

Harassed by ICE or unwanted visitors?

AFSCME LOCAL 3930

UDW

Use this checklist to protect your rights

There have been recent reports of harassment, filming, and unsubstantiated claims targeting child care providers. This guidance explains your rights, what legitimate investigations look like, and what to do if someone shows up at your program. **When in doubt, contact UDW at our Member Resource Center at 1-800-621-5016.**

Your Most Important Right: Safety

Your first responsibility is always the safety of the children in your care and yourself. Call 911 or local law enforcement immediately if 1) Someone is aggressive, threatening, or refusing to leave 2) Someone attempts to enter your home or program without permission 3) You feel unsafe 4) Children are placed at risk in any way. Harassment, intimidation, public confrontations, or filming children are not investigations. These situations should be treated as safety issues and you should calmly but firmly explain to the police what is occurring and if you or others in your home feel unsafe.

You Are Not Required to Open the Door or Share Information

You may speak through a closed door, window, or intercom, ask who they are or why they are there, ask them to leave, decline questions, and decline to be recorded. You do not have to open the door to members of the public, media, social media personalities, unknown individuals, or people claiming to “investigate” without proper authority. Only authorized agencies may request records and certain provider information is protected by law and not public. Information obtained by false pretenses such as pretending to enroll a child could also constitute a legal violation.

Only Authorized Agencies Can Conduct Investigations

Only government agencies with legal authority may conduct inspections or investigations. You have the right to ask to see official photo ID, write down the person’s name and agency, contact the agency you belong to verify their identity, and refuse to engage if identity cannot be verified. Members of the public, community groups, or journalists do not conduct investigations. Fraud concerns are investigated formally by government entities, not public confrontations.

You Have the Right To Ask People to Leave

If someone shows up and is not authorized, you may tell them to leave. You may end the conversation at any time, and you may contact law enforcement if they refuse. You do not need to explain yourself.

You Have the Right to Document Harassment and Report Hate

If it is safe to do so, you may 1) Record video or audio 2) Take photos 3) Write down details such as date and time, names given, physical descriptions, badge numbers, and vehicles/license plates. Documentation may be helpful if harassment, threats, or false claims occur. If you experience harassment, threats, or targeting based on race, ethnicity, religion, language, or national origin, you can report it at calcivilrights.ca.gov/complaintprocess or (800) 884-1684. California’s Civil Rights Department will investigate claims and may try to facilitate a settlement.

California Law Protects You from Hate Violence

A California law called the Ralph Civil Rights Act (Civil Code section 51.7) protects you from violence against you or your property because of your race, ethnicity, sexual orientation, gender identity, religion, and other protected characteristics. The law prohibits any violent act or threat of violence against you or your property because of your protected characteristic. A Ralph Act violation typically involves physical contact or a threat of physical contact with you or your property. Hate violence can also include making or threatening to make a false police report against you, or distributing materials, such as flyers, on private property without your permission in order to make you fear for your personal safety. If someone commits an act of hate violence against you, you may call (619) 280-4444 ext. 1.

This number connects you directly to the United Taxi Workers dispatch desk. If you report harassment or a suspected “child-care vigilante,” dispatch will immediately send a trained taxi driver to assist you. If someone is aggressive, threatening, or won’t leave your property, call 911 or local law enforcement. Try to explain the connection between the hate violence or threat of violence and your actual or perceived protected characteristic. File a complaint with the California Civil Rights Department (CRD). CRD will investigate claims and may try to facilitate a settlement. In some cases, CRD may prosecute the complaint in court at no cost to you. You do not need a lawyer to file a complaint with CRD, but you may get one if you choose. Talk to an attorney and file a private lawsuit under California Civil Code section 52 to enforce the Ralph Act. You may also pursue a claim under the Bane Civil Rights Act, California Civil Code section 52.1. This act forbids anyone from interfering by violence or threat of violence with your state or federal constitutional or statutory rights.

You Have a Legal Right to Privacy in Your Home

California Penal Code 647(i) states that: Except as provided in paragraph (5) of subdivision (b) and in subdivisions (k) and (l), every person who commits any of the following acts is guilty of disorderly conduct, a misdemeanor: . . . (i) Who, while loitering, prowling, or wandering upon the private property of another, at any time, peeks in the door or window of an inhabited building or structure, without visible or lawful business with the owner or occupant.

Other Options for Legal Recourse and Protecting Your Rights

California’s anti-doxing law: Under California law (AB 1979), doxing is defined as sharing someone else’s personally identifiable information online or through electronic means to intentionally cause the victim or their immediate family unwanted physical contact, injury, or harassment by a third party. If you have been a victim of doxing, you can consult with an attorney and consider filing a lawsuit.

Private Nuisance: A property owner may file a lawsuit for private nuisance if someone intentionally or carelessly interferes with the owner’s property and disturbs the owner or normal operation of business. For example, if a YouTuber repeatedly livestreams outside a child care business and shouts false accusations about the staff and doing so disrupts operations or scares away parents or staff, this could support a private nuisance lawsuit.

Defamation: Defamation is a false statement that causes harm to a person or entity’s (e.g., business’s) reputation. If someone spreads false information, either in writing or verbally, that harms you or your business, filing a defamation or public nuisance lawsuit may be an option after consult with an attorney.

[Need help? Contact Member Resource Center by phone at 1-800-621-5016.](#)