



AB 495 Family Preparedness Plan Act FAQs

1. What does AB 495 do?

AB 495 includes several provisions to improve existing options to aid families in creating and implementing family preparedness plans:

- **Requires schools and licensed childcare facilities** to implement the Attorney General's updated immigration-related policies to ensure family preparedness.
- **Standardizes recognition of Caregiver's Authorization Affidavits** so schools and agencies honor them consistently.
- **Expands the categories of caregivers eligible to use a Caregiver's Authorization Affidavits** in recognition of families' diverse kinship and community networks.
- **Clarifies that a parent's choice for who should serve as their children's guardian be given due weight.**
- **Creates a new Short-Term Joint Guardianship process**, allowing parents facing family separations to designate a joint guardian while preserving parental rights through the courts.

2. What is a Family Preparedness Plan or Family Safety Plan?

A Family Preparedness Plan is a plan created by families to prepare for a possible separation. Having a robust Family Preparedness Plan allows parents to ensure that their children will be cared for in case of a family separation due to deportation, illness, military service, or incarceration. Typically, a Family Preparedness Plan includes identifying a person to care for their children in their absence, lists details specific to their children's needs, like the names and contact information for medical providers and schools, and lists other things a parent would want a caregiver to know, like if the child has any allergies or takes medication. As part of a Family Preparedness Plan, a parent is prompted to gather their children's vital documents and to provide schools with, and regularly updating, emergency contact information, including secondary and additional contact information.

3. What is a Caregiver's Authorization Affidavit?

It is a legal tool that has been in California law for decades that allows caregivers who are already living with and caring for the child to enroll them in school and authorize routine medical or dental care. The affidavit does not create any form of legal or physical custody under California law, only a court can grant custody, guardianship, or terminate parental rights.

4. What change does AB 495 make to the Caregiver's Authorization Affidavit?

AB 495 expands the categories of caregivers eligible to use a Caregiver's Authorization Affidavit to include nonrelative extended family members. A nonrelative extended family member is known to the family and defined as an adult with an established familial or mentoring relationship with the child or a relative of the child, such as a godparent, mentor, cousin, or a close family friend. Families in crisis should be able to rely on their extended kin networks.

5. Are parents involved in completing the Caregiver's Authorization Affidavit?

The Caregiver's Authorization Affidavit may be used when a parent identifies a caregiver and the caregiver completes and signs the Caregiver's Authorization Affidavit. It is possible that a Caregiver's Authorization Affidavit could be used when a parent is unavailable to care for their child already (has been deported, incarcerated or is otherwise unable to care for the child) and in that case is only available as an option when a child is living in the caregiver's home and the caregiver signs, under penalty of perjury, that they are caring for the child. AB 495 does not create the Caregiver's Authorization Affidavit as that is already existing law, the bill simply allows nonrelative extended family members to use a Caregiver's Authorization Affidavit.

6. Is a parent or guardian's signature required on a Caregiver's Authorization Affidavit?

AB 495 does not make any changes to existing law as it relates to the need for a parent or guardian's signature. Existing law does not require a parent or guardian's signature on the affidavit.

7. Does the bill circumvent parental decision making related to healthcare?

No. The Affidavit clearly states, “This declaration does not affect the rights of the minor’s parents or legal guardian regarding the care, custody, and control of the minor, and does not mean that the caregiver has legal custody of the minor.”

8. What safeguards are in place to ensure the safety of children?

A Caregiver’s Authorization Affidavit can only be used in situations where a child is already living in the home of the caregiver.

School districts and health care providers are bound by strict legal responsibilities as mandated reporters under California’s Child Abuse and Neglect Reporting Act (or CANRA). They are required to report any suspected incidents of child abuse, neglect or exploitation to the county child welfare agency. County child welfare agencies are required to investigate those reports. School districts may also require additional reasonable evidence that the caregiver lives at the address provided. AB 495 makes no changes to these responsibilities. Claims that the bill removes oversight are misleading and ignore the laws already in place to protect children’s safety.