Promoting Safe Early Childhood Education for All

Guidance and Model Policies for Early Childhood Education and Child Care Providers Pursuant to the Family Preparedness Plan Act of 2025

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Introduction and Purpose of Guide and Model Policies

Assembly Bill (AB) 495, the Family Preparedness Plan Act of 2025, effective January 1, 2026, limits the ways in which early childhood education (ECE) and child care providers can assist with immigration enforcement.

The purpose of the Act, and this guide, is to keep ECE and child care facilities safe and accessible to all children and families in California, regardless of immigration status.

AB 495 requires the Attorney General to publish by April 1, 2026 model policies limiting assistance with immigration enforcement at licensed child daycare facilities and license-exempt California state preschool program facilities to the fullest extent possible consistent with federal and state law, and ensuring that those facilities remain safe and accessible to all California residents, regardless of immigration status. (Health & Safety Code, § 1597.640(f).) AB 495 further requires certain providers (all California State Preschool Programs, or CSPPs) to adopt these model policies or equivalent policies, as soon as possible, but no later than **July 1, 2026.** This document contains those model policies, which are also summarized in Part One of Appendix A. Providers may develop stronger policies and protections related to immigration enforcement, as long as they comply with the law.

This guide is not legal advice. It is based on law current as of April 1, 2026, which may change. It is intended to explain relevant laws and best practices, but it cannot cover all possible scenarios or legal questions.

What's in this Guide?

This guidance addresses several questions related to immigration enforcement for ECE and child care providers:

- Chapter 1: What sensitive information are you required to collect about the children and families you serve, and what information are you not allowed to collect?
- Chapter 2: When are you required to share information with immigration or other law enforcement agents?[1] What information are you not allowed to share?
- Chapter 3: What do you need to do if immigration enforcement agents show up at your facility?
- Chapter 4: What should you do if a child's family member is detained or deported?
- Chapter 5: When are you required to update and share your policies?
- Appendix Resources:
  - **Appendix A: Summary of Model Policies for ECE and Child Care Providers** (Part One summarizes the model policies that must be adopted by CSPPs. Part Two includes best practices listed in this guide. This appendix can be used as an optional template that can be used to establish procedures for responding to immigration enforcement.)
  - **Appendices B-G**: **Examples of Warrants, Subpoenas, and Other Enforcement Documents**
  - **Appendix H: Summary of Confidentiality Laws** (a reference document explaining the confidentiality laws that apply to different types of ECE and child care providers)
  - **Appendix I: "Know Your Rights" Guide for Families** (a short, plain language guide to help families of children in early education and child care understand their rights)

- **Appendix J: Quick Reference Best Practices Checklist for ECE and Child Care Providers on Immigration Enforcement** (step-by-step checklists that summarize what to do in different scenarios related to immigration enforcement)
- **Appendix K: Quick Reference for ECE Providers: Requirements at a Glance** (a chart that summarizes the requirements of AB 495)
- **Appendix L: List of Resources** (more resources and organizations to help with legal questions, community support, and other needs)

Important new requirements for ECE and child care providers under AB 495 (and where to learn more):

- ECE and child care providers **cannot** collect information or documents regarding the citizenship or immigration status of children or their family members unless required by law or to administer a state or federally supported educational program. (See pages 5-13.)
- Licensed child daycare facilities must report any requests for information or access to the facility related to immigration enforcement (reporting is optional for a license-exempt California State Preschool Program (CSPP). (**How to report:** page 23.)
- ECE and child care providers must ask families to review and update their emergency contact information. (**What to do**: see page 5.)
- If parents or authorized representatives are detained or cannot care for a child, ECE and child care providers must rely on emergency contact information to release the child to a safe person. (See pages 33-34.)
- **By July 1, 2026,** CSPPs must adopt the model policies in this document. (See pages 12-13, 19, 30-31, and 37, or Appendix A.)
- All ECE and child care providers must review their own policies to make sure they do not conflict with these model policies, and any information, policies, or guidance provided by facilities to parents or authorized representatives must be revised if they do. (See pages 12-13, 19, 30-31, and 37, or Appendix A.)
- ECE and child care providers must tell families where to find these model policies. (See page 36.)

There are additional requirements that apply to ECE and child care providers that are **operated by school districts, charter schools, or county offices of education** (also known as local educational agencies or **LEAs**). To learn more about those rules, see our guidance for TK-12 schools. There are also additional requirements that apply to ECE and child care providers that are **operated by colleges and universities**. To learn more about those rules, see our guidance for colleges and universities.

Does This Guidance Apply to You?

AB 495, the new law that this guidance is based on, applies to "**licensed child daycare facilities"** and **"license-exempt California state preschool program facilities**," so these terms will be used in this guidance when discussing the law.

"**Licensed child daycare facilities**" refers to all licensed child care facilities in California, including all licensed California State Preschool Programs (CSPPs). This includes most family child care homes, preschools, and other early childhood education facilities in California.[2]

"**License-exempt California State Preschool Program facilities**" refers to those California State Preschool Program classrooms operated by LEAs under contract with the California Department of Education (CDE) that meet additional operating requirements in a school building and that meet specified conditions.[3]

Between these two categories, nearly all child care facilities, early childhood education facilities, daycares, and preschools in California are covered by AB 495.[4] For the purpose of this guidance, the term "**ECE and child care provider**" will be used to refer to all of these groups, except when more specific terms are needed to explain the law.

Child care and early education facilities in California are licensed and regulated by the California Department of Social Services (CDSS), with a few exceptions, such as the license-exempt California State Preschool Programs operated by LEAs discussed above.[5] CDE administers the CSPP program.

This guidance also applies to one kind of early education facility that is unlicensed. As discussed above, CSPPs that are operated through LEAs and meet certain other requirements are exempt from CDSS licensing, but this guidance still applies to them.[6]

AB 495 and the guidance do **not** apply to other unlicensed child care facilities or informal child care arrangements, such as:

- Relatives who care for children in their own family
- Family child care homes that provide care for the children of only one family in addition to the operator's own children
- Certain parent-run cooperative daycares that do not involve payment
- Crisis nurseries
- Certain temporary on-site daycares[7]

How to Use This Guide

- **If you want to understand all the details:** Read this complete document. The "Governing Law" section at the start of each chapter explains the state and federal laws that this guidance is based on. The "Policy Recommendations and Best Practices" section in each chapter tells you how to apply the law to different situations, including best practices to keep facilities safe for children and families. The "Model Policies" section in each chapter are the policies that should be adopted. These Model Policies are summarized in Part One of Appendix A, along with an optional policy template and best practices.
- **If you want a quick best practices checklist of what to do to respond in various scenarios related to immigration enforcement**, read Appendix J.
- **If you want to see the AB 495 requirements at a glance**, read Appendix K.
- **Everyone must**: Read the model policies at the end of each section and make sure you do not have any policies at your program that conflict with them. Tell families of children you serve how to find these policies, and revisit them to make sure you are staying updated with any changes.

- **If you are a California State Preschool Program**, including both those that are licensed and those that are license-exempt, you must adopt the model policies at the end of each section **by July 1, 2026**.
- **If you want a sample policy that contains the model policies in this guide and additional best practices your facility can adopt**, go to Appendix A.

Note: In this guide, "immigration enforcement" includes any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal civil immigration law, and also includes any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal criminal immigration law that penalizes a person's presence in, entry, or reentry to, or employment in, the United States. This guide uses the terms "immigration agent," "immigration enforcement agent," and "agent." All of these terms are used in reference to any state or federal agent or official seeking to enforce federal immigration law.

01 Gathering and Handling Child and Family Information

Purpose

To help you understand (1) the laws about what kinds of sensitive information you must collect about children that might relate to immigration enforcement, (2) what information you may not collect, and (3) your options for collecting less-sensitive information. Additionally, it provides model policies for collecting and handling children's information.

Governing Law

1. Citizenship or Immigration Status Information

ECE and child care providers should never ask for information about citizenship or immigration status unless certain requirements apply. Under AB 495, a state law that went into effect January 1, 2026, employees of licensed child daycare and license-exempt California State Preschool Program facilities shall not collect 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.[8] At the time of publication, no state or federal law or educational program requires collecting this information, so providers must not collect it.[9] (This may change, so providers should stay up to date with program rules, especially for federal programs like Head Start.)

However, some state and federally funded educational programs may require ECE and child care providers to collect other kinds of documents during the enrollment process that might directly or indirectly indicate citizenship or immigration status information. These documents, as well as alternative documents that providers might collect instead, are discussed in more detail below.

2. Emergency Contact Information

All ECE and child care providers must maintain emergency contact information for the children who are enrolled.[10] Under AB 495, the licensee or administrator of a licensed child daycare or a license-exempt CSPP facility must ask parents or authorized representatives to review and update their emergency contact information, as needed.[11] If the ECE or child care provider is aware that a child's parent or authorized representative is not available to care for the child, they must first follow any parental instructions relating to the child's care found in the child's emergency contact information.[12] (See Chapter 4 below for more on responding to the detention of a child's family member.)

3. Social Security Numbers

Every individual has a considerable privacy interest in keeping their social security number confidential.[13] There is no federal or state requirement for ECE and child care providers to collect social security numbers or the last four digits of social security numbers from children or their families, nor is there currently any state or federal education program that requires collecting full or partial social security numbers. Therefore, providers should not collect social security numbers or portions of social security numbers.

4. Enrollment Information

During the enrollment process, ECE and child care providers collect information about children and their families. To protect families' privacy, providers should not collect more information than is required by state or federal law to administer their program. What you are required to collect, however, depends on your specific situation as a provider.

ECE and child care providers who participate in certain state and federal programs may be required to collect information to determine a child's eligibility for these programs. Although families are never asked to provide citizenship or immigration status information, some documents that families may submit to show eligibility for these programs include sensitive information that might indicate a family's immigration status, either directly or indirectly. These documents, and alternative documents that providers can accept instead, are discussed in more detail below. In general, providers should avoid collecting unnecessary sensitive information about children and their families so that they can help protect families' privacy.

Title 5 Government-Funded Programs

Some ECE and child care providers receive funding from the State of California to administer ECE and child care programs. These are sometimes called "Title 5 programs," a reference to Title 5 of the California Code of Regulations.[14] There are two main types of programs regulated by Title 5:

- **Direct-Contract Programs**
  - Administered by CDSS: **Child Care and Development Programs**, also called Early Learning and Care Programs, include General Child Care and Development Programs, including CCTR and Family Child Care Home Education Networks, Migrant Child Care and Development Programs, and the Children with Severe Disabilities (CHAN) program. These programs are funded with a mix of state and federal funding. Participating ECE and child care providers are referred to here as Title 5 contractors.
  - Administered by CDE: **The California State Preschool Program (CSPP**) including LEA-based, center-based, and CSPPs operated through a Family Child Care Home Education Network. CSPP is funded entirely with state funding.
- **Voucher-Based Programs (funded by California and the federal government and administered by CDSS).** This includes ECE and child care providers who receive payment through CalWORKS vouchers, the Alternative Payment Program, and the Migrant Alternative Payment Program (CMAP).

Family Data File for Title 5 Programs

ECE and child care providers participating in Title 5 programs described above must maintain a Family Data File.[15] This file includes a family's application for services as well as the records used to document the family's eligibility and need for ECE or child care services, among other items.[16] All paper and electronic records must be kept for a minimum of five years.[17]

While the application requires a child's date of birth, there is no requirement to collect or maintain a child's birth certificate or other document to prove the date of birth. However, families might submit birth certificates and other potentially sensitive documents such as an Individualized Education Program (IEP) to show eligibility or the child's relationship to the adults in the family, in which case those documents must be maintained.

The section below discusses other documents required to show need and eligibility for these programs.

Family Size and Relationship to Child

Families enrolling in Title 5 programs must provide documentation to prove the relationship between the child and the person enrolling them.[18] Many of the documents that families could use to prove that relationship (such as birth certificates, custody court orders, adoption or foster care records, school or medical records, and county welfare department records) may contain potentially sensitive information that might reflect a family's immigration status. Sensitive information might include social security numbers, country of birth, or narrative details about the family's immigration story. However, families have the option to provide "[o]ther reliable documentation indicating the relationship of the child to the parent."[19] This could include court orders or guardianship documentation.

Another document families might provide to prove their relationship to the child is the Caregiver Authorization Affidavit,[20] discussed further at pages 32-33. While this document does not state immigration status, families may be concerned that it could be used to infer immigration status. However, it can be a useful option for parents who need to identify a temporary caregiver without giving up custody of their child.

Eligibility Documentation

Similarly, families must provide documentation to prove eligibility for Title 5 programs, often based on income.[21] Parents who are employed must show income with paystubs, a letter from their employer, or "other record of wages issued by the employer" from either month of the preceding two-month window.[22] Parents who are self-employed may use documents like business ledgers, receipts, or tax returns.[23] The rules also provide methods by which Title 5 contractors must verify families' reported income, such as reviewing tax returns or contacting employers or clients.[24] Many of the documents used to prove or verify income or other bases for eligibility may contain sensitive information that could indicate citizenship or immigration status. For example, families may be concerned that employment in certain industries or jobs may be used to infer immigration status. Tax returns can also indicate immigration status. In general, ECE and child care providers should accept any documents that comply with the law.

Families may also worry that contacting employers or clients puts them at risk. If families are concerned that contacting their employers would adversely affect their employment or if the employers refuse to provide documentation, families can provide other means of verification.[25] Similarly, when a self-employed parent's income cannot be independently verified, the contractor can instead assess whether the reported income is reasonable or consistent with the community practice for that type of employment.[26]

One basis for eligibility for some state-funded programs, a child's disability, requires the family to submit a portion of the child's active Individual Family Service Plan (IFSP) or the IEP.[27] However, these documents may contain significant information about children and their families, some of which may be sensitive, and ECE and child care providers are not required to retain most information in these documents apart from what is required by law.[28]

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Documentation of Need for Services

Families enrolling in Title 5 programs must also document their need for services.[29] The most common reason parents need full-time child care or preschool is that parents are employed or are enrolled in a vocational training or educational program.[30] Families can document employment (or self-employment) using methods similar to those discussed above with regard to income, such as paystubs, letters from employers, client receipts, etc.[31] As with income, some documents that parents might submit to document employment or other reasons for needing care might indicate citizenship or immigration status. And similar to income documentation, a parent can attest that a request for employer documentation would adversely affect the parent's employment.[32] In those cases, the ECE or child care provider can determine whether the parent's description of the days and hours of employment and community practice are reasonable. Similarly, if eligibility is based on the parent's participation in vocational training or an educational program, they must submit documentation to show their enrollment in the vocational training or educational program.[33]

Other Title 5 programs require additional information that could be sensitive. For example, California's Migrant Child Care and Development Program requires that families document their employment in fishing, agriculture, or agriculturally related work.[34] Under a new law effective in 2025, self-certification of income for this program may be handled like other child care and development programs under Title 5.[35]

Title 5 Voucher Programs

Title 5 voucher programs, such as CalWORKS, the Alternative Payment Program, and the Migrant Alternative Payment Program, help families that meet certain criteria pay for child care and development programs. Many ECE and child care providers accept vouchers instead of direct payment from eligible families. Voucher programs have the same kinds of eligibility and documentation requirements as other Title 5 programs,[36] but in most cases ECE and child care providers do not collect this information from families directly. Instead, program contractors confirm children's eligibility and provide the vouchers that families can bring to ECE and child care providers who accept them. However, even when ECE and child care providers do not directly collect eligibility information, they may have access to children's information, which may be sensitive for immigration enforcement. Providers should follow the rules of each specific voucher program to ensure they are not retaining more information than is required.

Federally Funded ECE and Child Care Programs

Head Start

Head Start and Early Head Start programs are free, federally funded programs designed to promote school readiness for infants, toddlers, and preschoolers from families that meet income eligibility requirements.[37] Head Start programs can be run by private agencies, nonprofit organizations, or school districts.

Like Title 5 programs, Head Start requires families to submit information to document eligibility that could be sensitive, and program staff are required to verify and maintain that documentation.[38] Again, however, there are some exceptions to these requirements and sometimes it is possible for families to use documentation that is less sensitive. For example, Head Start program staff must verify children's ages according to program policies and procedures, but these policies and procedures cannot require families to provide documents that confirm a child's age if doing so creates a barrier for the family to enroll the child.[39]

Please note that this summary is current as of April 1, 2026, and future developments may change the eligibility requirements relating to Head Start. In 2025, the federal government tried to bar undocumented children from participating in Head Start. It did this by deciding that Head Start is subject to a federal law that prohibits people without legal immigration status from accessing federal benefits (sometimes called the "public charge" rule).[40] However, California and other states and organizations sued the federal government and at the time of the publication of this guidance, the cases are still being litigated.[41] Federal courts have prohibited the federal government from enforcing its new rules while the cases are proceeding, so the old rules still apply and Head Start programs are currently not restricted on the basis of immigration status.[42]

Title I, Part A Preschools

"Title I, Part A" preschools are another example of federally funded early childhood education. "Title I, Part A" refers to funding provided under Title I, Part A of the Elementary and Secondary Education Act of 1965.[43] This is not a specific preschool program; certain local educational agencies (LEAs) that serve disadvantaged children receive Title I, Part A funds and can reserve a portion of funding to provide preschool services.[44] Children's eligibility for preschool services using Title I, Part A funds depends on the type of program and whether it is school-based or district-based, and may be based partly on income.[45] Because documentation requirements vary, ECE and child care providers using Title I, Part A funds should consult LEA leadership or legal counsel regarding the best way to limit collection of potentially sensitive information.

Migrant Education Program

The Migrant Education Program (MEP) is a federally funded educational program designed to provide academic and supportive services to children of families who migrate to work in the agricultural and fishing industries. Funded under Title I, Part C of the Elementary and Secondary Education Act of 1965, this program includes services for preschool aged children, such as the Migrant Education School Readiness Programs (MESRP).

CDE is required to collect and maintain a Certificate of Eligibility form and related documentation for children in the program, and must maintain the form for at least three years, but sometimes longer depending on when program funds are used and whether a child continues to migrate during the program.[46] Some information collected (for example, information about place of birth) may be sensitive with regard to citizenship or immigration status; however, these forms are collected by Migrant Education Program recruiters and interviewers rather than ECE or child care providers. In general, ECE and child care providers should not collect or maintain more information about children than is required by law.

5. Prohibition on Discrimination

Many state and federal laws protect children and families from discrimination at ECE and child care facilities. Businesses in California, including most ECE and child care providers, may not discriminate on the basis of citizenship, immigration status, race, ancestry, national origin, primary language, or many other categories.[47] Public and private preschools that receive state funding or enroll students who receive state financial aid also may not discriminate on the basis of an individual's immigration status, race, ethnicity, or nationality, among other categories.[48] Any programs that receive state funding may not discriminate on the basis of actual or perceived ancestry, ethnic group identification, race, or national origin, including a person's primary language or accent, among other categories.[49] Both California State Preschool Programs and Title 5 state-funded Child Care and Development programs are prohibited from discriminating on the basis of a child or their family's immigration status, unless they

are subject to a final deportation order.[50] Similarly, Head Start and other federally funded programs may not discriminate on the basis of race, national origin, or other categories.[51]

Refusing to accept alternate documents to prove eligibility or need because of a child's or parent's/guardian's actual or perceived race, color, national origin, citizenship or immigration status could constitute a violation of federal and California civil rights law.[52] Providers should review their enrollment forms and procedures to ensure that they do not inadvertently discourage immigrant families from enrolling or attending.

