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These FAQs are for informational purposes and are not legal advice.

Colorado Center on Law and Policy (CCLP) understands that child care providers, caregivers, and community members may have pressing questions about family detention, deportation, and potential interactions with Immigration and Customs Enforcement (ICE). While we encourage you to consult with your organization’s leadership and follow established protocols, the information and resources below are provided to help support child care facilities, providers, families, and communities seeking to stay informed and prepared.

Frequently Asked Questions

Q1: What is the state's role in overseeing child care facilities in Colorado?

A: The Colorado Department of Early Childhood (CDEC) oversees child care facilities by maintaining standards and conducting inspections and investigations of licensed facilities in order to ensure the health, safety, and welfare of children. This includes child care centers, school-aged programs, and family child care homes.

Q2: Does Colorado state law protect information about children and families collected by CDEC and child care facilities?

A: Yes. Section 26.5-5-316(4), C.R.S. says that “The [child care] facility and [CDEC] shall keep all records regarding children and all facts learned about children and their relatives confidential.” Additionally, section 24-74-105, C.R.S. prohibits anyone who is accessing a state database or automated network which contains information that is not publicly available from utilizing that information “for the purpose of investigating for, participating in, cooperating with, or assisting in federal immigration enforcement”.

However, both CDEC and child care facilities would need to provide information if ordered by a court, valid court orders require a Judge/Magistrates signature.

Q3: What should I do if ICE shows up at my child care center or family child care home?

A: Always refer to your organization's guidance and policies. Politely ask the ICE agents to see the warrant or any other documentation they have, and inform them that you are not allowed to allow them entry until you have contacted your attorney about the warrant or any other documentation ICE provides. Immediately contact your facility's legal services, who can review any documentation provided to see if the documentation provided is a valid warrant, and what that warrant covers.

You are not under any obligation to immediately open the door for ICE or to speak to ICE. You may simply request that they show or pass their badge or ID, and similarly request that they show or pass a judicial warrant. If they decline or only have an

administrative warrant, you may refuse entry. A valid judicial warrant is one signed by a judge. It will say “U.S. District Court” or “State Court” at the top.

You may also always invoke your right to remain silent, and your right to not be questioned without an attorney. You can also say that you do not consent to them being there, and to please leave. For more information on your rights if ICE agents are at your door, please see the resources listed below.

Q4: What can I do to prepare for a situation where one of my children’s family members is detained by ICE?

Immediately update all of your children’s contact information, and inquire with families about authorizing back-up individuals who can drop-off or pick-up the child from the center or home.

Under child care regulations in Colorado, normally, individuals who are to pick-up or drop-off a child must be at least sixteen (16) years old, and, the parent(s)/guardian(s) must have provided written authorization for that individual to pick-up or drop-off their child.

However, in an emergency, the child may also be released to an individual if that child’s parent(s)/guardian(s) have given verbal authorization.

Q5: What can I do to prepare for a situation where an individual helping run a child care center or family child care home is detained by ICE?

Immediately ensure you have a back-up plan for continuing to run the facility with individuals who are qualified to lead the center or home in the individual’s absence.

For centers and homes, please refamiliarize yourself with the requirements of various staff members. CDEC’s child care regulations and Administrative Guides [can be found here](#).

For centers, in the case of an emergency situation, the facility may temporarily use a staff member, who has successfully completed criminal background check requirements, to supervise

children for no more than two (2) hours until a qualified staff member is made available. Please keep in mind that the dates and times must be recorded and retained. Further, the facility must ensure it is still abiding by staff-to-child ratios at all times.

For homes, in the case of an emergency situation, Emergency Substitutes must be at least eighteen (18) years old and capable of providing care, supervising children, and handling emergencies in the absence of the provider. Further, Emergency Substitutes must:

- Be given the names and ages of the children, and any special needs or health concerns;
- Immediately call each parent(s) or guardian(s) to notify them that the provider has been called away from the family child care home for an emergency situation; and
- If the substitute does not meet the same age and training requirements as listed in CDEC regulation as the primary provider, applicant 2, equally qualified provider, or qualified substitute, they shall notify parent(s) or guardian(s) immediately to pick up their children.

It is also recommended that homes document this information in a manner that is readily accessible to any potential Emergency Substitutes.

Q6: Is there a way I can formalize my protocols to ensure my staff knows what to do in certain circumstances in order to foster an inclusive learning environment at my facility?

Yes. Your facility can create a “Safe Space Policy”. This would be an internal policy designed to ensure standardized processes to safeguard your facility, families, and children and to communicate that immigrant families are welcome and safe. A “Safe Space Policy” will equip your staff with the knowledge they need, and will outline for them exactly what to do so that everyone is operating together in-sync, and your staff won’t feel pressured to create solutions in a tense situation. A “Safe Space Policy” could include:

- Placing a “Private Premises” sign at the entrances of your child care facility;
- Identifying who is authorized to communicate with law enforcement, and how those individuals interact with law enforcement;

- Identifying how confidential family and child information is collected and stored, and who is authorized to release any of that information, and under what circumstances those individuals may release any of that information;
- Determining how urgent matters are efficiently communicated to families;
- Establishing who is allowed to visit your facility, under what circumstances are they allowed to visit, and procedures for how to sign-in and track visitors; and
- Anything else that would help your staff create an inclusive learning environment that safeguards the families and children your facility serves while minimizing disruptions to their learning.

Resources

These trusted resources offer vital information for families, providers, and community members navigating the challenges of immigration enforcement and deportation. Whether you're looking to create safer spaces for children, understand your legal rights, or find community support, these tools are designed to empower you. Many are available in multiple languages, explore and share them widely to help ensure every family can stay informed and protected.

- [Child Welfare FAQs Regarding Family Detention or Deportation](#) – Colorado Center on Law and Policy – in English & Spanish
- [A Guide to Creating “Safe Space” Policies for Early Childhood Programs](#) – The Center for Law and Social Policy (English only)
- [We Have Rights](#) – American Civil Liberties Union (ACLU)
- [Community Resources](#) – Immigrant Legal Resource Center
- [Toolkit: Protecting Immigrant Families Facing Deportation](#) – Children Thrive Action Network