



## FACT SHEET

### AB 495

### Family Preparedness Plan Act of 2025

*Status: Introduced 2/10/25*

#### **BILL SUMMARY**

AB 495 protects children in immigrant and mixed-status families by ensuring emergency contact information and plans for family safety are up-to-date in the event immigration enforcement impacts children at schools and licensed childcare facilities. The bill also strengthens legal tools, including Caregiver's Authorization Affidavits, Guardianship Nominations, and Short-Term Guardianships, to provide families with clear, legally recognized options to ensure caregiving continuity during family separations.

#### **CURRENT LAW**

Education Code [§234.7](#) protects immigrant students and prohibits schools from collecting citizenship information. [AB 699 \(O'Donnell, 2017\)](#) required schools to implement model policies limiting immigration enforcement assistance.

Existing state law also allows for the use of Caregiver's Authorization Affidavits ([Family Code §6550 and §6552](#)) and Guardianship Nominations ([Probate Code §1502](#)) but does not provide consistent, clear protections for temporary caregiving arrangements in the context of immigration-related family separations.

#### **BACKGROUND**

California is home to 10.6 million immigrants, the highest share of any state, and more than double than the rest of the country. Forty-five percent of California children have at least one immigrant parent.<sup>i</sup> An estimated one million children in California have at least one undocumented parent, and approximately 133,000 children in California public schools are undocumented.<sup>ii</sup> While the California Attorney General published updated [guidance and model policies for public institutions](#) to protect the rights of immigrants and their families, President Trump has announced aggressive immigration enforcement, increasing the risk of family separations.

Immigrant families facing potential deportation or detention struggle to ensure continuity of care for their children. Traumatic separation from parents creates toxic stress in children and adolescents that can profoundly impact their development which heightens the importance of identifying and arranging supportive and stable caregiving when families are separated. While families can use Caregiver's Authorization Affidavits or Guardianship Nominations, these tools lack clarity and are inconsistently recognized by schools, doctors, and agencies. Existing Temporary Guardianship options are overly broad and do not sufficiently protect the

rights of immigrant parents who want to maintain involvement in decision-making while facing immigration-related separations.

## **SOLUTION**

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AB 495 requires schools to implement specific policies from the Attorney General's updated guidance by January 1, 2026, ensuring family emergency contact planning support, including education on Caregiver Authorization Affidavits and the importance of updating emergency contact information. It also builds on those efforts by:

- Standardizing recognition of Caregiver's Authorization Affidavits so schools and agencies honor them consistently.
- Expanding the categories of caregivers eligible to use a Caregiver's Affidavits in recognition of families' diverse kinship and community networks. Clarifying that a parent's choice for who should serve as

their children's guardian be given due weight.

- Creating a new Short-Term Guardianship process, allowing parents facing immigration-related separations to designate a short-term guardian while preserving parental rights.

This bill prevents unnecessary additional child trauma, strengthens family stability and emergency contact planning, and provides clear legal guidance for caregivers and institutions.

## **CONTACT**

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## **SUPPORT**

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Alliance for Children's Rights (Co-Sponsor)  
Public Counsel (Co-Sponsor)

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<sup>i</sup> <https://www.ppic.org/publication/immigrants-in-california/>

<sup>ii</sup> <https://edsource.org/2025/what-rights-do-immigrant-students-and-families-have-in-california-schools-and-colleges-quick-guide/>