6. ECE and Child Care Programs Run by LEAs or Colleges

Some ECE and child care programs are operated by school districts, charter schools, or other local educational agencies or by colleges or universities. These programs may be subject to additional laws and regulations. If your program is operated by, or on the campus of, an LEA, you should consult with the LEA or your legal counsel to determine whether you have additional requirements or restrictions related to document collection, retention, and sharing. A separate guidance document for TK-12 schools discusses many of the rules that apply to LEAs, some of which may apply if your program is operated by a TK-12 school or school district. Similarly, if your ECE or child care facility is operated by or at a college or university, additional requirements may apply; please consult your legal counsel or campus administration regarding these.

Policy Recommendations and Best Practices

- **Never ask for information about a child or family's citizenship or immigration status (unless it is required by state or federal law or to administer a state or federally supported educational program)**. Do not ask or require families to provide information about their citizenship (whether U.S. citizenship or foreign citizenship) or immigration status (e.g., A-number), unless you are required to do so by state or federal law (currently, no law requires this) or required to administer a state or federally supported educational program. As of the date of this guidance, no state or federal programs require you to collect this information, but Head Start contractors should stay updated with any changing requirements.

- **Do not collect unnecessary information, especially if it might be sensitive for immigration enforcement.** When you have a choice of which documents to accept from families, always allow them to submit documents that contain less sensitive information. Although most private-pay providers only collect limited information from families, government-funded programs like the California State Preschool Program, other Title 5 programs, and Head Start require participating providers to collect additional documents to show that the children enrolled are eligible for the government program. Sometimes these documents contain information that might indirectly reveal citizenship or immigration status. When possible under the rules of your specific program, you should allow families to submit documents that do not reveal information related to citizenship or immigration status or that are less sensitive for their family.

Examples:

- ✓ To prove the parent's relationship to the child as required for the California State Preschool Program and other Title 5 programs: Instead of a birth certificate (which may show sensitive information such as a child's country of birth), providers can accept any other reliable documentation of the child's relationship to the parent, such as court orders regarding child custody, adoption records, records of foster care placements, school medical records, county welfare department records or other reliable documentation indicating the relationship of the child to the parent.
- ✓ To prove employment for the California State Preschool Program and other Title 5 programs: Instead of contacting the parent's employer, providers can accept other records of income and a letter from the parent describing their days and hours of employment. In the letter, for example, the parent could state under penalty of perjury (i.e., the crime of lying under oath) that asking the parent's employer for documentation would put the parent's job at risk. The provider should review the letter and determine whether the days and hours of employment are reasonable based on the parent's description of the employment and community practice (whether the description makes sense in that community). The provider should include the parent's letter and a document stating that they determined it was reasonable in the Family Data File.

- **Tell families all their options to prove eligibility for government-funded programs**. Where possible, review and adjust your application forms and enrollment policies and procedures to ensure that they include and describe to applicants all acceptable alternative documents they can use to enroll.
- **Do not collect social security numbers or the last four digits of social security numbers.** Providers should never collect social security number or the last four digits of a social security number unless required to do so by law or for participation in an educational program; no program currently requires this.
- **Do not collect more information than is required to administer a state or federally supported educational program.** When you are required to collect information that might be sensitive for families, you should not collect or maintain more information than is necessary to comply with the law or the program you are administering. If only one part of a document is needed to prove the child's eligibility for a program, only that part needs to be collected.
  - ✓ For example, if you are using a child's IFSP to document their disability to claim certain funding for the California State Preschool Program, you only need to collect and maintain the page of the IFSP with signatures and active dates; see the program requirements for details.
- **Do not keep children's records longer than is required by law**. Child care centers and family child care homes must keep children's records **three** years after the child has left your care.[53] California State Preschool Programs and other Title 5 programs must keep children's records **five** years after the child has left your care.[54] Consult your program rules for the requirements associated with other programs.
- **Decide how you will handle sensitive student information**. When possible, put your policies and procedures for gathering and handling sensitive student information in writing. Train other staff involved in collecting or maintaining student information on these policies and procedures.
- **Do not discriminate on the basis of citizenship or immigration status, national origin, race, or any other protected characteristic.** If you do receive information that might be sensitive, do not use it to discriminate against children or to prevent them from enrolling in the program.

Model Policies for Gathering and Handling Child and Family Information

ECE and child care providers who do not participate in the California State Preschool Program *may* adopt model policies below, or equivalent policies, but you are not required to do so. However, even if you choose not to adopt them, you must make sure that any information, policies, or guidance that you provide to parents and authorized representatives is consistent with these model policies.

Providers who participate in the California State Preschool Program, whether licensed or unlicensed, must adopt the model policies below, or equivalent policies, by July 1, 2026.

Model Policies for Collecting and Retaining Children's and Family Information

- The [title of appropriate official in your organization, for example, Executive Director, or Owner, etc.] shall maintain in writing [the facility's] policies and procedures for gathering and handling sensitive student information, and appropriate staff shall receive training regarding those policies and procedures.
- If [the facility] possesses information that could indicate immigration status, citizenship status, or national origin information, [the facility] shall not use the acquired information to discriminate against any students or families or bar children from enrolling in or attending the program.
- If parents or guardians choose not to provide information that could indicate their or their children's immigration status, citizenship status, or national origin, [the facility] shall not use such actions as a basis to discriminate against any students or families or bar children from enrolling or attending the program.
- [The facility] shall treat all children the same regarding how they receive all program services, including, but not limited to, the gathering of children and family information.

Model Policies Regarding Asking Families About Immigration Status, Citizenship Status, and National Origin

- [The facility] staff shall not inquire or request information specifically about a child's citizenship or immigration status or the citizenship or immigration status of a child's parents or guardians unless it is required by state or federal law or to administer a state or federally funded educational program; nor shall staff seek or require, to the exclusion of other permissible documentation or information, documentation or information that may indicate a student or family's citizenship or immigration status, such as a green card, voter registration, a passport, or citizenship papers unless it is required by state or federal law or to administer a state or federally funded educational program.
- Where permitted by law, [the facility] shall accept alternative means to establish eligibility criteria for enrollment. Those alternative means shall include documentation or information that are available to persons regardless of immigration status, citizenship status, or national origin, and that do not reveal information related to citizenship or immigration status.
- Where eligibility criteria for purposes of enrollment or any program may be established by alternative documents or information permitted by law or this [resolution/policy], [the facility] procedures and forms shall describe to the applicant, and accommodate, all alternatives specified in law and all alternatives authorized under this [resolution/policy].

Model Policies Regarding Asking Families for Social Security Numbers or Cards

- [The facility] shall not solicit or collect entire or partial social security numbers or cards.

If your ECE or child care program is operated by a **school district or other local educational agency**, you may be subject to additional requirements. Speak with your institution's administrators or legal counsel to determine what additional policies may apply to you.

If your ECE or child care program is operated by **a college or university**, you may be subject to additional requirements as well. Speak with your institution's administrators or legal counsel to determine what additional policies may apply to you.

02 Sharing Information Regarding Children, Their Family, and Staff

Purpose

To help you understand:

(1) when you might be required to share information about children, their families, or your staff with immigration enforcement agents or others who ask for it;

(2) when you may not share this information with immigration enforcement agents or others who ask for it; and

(3) how to keep this information safe.

Governing Law

1. Citizenship and Immigration Status Information

As discussed in the previous section, ECE and child care providers may not collect information about a child or their family members' citizenship or immigration status unless required by state or federal law or as required to administer a state or federally supported educational program.[55] This applies to all licensed child care facilities and their employees, as well as license-exempt California State Preschool Programs. However, ECE and child care providers may already possess information about a child or family's citizenship or immigration status because certain documents that families provide for enrollment may reveal that status. Also, providers may possess information that indirectly indicates a family's citizenship or immigration status, for instance, because families often submit sensitive documents to prove eligibility for certain programs (for example, a parent might submit a birth certificate for some programs, revealing their child's country of origin).

ECE and child care providers must keep information about citizenship or immigration status, like other personal information about children and their families, confidential unless permitted to share it by law or in some cases to administer an educational program, as discussed below.[56]

Licensed child care centers should also notify CDSS and children's parents or authorized representatives about a request for a child's immigration or citizenship information when it represents an "unusual incident … that threatens the physical or emotional health or safety of any child."[57]

ECE and child care facilities operated by state and local governmental agencies should be aware of 8 U.S.C. sections 1373 and 1644, which do not allow state and local government agencies to prohibit or restrict their employees from sending or receiving citizenship or immigration status information to or from federal immigration enforcement authorities.[58] This applies to ECE and child care programs that are operated by state and local government agencies, such as local educational agencies, California community colleges, or California public universities.[59] In keeping with these federal laws, this guide does not recommend or require ECE or child care providers operated by state or local government agencies to adopt a policy restricting ECE and child care providers' staff from sharing information in violation of 8 U.S.C. sections 1373 or 1644. *However, it is important to note,* these federal laws apply **only** to ECE and child care facilities that are operated by a state or local government agency such as a school district. Sections 1373 and 1644 do not apply to private or non-profit ECE or child care providers.

Furthermore, providers should be aware that federal and state laws protect the privacy and confidentiality of children's personal information, as discussed further below.

ECE and child care providers operated by local educational agencies are also subject to California Education Code section 234.7, subd. (b), which provides that a local educational agency and its staff, to the extent practicable, may not disclose the children's education records or any information about their family and household to an immigration enforcement agent without the written consent of parents or guardians, unless presented with a valid judicial warrant, judicial subpoena, or court order.[60] This prohibition also applies to the sharing of personal information, including information about a child's home and travel schedule.[61] If a provider does share education records with immigration enforcement agents pursuant to a valid judicial warrant, judicial subpoena, or court order, the child's parents must be notified in advance of sharing, unless the document requesting the information specifically says that the fact that the request has been made cannot be disclosed.[62]

2. Personal Information Generally

ECE and child care providers must generally keep all personal information confidential, including records related to children or employees, with only limited exceptions. In addition to the specific confidentiality laws discussed below, Article I, Section I of the California Constitution generally protects a person's inalienable right to privacy, including a person's personally identifying information.

For a chart summarizing the confidentiality laws that apply to different kinds of ECE and child care providers discussed below see Appendix H.

If immigration enforcement agents or anyone else requests personal information regarding children or employees, ECE and child care providers are not required to immediately share that information, unless a judicial warrant, judicial subpoena, or court order specifically state in writing that immediate compliance is required. Instead, as a best practice, the ECE or child care provider should bring the request to legal counsel (but they are not obligated to do so). If possible, the ECE or child care provider should ask for valid identification and document the agent's contact information and agency. Note that ECE and child care providers can always challenge a warrant, subpoena, or court order in court.

As discussed below, if you are a licensed child care facility, you must report any immigration enforcement-related requests for information or requests for access to the facility to the Attorney General and the California Department of Social Services.[63]

Personal Information or Educational Records of Children and Their Families

All ECE and child care providers should keep children's information confidential and stored securely as part of their overall mandate to protect children's safety. Different kinds of ECE and child care providers are also subject to specific confidentiality requirements, which restrict them from sharing children's information with unauthorized parties. These are discussed in more detail below.

Note that there are other federal and state laws regarding confidentiality outside the scope of this guidance, such as laws regarding medical or foster care information, that may impose additional obligations for providers collecting or storing children's personal information, including online.

Child Care Center licensees

Child care center licensees must keep all information and records obtained from or regarding children confidential unless certain exceptions apply.[64] Except for inspections by the California Department of Social Services or as otherwise authorized by law, the licensee and all employees shall not disclose this information.[65] This means they must keep all information and records confidential if requested by immigration enforcement agents, unless authorized by law to disclose them (for instance, if they are provided with a judicial warrant, judicial subpoena, or court order seeking such information or otherwise authorized by law).[66]

California State Preschool Programs

CSPPs must also keep children's information confidential unless certain exceptions apply. CSPP contractors cannot use or disclose any confidential information regarding a child or their family members, including citizenship or immigration status information, except for purposes directly connected with the administration of the child care program[67] "or as otherwise permitted by law."[68] Immigration enforcement is not a purpose directly connected with the administration of the child care program.[69]

Title 5 Child Care and Development Programs

Title 5 Child Care and Development programs (see discussion in Chapter 1) similarly must keep children's information confidential. This includes both direct-contract and voucher programs.[70] Providers cannot use or disclose any confidential information regarding a child or their family members, including citizenship or immigration status information, except for purposes directly connected with the administration of the child care program.[71] Immigration enforcement is not directly connected with the administration of the child care program. Title 5 contractors also must tell parents, in a language the parents understand, about their confidentiality policy during enrollment.[72]

LEA-operated ECE and Child Care Programs

ECE and child care providers operated by local educational agencies are subject to the federal Family Educational Rights and Privacy Act (FERPA), discussed below. Additionally, California law provides that LEA-operated ECE and child care programs may not, to the extent practicable, disclose children's education records or personal information to immigration enforcement agents without parents' or guardians' written consent unless they are presented a valid judicial warrant, judicial subpoena, or court order requiring disclosure without notice to the parent or guardian.[73] The prohibited disclosure includes sharing information about a child's home and travel schedule.[74]

Certain Federally Funded ECE and Child Care Providers (FERPA)

ECE and child care providers that receive funds from the U.S. Department of Education may also be subject to FERPA, a federal privacy law that applies to the education records of students.[75] Examples of ECE or child care programs that may be subject to FERPA include:

- ✓ Head Start programs (discussed above at pages 8-9);
- ✓ ECE and child care programs run by local educational agencies (LEAs), such as school districts, charter schools, or county offices of education;
- ✓ Title I, Part A preschools (discussed above at page 9);
- ✓ Title I, Part C Migrant Education Program (discussed above at page 9);
- ✓ Any other public or private ECE or child care providers that receive federal funding from the U.S. Department of Education.

If an educational facility receives U.S. Department of Education funding and is subject to FERPA, all of that institution's programs are subject to FERPA.[76]

ECE and child care providers subject to FERPA may not share children's education records with anyone other than educational authorities without parental consent unless an authorized exception applies, such as a judicial order or lawfully issued subpoena.[77] Even if an ECE or child care provider is presented with a court order or lawfully issued subpoena, they must attempt to notify the parent or guardian before complying unless certain narrow exceptions apply.[78]

Records or Information Regarding Employees or Teachers

Under California law, employers (or persons acting on behalf of an employer) cannot provide voluntary consent for an immigration enforcement agent to access, review, or obtain employee records without a subpoena or judicial warrant, unless required by federal law.[79] Under this provision, the subpoena can be issued under the authority of a government agency or an attorney without the need for prior court approval if the agency or attorney is authorized to issue subpoenas under the law.[80] This provision does not apply to I-9 Employment Eligibility Verification forms and other documents for which a Notice of Inspection has been provided to the employer.[81]

Providers operated by local educational agencies have additional restrictions under state law. LEAS or their staff, to the extent practicable, are prohibited from disclosing to an employee of an agency conducting immigration enforcement, either in writing or verbally, any information about an employee, including any information that identifies or describes the employee, their name, social security number, physical description, address, or telephone number, without a valid judicial warrant, judicial subpoena, or court order.[82] Again, for more information regarding identifying judicial warrants or judicial subpoenas, see Chapter 3.

Note: *Other state and federal privacy laws outside the scope of this guidance protect the confidentiality of certain employee records. For example: background check-related laws, labor code laws, and medical information laws.*

As with children's personal information, if an immigration enforcement agent or anyone else requests information or records about teachers and other employees and does not have a judicial warrant or subpoena that specifically asks – on the face of the document – for immediate compliance, ECE and child care providers are generally under no obligation to produce the information immediately. ECE and child care providers should ask for valid identification and document the agent's contact information and agency, and, if possible, consult with legal counsel.

Policy Recommendations and Best Practices

- **Designate an administrator** as the person to handle any requests for information.
- **Notify parents or guardians if immigration enforcement agents request information about their children.** For licensed child care providers or ECE and child care providers subject to FERPA, attempting parental notification is required by law, and it is a best practice for all providers.
- **If you do receive a request for information from immigration or other law enforcement agents, you do not have to answer right away, unless the document is a judicial warrant, judicial subpoena, or court order that says in writing that you have to comply immediately.** Get the agents' name, contact information, and what agency they are with, and, when possible, bring their request to a lawyer. If the request is about a child, notify their parent/guardian before complying with any such document, in order to give them the opportunity to object to it in court.
- **If your ECE or child care program is operated by a school district, charter school, or county office of education (also known as a local educational agency or LEA), you have additional rules to follow. To the extent practicable,** you may not share education records or any information about children and their families without parent or guardian consent, including personal information or information about the child's home or travel schedule, to an immigration enforcement agent absent a valid judicial warrant, judicial subpoena, or court order directing the local educational agency or its personnel to do so. If the request seeks information regarding an employee or teacher, human resources personnel should be consulted before responding to a judicial warrant, judicial subpoena, or court order.

Model Policies Regarding Information Sharing

ECE and child care providers who do not participate in the California State Preschool Program *may* adopt model policies below, or equivalent policies, but you are not required to do so. However, even if you choose not to adopt them, you must make sure that any information, policies, or guidance that you provide to parents and authorized representatives is consistent with these model policies.

ECE and child care providers who participate in the California State Preschool Program, whether licensed or unlicensed, must adopt the model policies below, or equivalent policies, by July 1, 2026.

- **Children's records:** [The facility] will not share personal information about children and their families with any unauthorized parties without the consent of parents or guardians unless required or authorized by law or if the disclosure is directly connected with administering the program.
- **Employee records**: [The facility] will not provide voluntary consent to an immigration enforcement agent to access, review, or obtain employee records without a subpoena or judicial warrant, unless required by federal law. This provision does not apply to I-9 Employment Eligibility Verification forms and other documents for which a Notice of Inspection has been provided to the employer.

The following model policies are required for ECE and child care providers subject to the Family Educational Rights and Privacy Act and recommended for all ECE and child care providers.

- If [the facility] is presented with a request for information regarding a child, [the facility] staff shall:
  - Make a photocopy or take a picture of any written request and obtain the contact information of the person or agency seeking information;
  - Notify a designated [facility] administrator about the information request;
  - Prior to complying with the request, notify the child's parent/guardian of the request and share with them any documents provided by the person or agency seeking the request, unless prohibited by a judicial warrant, subpoena, or court order from sharing the request for information, or in the case of investigations of suspected child abuse, child neglect, or child dependency;
  - When possible, immediately consult legal counsel to determine when and if you need to comply with the request;
- If [the facility] does respond to a request for information regarding the child, the facility shall make a copy of the documents requested (i.e., not give the originals) and shall document the name of the person/agency to whom the documents were provided. [The facility] shall keep a record of the documents produced and place the copy in the child's file.

