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Department of Social Services

Attorney General Bonta Provides Guidance to Child Care Providers of New Legal Obligations Relating to Immigration Enforcement Actions

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OAKLAND — California Attorney General Rob Bonta today [issued guidance and model policies](#) for licensed child care facilities and preschool programs in California regarding their new legal responsibilities under Assembly Bill (AB) 495. Known as the Family Preparedness Act of 2025, AB 495 was authored by Assemblymember Celeste Rodriguez (D-San Fernando) and took effect on January 1, 2026. AB 495, and this guidance, are intended to help early childhood education and child care providers develop practical plans to protect the rights of immigrants and their families to safely access these facilities by limiting support for immigration enforcement activities.

“Child care and preschool facilities should be safe and secure spaces so children can grow, learn, and simply be children. As the Trump Administration’s inhumane immigration enforcement agenda continues, it is essential that early childhood education and child care providers are prepared, informed, and equipped to safeguard the rights of children and their families,” said Attorney General Bonta. “My office is committed to ensuring educators and child care providers have the tools and knowledge they need to respond appropriately if immigration agents come to their facility, and that immigrant students and families understand their rights and protections under the law. We will continue to stand with our immigrant communities and uphold every child’s right to learn and thrive in environments that are inclusive and secure.”

In the guidance, Attorney General Bonta addresses how early childhood education and child care providers should handle immigration enforcement at their facilities, including:

- **Gathering and Handling Child and Family Information:** Licensed child care facilities and license-exempt California state preschool program facilities are prohibited from collecting information or documents related to the citizenship or immigration status of children or their family members, including Social Security

number, unless required by state or federal law or necessary to administer a state or federally supported educational program. While other documents that may indirectly indicate immigration status can be collected when relevant, providers should gather only the minimum information required and must protect family privacy by avoiding unnecessary data collection and not retaining children's records longer than legally required. Licensed child care facilities are also required to report any requests from law enforcement seeking access or information for the purpose of immigration enforcement to the California Department of Social Services and the California Attorney General. License-exempt California state preschool program facilities are authorized, but not required, to report such requests to the California Department of Education and the California Attorney General. Reports to the California Attorney General should be made here: <https://oag.ca.gov/ab495/reporting>.

- **Sharing Information Regarding Children, Their Family Members, and Staff:** Child care and early childhood education facilities that are operated by school districts, county offices of education, or charter schools are prohibited from sharing in writing, verbally, or in any other manner, to the extent practicable, any information about a child, including their education records, or information about the child's family and household to an officer or employee of an agency conducting immigration enforcement, unless that officer or employee provides a valid judicial warrant, judicial subpoena, or court order requesting the information, or unless the parent/guardian provides written consent. If such a request is made, providers should notify a designated facility administrator and promptly consult legal counsel to determine whether and how to respond. Other child care facilities also have strict confidentiality rules that generally prohibit sharing any information regarding children unless otherwise authorized by law.
- **Responding to Immigration Enforcement Accessing Nonpublic Areas:** Officials and employees of early childhood education and child care facilities operated by school districts, county offices of education, or charter schools are prohibited from allowing immigration enforcement agents to enter a nonpublic area of a school for any purpose, unless the person seeking entry presents a valid judicial warrant, judicial subpoena, or a court order, or unless required by state or federal law or required to administer a state or federally supported educational program
- **Responding to the Detention or Deportation of Child's Family Member:** Early childhood education and child care providers are required to ask families to review and regularly update children's emergency contact information as needed to ensure they can quickly reach a designated safe adult if a parent or guardian is detained or deported.

- **Requirement to Update Model Policies:** All facilities that participate in the California State Preschool Program, whether licensed or unlicensed, must adopt the model policies or equivalent policies by July 1, 2026. Child care facilities licensed by the California Department of Social Services are encouraged to adopt them and must ensure that any information they provide to families is consistent with these policies and inform families how to access them.

More resources can be found at <https://oag.ca.gov/immigrant>.

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