

Know Your Rights as a Child Care Business

Authorized Entry

According to California law, child care facilities are private property. This means that child care providers can restrict entry into their facilities.

 **Legal Right to Enter.** The following individuals have the legal right to enter your child care business:

- Community Care Licensing staff conducting inspections or investigations.
 - [Health & Safety Code § 1596.852](#)
- Authorized government officials (e.g., fire department or health inspectors) acting within their official duties
- Law enforcement personnel with a judicial warrant
- Parents or legal guardians of children enrolled at your childcare, during normal operating hours and for purposes related to their child's care.
 - [Title 22, California Code of Regulations \(CCR\) § 102419](#)

 **Needs Your Permission to Enter.** The following individuals may only enter with permission from the child care business owner or staff:

- Members of the public
- Media, journalists, influencers, or content creators
- Researchers, advocates, or third-party “investigators”
- Any unknown individual without legal authorization

 **Remember.** Recording or photographing inside a child care facility requires provider consent, and children may not be recorded or identified without parent or guardian permission. Unauthorized recording may violate California privacy laws.

A YouTuber or influencer has shown up to my property. What are my rights? Generally, people are allowed to be in public places and photograph, or record what is easily visible, as long as they are there lawfully. Once someone enters private property, owners can grant or revoke permission to be on the premises, photograph, and record. If someone is on the property without permission, here are steps you can take to enforce your rights while they are present as well as legal options you can take after they leave:

Enforcing Your Rights

Ask Person to Leave. Child care business owners or staff should ask unwanted visitors to leave the property and stop recording. If the visitor refuses, this is trespassing, and you may call law enforcement.

Remain Calm. These situations are understandably stressful. Try to remain calm and avoid responding in a way that could escalate the situation.

Document Everything. Inform the person that you are recording and take photos and videos of the person's conduct. Save screenshots of any online posts the person makes, and include timestamps for everything documented.

Legal Actions

File a civil lawsuit for trespass or invasion of privacy. If the person remained on your property or continued recording on the property after being asked to leave, you can consider filing a lawsuit for trespass. Additionally, California law generally prohibits recording, photographing, or closely observing someone's private activities without consent while on private property or using intrusive methods, such as zoom lenses. This is invasion of privacy, and you may consider filing a civil lawsuit.

Seek a civil harassment restraining order. If the person repeatedly harasses, threatens, or follows you, you can ask the court to grant a civil harassment restraining order to stop contact and prevent them from returning to your property.

Someone shared my personal information online to harm me or my child care business. What can I do?

You may consider filing a lawsuit under California's anti-doxing or public disclosure of private facts laws, seek a civil harassment restraining order, report the incident to local law enforcement, or request that the information publicized be removed.

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.

Damage awards to victims range from \$1,500-\$30,000 in compensation for physical harm, emotional distress, or property damage resulting from the incident. Courts may also order that the offenders to stop any future doxing activities. Importantly, victims may use pseudonyms to protect their identities throughout the lawsuit.

Public Disclosure of Private Facts

You may bring a civil lawsuit against someone who publicly shares private information about you that is not newsworthy or of public interest and in a way that most people would find highly offensive. If this has happened, you can consult with a lawyer to determine whether filing a lawsuit for public disclosure of private facts is an option.

Additional Legal Options

Civil Harassment Restraining Order. In addition to filing a civil lawsuit, doxing victims may ask that the court grant a restraining order for civil harassment. Civil harassment restraining orders can be granted against someone who has egregiously harassed, threatened, or harmed another physically or emotionally online or while using an electronic device. These restraining orders can cover both electronic communications and physical presence.

Report Incident to Local Law Enforcement. Doxing is a misdemeanor under California criminal law and is punishable by up to one year in county jail and/or by a fine of up to \$1,000. Victims can file a report with local law enforcement, referencing Penal Code 653.2, and should include all documented evidence of doxing like screenshots of posts and conduct, website links, etc.

Request that Your Information Be Removed from the Site. In many circumstances, the California Consumer Privacy Act (CCPA) gives doxing victims the right to request removal of their personal information from a business's site and to request correction of inaccurate information. To exercise this right, you can send an email to the business, submit your request through a form on their website, or use another method designated in the business's privacy policy.