If your ECE or child care program is operated by a **school district or other local educational agency**, you may be subject to additional requirements. Speak with your institution's administrators or legal counsel to determine what additional policies may apply to you.

If your ECE or child care program is operated by **a college or university**, you may be subject to additional requirements as well. Speak with your institution's administrators or legal counsel to determine what additional policies may apply to you.

03 Responding to Requests for Access to Early Childhood Education and Child Care Facilities for Immigration Enforcement Purposes

Purpose

To help you understand how to respond when immigration enforcement agents try to access ECE and child care facilities.

Governing Law

1. Federal Law

No Longer "Protected Areas" for Immigration Enforcement

Although ECE facilities and other places where children gather were previously designated by the federal government as "protected areas" at which immigration enforcement should not generally occur,[83] in January 2025, the Department of Homeland Security (DHS) rescinded this federal policy.[84] DHS's current policy, as of the date of this publication, is that immigration enforcement agents should use their discretion to balance interests in deciding what law enforcement actions to take, including the degree to which any law enforcement action occurs in a sensitive location, along with "common sense."[85] Since the rescission of the protected areas policy, news reports have documented immigration enforcement activity around schools, hospitals, and other sites previously designated as protected areas.[86] Nonetheless, ECE and child care providers and the children in their care are protected from unreasonable searches and seizures by the Fourth Amendment to the United States Constitution, as explained further below.

The Fourth Amendment and Reasonable Expectation of Privacy

The Fourth Amendment protects both homes and businesses from unreasonable searches by immigration and other law enforcement agents.[87] However, the level of protection differs depending on the place and how the searches are conducted. The law on when law enforcement agents can access different areas depends on whether an individual has an expectation of privacy in the place officers try to enter.[88]

While this guide cannot address all the factual circumstances that may arise relating to an individual's Fourth Amendment protections in different areas of an ECE or child care facility, it is important to understand that constitutional protection. Whether you have a reasonable expectation of privacy in a given space can depend on factors like the openness, security, and use of the area in question. For example, a reasonable expectation of privacy generally exists in a home, so immigration and other law enforcement agents generally require a judicial warrant to enter one.[89] But there is much less expectation of privacy in a public space, such as a park or a public sidewalk, so agents can be present there just like other members of the public.

Even for ECE and child care facilities that operate in public areas or that have areas that the public may enter (such as a lobby), there is a reasonable expectation of privacy in nonpublic areas. For example, areas of an ECE or child care facility where unauthorized visitors may not enter in order to protect children's safety have a greater expectation of privacy.

Where a reasonable expectation of privacy exists, the U.S. Constitution prohibits anyone from entering without consent, a judicial warrant, or in certain special circumstances, discussed below. Judicial warrants and the other types of documents that immigration and other law enforcement agents might present are explained further below in this chapter (See pages 24-26).

ECE and child care providers should be aware of two important exceptions to the Fourth Amendment protections against warrantless searches or seizures: the "exigent circumstances" exception and the "plain view" exception.

The Exigent Circumstances Exception

In urgent "**exigent**" situations, immigration and law enforcement agents may enter an ECE or child care facility without a judicial warrant. Courts often refer to these situations as "exigent circumstances."[90] An exigent circumstance is a time-sensitive situation in which an agent believes that people or evidence may disappear, or that someone may be harmed before they can obtain a judicial warrant. An agent entering an area due to exigent circumstances must limit searches and seizures to investigating the urgent incident.[91]

The Plain View Exception

Law and immigration enforcement agents who do not have a valid judicial warrant may still view and seize items and documents that are in plain view if the agents are otherwise lawfully present inside the ECE or child care facility. "**Plain view**" means that the items or documents are openly visible either in public areas of an ECE or child care facility, or in nonpublic areas if an agent is inside lawfully (for example when an agent enters because of an exigent situation, as discussed above). Agents entering these areas may view items, including documents with sensitive information, that are within the agent's line of sight. An agent may also be able to take the openly visible items and documents if the agent determines that the items are connected to illegal activity.[92] This exception does not allow an agent to search or seize items in an area that the agent enters unlawfully.[93]

2. State Law

The Immigrant Worker Protection Act[94]

The **California Immigrant Worker Protection Act (AB 450)** prohibits employers, or persons acting on behalf of the employer, from providing "voluntary consent" for an immigration enforcement agent to enter "any nonpublic areas of a place of labor" except as otherwise required by federal law.[95] This provision does not apply if the agent provides a judicial warrant.[96] (Additional information about how to identify judicial warrants may be found below.) This provision also does not prevent an employer or person acting on behalf of an employer from taking an immigration enforcement agent to a nonpublic area of the workplace, where employees are not present, for the purpose of verifying whether the agent has a judicial warrant "provided no consent to search nonpublic areas is given in the process."[97]

What counts as voluntary consent depends on the specific circumstances of the interaction between the employer and the immigration enforcement agent. Courts will look at the words and actions of both parties to decide if consent was voluntary. In general, for consent to be voluntary, it cannot be the result of duress or coercion, meaning you cannot force or intimidate someone into consenting using violence or threats, whether direct or implied.[98]

If an immigration enforcement agent asks to enter the nonpublic area of an ECE or child care facility, ECE and child care staff should, if possible, ask for valid identification and document it (for example, by taking a screenshot or writing down the information). Staff should also, where possible, consult with

legal counsel prior to complying with a valid judicial warrant, judicial subpoena, or court order. The ECE or child care provider is always permitted to challenge the validity of the warrant, subpoena, or court order in court.

ECE and child care providers should not physically interfere with or obstruct immigration enforcement agents in the performance of their duties. However, ECE and child care staff should not help with the physical apprehension of a person identified in an ICE administrative warrant and should not consent (in other words, give permission) to immigration enforcement agents searching nonpublic areas of an ECE or child care facility.

How to Identify Public and Nonpublic Areas

Because employers in California may not voluntarily allow immigration enforcement agents to enter nonpublic areas of their business, unless it is required by federal law or they are presented with a judicial warrant, ECE and child care providers should understand the parts of their facilities that are public and nonpublic areas.[99] Public areas are places seen as "open to the public." Examples of a public area can include the waiting room of an ECE and child care facility in a commercial building, if accessible by the public via an unlocked or open door, or the public sidewalk that anyone can use in front of an ECE or child care facility. Law enforcement officers, including federal immigration enforcement agents, may be present in locations open to the public to the same extent as any member of the public.

Nonpublic areas of ECE and child care facilities are those that only certain authorized individuals can access. Nonpublic areas may include playgrounds that are gated and require authorization to enter; indoor spaces that are restricted to employees, children, and parents, including classrooms; hallways, stairwells, and administrative offices; or a parking lot that is completely fenced in, locked, and requires authorization to enter. Nonpublic areas could also include an office where payroll or personnel records are kept, or an area that an ECE or child care provider designates (for instance, by posting signs or keeping doors closed) as restricted to employees or management of the business.[100] However, designating an area as public or nonpublic does not guarantee that a court will see it the same way; every facility's setup and factual circumstances may be different. If possible, ECE and child care providers may wish to consult with legal counsel about their specific situation.

Designating areas as nonpublic also does not guarantee greater protection from immigration enforcement agents entering. ECE and child care staff should not give permission to immigration agents to search nonpublic areas of an ECE or child care facility. Additionally, restricting areas creates a safer environment for children and staff. However, if immigration enforcement agents act unlawfully or continue to insist on entry, do not physically obstruct or impede them.

ECE and child care facilities operated by LEAs or colleges: There are additional laws related to public and nonpublic areas that apply if your program is operated by a local educational agency (LEA) (i.e., a school district, county board of education, or charter school) or by a college or university. For example, LEA schoolsites are specifically defined to include vehicles provided by an LEA to transport students, so these vehicles can be considered nonpublic parts of LEA schoolsites.[101] A "nonpublic area" of a schoolsite may also differ in scope from a "nonpublic area" of a place of labor under Government Code

section 7285.1. If your facility is on a TK-12 campus or operated by college or university, talk to your administrators, school board, or legal counsel and consult the Attorney General's TK-12 guidance or the Attorney General's guidance for California's colleges and universities, as appropriate.[102]

Access and Visitor Policies

In general, ECE and child care providers can set their own policies about visitors entering their facilities. ECE and child care providers may create and post a policy that unauthorized visitors not are permitted on the premises. Such a policy may help make clear that the facility is not open to the general public.

Licensed ECE and child care providers must allow the responsible parent or guardian of a child enrolled in a child care facility, if they provide identification, to enter and inspect the facility without advance notice during the normal operating hours or at any time the child is receiving services at the facility.[103] When parents or guardians are inspecting the facility, they must be respectful of the children's routines and program activities.[104] License-exempt CSPPs must allow parents and guardians, within a reasonable time of making the request, to observe the classroom(s) where their child is enrolled, or observe classroom(s) for the purpose of selecting a school, in accordance with attendance policies.[105]

The person in charge of a licensed ECE or child care facility may deny access to an adult "whose behavior presents a risk to children present in the facility."[106]

If Immigration Enforcement Activity Occurs: Reporting and Notification Requirements

Licensed child daycare facilities must report to the California Department of Social Services 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 immigration enforcement.[107]

Also, if the immigration enforcement activity represents an "unusual incident … that threatens the physical or emotional health or safety of any child," **a licensed child care facility** must report it both to CDSS as well as to the affected child's authorized representative.[108] Whether an immigration enforcement action counts as an unusual incident that threatens children's health or safety will depend on the specific circumstances, but enforcement activity that meets this standard might include events that happen when children are present, involve armed or masked agents, and/or result in the detention of a child or staff member.

Submit a report online. From the Attorney General's reporting page, you can also download your report to assist with any additional reporting to other agencies.

License-exempt California State Preschool Program facilities may, but are not required, to submit similar reports to the California Department of Education and the Attorney General using the same method as above.[109]

LEA-operated ECE and child care programs: ECE and child care programs operated by school districts, charter schools, or county offices of education (in other words, local educational agencies or LEAs) have additional reporting obligations. An LEA official (e.g., superintendent of a school district or county office of education, or the principal of a charter school) must submit a timely report to their governing board or body regarding any requests for information or access to a schoolsite by an officer or employee of a law enforcement agency for the purpose of enforcing immigration laws. All such reports should be handled in a manner that ensures the confidentiality and privacy of any potentially identifying information.[110] This applies to all programs operated by all local educational agencies, including child care and preschool programs operated by the agency, transitional kindergartens, pre-kindergartens, and nontraditional programs operated by the agency, such as summer school programs.[111]

Disruptions Outside a School or Preschool

It is a misdemeanor in California for a person to come into a school building, school ground, or to be present on an adjacent street or sidewalk without lawful business at the school if the person's presence disrupts the school or school activities and if the person remains after being asked to leave by a school representative, returns within seven days, has a pattern of being present, or knowingly creates the disruption with the intent to threaten the immediate physical safety of a pupil arriving at, attending, or leaving from the school.[112] **This law applies to any preschool or any public or private K-12 school campus.**[113]

Description of Warrants, Subpoenas, and Court Orders Used for Immigration Enforcement

There are several scenarios in which immigration enforcement agents might attempt to enter an ECE or child care facility. Whenever possible, ECE and child care staff should ask to see the immigration enforcement agent's credentials and the written authority for the requests. It is important to review the document that the immigration enforcement agent provides as the authority to enter. Sometimes the immigration enforcement agent will provide what they will call a "warrant." If so, it is important to determine whether the document is an ICE administrative warrant, federal court judicial warrant, administrative subpoena, federal judicial subpoena, court order, or notice to appear.

ICE Administrative "Warrant"

An ICE administrative "warrant" is the most typical type of "warrant" used by immigration enforcement agents. It authorizes an immigration enforcement agent to arrest a person suspected of violating immigration laws.[114] An ICE warrant can be issued by a law enforcement agent from a designated federal agency, such as an ICE agent from DHS.[115] An ICE administrative warrant is not a warrant within the meaning of the Fourth Amendment, because an ICE administrative warrant is not supported by a showing of probable cause of a criminal offense and also is not issued by a judge or magistrate.[116]

An ICE administrative warrant does NOT grant an immigration agent any special power to compel cooperation.[117] For example, an ICE administrative warrant does not authorize access to nonpublic areas of ECE or child care facilities. An ICE administrative warrant does NOT allow immigration agents to search ECE or child care records. See Appendix B for a sample ICE administrative "arrest warrant" (Form I-200) and "removal warrant" (Form I-205).

An ICE administrative warrant, therefore, is not a court order that would require an ECE or child care provider to share a child's records. Many ECE and child care providers are also subject to state and federal educational confidentiality laws that prohibit sharing student records except for limited exceptions, such as in response to a judicial warrant, judicial subpoena, or court order, or as "otherwise permitted by law."[118] (See Appendix H for the confidentiality laws that apply to different facilities.) Because an administrative warrant is not issued by a court, disclosing children's records or any other information about a child or their family in response to an administrative warrant could violate these laws.

LEA-based providers: Furthermore, for ECE and child care providers that are on a school campus or other local educational agency location, the LEA's police and security officers on that campus are prohibited from "[m]aking or intentionally participating in arrests based on civil immigration warrants," because they are subject to Senate Bill (SB) 54's[119] (California Values Act) prohibitions on immigration enforcement that apply to California law enforcement agencies.[120]

ECE and child care staff should not physically interfere with or obstruct an immigration agent in the performance of their duties. ECE and child care staff also should not help immigration enforcement agents to apprehend a person identified in an ICE administrative warrant and should not consent to immigration enforcement agents searching nonpublic areas of an ECE or child care facility.

Federal Court Warrant

A federal court judicial warrant is issued by a district judge or a magistrate judge of a U.S. District Court, based on a finding of probable cause authorizing the search or seizure of property, the entry into a nonpublic place to arrest a person named in an arrest warrant, or the arrest of a named person.[121]

There are two types of federal court judicial warrants: a search-and-seizure warrant and an arrest warrant.

(1) A federal search-and-seizure warrant allows an officer to conduct a search authorized by the warrant. See Appendix C for a sample federal search-and-seizure warrant (Form AO 93).

(2) A federal arrest warrant allows an officer to arrest the individual named in the warrant. See Appendix D for a sample federal arrest warrant (Form AO 442).

ECE and child care staff should act in accordance with any guidelines established by the ECE or child care provider, in consultation with the ECE or child care provider's legal counsel, if available, when presented with a federal court warrant. If the ECE or child care provider does not have legal counsel, at a minimum, ECE or child care staff should ask for a copy of the federal court warrant and review the exact scope of the warrant, meaning what specific places, people, or information the warrant gives the agent authority to access. ECE and child care staff should not physically interfere with or obstruct an immigration agent in the performance of their duties. They should, however, note the names of agents, times, and any objections raised.

Administrative Subpoena

An administrative subpoena is a document that requests production of documents or other evidence and is issued by a governmental agency, for instance, an immigration enforcement agent. See Appendix E for a sample administrative subpoena (Form I-138).

ECE and child care providers generally do not need to immediately comply with an administrative subpoena. If an immigration enforcement agent presents an administrative subpoena, the ECE or child care provider may choose to challenge the administrative subpoena before a judge. ECE and child care staff should immediately contact legal counsel upon receipt of an administrative subpoena.

For ECE and child care providers governed by FERPA, there are additional considerations. (For information about whether or not you may be governed by FERPA, see Chapter 2). Under FERPA, in response to a judicial order or lawfully issued subpoena, an ECE or child care provider may not disclose educational records of a student without first attempting to notify the parent or guardian.[122] An ECE or child care provider receiving a lawfully issued subpoena must therefore provide notice to and should make every effort to receive written consent from parents or guardians before turning over student records. And, under state law, ECE and child care providers operated by local educational agencies, to the extent practicable, may not provide educational records or personal information of a student to an officer or employee of an agency for immigration enforcement purposes unless provided with a judicial warrant, judicial subpoena, or court order, and thus should consult with counsel when receiving any administrative subpoenas to determine how or whether to respond. [123] (See Chapter 2 for model policy regarding written consent requirements.)

Federal Judicial Subpoena

A federal judicial subpoena is a document that asks for the production of documents or other evidence.[124] The federal judicial subpoena will identify a federal court and the name of the judge or judicial magistrate issuing the subpoena, and it may require attendance at a specific time and location and the production of prescribed records. See Appendix F for a sample federal judicial subpoena.

As with the administrative subpoenas, noted above, ECE and child care providers generally do not need to immediately comply with the federal judicial subpoena, but can challenge it before a federal judge in a U.S. District Court. ECE and child care providers should therefore immediately contact legal counsel upon receipt of a subpoena.

Court Orders

A court order is a legally binding document issued by a court of law, usually signed by a judge or magistrate, that directs someone to do something or refrain from doing something. If an immigration enforcement agent arrives with a court order, the ECE and child care provider should review the order with legal counsel to understand the scope of what is required under the order.

Notice to Appear

A Notice to Appear (NTA) is a charging document issued by the Department of Homeland Security (DHS) through Immigration and Customs Enforcement (ICE), U.S. Customs and Border Protection (CBP), or the United States Customs and Immigration Service (USCIS) seeking to start formal removal proceedings against an individual before an immigration court.[125] An NTA contains allegations made about a particular person's immigration status. An NTA notifies an individual that he or she is expected to appear before an immigration judge on a certain date. An NTA does not authorize an individual's arrest by immigration

enforcement agents or local law enforcement authorities. An NTA does not require ECE or child care staff to take any action or grant an immigration enforcement agent any special power to compel the ECE or child care facility to cooperate with the agent. An NTA does not authorize access to nonpublic areas of the ECE or child care facility. An NTA does not legally require ECE or child care staff to allow authorities to search ECE or child care records. (See Appendix G for a sample of an NTA (Form I-862).)

Policy Recommendations and Best Practices

1. Determine which parts of your ECE or child care facility are public and which parts are nonpublic, and label them.

Unless part of your ECE or child care facility is open to the general public, the entire facility is considered a nonpublic space.[126] Nonpublic spaces generally have greater protection from warrantless searches, although this is not always guaranteed. All ECE and child care facilities (whether based in a home, center, or school) should post signs clearly identifying the nonpublic areas of their premises. Consider designating all or most of the facility private or a nonpublic area if members of the public are not allowed to walk in. Consider posting signs stating something like "This is Non-Public Space, No Entry Without Authorization," to make it clear which areas of your facility are nonpublic.

For home-based ECE and child care providers, your entire facility is likely to be nonpublic space. For center and school-based providers, public space is only those parts of your facility where anyone can enter without permission, such as an entry or lobby area. However, these may still be nonpublic if you restrict access – for example, if they are locked and require approval for entry.

2. Establish a Procedure for Monitoring and Receiving Visitors

Write down your policies for allowing visitors into your ECE or child care facility.

