unauthorized Population: California*, available at: <https://www.migrationpolicy.org/data/unauthorized-immigrant-population-state/CA> [as of June 25, 2025].

received no timely opposition to this bill. If this bill passes this Committee it will then be referred to the Senate Human Services Committee.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Declares that it is the policy of the State of California to afford all persons in public schools, regardless of their disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in the Penal Code, equal rights and opportunities in the educational institutions of the state. (Educ. Code § 200.)
- 2) Guarantees all pupils the right to participate fully in the educational process, free from discrimination and harassment, and declares that California's public schools have an affirmative obligation to combat racism, sexism, and other forms of bias, and a responsibility to provide equal educational opportunity. (Educ. Code § 201.)
- 3) Declares that no person is to be subjected to discrimination on the basis of disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in the Penal Code in any program or activity conducted by an educational institution that receives, or benefits from, state financial assistance or enrolls pupils who receive state student financial aid. (Educ. Code § 220.)
- 4) Prohibits a school district, county office of education, or charter school from collecting or soliciting social security numbers or the last four digits of social security numbers from pupils or their parents or guardians unless otherwise required to do so by state or federal law. (Educ. Code § 49076.7 (b).)
- 5) Prohibits school officials and employees of a local educational agency (LEA) from collecting information or documents regarding citizenship or immigration status of pupils or their family members, except as required by state or federal law or as required to administer a state or federally supported educational program. (Educ. Code § 234.7 (a).)
- 6) Requires the superintendent of a school district, the superintendent of a county office of education, and the principal of a charter school, as applicable, to report to the respective governing board or body of the local educational agency in a timely manner any requests for information or access to a schoolsite by an officer or employee of a law enforcement agency for the purpose of enforcing the immigration laws in a manner that ensures the confidentiality and privacy of any potentially identifying information. (Educ. Code § 234.7 (b).)

- 7) Requires the school, if an employee of a school is aware that a pupil's parent or guardian is not available to care for the pupil, to first exhaust any parental instruction relating to the pupil's care in the emergency contact information it has for the pupil to arrange for the pupil's care. (Educ. Code § 234.7 (c).)
- 8) Requires the governing board or body of a local educational agency to do all of the following:
 - a) Provide information to parents and guardians, as appropriate, regarding their children's right to a free public education, regardless of immigration status or religious beliefs. Requires the information to include information relating to the Immigration-Enforcement Actions at California Schools Guide for Students and Families, also known as "Know Your Educational Rights," developed by the Attorney General and may be provided in the annual notification to parents and guardians pursuant to Section 48980 of the Education Code or any other cost-effective means determined by the local educational agency; and
 - b) Post the guide specified in a) in the administrative building and on the internet website of the local educational agency. (Educ. Code § 234.7 (d).)
- 9) Clarifies that nothing above prohibits the governing board or body of a local educational agency from establishing stronger standards and protections. (Educ. Code § 234.7 (e).)
- 10) 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, and ensuring that public schools remain safe and accessible to all California residents, regardless of immigration status and requires the Attorney General to, at a minimum, consider specified issues when developing the model policies. (Educ. Code § 234.7 (f).)
- 11) Authorizes an adult caregiver that completes a caregiver's authorization affidavit to enroll a minor in school and consent to school-related medical care on behalf of a minor. Authorizes an adult caregiver who is a relative who completes a more extensive caregiver's authorization affidavit to have the same rights to authorize medical care and dental care for the minor that are given to guardians under Section 2353 of the Probate Code, and may include mental health treatment subject to the limitations of Section 2356 of the Probate Code. (Fam. Code § 6550 (a).)
- 12) Provides that the affidavit is invalid after the school, health care provider, or health care service plan receives notice that the minor is no longer living with the caregiver. (Fam. Code § 6550 (f).)
- 13) Provides guidelines for the form and substance of the caregivers authorization affidavit. (Fam. Code § 6552.)