In some circumstances, businesses may decline requests. For example, if the information disclosed is already publicly available or your request cannot be verified, businesses are not obligated to remove it. Requests must receive a response from the business within 90 days.

Someone has spread false information about me and/or my child care business. What can I do?

Consult with an attorney to determine whether it would be possible to file civil lawsuits for defamation, intentional or negligent interference with prospective economic relations, intentional infliction of emotional distress, and/or private nuisance.

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 lawsuit may be an option.

Libel. Libel is a false statement of fact made in writing that harms a person's or business's reputation. Under California law, a person or business may sue for libel if the statement tends to expose them to avoidance, hatred, ridicule, or causes harm to their personal or business's reputation. If the harm is not immediately obvious when reading the statement, courts may require victims to show lost business or money spent to repair the reputational harm the statement caused.

Slander. Slander is a spoken false statement of fact that harms a person's or a business's reputation. Under California law, certain types of slander, such as accusing someone of a crime or statements that harm a business or its profits, can allow for a lawsuit without proving specific losses.

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.

Interference with Prospective Economic Relations

Under California law, a person may bring a lawsuit if someone intentionally or negligently interferes with an existing or expected business relationship and causes economic harm.

For example, a child care business may have grounds to sue if a YouTuber intentionally or carelessly makes a false statement about the child care and knew or reasonably should have known that the statement could affect a parent's decision to enroll or keep a child at the facility, and the parent withdraws their child as a result of the false statement.

Intentional Infliction of Emotional Distress

In California, a person may sue if someone engages in extreme and outrageous behavior that intentionally or carelessly causes severe emotional distress.

For example, if a YouTuber repeatedly posts false or threatening content about the child care business or owner, and it causes serious emotional harm, the owner may consider filing a lawsuit. These cases can help victims seek justice for emotional harm, but they are harder to win because the law requires the conduct to truly be extreme, exceeding normal social limits.

Know Your Rights as a Child Care Business

What policies can my child care business adopt to protect my privacy?

Family child care homes and child care centers can adopt and display clear policies to protect the privacy of children, staff, and families and manage access to the property. Display Access & Visitor and Recording & Filming policies at the entrance and in the lobby of your child care business. Include both policies in enrollment paperwork so that visitors, parents, and staff are aware. Train staff on policies to ensure they know how to stop unwanted behavior and report incidents.

Access & Visitor Policy. This policy should answer the questions:

- Who is allowed on the premises and who is not.
- When authorization to enter and be present on the premises can be revoked.
- What steps staff should take if someone violates the policy (e.g., asking person to leave or contacting law enforcement).

Recording & Filming Policy. This policy should answer the questions:

- Who can photograph, film, or record on the premises and under what circumstances?
- When authorization to record or photograph may be revoked.
- What staff should do if someone violates the policy.

Examples of Signs to Display

“This child care facility is private property. Entry is for authorized purposes only.”

“No photography or video recording permitted without authorization.”

Record & Report Incidents !!

You can use video cameras in areas without a reasonable expectation of privacy, like at the entrance, to capture incidents that may arise.

Keep records of any incidents that occur and include information such as:

- Data & time of incident
- Names of individuals involved
- Legally captured photos or screenshots of behavior
- Staff witness statements; and
- Any police contact or reports.

Resources to Reference

- Contact Public Counsel’s Early Care & Education Law Unit if you need legal assistance; [online](#) or call 213-385-2977, ext. 300;

[Know Your Rights: Resources for Immigrant Communities](#) - resources available in Spanish and English on the following topics:

- When Interacting with ICE
- ICE Enforcement
- Important Phrases When Interacting with ICE
- FAQs on Nonprofit and Small Business Rights with Respect to ICE
- Sample Warrants
- Wellness Checks
- Registration Requirements

California Department of Social Services - [Best Practices for Maintaining a Safe & Secure Child Care Environment](#)

Legal Aid Association of California - [Immigrants Rights in Childcare Settings Webinar](#)