These policies must apply equally to all visitors and should not differentiate between persons who are on the grounds to engage in immigration enforcement activities and all other types of visitors. Include in your policy which areas of the facility are public and which are nonpublic, and what the rules are for nonpublic spaces. For example, you might restrict access to nonpublic areas only to the children and families you serve, your staff, and authorized guests such as prospective families touring the facility.

- **For school-based ECE and child care facilities**, local educational agencies should have in place policies for receiving visitors to the school campus, and those policies should apply to all visitors, including immigration enforcement agents.
- **For home-based ECE and child care facilities**, visitor policies should consider the areas in which residents may have a greater reasonable expectation of privacy, and those areas should be noted specifically within the home-based ECE's or child care's policy. For example, areas not used for child care activities—such as private bedrooms, personal offices, or other spaces where children do not have access—should be noted as private residential space.

Because every facility is different, you may wish to consult with legal counsel about the facility's specific situation.

Post your visitor policy near the entrance of your facility, make sure your staff understands it, and share it with families.

3. Make a Plan for Responding to Immigration Enforcement Agents' Presence

Make a plan that explains what you will do if immigration enforcement agents try to enter your facility or access the children you serve or your staff.

- **Make a plan** for your facility to respond if immigration enforcement agents visit. Print out the checklist (or your own plan) to keep it handy in case you need to use it.
- **Train your staff on your plan**. Consider designating one or more staff members as an immigrant affairs liaison to help train other staff and help provide non-legal advice to families. The designated staff member should become familiar with the relevant documents and procedures used for immigration enforcement, such as judicial and administrative warrants, subpoenas and court orders (see pages 24-26).
- Your plan should **remind all staff that they may not voluntarily consent** to allowing immigration enforcement agents in nonpublic areas of the ECE or child care facility.
- **Consider practicing your plan** with staff so that you and your employees feel prepared to respond if immigration enforcement agents seek entry. Like a fire drill, rehearsing your plan will help ensure everyone stays calm and understands what to do.
- When possible, ECE and child care staff should immediately **notify ECE or child care management** or the designated ECE or child care administrator of any request for access to ECE or child care clients, facilities, or ECE and child care documents by an agent engaged in immigration enforcement.
- When possible, **contact the ECE or child care provider's legal counsel** or designated administrator and inform the agent to direct requests and questions to the ECE or child care provider's legal counsel.
- **School-based ECE and child care facilities**: When possible, school-based ECE and child care staff shall immediately notify the school district superintendent or other designated administrator of the LEA regarding immigration enforcement activity.

4. Know the Difference Between ICE Administrative Warrants and Judicial Warrants

An ICE administrative warrant **does not** allow a law enforcement officer to enter or to search any area they could not otherwise enter as a member of the public. The officer may ask for permission, or "consent," to access nonpublic areas of the ECE or child care facility, even without a judicial warrant giving the agent the power to do so.

You are not required to give an immigration or other law enforcement agent permission or consent to enter a nonpublic area of the school. If your ECE or child care facility has employees, you are **not allowed** to consent to immigration enforcement agents entering nonpublic areas of the facility. Absent exigent circumstances or a judicial warrant, immigration and other law enforcement agents may not enter nonpublic areas of a facility.

5. Even if Agents Act Unlawfully or Continue to Insist on Entry, Do Not Physically Obstruct or Impede Them

If agents act unlawfully or continue to insist on entry, do not physically obstruct or impede them. Instead, stay calm, clearly state that you are not giving consent, and document everything that happens (including by recording on video if it can be done safely). Consult legal counsel as soon as feasible. If you cannot confirm the identity of people claiming to be immigration enforcement agents or if the situation feels unsafe, consider calling local law enforcement.

6. Obtain Parental Consent for Interviews or Searches and Notify Parents of Immigration Enforcement Activity

If possible, obtain consent from a child's parent or guardian before allowing a child to be interviewed or searched by any agent seeking to enforce the civil immigration laws at the ECE or child care facility. You do not have to allow agents to interview or search children unless the agent presents a valid, effective judicial warrant signed by a judge (see, e.g., sample federal search-and-seizure warrant [Form AO 93], attached as Appendix C; see also sample federal arrest warrant [Form AO 442], attached as Appendix D), or presents a valid, effective court order, and even then, you may not need to comply immediately. If possible, speak to legal counsel before complying.

Notify a child's parents or guardians if a law enforcement agent requests or gains access to a child for immigration enforcement purposes, unless such access was in compliance with a judicial warrant or court order that states that you may not disclose that information. In general, keep parents updated if immigration enforcement happens at your facility.

7. Encourage Family Preparedness

Encourage families to attend community "Know Your Rights" trainings and update their emergency contacts on a regular basis. Consider helping families create a Family Safety Plan (see Chapter 4, below).

Model Policies for Responding to Requests for Access

ECE and child care providers who do not participate in the California State Preschool Program *may* adopt model policies below, or equivalent policies, but are not required to do so. However, even if you choose not to adopt them, you must make sure that any information, policies, or guidance that you provide to parents and authorized representatives is consistent with these model policies.

Providers who participate in the California State Preschool Program, **whether licensed or unlicensed, must adopt the model policies below, or equivalent policies, by July 1, 2026**. If you are a license-exempt California State Preschool Program because you are operated by a school district or other local educational agency, you may be required to adopt additional policies. Speak with the school district or your legal counsel to determine what additional policies apply to you.

If you are an ECE or child care program operated by a local educational agency (LEA), including a license-exempt California State Preschool Program as defined in this guidance, you may be subject to additional requirements that apply to LEAs. Consult with the school district or your legal counsel to determine what additional policies and requirements may apply to you.

Model Policies for Responding to Requests for Access to Grounds or Documents for Immigration Enforcement Purposes

- As soon as possible, [facility] staff shall notify the [designated administrator] of any request by any immigration enforcement agent or other law enforcement officer seeking access to [the facility] or any child to conduct immigration enforcement, or any requests for review of [facility] documents.
- In addition to notifying [the designated administrator], [facility] staff shall take the following action steps in response to an agent present on [the facility's] grounds specifically for immigration enforcement purposes, or similar steps that limit cooperation with immigration enforcement to the full extent of the law:
  - Advise the agent that before proceeding with their request, and absent exigent circumstances, [facility] staff must first notify and receive direction from the [facility administrator or superintendent, as appropriate].
  - Ask to see, and make a copy of or note, the agent's credentials (name and badge number). Also ask for and copy or note the phone number of the agent's supervisor.
  - Ask the agent for their reason for being on [the facility's] grounds and document it.
  - Ask the agent to produce any documentation that authorizes access to [the facility].
  - Make a copy of all documents provided by the agent. Retain the copy of the documents for [the facility's] records.
  - If the agent declares that exigent circumstances exist and demands immediate access to [the facility], [facility] staff should comply with the agent's orders and immediately contact [administrator or Superintendent, as appropriate].
  - If the immigration enforcement agent does not declare that exigent circumstances exist and requests access to the nonpublic areas of [the facility], respond according to the requirements of the agent's documentation. If the agent has:
    - **an ICE (Immigrations and Customs Enforcement) administrative warrant (see Appendix B),** [facility] staff shall inform the agent that they cannot consent to any request without first consulting with the [counsel or other designated agency official].
    - **a federal judicial warrant (search-and-seizure warrant or arrest warrant; see Appendices C and D)**, prompt compliance with such a warrant is usually legally required. If feasible, consult with the [legal counsel or designated administrator] before providing the agent access to the person or materials specified in the warrant.
    - **a subpoena for production of documents or other evidence (see Appendix F)**, immediate compliance is not required. Therefore, [facility] staff shall discuss the subpoena with legal counsel or other designated official and await further instructions on how to proceed.
  - While [facility] staff should not consent to an agent seeking access for immigration enforcement purposes, except as described above, they should not attempt to physically impede the agent, even if the agent appears to be exceeding the authorization given under a warrant or other document. If an agent enters the premises without consent, [facility] staff shall document their actions while on the premises and if feasible, accompany them at all times.

- After the encounter with the agent, [facility] staff shall promptly take written notes of all interactions with the agent. The notes shall include the following items to the extent practicable under the circumstances:
  - List or copy of the agent's credentials and contact information;
  - Identity of all [facility] staff who communicated with the agent;
  - Details of the agent's request;
  - Whether the agent presented a warrant or subpoena to accompany their request, what was requested in the warrant/subpoena, and whether the warrant/subpoena was signed by a judge;
  - [Facility] staff's response to the agent's request;
  - Any further action taken by the agent; and
  - Photo or copy of any documents presented by the agent.
- [Facility] staff shall provide a copy of those notes, and associated documents collected from the agent, to the [facility's designated facility administrator and/or legal counsel].
  - In turn, the [facility's designated administrator and/or legal counsel] shall submit a timely report regarding the agent's requests and actions.
    - **If the facility is a licensed child care facility, include this Model Policy:** [Facility's legal counsel or other designated administrator] shall submit a report to the California Attorney General and the California Department of Social Services.
    - **If the facility is a license-exempt California State Preschool Program (CSPP), include this Model Policy:** [Facility's legal counsel or other designated administrator] is encouraged to submit a report to the California Attorney General and the California Department of Education.

If your ECE or child care program is operated by a **school district or other local educational agency**, you may be subject to additional requirements. Speak with your institution's administrators or legal counsel to determine what additional policies may apply to you.

If your ECE or child care program is operated by **a college or university**, you may be subject to additional requirements as well. Speak with your institution's administrators or legal counsel to determine what additional policies may apply to you.

04 Responding to the Detention or Deportation of a Child's Family Member

Purpose

To help you understand how to respond to the detention or possible deportation of a child's parent or guardian.

Governing Law

1. Emergency Contact Information

If a child's parent or guardian is detained and no one comes to pick up the child from the ECE or child care facility, providers should use the family's emergency contact information to release the child to a safe person. Under AB 495, ECE and child care providers are required to ask families to review and update this emergency contact information as needed.[127] If the provider is aware that a child's parent or guardian is not available to care for the child, they should use the emergency contact information provided by the parent or guardian to find instructions for the child's care.[128] They must go through the full list of all contacts the parent or guardian has provided until they find a safe person to release the child to.

ECE and child care facilities operated by local educational agencies, in particular, are prohibited from contacting a child protective services agency based on the absence of a caretaker unless substitute care cannot be arranged for the child through the emergency contact information, or through other information or instructions provided by the parent or guardian.[129] However, all providers should be relying on parent or guardian instructions to find a safe person to care for the child.

2. Caregiver's Authorization Affidavits

A *Caregiver's Authorization Affidavit* is a document to establish a caregiver relationship with a child under 18 that can be signed by an adult with whom the child is living.[130] A *Caregiver's Authorization Affidavit* can be used to enroll a child in school,[131] including in a California State Preschool Program.[132] The *Caregiver's Authorization Affidavit* can also be used to establish the caregiving relationship prior to ECE or child care enrollment. If the caregiver is a relative, the *Caregiver's Authorization Affidavit* can be used to authorize the caregiver to consent to medical and dental care on behalf of the child.[133] If the caregiver is not a relative, the *Caregiver's Authorization Affidavit* can be used to authorize the caregiver to consent to school-related medical care only.[134]

For the purposes of the *Caregiver's Authorization Affidavit,* "relative" means an adult that is related to the child by blood, adoption, or by marriage "within the fifth degree of kinship, including all stepparents, stepsiblings" and all "great," "great-great," or "grand" relatives, or the spouse of any of these people, even if that marriage has ended.[135] The *Caregiver's Authorization Affidavit* does not provide for legal custody of a child. [136]

3. Joint Guardianship

When a parent is temporarily unavailable, for example due to an immigration enforcement action, the parent can share custody with a non-parent through a legal process called a joint guardianship where both the parent and non-parent have the ability to make decisions for the child during the parent's absence.[137] During a joint guardianship, a parent's parental rights are not suspended and they can still make decisions for their child.

Policy Recommendations and Best Practices

1. Ask Families to Update Emergency Contact Information on a Regular Basis

Ask families to update their emergency contact information on a regular basis, at least once a school year but more frequently if possible. You are required to use the emergency contact information if parents or guardians are not available, so it is very important that this information is complete and up-to-date. You can ask families to list as many contacts as they wish. If possible, set a reminder or regular schedule to ensure that you are keeping emergency contacts up to date.

2. Consider Helping Families Develop a Family Safety Plan

Early childhood educators often have a trusted relationship with the child's family and are in a good position to encourage the creation of a *Family Safety Plan.* A *Family Safety Plan* can help families decide what to do if a family member is detained or deported. However, because providers must use emergency contact information on file rather than family safety plans, it is very important that the emergency contact information be up to date and match what is in the family safety plan. It can be useful to early childhood educators to know where parents or guardians store their *Family Safety Plans* so these can be located if the parent or guardian cannot be reached.

- Examples of *Family Safety Plans* from different organizations:
  - ✓ Child Care Safety Plan
  - ✓ Pages 12-18 of "Know Your Rights!"
- While providers must keep emergency contact information for families, they should consider carefully before storing a *Family Safety Plan* at the facility because some of the plans might include confidential information.

3. Utilizing the Caregiver's Authorization Affidavit

ECE and child care providers often have a trusted relationship with the child's family and are also in a good position to encourage families to complete a *Caregiver's Authorization Affidavit.* This document gives the adult named in the *Caregiver's Authorization Affidavit* the authority to make educational and some medical decisions for the child.

Schools, doctors, and dentists are required to accept the *Caregiver's Authorization Affidavit.*

The *Caregiver's Authorization Affidavit* can be used to establish the caregiving relationship prior to ECE or child care enrollment.

The *Caregiver's Authorization Affidavit* does not need a seal or signature from a court and does not need to be notarized.

4. Tell Families How You are Keeping Them Safe

Communicate your policies to current and prospective families to help them feel confident enrolling their children.

5. Share Additional Resources with Families

If a child's family member is detained, the ECE or child care provider should refer the child's parent, guardian, emergency contact, or adult named in the *Caregiver's Authorization Affidavit* to other resources for assistance, such as the list of resources at Appendix L and the following:

ICE Detainee Locator

- The ICE Detainee Locator can help people determine if someone has been detained and where that person is being held. When using the ICE Detainee Locator, it is helpful to know the date of birth and the "A-Number" (Alien Registration Number) of the person you are trying to locate.

  ✓ **Please Note:** The ICE Detainee Locator is intended only for locating people who are already detained. If someone has general questions about their immigration status, they should not be referred to ICE or immigration enforcement. Instead, they can be referred to an immigration lawyer (see resources below).

Legal Assistance

- There are several different types of people who can provide legal assistance to secure the release of a child's detained parent, or to help arrange for a child to visit their parent. These include: (1) immigration lawyers in private practice; (2) accredited representatives (who assist immigrants in immigration proceedings); or (3) legal aid organizations.

  ✓ Make sure lawyers are licensed and in good standing with the State Bar of California.

  ✓ California courts operate Self-Help Centers that may also be able to provide family law assistance to a child or their proposed guardian.

  ✓ A child or their family member may also be able to find legal assistance from legal-aid offices and lawyer-referral services.

Consulate or Embassy

- The consulate or embassy of the parent's or guardian's country of origin may also be able to offer additional information or assistance.
- Note: Families should not hire a "notario" or an immigration consultant to get advice on their immigration status. Notarios and immigration consultants are not attorneys. They are not required to understand immigration law and they cannot provide legal advice or communicate with the government on your behalf.

Recommended Model Policies: Responding to the Detention or Deportation of a Child's Family Member

All ECE and child care facilities are encouraged to consider adopting the following model policies, or equivalent policies.

- [The facility] requires families to update their emergency contact information on a regular basis, at least annually.
- [The facility] permits families to update children's emergency contact information as needed throughout the year and to provide as many alternative contacts as they wish if no parent or guardian is available.
  - [The facility] communicates to families that information provided on emergency contact cards will only be used in response to emergency situations, and not for any other purpose. All children's records are kept confidential, to the extent practicable, unless disclosure is required by law.
- If a child's parent/guardian is detained/deported by immigration authorities, [the facility] will release the child to the person(s) designated as emergency contacts on the child's emergency contact card. [The facility] will only contact Child Protective Services due to unavailability of a caretaker if [the facility] staff are unsuccessful in arranging for the timely care of the child through the emergency contact information on file, a *Caregiver's Authorization Affidavit*, or other information or instructions conveyed by the parent or guardian.

05 Updating Your Policies Over Time

Purpose

To help you make sure that your policies stay up to date with current law and guidance so that you can continue to protect the rights of immigrant children and their families to safely access early childhood education and child care.

Governing Law

1. Revising Facility Policies

California State Preschool Programs are required to revise their policies to be consistent with the Attorney General's model policies, and any revisions made to the Attorney General's model policies in the future.[138]

All ECE and child care providers must revise any information, policies or guidance provided to parents or authorized representatives so that what has been provided is consistent with any revisions made to the Attorney General's model policies.[139] In other words, even providers that are not required to adopt the Attorney General's model policies must make sure that the information you share with families does not *conflict with* these policies, and you should review updates to the Attorney General's model policies regularly to make sure your own policies are consistent with the Attorney General's model policies.

2. Providing Families Access to Model Policies

All ECE and child care providers are required to make sure that children's families are aware of the Attorney General's model policies published in this guidance.[140] They also need to make sure families know how to access these model policies.[141]

Policy Recommendations and Best Practices

1. Annually review the Attorney General's Model Policies and update your policies accordingly

Make sure your policies and any information you provide to families are consistent with the most up-to-date policies published by the Attorney General. Best practice is to review the California Department of Justice's website each year to see if they have been updated. If there is a new version of the Attorney General's model policies, ECE and child care providers should update their policies to be consistent with the updated model policies published by the Attorney General. California State Preschool Programs are required to adopt the new policies, or equivalent policies. For all other ECE and child care providers: you do not have to adopt the model policies, but you are required to make sure that nothing in your own policies or the other information you share with families conflicts with the model policies.

2. Regularly review your policies and consider how you will put them into practice in different scenarios

Review your policies and plans for responding to immigration enforcement with staff on a regular basis so you do not forget them in a time of need. Consider conducting practice drills to make sure your staff understands what to say and do if immigration agents are present near your facility or attempt to enter your facility.

3. Make sure that the families you serve know how to access the Attorney General's model policies

For example, you can include a link to the model policies in the documents you already share with families.

Model Policies: Updating Your Policies Over Time

ECE and child care providers who do not participate in the California State Preschool Program *may* adopt model policies below, or equivalent policies, but you are not required to do so. However, even if you choose not to adopt them, you must make sure that any information, policies, or guidance that you provide to parents and authorized representatives is consistent with these model policies.

Providers who participate in the California State Preschool Program, **whether licensed or unlicensed, must adopt the model policies below, or equivalent policies, by July 1, 2026**. If you are a license-exempt California State Preschool Program because you are operated by a school district or other local educational agency, you may be subject to additional requirements. Speak with the school district or your legal counsel to determine what additional policies apply to you.

- [The facility] will review the Attorney General's website by June 1st of each calendar year. If there are updated model policies related to protecting the rights of immigrants and their families to safely access early child care and education centers, [the facility] will adopt the updated policies or equivalent policies by July 1st of that calendar year.
- [The facility] will provide families with the Attorney General's *Immigration* webpage during enrollment so families can access the Attorney General's model policies.