- 14) Defines a “qualified relative” for purposes of the caregivers authorization affidavit as “a spouse, parent, stepparent, brother, sister, stepbrother, stepsister, half brother, half sister, uncle, aunt, niece, nephew, first cousin, or any person denoted by the prefix “grand” or “great,” or the spouse of any of the persons specified in this definition, even after the marriage has been terminated by death or dissolution.” (Fam. Code § 6552.)
- 15) Requires the court to consider and give due weight to the nomination of a guardian of the person of the child by a parent when determining the person or persons to whom custody should be granted in family court custody proceedings. (Fam. Code § 3043.)
- 16) Authorizes a nomination of a guardian to be made in the petition for the appointment of the guardian or at the hearing on the petition or in a writing signed either before or after the petition for the appointment of the guardian is filed. (Prob. Code § 1502 (a).)
- 17) Makes a nomination of a guardian effective when made except that a writing nominating a guardian may provide that the nomination becomes effective only upon the occurrence of such specified condition or conditions as are stated in the writing, including but not limited to such conditions as the subsequent legal incapacity or death of the person making the nomination. (Prob. Code § 1502 (b).)
- 18) Makes a nomination of guardian effective notwithstanding the subsequent legal incapacity or death of the person making the nomination unless the writing making the nomination expressly provides otherwise. (Prob. Code § 1502 (c).)
- 19) Authorizes a court, in its discretion, to appoint two or more joint guardians or conservators of the person. (Prob. Code § 2105 (a)(1).)
- 20) Authorizes the court, in its discretion, if a custodial parent has been diagnosed as having a terminal condition, as evidenced by a declaration executed by a licensed physician, to appoint the custodial parent and a person nominated by the custodial parent as joint guardians of the person of the minor. (Prob. Code § 2105 (f).)
- 21) Prohibits an appointment pursuant to 20) to be made over the objection of a noncustodial parent without a finding that the noncustodial parent’s custody would be detrimental to the minor. (*Ibid.*)
- 22) Grants guardians the same right as a parent having legal custody of a child to give consent to medical treatment performed upon the child and to require them to receive medical treatment, subject to specified exceptions. (Prob. Code § 2353.)
- 23) Provides that, notwithstanding any other provision of federal, state, or local law, a federal, state, or local government entity or official may not prohibit, or in any way

restrict, any government entity or official from sending to, or receiving from, the Immigration and Naturalization Service information regarding the citizenship or immigration status, lawful or unlawful, of any individual. (8 U.S.C. § 1373 (a).)

- 24) Provides that, notwithstanding any other provision of federal, state, or local law, no person or agency may prohibit, or in any way restrict, a federal, state, or local government entity from doing any of the following with respect to information regarding the immigration status, lawful or unlawful, of any individual: (a) sending such information to, or requesting or receiving such information from, the Immigration and Naturalization Service; (b) maintaining such information; and (c) exchanging such information with any other federal, state, or local government entity. (8 U.S.C. § 1373 (b).)
- 25) Pursuant to the Family Educational Rights and Privacy Act (FERPA), generally prohibits schools from disclosing information contained in a student's education records to a third party without the student's written consent, except in certain circumstances, including in order to comply with a judicial order or lawfully issued subpoena. (20 U.S.C. § 1232g (a).)
- 26) Provides that all children have a constitutional right to attend public school regardless of their immigration status. (*Plyler v. Doe* (1982) 457 U.S. 202.)

This bill:

- 1) Makes various findings and declarations regarding the impact of federal immigration policies on children and families in California.
- 2) Requires local educational agencies to provide information to parents and guardians regarding their children's right to a free public education including information relating to "Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues" issued by the Attorney General on January 6, 2025, including, but not limited to, information related to plans for family safety and the importance of providing the school with, and regularly updating, emergency contact information, including secondary and additional contact information.
- 3) Requires the information in 2) to be revised as necessary to be consistent with any revisions or updates to the guidance issued by the Attorney General.
- 4) Requires all local educational agencies to revise their model policies as necessary to be consistent with any revisions or updates to the model policies developed by the Attorney General, including "Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues" issued by the Attorney General on January 6, 2025, including, but not limited to, information related to plans for family safety and

the importance of providing the school with, and regularly updating, emergency contact information, including secondary and additional contact information.

