

From Backlash to Balance: AB 495 Redefines Caregiver Authority

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After months of heated legislative debate, California’s Assembly Bill (AB) 495 has emerged from the legislative gauntlet with a markedly revised final form. Signed into law by Governor Newsom on October 12, 2025, the bill expands the pool of eligible relatives who may execute a Caregiver’s Authorization Affidavit and act as temporary caregivers for a child when a parent becomes unavailable due to deportation, incarceration, military deployment, or other short-term crises. These caregivers are authorized to enroll the child in school and consent to school-related medical care without requiring prior parental approval.

Background

AB 495, known as the Family Preparedness Plan Act of 2025, was originally pitched as a safeguard for immigrant families facing sudden deportation or detention, aiming to expand the category of relatives eligible to execute a Caregiver’s Authorization Affidavit. Early drafts of the bill, however, ignited a firestorm of public backlash by proposing that “non-relative extended family members”—including neighbors, clergy, teachers, and family friends—could enroll children in school and authorize medical care without parental consent. Critics warned that such sweeping eligibility could jeopardize student safety, erode parental rights, and even open the door to abuse. The draft versions received powerful pushback from child welfare advocates, parental rights organizations, and concerned members of the public.

Final Bill

In response, lawmakers removed the “non-relative” category of eligible caregivers and narrowed the bill’s scope to include only verifiable kinship relationships. Under prior law, only relatives within the second degree of kinship—such as grandparents, aunts, uncles, and adult siblings—could execute a Caregiver’s Authorization Affidavit to enroll a child in school and authorize school-related medical care.

Caregiver Eligibility Narrowed to Fifth Degree of Kinship

The final version of AB 495, effective January 1, 2026, amends Family Code sections 6550 and 6552 to expand the definition of “relative” to include any adult who is related to the child by blood, adoption, or affinity within the fifth degree of kinship—including stepparents, stepsiblings, and all relatives whose

status is preceded by the words “great,” “great-great,” or “grand.” To be eligible, the relative must reside with the child at the time the affidavit is executed. Together, these amendments aim to provide families with more flexible caregiving options while reinforcing safeguards against disruptions in educational settings.

Revisions to the Caregiver’s Authorization Affidavit Form

AB 495 also revises the statutory Caregiver’s Authorization Affidavit form, codified in Family Code section 6552, to reflect the expanded kinship definition and permit inclusion of a consular identification number. Including a consular identification number helps ensure that caregivers who lack traditional forms of U.S. identification—such as a driver’s license or state ID—can still be recognized as authorized caregivers, reducing administrative barriers and affirming their legal presence in the child’s life. The affidavit remains self-executing—no court order, notarization, or proof of relationship is required—and may be presented to school officials as sufficient authority to enroll a child and authorize medical care. Importantly, the affidavit does not confer legal custody and may be rescinded at any time by the parent or legal guardian.

Takeaways

AB 495 is a case study in legislative recalibration. While early drafts sparked intense public backlash, the final law reflects a careful balance between emergency preparedness during temporary parental separation and protecting students from immigration-related disruptions at school.

With AB 495 taking effect on January 1, 2026, LEAs should begin reviewing and updating enrollment procedures, staff training materials, and other affected policies to ensure compliance with the expanded caregiver affidavit rules. Early preparation will help ensure a smooth transition and uninterrupted access to education for all students.

If you have any questions about AB 495 or need guidance on how to implement it, please contact the authors of this Client News Brief or an attorney at one of our [eight offices](#) located statewide. You can also subscribe to our [podcast](#), follow us on [Facebook](#) and [LinkedIn](#), or download our [mobile app](#).

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