Endnotes

1 "Immigration enforcement agent" in this guidance is used to describe any officer or employee of an agency conducting immigration enforcement, for the purposes of Cal. Gov. Code, §§ 7285.1, subds. (a) and (c) and 7285.2, subd. (a), Cal. Ed. Code, § 234.7, subds. (a)(2) and (c), and Cal. Health & Saf. Code, § 1597.640, subd. (b).

2 Cal. Health & Saf. Code, § 1597.640, subd. (i)(3) (defining "licensed child daycare facility" to mean a facility that provides nonmedical care to children under 18 years of age in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a 24-hour basis that is licensed pursuant to the California Child Day Care Act. Child day care facilities include day care centers, employer-sponsored child care centers, and family day care homes.).

3 Cal. Health & Saf. Code, § 1597.640, subd. (i)(2); Cal. Health & Saf. Code, § 1596.792, subd. (o)(1).

4 See exceptions in footnotes 5 & 6.

5 Cal. Health & Saf. Code, § 1596.792 lists the exceptions to CDSS licensure. For example, no CDSS license is needed for relatives who care for children in their own family, family child care homes that provide care for the children of only one family in addition to the operator's own children, certain parent-run cooperative daycares that do not involve payment, crisis nurseries, or certain temporary on-site daycares.

6 Cal. Health & Saf. Code, § 1596.792, subd. (o)(1). License-exempt CSPPs are regulated by CDE and subject to the CSPP rules, but they are not licensed or regulated by CDSS as a child care facility. All other CSPP programs (i.e., those that are not operated by an LEA in a school building and which meet several other conditions, and thus are license-exempt CSPPs as defined at Cal. Health and Safety Code section 1597.640, subd. (i)(2)) require CDSS licenses and thus are subject to both CDSS and CSPP regulations. (As noted above, preschools operated by an LEA are also subject to Education Code section 234.7; please refer to the Attorney General's TK-12 guidance for additional information regarding those requirements).

7 See Cal. Health & Saf. Code, § 1596.792, subd. (k).

8 Cal. Health & Saf. Code, § 1597.640, subd. (a).

9 ECE and child care providers who participate in Title 5 programs, discussed in Chapter 1, are also specifically prohibited from considering the immigration status of a child or their parent when determining eligibility, unless the child or their parent(s) are under a final deportation order. (Cal. Code Regs., tit. 5, § 17745, subd. (c) (California State Preschool Program); § 18107, subd. (b) (Early Learning and Care Programs)).

10 Cal. Code Regs., tit. 22, § 102417, subd. (g)(7) (**Family child care homes** must maintain emergency information cards that include the child's full name, telephone number and location of a parent or other responsible adult to be contacted in an emergency, the name and telephone number of the child's physician and the parent's authorization for the licensee or registrant to consent to emergency medical care.). See also Cal. Code Regs. tit. 22, § 102421, subd. (b) ("The licensee shall maintain, in each child's record, a copy of the emergency information card as required in Section 102417(g)(7).") See also Cal. Code Regs., tit. 22, § 101221, subd. (b)(8)(B) (**Child care centers** must keep child records including "[i]nstructions for action to be taken in case the child's authorized representative, or the physician designated by the authorized representative, cannot be reached in an emergency); Cal. Health and Safety Code § 1596.841 (each child day care facility shall maintain the name, address, and daytime telephone number of the child's parent or guardian, and the name and telephone number of the child's physician). See also Cal. Code Regs., tit. 5 §17758, subd. (c)(3) (**California State Preschool Programs** must keep children's current emergency information in the Family Data File).

11 Cal. Health & Saf. Code, § 1597.640, subd. (c).

12 *Id*. at § 1597.640, subd. (d).

13 See *Ferm v. United States Trustee* (9th Cir. 1999) 194 F.3d 954, 958 ("[I]ndiscriminate public disclosure of social security numbers (SSN), especially when accompanied by names and addresses, may implicate the constitutional right of informational privacy").

14 For more information regarding these programs, see California Department of Social Services, *Child Care and Development Programs*.

15 Cal. Code Regs., tit. 5, § 17758, subd. (a) (Application for Services for CSPP); Cal. Code Regs., tit. 5, § 18081, subd. (a) (Application for Services for Early Learning and Care Programs, which applies to direct contract Child Care and Development Programs); Cal Code Regs., tit. 5, § 18412, subd. (b) (Family Data File requirement for CalWORKS Stage 2 child care programs); Cal Code Regs., tit. 5, § 18427, subd. (b) (Family Data File requirement for CalWORKS Stage 3 child care programs).

16 Cal Code Regs., tit. 5, §§ 17757-17774.5. Families enrolling in CSPP Neighborhood Schoolsites must also provide documentation to prove residency within the attendance boundaries of the school. (Cal. Code Regs., tit. 5, § 17774, subd. (a).) However, the range of documents that can be used to prove residency is broad, including utility bills, pay stubs, or "[a]ny documentation that a contractor reasonably relies on to prove a family's residency." (Cal. Code Regs., tit. 5, § 17774, subd. (b).)

17 Cal. Code Regs., tit. 5, §§ 17820 (California State Preschool Programs), 18067 (Early Learning and Care Programs).

18 Cal. Code Regs., tit. 5, § 17761 (Documentation and Determination of Family Size for CSPP); Cal Code Regs., tit. 5, § 18083.1 (Documentation and Determination of Family Size for state-funded Early Learning and Care programs); Cal Code Regs., tit. 5, § 17700, subd. (au) (defining "[p]arent" to mean "a biological parent, adoptive parent, stepparent, foster parent, caretaker relative, legal guardian, domestic partner of the parent as defined in Family Code section 297, or any other adult living with a child who has responsibility for the care and welfare of the child.").

19 Cal. Code Regs., tit. 5, §§ 17761, subd. (a)(1)(G), 18083.1, subd. (a)(1)(G).

20 See Cal. Fam. Code, §§ 6550-6552.

21 See Cal. Ed. Code, § 8208 (CSPP eligibility requirements). Other bases for CSPP eligibility include the family receiving certain benefits or experiencing homelessness, or the child having a disability, being abused or neglected, or receiving protective services. (Cal. Code Regs., tit. 5, § 17757, subd. (d). See also Cal Code Regs., tit. 5, § 18084 (Early Learning Care Documentation of Eligibility: Income and Family Fees).)

22 Cal. Code Regs., tit. 5, § 17762, subd. (a); Cal. Code Regs., tit. 5, § 18084, subd. (a).

23 *Ibid.*

24 Cal. Code Regs., tit. 5, § 17762, subd. (b); Cal. Code Regs., tit. 5, § 18084, subd. (b).

25 Cal. Code Regs., tit. 5, § 17762, subd. (a)(2); Cal. Code Regs., tit. 5, § 18084, subd. (a)(2).

26 Cal. Code Regs., tit. 5, § 17762, subd. (b)(3); Cal. Code Regs., tit. 5, § 18084, subd. (b)(3).

27 Cal. Code Regs., tit. 5, §§ 17770 (CSPP), 18211 (Severely Handicapped program).

28 For the California State Preschool Program, providers need only maintain in the Family Data File the portion of the IEP or IFSP that includes the information specified in Education Code section 56026 and California Code of Regulations, Title 5, sections 3030 and 3031. (Cal. Code Regs., tit. 5, § 17770.) For the Severely Handicapped Program, providers must keep the IEP in the Family Data File. (Cal. Code Regs., tit. 5, § 18212.)

29 Cal. Code Regs., tit. 5, §§ 17763 (documenting need for CSPP); 18085.5 (documenting need for Early Learning and Care Programs).

30 Other situations in which a family might qualify include parents seeking employment or attending school, the family experiencing homelessness or seeking permanent housing, parental incapacity, or a child receiving child protective services or identified as being abused or neglected. (Cal. Code Regs., tit. 5, §§ 17757, subd. (e) (CSPP); 18085.5, subd. (a) (Early Learning and Care Programs).)

31 Cal Code Regs., tit. 5, § 17764, subds. (b), (c) (methods to document employment for CSPP); § 17762, subds. (b), (c) (methods to document employment for Early Learning and Care Programs).

32 Cal. Code Regs., tit. 5, §§ 17764, subd. (b)(7); 17762, subd. (b)(7); see also Cal. Code Regs., tit. 5, § 17762, subd. (a)(2).

33 See Cal. Code Regs., tit. 5, § 17767 (Documentation of Need for Full-Day CSPP when the basis of need for services is the parent's enrollment in educational program); § 17768 (Documentation of Need for Full-Day CSPP when the basis of need for services is the parent attending vocational training); Cal. Code Regs., tit. 5, § 18086.6. (Documentation of Need for Early Learning and Care when the basis of need for services is the parent's enrollment in educational program); § 18087 (Documentation of Need for Early Learning and Care Programs when the basis of need for services is the parent attending vocational training).

34 Cal. Welf. & Inst. Code, § 10236.

35 Cal. Welf. & Inst. Code, § 10236.5.

36 In addition to the Family Data File requirements applicable to all Title 5 programs (see Cal. Code Regs., tit. 5, §§ 18081-18096), some voucher programs have additional eligibility and documentation requirements. (See, e.g., Cal. Code Regs., tit. 5, § 18412 (Family Data File requirements for CalWORKS Stage 2); Cal. Code Regs., tit. 5, § 18409 (Enrollment into CalWORKS Stage 2 by Transfer from a Stage 1 CalWORKS Agency).)

37 See 42 U.S.C. §§ 9831, 9840a.

38 See, e.g., 45 C.F.R. § 1302.12 (determining, verifying and documenting eligibility for Head Start).

39 45 C.F.R. § 1302.12.

40 See 8 U.S.C. § 1611; Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA); Interpretation of "Federal Public Benefit," 90 Fed. Reg. 31,232 (July 14, 2025).

41 *State of New York, et al., v. U.S. Dep't. of Justice, et al.,* (D.R.I.) No. 1:25cv345, Complaint (July 21, 2025); *Wash. State Ass'n of Head Start and Early Childhood Educ. And Assistance Program, et al. v. Kennedy, et al.*, (W.D.Wash.) No. 2:25-cv-000781, Complaint (April 28, 2025).

42 *State of New York, et al., v. U.S. Dep't. of Justice, et al.,* No. 1:25cv345, Memorandum and Order Granting Plaintiff States' Motion for Preliminary Injunction and Ordering Stay (Sept. 10, 2025); *Wash. State Ass'n of Head Start and Early Childhood Educ. and Assistance Program, et al., v. Kennedy, et al.* (W.D.Wash.), No. 2:25-cv-000781, Order Granting Motion for Preliminary Injunction (Sept. 11, 2025).

43 Elementary and Secondary Education Act of 1965, 20 U.S.C. 6301 et seq.

44 See U.S. Dept. of Education, *Serving Preschool Children Through Title I, Part A of the Elementary and Secondary Education Act of 1965*, As Amended: Non Regulatory Guidance (Feb. 2024).

45 *Ibid.*

46 34 C.F.R. § 200.85; U.S. Dept. of Educ. Office of Elementary and Secondary Education, *National Certificate of Eligibility Instructions* OMB Control No.: 1810-0662 (expires Aug. 31, 2026) U.S. Dept. of Education, *Guidance: Education of Migratory Children under Title I, Part C of the Elementary and secondary Education Act of 1965*, p. 128.

47 Cal. Civ. Code, § 51.

48 Cal. Ed. Code, §§ 220, 210.3.

49 Cal. Gov. Code, § 11135, subd. (a) ("No person in the State of California shall, on the basis of sex, race, color, religion, ancestry, national origin, ethnic group identification, age, mental disability, physical disability, medical condition, genetic information, marital status, or sexual orientation, be unlawfully denied full and equal access to the benefits of, or be unlawfully subjected to discrimination under, any program or activity that is conducted, operated or administered by the state or any state agency, is funded directly by the state, or receives any financial assistance from the state."); Cal. Code Regs., tit. 2, § 14101, subd. (a)(1).

50 Cal Code Regs., tit. 5, § 18107, subd. (d) (Title 5 Child Care and Development Programs); Cal Code Regs., tit. 5, § 17745, subd. (c) (California State Preschool Program).

51 42 U.S.C. § 9849; 42 U.S.C. § 2000d; 28 C.F.R. § 42.104.

52 See 42 U.S.C. § 2000d; Cal. Gov. Code, § 11135, subd. (a).

53 Cal. Code Regs., tit. 22, § 101221, subd. (g) (children's records must be retained for at least three years following termination of service). Family child care homes must keep personnel records for at least three years following termination of employment/volunteer work. (Cal. Code Regs., tit. 22, § 102416.1, subd. (c).)

54 Cal. Code Regs., tit. 5, § 17820, subd. (a) (CSPP paper and electronic records must be retained for at least five years). Cal. Code Regs., tit. 5, § 18067, subd. (a) (five-year records retention period for early learning and care programs); Cal. Welf. & Inst. Code, § 10232, subd. (b) (alternative payment programs and providers must retain records for at least five years or, if an audit has been requested by a state agency, until the audit resolved, whichever is longer); Cal. Welf. & Inst. Code, § 10269, subd. (a)(2) (Child Care and Development contractors must retain records for at least five years or, if an audit has been requested by a state agency, until the audit resolved, whichever is longer); Cal. Code Regs., tit. 5, § 18031, subd. (i) (five-year retention period for Early Learning and Care subcontractors requiring prior Child Development Division approval).

55 Cal. Health & Saf. Code, § 1597.640, subd. (a).

56 Examples of situations in which ECE and child care providers are permitted to disclose confidential information are when they are provided with a judicial warrant, judicial subpoena, or court order requesting the information. Even then, they can challenge these requests in court before complying. These examples, including what to do if presented with an administrative subpoena or warrant, are discussed below.

57 Cal. Code Regs., tit. 22, § 101212, subds. (d)(1)(C), (f).

58 8 U.S.C. §§ 1373, 1644. In *United States v. California* (9th Cir. 2019) 921 F.3d 865, 891-893, the Ninth Circuit interpreted section 1373 narrowly, stating that the law only applies to a governmental entity sharing a person's citizenship or immigration status with the Department of Homeland Security and not to any other type of information.

59 8 U.S.C. section 1373 also provides that no federal, state, or local government entity can be prohibited or restricted from maintaining information regarding an individual's immigration status, or exchanging this information with any other federal, state or local government entity. (8 U.S.C. § 1373(b)(2)-(3).)

60 Cal. Ed. Code, § 234.7, subd. (b).

61 *Ibid.*; Cal. Civ. Code, § 1798.3, subd. (a) ("personal information" is any information that identifies or describes an individual, including, their name, social security number, physical description, address, or telephone number).

62 Cal. Ed. Code, § 234.7, subd. (b); 34 C.F.R., § 99.31(a)(9)(ii).

63 Cal. Health & Saf. Code, § 1597.640, subd. (b)(1)(A).

64 Cal. Code Regs., tit. 22, § 101221, subd. (c) ("All information and records obtained from or regarding children shall be confidential. (1) The licensee shall be responsible for safeguarding the confidentiality of record contents. (2) Except regarding the California Department of Social Services' ability to inspect, audit and copy children's records, or as otherwise authorized by law, the licensee and all employees shall not reveal or make available confidential information.").

65 *Ibid.* Another exception is when a peace officer takes custody of an abused or neglected child. In that case, the licensee can provide the address, and telephone number of the child's authorized representative to the peace officer. (Cal. Health & Saf. Code, § 1596.876.) Note that a "peace officer" as used in this context does not include U.S. Immigration and Customs Enforcement officers or U.S. Customs and Border Protection officers. (See Cal. Pen. Code, § 830.85.)

66 Cal. Code Regs., tit. 22, § 101221, subd. (c).

67 Cal. Code Regs. tit. 5, § 18117, subd. (a).

68 Cal. Code Regs. tit. 5, § 17732, subd. (a).

69 "Directly connected" with the administration of the child care program in this context includes disclosure related to licensing requirements, or audits conducted by the California Department of Education, or as required by a child protective services agency.

70 Some voucher programs have additional confidentiality rules. *See, e.g.*, Cal. Code Regs., tit. 5, § 18415, subd. (f) (requiring that for CalWORKS Stage 2, the "use or disclosure of all information pertaining to the child and that child's family shall be restricted to purposes directly connected with the administration of the program"); Cal. Code Regs. tit. 5, § 18430, subd. (d) (the same requirements for CalWORKS Stage 3).

71 Cal. Code Regs., tit. 5, § 18117, subd. (a).

72 Cal. Code Regs., tit. 5, § 1822, subds. (a)(2), (b) (if the parent speaks a language other than English or is hearing impaired, the information must be provided in written format or with an interpreter).

73 Cal. Ed. Code, § 234.7, subd. (b). See also 34 C.F.R. § 99.31(a)(9)(ii) (LEA-operated ECE and child care programs must notify the parent before providing information, except (1) if they are providing information in compliance with a Federal grand jury subpoena or a subpoena issued for law enforcement purposes and there is an order that the subpoena, it's contents, or the information provided in response not be disclosed, or (2) if they are providing information in compliance with an *ex parte* court order obtained by the U.S. Attorney General regarding an act of terrorism).

74 Cal. Ed. Code, § 234.7, subd. (b).

75 20 U.S.C. § 1232g. FERPA regulations can be found at 34 C.F.R. § 99.1 et seq.

76 34 C.F.R. § 99.1(d) (even if only one of the facility's program's receives federal funding, FERPA will apply to the facility as a whole and all its programs).

77 20 U.S.C. § 1232g(b)(2)-(3); 34 C.F.R. § 99.31(a)(9)(i).

78 20 U.S.C. § 1232g(b)(2)(B) (notification is not necessary in some proceedings involving child abuse and neglect or dependency matters); 34 C.F.R. § 99.31(a)(9)(ii) (notification is not required in narrow circumstances such as where the information is requested pursuant to a Federal grand jury subpoena or a subpoena issued for law enforcement purposes and there is an order that the subpoena, it's contents, or the information provided in response not be disclosed).

79 Cal. Gov. Code, § 7285.2, subd. (a)(1).

80 For more information, see California Department of Justice and State of California Department of Industrial Relations, *Immigrant Worker protection Act (Assembly Bill 450) Frequently Asked Questions*, (Feb. 18, 2025).

81 Cal. Gov. Code, § 7285.2, subd. (a).

82 Cal. Ed. Code, § 234.7, subd. (b).

83 U.S. Dept. of Homeland Security, *Guidelines for Enforcement Actions in or Near Protected Areas* (Oct. 27, 2021); see also U.S. Dept. of Homeland Security, *Secretary Mayorkas Issues New Guidance for Enforcement Action at Protected Areas* (Oct. 27, 2021).