- 5) Expands authorization to execute a caregiver's authorization affidavit to include a caregiver who is a nonrelative extended family member, as defined. Clarifies that the medical care authorized by the nonrelative extended family member may include mental health treatment subject to the limitations of Section 2356 of the Probate Code.
- 6) Defines "nonrelative extended family member" as any adult caregiver who has an established familial or mentoring relationship with the child or who has an established familial relationship with a relative of the child.
- 7) Defines "relative" to mean an adult who is related to the child by blood, adoption, or affinity within the fifth degree of kinship, including all stepparents, stepsiblings, and all relatives whose status is preceded by the words "great," "great-great," or "grand," or the spouse of any of the persons specified in this definition, even after the marriage has been terminated by death or dissolution.
- 8) Clarifies the definition of "school-related medical care" to include medical care, including immunizations, physical examinations, and medical examinations conducted in school for pupils.
- 9) Modifies the notices on the caregiver's authorization affidavit to alert the caregiver that the affidavit is no longer valid once the minor ceases living with them, and that they are required to notify any school, health care provider, or health care service plan that the minor is no longer living with them and that, as a result, the affidavit is no longer valid.
- 10) Clarifies in notices on the caregivers authorization affidavit to school officials and health care providers that a parent's signature or seal or signature of the court is not required on the caregiver's authorization affidavit.
- 11) Makes other conforming changes to the caregiver's authorization affidavit.
- 12) Requires a court to give a nomination of a guardian due weight pursuant to Family Code Section 3043.
- 13) Makes a nomination of a guardian effective when made except that the writing nominating a guardian may provide that the nomination becomes effective only upon the occurrence of such specified condition or conditions, including conditions as to the subsequent absence of the person making the nomination.

- 14) Ensures that, unless the writing making the nomination provides otherwise, a nomination of guardianship remains effective notwithstanding the subsequent absence of the person making the nomination.
- 15) Expands existing provisions authorizing a court to appoint the custodial parent and person nominated by the parent as joint guardians to include such an appointment when a custodial parent will be temporarily unavailable due to specified circumstances, including but not limited to, a serious medical condition or disability, military service, incarceration, or an immigration-related administrative action.
- 16) Prohibits the nomination made pursuant to 15) to be made over the objection of a noncustodial parent without a finding that the noncustodial parent's custody would be detrimental to the minor.
- 17) Makes the guardian immediately empowered to assume guardianship duties in the parent's absence immediately upon the occurrence of an activating event set forth in the order appointing a joint guardian.
- 18) Grants the appointed guardian shared authority with the parent, custodian, or guardian of the minor child, upon commencement of the duties of guardian, unless the petition says otherwise.
- 19) Authorizes a parent, custodian, or guardian to revoke a joint guardianship issued pursuant to 15) by filing a request to terminate the guardianship with the court pursuant to existing provisions of the Probate Code.
- 20) Establishes a presumption that termination of the guardianship is in the best interest, upon a showing that the activating event no longer affects the parent's ability to provide care for their child.
- 21) Makes all court records, petitions, orders, and documents related to the appointment of a joint guardian pursuant to 15) confidential, and requires them to be made available only to the persons who have been served in the proceeding and their attorneys, if applicable.
- 22) Requires the clerk of the court to make provisions to limit access to the documents and any other personally identifiable information of the minor, custodial parent, the appointed guardian, or family members who are a party to or identified in the proceeding.
- 23) Prohibits information contained in these records from being disclosed to federal immigration authorities or any entity engaged in immigration enforcement without a court order based on a showing of compelling necessity unrelated to immigration enforcement.

COMMENTS

1. Need for the bill

According to the author:

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

President Trump has issued executive orders that expand arrests, detention, and deportation of Californians.² On January 21, 2025, the Department of Homeland Security rescinded a policy that has protected Californians from immigration enforcement actions in sensitive areas such as courts, hospitals, and schools.³ Immigrants with lawful status such as Deferred Action for Childhood Arrivals (DACA)⁴ and Temporary Protected Status (TPS)⁵ are also at risk of being detained. There are even reports of U.S. Citizens being detained.⁶ There is widespread fear in immigrant communities that children and their caregivers will be separated with no regard by the federal government for the impact on the families.