84 U.S. Dept. of Homeland Security, *Enforcement Actions in or Near Protected Areas* (Jan. 20, 2025).

85 *Ibid.*

86 *See, e.g.*, Canizares, *Minneapolis Parents, Teachers Demand ICE Leave After Targeting Schools* (Jan. 16, 2026) Minnesota Spokesman-Recorder; Ibarra & Hwang, *ICE is Suddenly Showing up in California Hospitals. Workers Want More Guidance on What to do* (Aug. 26, 2025) CalMatters.

87 See U.S. Const., 4th Amend. ("The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.").

88 *Free Speech Coalition, Inc. v. Att'y Gen. of the U.S.* (3d Cir. 2012) 677 F.3d 519, 543; see *Minnesota v. Olson* (1990) 495 U.S. 91, 95-96 ("[C]apacity to claim the protection of the Fourth Amendment depends … upon whether the person who claims the protection of the Amendment has a legitimate expectation of privacy in the invaded place. A subjective expectation of privacy is legitimate if it is one that society is prepared to recognize as reasonable." (internal quotations and citations omitted).) See also *United States v. Halley* (E.D. Pa. Mar. 24, 2025 No. CR 24-356-KSM-1) 2025 WL 899321, at *3 [2025 U.S. Dist. LEXIS 53342, at *8-9].

89 See U.S. Const., 4th Amend.

90 See *United States v. Camou* (9th Cir. 2014) 773 F.3d 932, 940 ("We have defined exigent circumstances as 'those circumstances that would cause a reasonable person to believe that entry [or search] … was necessary to prevent physical harm to the officers or other persons, the destruction of relevant evidence, the escape of the suspect, or some other consequence improperly frustrating legitimate law enforcement efforts" [citations omitted].).

91 See *Mincey v. Arizona* (1978) 437 U.S. 385, 393.

92 Public Counsel, *FAQs on Nonprofit and Small Business Rights with Respect to Immigration Enforcement* (Jan. 2025). See also Kuras, et al., *Warrantless Searches and Seizures* (2002) 90 Geo. L.J. 1130, 1152-56.

93 See also, *Collins v. Virginia* (2018) 584 U.S. 586, 595 (An officer seizing the evidence must have a lawful right to access or observe the seized object. If the officer violated the Fourth Amendment or another law in arriving at the location or situation where they had access or sight to the object, the plain view doctrine does not apply.)

94 Assem. Bill No. 450 (2017-2018 Reg. Sess.); Cal. Gov. Code, § 7285.1 et seq.

95 Cal. Gov. Code, § 7285.1, subd. (a).

96 *Ibid.*

97 Cal. Gov. Code, § 7285.1, subd. (c).

98 *See* Cal. Dept. of Justice & Cal. Dept. of Industrial Relations, Immigration Worker Protection Act (Assembly Bill 450) Frequently Asked Questions (Feb. 2025) p. 1.

99 The Immigrant Worker Protection Act does not define "nonpublic" area nor otherwise indicate that the term "nonpublic" should be given anything but its usual or ordinary meaning. Cal. Dept. of Justice & Cal. Dept. of Industrial Relations, *AB 450 FAQs*, at p. 2.

100 *Ibid.*

101 See Cal. Ed. Code, § 234.7, subd. (l)(3) ("'Schoolsite' means an individual school campus of a school district, county office of education or charter school, an area where a local educational agency's school-sponsored activity is currently being held, or… a school bus or other transportation provided by a local educational agency.")

102 Both guidance documents can be found on the Office of Attorney General's website. See State of California Department of Justice, *Resources for California's Immigrant Communities*.

103 Cal. Health & Saf. Code, § 1596.857, subd. (a).

104 Cal. Health & Saf. Code, § 1596.857.

105 Cal. Ed. Code § 51101, subd. (a).

106 Cal. Health & Saf. Code, § 1596.857, subd. (g).

107 Cal. Health & Saf. Code, § 1597.640, subd. (b)(1)(A).

108 Cal. Code Regs., tit. 22, § 101212, subds. (d)(1)(C), (f).

109 Cal. Health & Saf. Code, § 1597.640, subd. (b)(1)(A), (B).

110 Cal. Ed. Code, § 234.7, subd. (c).

111 Cal. Ed. Code, § 234.7, subd. (l)(2).

112 Cal. Pen. Code, § 626.8, subd. (a).

113 Cal. Pen. Code, § 626, subd. (a)(5).

114 National Immigration Law Center, *Warrants And Subpoenas: What to Look Out for and How to Respond* (Jan. 2025) (*Warrants And Subpoenas*) p. 3.

115 *Ibid.*

116 *Ibid.*

117 See *City of Los Angeles v. Patel* (2015) 576 U.S. 409, 420 ("The Court has held that absent consent, exigent circumstances, or the like, in order for an administrative search to be constitutional, the subject of the search must be afforded an opportunity to obtain precompliance review before a neutral decisionmaker.").

118 See, e.g., Cal. Code Regs., tit. 5, § 17732, subd. (a) (for CSPP programs, "the use or disclosure of all information held by the contractor pertaining to the child and the child's family shall be restricted to purposes directly connected with the administration of the program or as otherwise permitted by law."); Cal. Code Regs., tit. 22, § 101221, subd. (c) (for CDSS-licensed child care facilities, "[a]ll information and records obtained from or regarding children shall be confidential. (1) The licensee shall be responsible for safeguarding the confidentiality of record contents. (2) Except as specified [for CDSS audits], or as otherwise authorized by law, the licensee and all employees shall not reveal or make available confidential information.".) See Appendix H for summary of applicable confidentiality laws.

119 The California Values Act, Sen. Bill No. 54 (2017-2018 Reg. Sess.) was signed into law on October 5, 2017, and went into effect in January, 2018.

120 Cal. Gov. Code, § 7284.6, subd. (a)(1)(E).

121 National Immigration Law Center, *Warrants And Subpoenas,* at pp. 3, 5.

122 34 C.F.R. § 99.31(a)(9)(ii).

123 34 C.F.R. §§ 99.3, 99.30; Cal. Ed. Code, § 49075, subd. (a).

124 National Immigration Law Center, *Warrants And Subpoenas,* at p. 4.

125 See U.S. Dep't. of Justice Exec. off. for Immig. Review, *Do You Have a Form Called A Notice to Appear ("NTA")?,* (Jan. 2022).

126 Note, however, that the characterization of spaces as public or nonpublic may change based on the time of day and usage of the space. For example, a schoolsite that opens its facilities after school hours for public usage for things like sporting events may transition to a public space outside of school operating hours.

127 Cal. Health & Saf. Code, § 1597.640, subd. (c).

128 Cal. Health & Saf. Code, § 1597.640, subd. (d).

129 Cal. Ed. Code, § 234.7, subd. (c).

130 Cal. Fam. Code, § 6552.

131 Cal. Fam. Code, § 6550, subd. (a).

132 Cal. Code Regs., tit. 5, § 17700-17833 governs the regulatory standard for who may enroll a child in a CSPP. "Parent" is defined as "a biological parent, adoptive parent, stepparent, foster parent, caretaker relative, legal guardian, domestic partner of the parent as defined in Family Code section 297, or any other adult living with a child who has responsibility for the care and welfare of the child." Cal. Code Regs., tit. 5, § 17700 subd. (au). The *Caregiver Authorization Affidavit* may be used to establish the parental relationship for enrolling a child in a CSPP. Cal. Fam. Code, § 6550, subd. (a).

133 Cal. Fam. Code, § 6550, subd. (a).

134 Cal. Fam. Code, § 6550, subd. (a).

135 Cal. Fam. Code, § 6550, subd. (h)(2).

136 Cal. Fam. Code, § 6552.

137 Cal. Prob. Code, § 2105, subd. (g)(1).

138 Cal. Health & Saf. Code, § 1597.640, subd. (g)(2).

139 Cal. Health & Saf. Code, § 1597.640, subd. (h)(3).

140 Cal. Health & Saf. Code, § 1597.640, subd. (g)(3).

141 Cal. Health & Saf. Code, § 1597.640, subd. (h)(1).

Appendix A

Model Policy Template

Part One of this document consists of the Model Policies listed in the guide. ***There is no requirement to use this exact format for your policies.***

However, California State Preschool Programs (CSPPs) must adopt the substance of the Attorney General's Model Policies in Part One, or their equivalent*. Licensed child care facilities must make sure that any information, policies, or guidance provided to parents and authorized representatives are not inconsistent with the Model Policies in Part One.*

Part Two of this document, starting on page 49, includes ***optional*** *best practices. No providers are required to adopt the Best Practices in Part Two, but they may be helpful in creating a safe, accessible ECE or child care facility for all. Please use what works best for your situation.*

If your program is operated by a ***school district or other local educational agency (LEA)****, you may be subject to additional requirements.*

If your program is operated by ***a college or university****, you may be subject to additional requirements.*

Speak with your institution's administrators or legal counsel to determine what additional policies may apply to you.

Part One: Model Policies (Required for CSPPs)

The policies in Part One are Model Policies. California State Preschool Programs (CSPPs) must adopt the Model Policies in Part One, or their equivalent. Licensed child care facilities are not required to adopt the Model Policies, but cannot have policies provided to parents or authorized representatives that are inconsistent with these policies.

Collecting/Retaining Information

Model Policies for Collecting and Retaining Children's and Family Information

1. The facility shall maintain in writing the facility's policies and procedures for gathering and handling sensitive student information, and appropriate staff shall receive training regarding those policies and procedures.
2. If the facility has information about immigration status, citizenship status, or national origin information, the facility shall not use the information to discriminate against any students or families or keep children from enrolling in or attending the program.
3. If parents or guardians choose not to provide information about their or their children's immigration status, citizenship status, or national origin, the facility shall not use that as a basis to discriminate against any students or families or keep children from enrolling or attending the program.
4. The facility shall treat all children the same regarding how they receive all program services, including, but not limited to, the gathering of children's and family information.

Model Policies Regarding Asking Families About Immigration Status, Citizenship Status, and National Origin

1. The facility staff shall not request information about a child's citizenship or immigration status or the citizenship or immigration status of a child's parents or guardians unless required by state or federal law or to administer a state or federally funded educational program; nor shall staff seek or require, to the exclusion of other permissible documentation or information, documentation or information about a student or family's citizenship or immigration status, such as a green card, voter registration, a passport, or citizenship papers unless it is required by state or federal law or to administer a state or federally funded educational program.
2. Where permitted by law, the facility shall accept alternative means to establish eligibility criteria for enrollment. Those alternative means shall include documentation or information that are available to persons regardless of immigration status, citizenship status, or national origin, and that do not reveal information related to citizenship or immigration status.
3. Where eligibility criteria for purposes of enrollment or any program may be established by alternative documents or information permitted by law or this policy, the facility procedures and forms shall describe to the applicant, and accommodate, all alternatives specified in law and all alternatives authorized under this policy.

Model Policy Regarding Asking Families for Social Security Numbers or Cards

1. The facility shall not solicit or collect entire or partial social security numbers or cards.

Sharing Information

Model Policies Regarding Sharing Information

1. **Children's records:** The facility will not share personal information about children and their families with any unauthorized parties without the consent of parents or guardians unless required or authorized by law or if the disclosure is directly connected with administering the program. [See Appendix H to understand the laws that apply to your facility type.]
2. **Employee records:** The facility will not provide voluntary consent to an immigration enforcement agent to access, review, or obtain employee records without a subpoena or judicial warrant, unless required by federal law. This provision does not apply to I-9 Employment Eligibility Verification forms and other documents for which a Notice of Inspection has been provided to the employer.
3. If the facility is presented with a request for information regarding a child, the facility staff shall:
   a. Make a photocopy or take a picture of any written request and obtain the contact information of the person or agency seeking information;
   b. Notify the designated facility administrator about the information request;
   c. Prior to complying with the request, notify the child's parent/guardian of the request and share with them any documents provided by the person or agency seeking the request, unless prohibited by a judicial warrant, subpoena, or court order from sharing the request for information, or in the case of investigations of suspected child abuse, child neglect, or child dependency;
   d. When possible, immediately consult legal counsel to determine when and if you need to comply with the request;
4. If the facility does respond to a request for information regarding the child, the facility shall make a copy of the documents requested (i.e., not give the originals) and shall document the name of the person/agency to whom the documents were provided. The facility shall keep a record of the documents produced and place the copy in the child's file.

Responding to Requests for Access to ECE and Child Care Facilities for Immigration Enforcement Purposes

1. As soon as possible, facility staff shall notify the designated administrator of any request by any immigration enforcement agent or other law enforcement officer seeking access to the facility or any child to conduct immigration enforcement, or any requests for review of facility documents.
2. In addition to notifying the designated administrator, facility staff shall take the following action steps in response to an agent present on the facility's grounds specifically for immigration enforcement purposes, or similar steps that limit cooperation with immigration enforcement to the full extent of the law:
   a. Advise the agent that before proceeding with their request, and absent exigent circumstances, facility staff must first notify and receive direction from _____ [the facility administrator or superintendent, as appropriate].
   b. Ask to see, and make a copy of or note, the agent's credentials (name and badge number). Also ask for and copy or note the phone number of the agent's supervisor.
   c. Ask the agent for their reason for being on the facility's grounds and document it.
   d. Ask the agent to produce any documentation that authorizes access to the facility.

e. Make a copy of all documents provided by the agent. Retain the copy of the documents for the facility's records.

f. If the agent declares that exigent circumstances exist and demands immediate access to the facility, facility staff should comply with the agent's orders and immediately contact the facility administrator or Superintendent, as appropriate.

g. If the immigration enforcement agent does not declare that exigent circumstances exist and requests access to the nonpublic areas of the facility, respond according to the requirements of the agent's documentation. If the agent has:

   i. **an ICE (Immigrations and Customs Enforcement) administrative warrant** (see Appendix B), facility staff shall inform the agent that they cannot consent to any request without first consulting with _____ [legal counsel or other designated administrator].

   ii. **a federal judicial warrant (search-and-seizure warrant or arrest warrant;** see Appendices C and D), prompt compliance with such a warrant is usually legally required. If feasible the facility will consult with _____ [legal counsel or other designated administrator] before providing the agent access to the person or materials specified in the warrant.

   iii. **a subpoena for production of documents or other evidence** (see Appendix F), immediate compliance is not required. Therefore, the facility staff shall discuss the subpoena with _____ [legal counsel or other designated administrator] and await further instructions on how to proceed.

h. While facility staff should not consent to an agent seeking access for immigration enforcement purposes, except as described above, they should not attempt to physically impede the agent, even if the agent appears to be exceeding the authorization given under a warrant or other document. If an agent enters the premises without consent, facility staff shall document their actions while on the premises, and if feasible, accompany them at all times.

i. After the encounter with the agent, facility staff shall promptly take written notes of all interactions with the officer. The notes shall include the following items to the extent practicable under the circumstances:

   i. List or copy of the agent's credentials and contact information;

   ii. Identity of all facility staff who communicated with the agent;

   i. Details of the agent's request;

   ii. Whether the agent presented a warrant or subpoena to accompany their request, what was requested in the warrant/subpoena, and whether the warrant/subpoena was signed by a judge;

   iii. Facility staff's response to the agent's request;

   iv. Any further action taken by the agent; and

   v. Photo or copy of any documents presented by the agent.

j. Facility staff shall provide a copy of those notes, and associated documents collected from the agent, to _____ [legal counsel or other designated administrator].

k. In turn, _____ [legal counsel or other designated administrator] shall submit a timely report regarding the agent's requests and actions.

[If the facility is a licensed child care facility, include the following Policy.]

i. _____ [legal counsel or other designated administrator] shall submit a report to the California Attorney General and the California Department of Social Services.

[If the facility is a license-exempt California State Preschool Program (CSPP), include the following Policy.]

ii. _____ [legal counsel or other designated administrator] is encouraged to submit a report to the California Attorney General and the California Department of Education.

Updating Your Policies Over Time

1. The facility will review the Attorney General's website by June 1st of each calendar year. If there are updated model policies related to protecting the rights of immigrants and their families to safely access early child care and education centers, the facility will adopt the updated policies or equivalent policies by July 1st of that calendar year.
2. The facility will provide families with the Attorney General's *Immigration* webpage during enrollment so families can access the Attorney General's model policies.

Part Two: Optional Best Practices

The policies and practices in Part Two are optional for all providers. There is no requirement that ECE or child care providers adopt the best practices in this section. These may be helpful in creating a safe, accessible facility for all children, regardless of immigration status. Please use what works best for your situation.

[Best Practices] Purpose and Scope of Facility Policies

1. These policies establish procedures for staff, administrators, and volunteers when responding to requests or activity related to immigration enforcement and for protecting the privacy and safety of children and families. This policy applies to all employees, administrators, contractors, and volunteers of the facility, [insert facility name] ("the facility").
2. The facility is committed to maintaining a safe, inclusive, and accessible environment for all children and families, regardless of immigration status.
3. Facility-Specific Procedure for Distributing Immigration Response Policy internally and to parents:

   a. This facility shall make this policy available to staff, administrators, volunteers, parents and authorized representatives and provide information on how to obtain a copy upon request.

   b. This policy is available at the following locations:

   _____

   _____

c. Questions regarding this policy may be directed to:

_____

_____

[Best Practices] Designated Administrator Responsibilities

1. The facility designates the following individual(s) to respond to all requests or inquiries from immigration enforcement or law enforcement personnel:

   a. Primary Designee and contact information: _____
   b. Title: _____
   c. Alternative Designee(s): _____
   d. Alternative Designee(s): _____
   e. Alternative Designee(s): _____

2. To the extent feasible, all other staff should immediately notify a designated administrator of requests or inquiries from immigration enforcement agents or law enforcement personnel.
3. Legal Counsel Contact Information (if you have counsel):

   _____

[Best Practices] Collecting/Retaining Information - Procedures Regarding Storing and Retaining Records

1. Who collects and maintains children's information:

   _____

2. Mandatory retention period for children's records at our facility [depends on facility and record type; see guidance at pages 5-8 for more information]: _____

   _____

   _____

3. Additional facility-specific procedures (if any): _____

   _____

   _____

[Best Practices] Sharing Information - Procedures for Sharing Information

1. Facility-Specific Information Sharing and Recordkeeping Procedure for Parental Consent for Disclosure of Confidential Information if Necessary:

   a. Whether and when legal counsel is consulted prior to releasing information (ex: when parents do not consent to release of children's information and/or when presented with a judicial warrant, subpoena, or court order): _____

   _____

   b. Name or title of person(s) responsible for notification to parent or authorized representative about information requests: _____

   _____

c. When and how will parents or authorized representatives be notified (ex: within 24 hours by phone and email): _____

_____

d. How notification efforts are documented (if at all): _____

_____

e. Additional facility-specific procedures (if any) (You may wish to note any children's records held by your facility that are protected by specific confidentiality statutes (see Appendix H)): _____

_____

_____

[Best Practices] Monitoring and Receiving Visitors

[Best Practices] Visitor Policies and Procedures

1. This facility's visitor policies apply equally to all outside visitors.
2. The facility identifies the following areas as public areas (areas that members of the public may come without permission, such as an entrance area): _____

   _____

3. The facility identifies the following areas as nonpublic areas (areas that are restricted to children, staff members, and authorized guests): _____

   _____

   - [There are certain restrictions entities are subject to relating to nonpublic areas, depending on the facility type. The facility should adopt procedures that are consistent with the state law requirements of their facility. Nothing restricts a facility's ability to challenge the validity of the warrant, subpoena, or court order in court.]

4. Visitor Registration Requirements, if any (for example, absent exigent circumstances or a judicial warrant, judicial subpoena, or court order authorizing immediate access, all visitors are required to register with the designated facility administrator before entering non-public areas of the facility): _____

   _____

5. Acceptable forms of ID and proof of identity (if your facility collects these):

   _____

6. Location and content of posted visitor signage (if your facility has these signs):

   _____

7. Documentation and recordkeeping for visitor logs (if facility keeps these):

   _____

8. Additional facility-specific procedures (if any): _____

   _____

[Best Practices] Procedures for Requests for Access for Immigration Enforcement Purposes

1. Person(s) responsible for documentation and reporting to state agencies: _____

   _____

2. Timeline(s) for reporting to state agencies: _____

   _____

3. Additional facility-specific procedures (if any):_____

   _____

[Best Practices] Policies and Procedures for Responding to the Detention or Deportation of a Child's Family Member

1. The facility requests that families to update their emergency contact information on a regular basis, at least annually. [*Note: while it is not required to adopt this policy, this requirement is mandatory for ECE and child care providers.]*
2. The facility permits families to update children's emergency contact information as needed throughout the year and to provide as many alternative contacts as they wish for the facility to contact if no parent or guardian is available.
3. The facility communicates to families that information provided on emergency contact cards will only be used in response to emergency situations, and not for any other purpose. All children's records are kept confidential, to the extent practicable, unless disclosure is required by law.
4. If a child's parent/guardian is detained/deported by immigration authorities, the facility will release the child to the person(s) designated as emergency contacts on the child's emergency contact card.
5. The facility will not contact Child Protective Services due to unavailability of a caretaker unless the facility staff are unsuccessful in arranging for the timely care of the child through the emergency contact information on file, a *Caregiver's Authorization Affidavit*, or other information or instructions conveyed by the parent or guardian. *[Note: This is best practice for all ECE and child care providers and required for ECE or child care facilities operated by a local educational agency.]*
6. When emergency contact information is collected and updated:

   _____

7. Additional facility-specific procedures (if any) (For example, you might want to include temporary care procedures for awaiting pickup, how you verify authorized individuals for child release, late pickup timeframes and staff responsibilities, steps to take if no authorized individual can be reached, and how you document late pickup or release events): _____

   _____

   _____

Appendix B

ICE (Immigrations and Customs Enforcement) "Arrest Warrant" (Form I-200) and "Removal Warrant" (Form I-205)

U.S. DEPARTMENT OF HOMELAND SECURITY **Warrant for Arrest of Alien**

File No. _____

Date: _____

To: Any immigration officer authorized pursuant to sections 236 and 287 of the Immigration and Nationality Act and part 287 of title 8, Code of Federal Regulations, to serve warrants of arrest for immigration violations

I have determined that there is probable cause to believe that _____ is removable from the United States. This determination is based upon:

☐ the execution of a charging document to initiate removal proceedings against the subject;

☐ the pendency of ongoing removal proceedings against the subject;

☐ the failure to establish admissibility subsequent to deferred inspection;

☐ biometric confirmation of the subject's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or

☐ statements made voluntarily by the subject to an immigration officer and/or other reliable evidence that affirmatively indicate the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.

YOU ARE COMMANDED to arrest and take into custody for removal proceedings under the Immigration and Nationality Act, the above-named alien.

_____
(Signature of Authorized Immigration Officer)

_____
(Printed Name and Title of Authorized Immigration Officer)

Certificate of Service

I hereby certify that the Warrant for Arrest of Alien was served by me at _____
(Location)

on _____ on _____, and the contents of this
(Name of Alien) (Date of Service)

notice were read to him or her in the _____ language.
(Language)

_____ _____
Name and Signature of Officer Name or Number of Interpreter (if applicable)

Form I-200 (Rev. 09/16)

SAMPLE

Appendix B

ICE (Immigrations and Customs Enforcement) "Arrest Warrant" (Form I-200) and "Removal Warrant" (Form I-205)

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement

WARRANT OF REMOVAL/DEPORTATION

File No: _____

Date: _____

To any immigration officer of the United States Department of Homeland Security:

_____
(Full name of alien)

who entered the United States at _____ on _____
(Place of entry) (Date of entry)

is subject to removal/deportation from the United States, based upon a final order by:

- ☐ an immigration judge in exclusion, deportation, or removal proceedings
- ☐ a designated official
- ☐ the Board of Immigration Appeals
- ☐ a United States District or Magistrate Court Judge

and pursuant to the following provisions of the Immigration and Nationality Act:

I, the undersigned officer of the United States, by virtue of the power and authority vested in the Secretary of Homeland Security under the laws of the United States and by his or her direction, command you to take into custody and remove from the United States the above-named alien, pursuant to law, at the expense of:

_____
(Signature of immigration officer)

_____
(Title of immigration officer)

_____
(Date and office location)

ICE Form I-205 (8/07) Page 1 of 2

SAMPLE

Appendix C

Federal Search and Seizure Warrant (Form AO 93)

AO 93 (Rev. 11/13) Search and Seizure Warrant

UNITED STATES DISTRICT COURT

for the

In the Matter of the Search of *(Briefly describe the property to be searched or identify the person by name and address)*	))))))	Case No.

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the _____ District of _____
(identify the person or describe the property to be searched and give its location):

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property described above, and that such search will reveal *(identify the person or describe the property to be seized)*:

YOU ARE COMMANDED to execute this warrant on or before _____ *(not to exceed 14 days)*
❒ in the daytime 6:00 a.m. to 10:00 p.m. ❒ at any time in the day or night because good cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to _____ .
(United States Magistrate Judge)

❒ Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized *(check the appropriate box)*
❒ for _____ days *(not to exceed 30)* ❒ until, the facts justifying, the later specific date of _____ .

Date and time issued: _____ _____
Judge's signature

City and state: _____ _____
Printed name and title

SAMPLE

Appendix D

Federal Arrest Warrant (Form AO 442)

AO 442 (Rev. 11/11) Arrest Warrant

UNITED STATES DISTRICT COURT

for the

United States of America
v.

)
) Case No.
)
)
)
)

_____
Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay
(name of person to be arrested) _____ ,
who is accused of an offense or violation based on the following document filed with the court:

❒ Indictment ❒ Superseding Indictment ❒ Information ❒ Superseding Information ❒ Complaint
❒ Probation Violation Petition ❒ Supervised Release Violation Petition ❒ Violation Notice ❒ Order of the Court

This offense is briefly described as follows:

SAMPLE

Date: _____ _____
Issuing officer's signature

City and state: _____ _____
Printed name and title

Return

This warrant was received on *(date)* _____ , and the person was arrested on *(date)* _____
at *(city and state)* _____ .

Date: _____ _____
Arresting officer's signature

_____
Printed name and title

Appendix E

DHS Immigration Enforcement Subpoena (Form I-138)

1. To (Name, Address, City, State, Zip Code)	DEPARTMENT OF HOMELAND SECURITY **IMMIGRATION ENFORCEMENT SUBPOENA** **to Appear and/or Produce Records** 8 U.S.C. § 1225(d), 8 C.F.R. § 287.4
Subpoena Number	
2. In Reference To (Title of Proceeding)	(File Number, if Applicable)

By the service of this subpoena upon you, **YOU ARE HEREBY SUMMONED AND REQUIRED TO:**

(A) ☐ **APPEAR** before the U.S. Customs and Border Protection (CBP), U.S. Immigration and Customs Enforcement (ICE), or U.S. Citizenship and Immigration Services (USCIS) Official named in Block 3 at the place, date, and time specified, to testify and give information relating to the matter indicated in Block 2.

(B) ☒ **PRODUCE** the records (books, papers, or other documents) indicated in Block 4, to the CBP, ICE, or USCIS Official named in Block 3 at the place, date, and time specified.

Your testimony and/or production of the indicated records is required in connection with an investigation or inquiry relating to the enforcement of U.S. immigration laws. Failure to comply with this subpoena may subject you to an order of contempt by a federal District Court, as provided by 8 U.S.C. § 1225(d)(4)(B).

3. (A) CBP, ICE or USCIS Official before whom you are required to appear Name Title Address Telephone Number	(B) Date (C) Time ☒ a.m. ☐ p.m.
4. Records required to be produced for inspection	

SAMPLE

If you have any questions regarding this subpoena, contact the CBP, ICE, or USCIS Official identified in Block 3.

5. Authorized Official

(Signature)

(Printed Name)

(Title)

(Date)

DHS Form I-138 (6/09)

Appendix F

Federal Judicial Subpoena

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

_____ *Plaintiff*	)	
v.	)	Civil Action No.
_____ *Defendant*	)	

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To:

_____

(Name of person to whom this subpoena is directed)

❒ *Production:* **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material:

Place:	Date and Time:

❒ *Inspection of Premises:* **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:	Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: _____

CLERK OF COURT

OR

_____ *Signature of Clerk or Deputy Clerk*

_____ *Attorney's signature*

The name, address, e-mail address, and telephone number of the attorney representing *(name of party)* _____ _____, who issues or requests this subpoena, are:

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

SAMPLE

Appendix G

Notice to Appear (Form I-862)

U.S. Department of Homeland Security

Notice to Appear

In removal proceedings under section 240 of the Immigration and Nationality Act:

Subject ID: FINS:

File No:_____

DOB: Event No:

In the Matter of:

Respondent: _____ currently residing at:

_____

(Number, street, city and ZIP code) (Area code and phone number)

☐ 1. You are an arriving alien.

☐ 2. You are an alien present in the United States who has not been admitted or paroled.

☐ 3. You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

☐ This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.

☐ Section 235(b)(1) order was vacated pursuant to: ☐8CFR 208.30(f)(2) ☐8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:

_____

(Complete Address of Immigration Court, including Room Number, if any)

on _____ at _____ to show why you should not be removed from the United States based on the

(Date) *(Time)*

charge(s) set forth above.

_____

(Signature and Title of Issuing Officer)

Date: _____

_____

(City and State)

See reverse for important information

Form I-862 (Rev. 08/01/07)

SAMPLE

Appendix H

Overview of Federal/State Confidentiality Laws for Early Childhood Education and Child Care Providers

Children's education and other records are generally protected under federal and/or state laws. depending on whether the early childhood education (ECE) or child care provider is: (1) operated by a local educational agency (LEA); (2) is licensed by the California Department of Social Services (CDSS); (3) is a "California State Preschool Program" (CSPP) (licensed or license-exempt); and/or (4) receives federal funding from the U.S. Department of Education to provide educational services.

This overview is not legal advice. It is based on law current as of April 1, 2026, which may change. It is intended to explain the confidentiality laws most relevant to immigration enforcement, but it may not cover all applicable laws. For example, other laws protect children's medical records or records related to employee background checks.

Independent of these confidentiality laws, Article I, section I of the California Constitution generally protects a person's inalienable right to privacy, including a person's personally identifying information.

If you are licensed by CDSS as a child care facility:

- **All licensed facilities:**
  - California Code of Regulations, title 22, § 101221, subd. (c): ("All information and records obtained from or regarding children **shall be confidential**. (1) The licensee shall be responsible for safeguarding the confidentiality of record contents. (2) Except as specified in (d) below [which pertains to CDSS audits], **or as otherwise authorized by law**, the licensee and all employees shall not reveal or make available confidential information.")
- **Title 5 Child Care and Development Programs (including voucher programs):**
  - California Code of Regulations, title 5, § 18117, subdivision (a): ("The use or disclosure of all information held by the contractor pertaining to the child and his/her family **shall be restricted to purposes directly connected with the administration of the program**.")
- **Facilities that receive federal funding from the U.S. Department of Education:** Family Educational Rights and Privacy Act (FERPA) may apply, see below.

If you receive federal funding from the U.S. Department of Education to provide educational services to students:

- Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g) likely applies. (See 34 C.F.R. § 99.1 for the rules on who FERPA applies to.) FERPA permits you to disclose educational records without parental consent **only** if presented with, among other exceptions not relevant to immigration enforcement, **a lawfully issued subpoena or court order**. Even then, you must notify the parent or eligible student per FERPA's regulations, 34 C.F.R. § 99.31(a)(9)(ii) (agency must make "a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance, so that the parent or eligible student may seek protective action" subject to limited

circumstances (e.g., the document says you cannot notify).) FERPA does not define what type of subpoena must be used, beyond that it is lawfully issued. If you are presented with a subpoena, it is best practice to consult with legal counsel.

If you are operated by a local educational agency:

- California Education Code § 234.7: To the extent practicable, you cannot disclose the education records or any information about a pupil or their family and household without parent/guardian's written consent unless you are presented with **a valid judicial warrant or judicial subpoena, or court order**. Even when presented with these, you must notify the parent/guardian according to the procedures in the federal Family Educational Rights and Privacy Act (FERPA), which requires notification unless the document specifically tells you not to or in other limited circumstances. (Ed. Code, § 234.7, subd. (b), citing FERPA's regulations, 34 C.F.R. § 99.31(a)(9)(ii).)
- FERPA also applies: See above.

If you are a California State Preschool Program (CSPP) (licensed or license-exempt):

- **All CSPP programs:**
  - California Code of Regulations, title 5, § 17732: ("[T]he use or disclosure of all information held by the contractor pertaining to the child and the child's family shall be **restricted to purposes directly connected with the administration of the program or as otherwise permitted by law**.")
- **License-exempt CSPPS:** The rules for local educational agencies, including FERPA, apply as well; see above.

If you have employees, these rules apply:

- **All facilities that have employees:**
  - California Government Code, § 7285.2, subd. (a):

  "(1) Except as otherwise required by federal law, and except as provided in paragraph (2), an employer, or a person acting on behalf of the employer, **shall not provide voluntary consent** to an immigration enforcement agent to access, review, or obtain the employer's employee records **without a subpoena or judicial warrant**. This section does not prohibit an employer, or person acting on behalf of an employer, from challenging the validity of a subpoena or judicial warrant in a federal district court.

  (2) This subdivision shall not apply to I-9 Employment Eligibility Verification forms and other documents for which a Notice of Inspection has been provided to the employer."

- **For LEA-operated programs only:**
  - California Education Code, § 234.7: Unless not practicable, you cannot disclose any information about a school employee or teacher unless you are presented with **a valid judicial warrant or judicial subpoena, or court order**.

If you are a program operated by or on a college or university campus:

- California Education Code, § 66093.3: This statute covers requirements for notifying students, faculty, and staff regarding requests for information or access for immigration enforcement purposes. These are mandatory for most colleges (those operated by the Trustee of the California State University (CSU), the governing board of each community college district, or a qualifying independent institution of higher education under California Education Code section 69432.7) and requested of the Regents of the University of California. Please consult legal counsel regarding these requirements.
- FERPA: also may apply to programs operated by colleges and universities; see above.

Appendix I

Know Your Rights: A Guide for Families with Children in Early Education or Child Care Programs Regarding Immigration Enforcement Actions (April 2026)

You have a right to privacy

- You never need to provide citizenship or immigration status to enroll your child in daycare, preschool, or early education.
- You never need to provide a social security number, or part of a social security number.
- Child care and early education providers must generally keep children's information private, unless required or authorized to share it by law, or if the request for disclosure is directly connected with the administration of the program.
- Local educational agencies should not, to the extent practicable, respond to any requests for information regarding a child or family for immigration enforcement purposes, unless presented with a court order, judicial warrant or judicial subpoena.
- To prove eligibility for programs based on **income** or **need for services**, you do not need to have your employer contacted if you are concerned that would negatively affect your employment. Instead, you can state your concern under penalty of perjury.

You have a right to know

- Licensed child care facilities must report to you any incident that affects your child's safety or wellbeing. This might include requests for your child's information or immigration enforcement activities that happen when your child is present.

You have a right to decide what happens to your child if you cannot pick them up

- If you are detained by immigration enforcement or otherwise cannot pick up your child, your child care provider must use the emergency contact information you have provided to release your child to a safe adult.
- You can update your child's emergency contact information, including secondary contacts, to make sure it's current.
- You can complete a Caregiver's Authorization Affidavit or a Petition for Appointment of Joint Guardian of the Person to give a trusted adult the authority to make educational and medical decisions for your child if you are unavailable.

You have a right to a safe environment for your child

- Child care facilities that have employees and local educational agencies as employers are not allowed to consent to immigration enforcement agents accessing nonpublic (private) areas of the facility, unless presented with a judicial warrant.
- Local educational agencies are not allowed to consent to immigration enforcement agents accessing nonpublic (private) areas of a schoolsite, unless presented with 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.

Appendix J

Quick Reference Best Practices Checklists for ECE and Child Care Providers on Immigration Enforcement (April 2026)

Note: The checklists below are a guide for early childhood education (ECE) and child care providers on how to respond to immigration enforcement. ***These checklists are not legal advice and are not intended to be comprehensive lists of all your legal obligations.*** *The checklists are intended as "best practices" to help you follow the law, keep children and staff safe, and limit cooperation with immigration enforcement. However,* following these exact steps is not required *as long as you follow the laws addressed in this guide. For California State Preschool Programs (CSPPs), any steps that appear in the required model policies are mandatory.*

See the full guide at oag.ca.gov/system/files/media/guidance-model-policies-public.pdf *for more information. ECE and child care programs operated by colleges or universities or by local educational agencies (LEAs) like school districts or charter schools may have additional steps to follow.*

Checklist 1: What do we do if an immigration enforcement agent asks to enter our facility or asks for information about a child or employee?

For more information on the items in Checklist 1, see Chapters 2 and 3 of this guide.

1. **Focus on keeping yourself and others safe.**
2. If it feels safe enough to do so, record everything that happens, either by writing or by phone if feasible.
3. Tell the person in charge at your facility as soon as possible (if your facility has designated an administrator to handle immigration enforcement, contact that person).
4. **What to say to the immigration enforcement agent:**
   - ✓ Tell the immigration agent that you cannot consent (agree) to their request without hearing from your designated administrator.
   - ✓ Ask the agent for his/her reason for being on the ECE or child care facility premises and write it down.
   - ✓ Ask to see the agent's credentials (name and badge number), and the phone number of his/her supervisor. Take a picture or write it down.
   - ✓ Ask the agent to show you any documents that they allege give them authority to enter the facility or request documents. Take a picture or make a copy of all documents they provide.
   - ✓ If your facility is a business with employees, then **you may not consent to an immigration enforcement agent entering any nonpublic areas of the workplace unless presented with a judicial warrant,** and except as otherwise required by federal law**.** (See pages 20-24 of this guidance).
5. The agent may state that there are **exigent (urgent) circumstances** that give them authority to enter even without a warrant (see page 21 of this guidance). Do not interfere. You can repeat that you do not consent and then document the exigent circumstances they allege allow entry.