This bill enacts the Family Preparedness Plan Act of 2025 (Act). The Act strengthens protections for children who are at risk of having their families torn apart by President Trump's massive deportation agenda. This Act does this by requiring schools and licensed childcare facilities to implement the Attorney General's updated immigration-

² The White House, *Protecting The American People Against Invasion*, (Jan. 20, 2025) available at: [Protecting The American People Against Invasion - The White House](#) [as of June 26, 2025].

³ Department of Homeland Security, *Statement from a DHS Spokesperson on Directives Expanding Law Enforcement and Ending the Abuse of Humanitarian Parole*, (Jan. 21, 2025), available at: [Statement from a DHS Spokesperson on Directives Expanding Law Enforcement and Ending the Abuse of Humanitarian Parole | Homeland Security](#) [as of June 26 2025].

⁴ Newsweek, Mandy Taheri, *DACA-Recipient in Green Card Process Stuck in Mexico After Visa Appointment*, (June 25, 2025), available at: [DACA-Recipient in Green Card Process Stuck in Mexico After Visa Appointment - Newsweek](#) [as of June 26, 2025]; MALDEF, *Texas v. United States: A Timeline of the Fight to Protect DACA*, available at: [Texas v United States: A Timeline of The Fight to Protect DACA - MALDEF](#) [as of June 26, 2025].

⁵ See, for example: U.S. Citizenship and Immigration Services, *Secretary of Homeland Security Announces Termination of Temporary Protected Status for Nepal, EADS Expire August 5, 2025*, (June 6, 2025), available at [Secretary of Homeland Security Announces Termination of Temporary Protected Status for Nepal, EADS Expire August 5, 2025 | USCIS](#) [as of 6/26/25].

⁶ CBS News, Laurie Perez, (June 25, 2025), *Family Members Outraged as U.S. Citizen Detained by Federal Agents in Downtown LA on Way to Work*, available at: [Family members outraged as U.S. citizen detained by federal agents in downtown LA on way to work - CBS Los Angeles](#) [as of 6/26/25].

related policies for family preparedness. The Act standardizes recognition of Caregiver Authorization Affidavits, expands the categories of eligible caregivers, clarifies that a parent's choice of guardian is given due weight, and creates a short-term guardianship process that allows families facing separations to designate short term guardians while honoring parental rights.

2. California Attorney General issued updated guidance to schools on immigration enforcement

The Legislature passed a law during the first Trump Administration that required the Attorney General to develop model policies for public schools with regard to immigration enforcement. (AB 699 (O'Donnell) Ch. 493, Stats. 2017) AB 699 required local education agencies to adopt the model policies or equivalent policies. The Attorney General issues guidance on March 30, 2018. The Attorney General updated their guidance in February 2025. The 2025 guidance specifies protocols school staff should follow if immigration officers arrive at schools. The Attorney General Office wrote the following in their press release regarding the updated guidance:

Guidance for School Officials if an Immigration Officer Comes to Campus

1. Notify the designated local educational agency administrator of the request, and advise the immigration officer that, before proceeding with the request, and absent exigent circumstances, you must first receive direction from the local educational agency administrator.
2. Ask to see, and make a copy of or note, the officer's credentials (name and badge number), and the phone number of his/her supervisor.
3. Ask the officer for his/her reason for being on school grounds and to produce any documentation that authorizes school access. Make a copy of all documents provided by the officer.
4. If the officer does not declare that exigent circumstances exist, respond according to the requirements of the officer's documentation.
5. While you should not consent to access by an immigration enforcement officer unless he/she declares exigent circumstances or has a federal judicial warrant, do not attempt to physically impede an officer, even if he/she appears to lack authorization to enter. If an officer enters the premises without consent, document his/her actions while on campus.
6. Notify parents or guardians as soon as possible (unless prevented by a judicial warrant or subpoena), and do so before an officer questions or removes a student for immigration-enforcement purposes (unless a judicial warrant has been presented).
7. Provide a copy of those notes, and associated documents collected from the officer to the local educational agency's legal counsel, Superintendent, or other designated administrator.