6. **If there are no exigent circumstances, read the agent's documentation to decide how to respond**. (See Appendices B-G for examples of these documents). If the agent has:
   - ✓ **an ICE (Immigrations and Customs Enforcement) administrative warrant to enter or ICE subpoena to access production of documents or other evidence:** tell the agent that you cannot consent (agree) without first consulting with a lawyer. (These are not signed by a judge and do not require you to let them in.)
   - ✓ **a federal judicial warrant** (either a search-and-seizure warrant or arrest warrant): Quick cooperation is usually required by law. If possible, consult with a lawyer or designated administrator before giving the officer access to the person or materials listed in the warrant to make sure you understand the scope of the warrant.
   - ✓ **a subpoena for production of documents or other evidence**: Responding immediately is not required. Bring the subpoena to a lawyer or other designated administrator to decide how to proceed.
   - ✓ **I-9 Notice of Inspection:** Federal agents may seek to inspect your employee records using a Notice of Inspection, which will be provided to you at least three days prior to an inspection of your Form I-9, Employment Eligibility Verification for employees.
7. **If the agent wants to interview or remove children, contact their parents or authorized representative as soon as possible** (unless a judicial warrant, judicial subpoena, or court order specifically states that you may not).
8. **Even if the agent's actions appear to be unlawful** or exceed their authority under the documents provided, **do not physically impede them**. Continue to state that you do not consent and continue to record the encounter or take notes.
9. If possible and safe, stay with the agent at all times while they are at your facility.
10. **Take notes** on everything that happens as it is happening if possible or as soon as possible afterwards if not. Include in your notes:
    - ✓ A list or copy of the agent's credentials and contact information (if you are unable to get the agent's name and contact information, note their physical description as best you can);
    - ✓ The names of all staff who communicated with the agent;
    - ✓ Details of the agent's request;
    - ✓ Whether the agent presented a warrant or subpoena to accompany his/her request, what was requested in the warrant/subpoena, and whether the warrant/subpoena was signed by a judge;
    - ✓ Your response to the agent's request;
    - ✓ Any further action taken by the agent;
    - ✓ The time and duration of the interaction; and
    - ✓ Photo or copy of any documents presented by the agent.

What if the agent is requesting documents or information?

1. Follow the same steps above on what to say to agents, how to understand the documents they present, and how to document what happens.

2. You generally do not have to hand over documents right away, unless the agent presents a judicial warrant, judicial subpoena, or court order that says in writing that you have to comply immediately. Get the agents' name, contact information, and what agency they are with, and, when possible, bring their request to a lawyer.
3. To determine whether you are required to hand over documents:

   ✓ **For children's records:**

   - **Children's records must be kept confidential**. Different ECE and child care facilities are subject to different confidentiality laws that prevent you from sharing children's records with unauthorized parties. See Appendix H to know what laws apply to you. In general, you should not share children's records unless required or authorized to do so.
   - Unless the document presented by the agent says that you must keep it secret, **tell parents or authorized caregiver if an immigration enforcement agent requests information about their children** and provide them with any related documents. For ECE and child care providers subject to FERPA, trying to notify parents is required by law, and it is a best practice for all providers. (See page 16 of this guidance.)

   ✓ **For employee records:**

   - Under California law, you cannot consent to an immigration enforcement agent to access, review, or obtain employee records without a subpoena or judicial warrant. This does not apply to I-9 Employment Eligibility Verification forms and other documents that are requested in a Notice of Inspection issued under federal law. See Appendix H for details.

What do we do after immigration enforcement agents leave?

- If you have not already taken notes on what happened, write it down as soon as possible (see above on what to include in your notes).
- If you have not already, tell designated administrators what happened and, if possible, consult a lawyer. Give them your notes and any related video or audio footage or documents left by the agents.
- **If you are a licensed child care facility:**
  - You must report immigration enforcement activity to the Attorney General and to CDSS (insert portal).
  - If children were present and the event was an unusual incident that threatened their health and safety, you must report it both to CDSS and to the affected children's parents or authorized caregiver (unless prevented by a judicial warrant, judicial subpoena, or court order) (see page 23 of this guidance).
- **If you are a license-exempt California State Preschool Program (CSPP)**
  - **You are encouraged** to submit a report to the California Department of Education and the Attorney General at oag.ca.gov/ab495/reporting.
  - **You are encouraged to notify all families with children under your care** (note that because license-exempt CSPPs are subject to FERPA, attempting to notify families regarding requests for information from their children's education records is required; see page 15 of this guidance).

- **If your facility is operated by a local educational agency (LEA)**:
  - An LEA official (e.g., superintendent of a school district or county office of education, or the principal of a charter school) must submit a timely report to their governing board or body regarding any requests for information or access to a schoolsite by an officer or employee of a law enforcement agency enforcing immigration laws. Reporting must ensure the confidentiality and privacy of any potentially identifying information.

Checklist 2: What do we do if a child's family member is detained or deported?

- If a parent or authorized representative is detained or otherwise unavailable and no one comes to pick up a child from child care or preschool, **use the child's emergency contact information** to release them to a safe adult.
- Continue going down the list of emergency contacts until you find someone available.
- **If the ECE or child care facility is operated by a local education agency, do not contact a child protective services agency** based on the absence of a caretaker unless substitute care cannot be arranged for the child through the emergency contact information, or through other information provided by the parent or guardian.
- **This is best practice for all ECE and child care providers.**
- See the Resources document at Appendix L for ideas on ways to support families.

Checklist 3: Preparing in Advance: Steps to Make Your Facility Safe for All Children, Regardless of Immigration Status

Note: Read the "Policy Recommendations and Best Practices" at the end of each chapter of this guidance for more information on these steps. ***These steps are optional*** *unless otherwise noted below. For CSPPs,* ***any steps that also appear in the required model policies are mandatory****.*

1. **Encourage families to update emergency contact information regularly.** Ask families to verify emergency contact information to make sure the names and phone numbers are up to date and consider doing so every six months. Ask families to provide as many alternative contacts as they wish**.** (Asking families to review and update emergency contact info is required by law.)
2. **Never ask for information about a child or family's citizenship or immigration status** (unless it is required by law or to administer a state or federally supported educational program that specifically requires it). (This step is required by law**.**)
3. **Do not collect unnecessary information,** especially if it might be sensitive for immigration enforcement, and do not keep children's records longer than is required by law.
4. **Decide how you will handle sensitive student information**. When possible, put your policies and procedures in writing and train other staff involved in collecting or maintaining student information on your policies and procedures.
5. **Designate an administrator** as the person to handle any requests for information or talk to immigration enforcement agents if they show up. The designated staff member should become familiar with the documents that agents might present, such as judicial and administrative warrants, subpoenas, and court orders (see Appendices B-G). You can also consider designating one or more staff members to help train other staff and help provide non-legal advice to families.

6. **Make a plan for responding to immigration enforcement.** Use the checklists in this guide to make a plan for your facility to respond if immigration enforcement agents visit. **Print it out** to keep it handy in case you need to use it.
7. **Train staff and consider practicing your plan** with staff so that you and your employees feel prepared to respond if immigration enforcement agents come to your facility. Like a fire drill, rehearsing your plan will help ensure everyone stays calm and understands what to do
8. **Know the difference between ICE administrative warrants and judicial warrants.** An ICE administrative warrant **does not** allow an immigration agent or other law enforcement officer to enter or to search any area they could not otherwise enter as a member of the public.
9. **Determine which parts of your ECE or child care facility are public and which parts are nonpublic, and label them.** Nonpublic spaces generally have greater protection from warrantless searches, although this is not always guaranteed. A nonpublic area is one that the general public is not normally free to enter or access. **Consider posting signs** stating something like "This is Non-Public Space, No Entry Without Authorization," to make it clear which areas of your facility are nonpublic. See page 22-23 of this guidance.)
10. **Create a visitor policy.** This policy must apply equally to **all** visitors (it should not apply differently to immigration enforcement agents). Include in your policy which areas of the facility are public and which are nonpublic, and what the rules are for nonpublic spaces. For example, you might restrict access to nonpublic areas only to the children and families you serve, your staff, and authorized guests such as prospective families touring the facility. Your visitor policy might state that no visitor is permitted to enter or remain on the ECE facility's premises during open hours without registering with a designated person, absent exigent circumstances or a judicial warrant or court order requiring immediate entry.
11. **Post your visitor policy** near the entrance of your facility, make sure your staff understands it, and share it with families.
12. **Encourage family preparedness.** Encourage families to attend community "Know Your Rights" trainings and update their emergency contacts on a regular basis. Consider helping families create a Family Safety Plan (see page 33 of this guidance).

Appendix K

New Rules for ECE Providers Regarding Immigration Enforcement: *Requirements at a Glance* (April 2026)

Rules	Licensed child care facilities	Unlicensed California State Preschool Programs	All California State Preschool Programs
Adopt model policies	Optional	Required	Required
Adopt policy recommendations and best practices	Optional	Optional	Optional
Request families update emergency contact info	Required	Required	Required
Do not collect immigration status unless required	Required	Required	Required
Report immigration enforcement activity	Required to report to CDSS and Attorney General	Optional to report to CDE and Attorney General	Licensed only: Required to report to CDSS and Attorney General
Tell families how to access model policies	Required	Required	Required
Use emergency contact info to release child to trusted adult if parent is unavailable	Required	Required	Required

Appendix L

Quick Reference: Resources for ECE and Child Care Providers Regarding Immigration Enforcement Actions (April 2026)

Below is a collection of resources that may be useful, including from governmental and non-governmental organizations. The California Department of Justice provides resources from other entities for informational purposes only and does not independently verify the content provided in those resources.

California Department of Justice Resources

- Model policies for promoting safe and secure learning environments.
  - *Promoting a Safe and Secure Learning Environment for All (K-12)*
  - *Promoting a Safe and Secure Campus for All (Higher Education)*
- Know Your Immigration Rights
- Know Your Immigration Rights and Protections Under the Law - Consumer Alert (English | Español | العربية | Հայերեն | 简体中文 | हिन्दी | 日本語 | 한국어 | فارسی | ਪੰਜਾਬੀ | Русский | Tagalog | Tiếng Việt)
- The California Department of Justice and California Department of Industrial Relations provides answers to frequently asked questions about the Immigrant Worker Protection Act (Assembly Bill 450). This guidance is applicable to all public and private employers and discusses requests from immigration enforcement agents to enter the employer's place of business or requests to access employee records.

General Resources

- California Courts' Self Help Guide provides resources for families to make family preparedness plans and guidance for essential documents in case of the deportation of a family member and parent separation from their child.
- For urgent assistance, find your local California Rapid Response hotline.
- The Child Care Law Center (CCLC) is a legal support center that works in partnership with families and child care providers throughout California. They lead trainings for child care providers and families and publish a wide variety of multilingual resources explaining the rights of child care providers and families in California.
  - Resources for Immigrant Families, Child Care Providers, and Caregivers
  - Know Your Rights – Immigration
- The National Education Association published a comprehensive Guidance on Immigration Issues.

Policy Development Resources

- The Center for Law and Social Policy published *A Guide to Creating "Safe Space" Policies for Early Childhood Programs* (English|Español) that includes an overview of the purpose of "Safe Space" policies, a template "Safe Space" policy, and key resources for parents and providers.
- Public Counsel provides resources, including frequently asked questions about nonprofit and small business rights with respect to immigration enforcement interactions.

Know Your Rights Resources

- The Immigrant Legal Resource Center provides a comprehensive "Know Your Rights" toolkit including information and resources for creating Family Preparedness Plans, Know Your Rights tutorials, creating Red Cards, and contact information for Rapid Response Networks in California and nonprofit legal service providers.
- The American Civil Liberties Union (ACLU) provides guidance for constitutional protections guaranteed for individuals regardless of immigration status and scenario-specific advice for common immigration legal and enforcement situations. (English | Español | العربية | 简体中文 | Kreyòl Ayisyen | فارسی | Français | हिन्दी | Bahasa Indonesia | 한국어 | Português | Soomaali | Tagalog | اردو | Tiếng Việt)
- The ACLU provides specific information about constitutional rights with respect to U.S. Immigration and Customs Enforcement interactions (English|Español).
- The ACLU provides specific guidance for rights individuals have in border zones and for individuals who live within 100 miles of the U.S. border.
- The Immigrant Legal Resource Center provides guidance for making Red Cards that provide examples of how people can exercise their rights related to immigration enforcement.

Resources for Interactions with Immigration Enforcement Agents

- The ACLU provides specific information about constitutional rights if stopped by a U.S. Immigration and Customs Enforcement agent. (English | Español | العربية | فارسی | اردو)
- The National Immigration Law Center provides scenario-specific guidance for instances when an individual is arrested or detained by immigration enforcement.
- The Witness Media Lab provides guidance for rights and considerations when filming the police in the United States.
- Report discrimination, harassment, or retaliation from U.S. Immigration and Customs Enforcement agents at the California Attorney General's Office or the California Civil Rights Department.

Resources for Locating Individuals in Detention

- To locate an individual in U.S. Immigration and Customs Enforcement custody, use the Online Detainee Locator System.
- The National Immigration Law Center provides resources, including How to Find a Loved One After a U.S. Immigration Arrest.

Know Your Rights Resources for Child Care Programs & Families

- Child Care Providers United Training Fund provides extensive information on Frequently Asked Questions (FAQ) on Child Care Provider Rights with Respect to Immigration Enforcement.
- The Center for Law and Social Policy and National Immigration Law Center hosted an online event sharing information about the policy context surrounding the rights of families of young children of immigrants, child care workforce, and protected areas titled "Protecting Immigrant Families' Access to Early Childhood Programs."(English | Español). The speakers also outline steps to create a safe space policy for early childhood programs.
- First 5 California hosted a discussion providing insights into immigration regulations and providing guidance for families seeking to understand their rights.
- The National Immigration Law Center provides a comprehensive toolkit for protecting immigrant families facing deportation.

Workforce Preparation Resources

- Legal Aid at Work provides information about rights for employers and employees relating to I-9 audits. This is when federal immigration officials review an employer's I-9 forms to make sure they are accurate, and all employees have work authorization.
- Public Counsel provides guidance answering frequently asked questions regarding nonprofit and small business rights with respect to immigration enforcement.

Resources for Employers

- The National Immigration Law Center provides a guide with practical advice for addressing immigration-related actions in the workplace for employers.
  English | Español | 简体中文 | 한국어 | ไทย
- Public Counsel shares answers to frequently asked questions about work authorization for employers.

Resources for Employees

- The California Labor Commissioner provides the template notice required by California Labor Code section 90.2 relating to notice to employees of I-9 inspections.
  English | Español | 繁體中文 | 한국어 | Tagalog | Tiếng Việt
- Legal Aid At Work provides a general guide to the employment rights of workers.
- Legal Aid At Work provides guidance for employees with specific information about workplace enforcement actions. (English | Español | 简体中文)
- The National Employment Law Project and National Immigration Law Center shares a comprehensive step-by-step and preparation guide for workers during workplace enforcement actions. (English | Español)
- Legal Aid At Work provides scenario-specific guidance for I-9 audits.
- Legal Aid At Work shares guidance for workers applying for California disability insurance and paid family. (English | Español | 简体中文)

Resources for Supporting Family Trauma and Community Stress

- All In for Safe Schools provides a toolkit for creating safe and inclusive spaces in early care and education for children in immigrant families. This resource shares strategies for creating Safe Zones, engaging families, and implementing Trauma-Informed Practices. (English | Español | العربية | 繁體中文 | فارسی | ਪੰਜਾਬੀ | Tagalog | Tiếng Việt).
    - All in for Safe Schools by The Children's Partnership provides additional resources related to infant and child mental health.
- The American Federation of Teachers (AFT) recommends 15 ways to protect immigrant and refugee children including providing a safe place for students if a family member has been detained, providing counseling to students, and identifying immigration resource advocates at your school. Additionally, AFT recommends informing students and families of their rights, partnering with pro bono attorneys, and working with parents to develop emergency plans.
- Sesame Workshop provides Care, Cope, Connect Provider Workshops which share strategies for speaking with children through difficult topics and traumatic experiences based on age of the children from 0 to 6 years of age.
- United We Dream provides guidance for developing psychotherapy strategies to foster resilience and prevent trauma among immigrants.
- Informed Immigrant, an organization that aims to meet the urgent and ever-changing needs of the immigrant community, provides resources related to supporting immigrant students' mental health.
- Immigrant Rising facilitates Wellness Support Groups for students designed to support immigrant students in postsecondary education.
- Wellpoint Care Network provides guidance for talking to children about deportation and immigration.

Resources for Creating a Childcare Safety Plan

- It is recommended that families complete a free 4-page Childcare Safety Plan (CSP). Childcare Safety Plan Coalition provides step-by-step instructions for filling out a California Childcare Safety Plan (CSP) in English and Spanish. This Family Emergency Plan is intended to provide protection for children if a parent is not able to be with their child.
- Public Counsel provides the workbook "Creating a Family Plan: A Workbook for Immigrant Parents" with recommended steps based on families' long-term goals.
- The Immigrant Legal Resource Center provides step-by-step guidance for families creating a Family Preparedness Plan.

Finding a Family Law Attorney

Statewide Family Law & Guardianship Support Resources

- Every court in California has a Family Law Facilitator, a lawyer who works for the Superior Court who assists with family law issues for free. These facilitators may not represent individuals, but they can assist by explaining how to fill out court forms and directing individuals to alternate resources including lawyer referrals, legal aid clinics, and self-help law centers.

- Legal Aid organizations throughout California provide assistance with family law cases for individuals who meet income and case requirements. Determine if your case qualifies and find offices in your region.

Regional Family Law & Guardianship Support Resources.

- Capital Pro Bono is based out of Sacramento but provides remote assistance to clients throughout Northern California. Capital Pro Bono provides free legal assistance in family law and guardianship cases.
- Legal Services for Children (LSC) attorneys provide free representation for youth in the San Francisco Bay Area in guardianship, immigration, foster care, and school discipline matters.
- Central California Legal Services offers free legal services related to guardianship and immigration law to individuals who meet income eligibility requirements.
- Community Legal Aid SoCal provides free family and immigration law support for eligible clients in Orange and Los Angeles Counties.
- Public Counsel operates a free guardianship clinic at the Stanley Mosk courthouse in downtown Los Angeles, provides family law help for families hoping to stay together, and has developed a parent workbook for families at risk of immigration-related separation.
- Families in Los Angeles County can contact the Alliance for Children's Rights at Legal Aid for Foster Families/Alliance for Children's Rights for assistance with legal guardianships.
- Caregivers in Los Angeles can also contact Bet Tzedek Legal Services for help with legal guardianship.

Finding an Immigration Attorney

- You can search for an immigration attorney through the American Immigration Lawyers Association (AILA) online directory.
- Find organizations that provide low-cost immigration legal assistance in your region at Immigration Advocates Network's National Immigration Legal Services Directory.
- Find an immigration attorney for legal advice through National Immigrant Law Center.
- Access Immigration LawHelp's National Immigrant Help Search online.
- The California Department of Social Services provides a list of immigration legal services free of charge in various categories.