8. Apprise the California Department of Justice of any attempt by a law-enforcement officer to access a school site or a student for immigration-enforcement purposes by emailing immigration@doj.ca.gov.

3. Support

The Alliance for Children’s Rights and Public Counsel, sponsors of the bill, write the following in support:

This critical legislation establishes clear, legally recognized caregiving arrangements to ensure that children can remain with trusted caregivers during times of crisis. [. . .] We see how family separation disrupts the lives of children, causing emotional trauma , instability, and barriers to education, healthcare, and long-term well-being. [. . .]

Our direct representation guides our policy work at a local and state level to challenge and change systems that perpetuate family separation and intergenerational system-involvement.

[. . .] The Office of the Attorney General’s “Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California’s K-12 Schools in Responding to Immigration Issues” details the importance of communicating with parents about maintaining up-to-date emergency contact information (including the listing of secondary contacts), noting “this enables the agency to exhaust all available contacts if it needs to arrange for the care of a child in the event that a parent or guardian is detained or deported.” Having a family preparedness plan ensures the safety and stability of children if the parents face family separation, including detention or deportation, providing all members of the family with concrete plans in the event of an emergency.

To be clear, schools, doctors, and social services agencies are required to recognize caregiver authority under existing tools, such as Caregiver’s Authorization Affidavits, which do not need to be notarized and don’t require an order from a court.⁶ However, too often schools and service and medical providers refuse to follow the law, denying children and caregivers school enrollment or much needed services, and making it difficult for children to access stable care, education, and medical services in the absence of a parent.

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

[. . .] For decades, California has been a leader in protecting immigrant families and ensuring that all children – regardless of their parents’ status – have access to safety, education, and healthcare. AB 495 reinforces this commitment by eliminating legal uncertainty and providing families with clear, enforceable caregiving options during family separations, including, but not limited to, a serious medical condition or disability, military service, incarceration, or an immigration-related administrative action.

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

SUPPORT

Alliance for Children’s Rights (sponsor)
Public Counsel (sponsor)
Alliance for Children’s Rights
A New Way of Life Re-entry Project
All of Us or None Orange County
California Alliance of Caregivers
California Alliance of Child and Family Services
California Court Appointed Special Advocate Association
California Legislative Women’s Caucus
California State PTA
California Undocumented Higher Education Coalition
California WIC Association
Californians Together
Catalyst California
Children’s Law Center of California
Coalition for Humane Immigrant Rights
County of Santa Clara
Dependency Advocacy Center
Early Edge California
Every Child California
Families Inspiring Reentry and Reunification 4 Everyone
First 5 California
Immigrant Defenders Law Center
Immigration Center for Women and Children
John Burton Advocates for Youth
Legal Aid of Sonoma County
Legal Assistance for Seniors
Los Angeles Dependency Lawyers, Inc.
Seneca Family of Agencies
Sycamores
The Children’s Partnership

Vision y Compromiso
3Strands Global Foundation

OPPOSITION

None known

RELATED LEGISLATION

Pending Legislation: AB 1261 (Bonta, 2025) requires the state to provide legal counsel to each unaccompanied undocumented minor in the physical custody of the federal Office of Refugee Resettlement and present in California or residing with a family member or other sponsor in California, as specified. The bill additionally requires the Department of Social Services to contract with qualified nonprofit legal services organizations that meet specified requirements or an office of public defender that meets specified requirements, including that the office has an immigration unit or contracts with an immigration attorney with at least 3 years of experience and expertise in providing legal representation to clients in civil immigration matters before the United States Department of Homeland Security, to fulfill those requirements. AB 1261 is scheduled to be heard in this Committee on the same day as this bill.

Prior Legislation: AB 699 (O'Donnell, Ch. 493, Stats. 2017) required the Attorney General to develop model policies for public schools that limit cooperation with immigration enforcement and mandates LEAs to adopt the model policy or equivalent policy.

PRIOR VOTES:

Assembly Floor (Ayes 62, Noes 7)
Assembly Appropriations Committee (Ayes 11, Noes 3)
Assembly Human Services Committee (Ayes 5, Noes 1)
Assembly Judiciary Committee (Ayes 9, Noes 1)
