



MASSACHUSETTS
**Department of
Early Education and Care**



PROTECT Act Info Session

Train-the-Trainers on Guidance and Policy

September 22, 2026 and October 1, 2026

Presented by:

- Department of Early Education and Care (EEC)
- Office of Refugees and Immigrants (ORI)
- Children's Justice Unit (CJU) in the Attorney General's Office (AGO)



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This presentation is for informational purposes only. For legal advice, please contact an attorney.

Presenters

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PROTECT Act Introduction

This presentation is for informational purposes only. For legal advice, please contact an attorney.

What is the PROTECT Act?

On August 5, 2026, Governor Maura Healey signed the **PROTECT Act** into **law** in Massachusetts. The law:



Limits the cooperation of state and local police with federal law enforcement.



Restricts the use of state and local public resources, personnel, and facilities to assist in federal civil immigration enforcement.



Restricts civil immigration arrests without a judicial warrant at public schools, childcare centers, healthcare facilities, courthouses and state property.

What changed for EEC providers?

The Protect Act has the following requirements for EEC Licensed and Funded programs:

- **Prohibits civil arrests** by ICE or other law enforcement **on EEC Provider Premises** during regular hours of care, child drop off and pick up windows, and program-sponsored events, *unless* the officers have a judicial warrant or judicial order.
- Requires EEC Providers to adopt and implement a **written policy** to guide all interactions with law enforcement, including ICE officials, engaged in civil law enforcement activities.
- Provides an **enforcement mechanism** through the Attorney General's Office.

Key Definitions



Operating hours

The EEC Provider's regular hours of care, drop-off and pick-up windows and program-sponsored events.



EEC Provider Premises

A private residence or the facility that is licensed or funded by EEC for the education and care of children, including outdoor spaces on which the residence or facility is located.

During operating hours and provider-sponsored events, these premises are not public.



Judicial Warrants

Signed by judges and will list the name of the Court (for instance the State of Massachusetts or United States District Court) at the top. These are the only warrants that permit ICE access to EEC Premises.

PROTECT Act Overview

CIVIL ARRESTS

*Except as required by state or federal law or as required for the commonwealth ... to administer a state or federally supported or funded program, **arrests for civil law enforcement shall not be permitted on the premises of a licensed or department-funded child care center, family child care home, school-aged child care program or group care facility without a judicial warrant or judicial order.** M.G.L. c. 15D, § 23(b).*

- If law enforcement officers proceed to conduct a civil arrest in these areas in violation of the PROTECT Act, no one should attempt to physically interfere.
- Rather, on-site staff should follow the guidance for bystanders to document the interaction.
- After law enforcement has left the premises, the EEC Provider should report the incident to the [Attorney General's Office Civil Rights Division](#) and the [Massachusetts Federal Misconduct Portal](#).

PROTECT Act Overview

WRITTEN POLICY

- The Act requires EEC Providers to adopt and implement a written policy regarding interactions with law enforcement officers engaged in civil law enforcement.
- On August 21, EEC, in collaboration with the Governor's Office, the Executive Office of Education (EOE), and the Attorney General's Office, released guidance for this law as well as a model policy.
- These new requirements of this law went into effect on **September 1, 2026**.
- [Guidance for Child Care and Residential Providers Related to Interacting with Civil Law Enforcement](#)
- [EEC Programs PROTECT Act Resources](#) – available in English, Simplified Chinese, Haitian Creole, Brazilian Portuguese, Spanish, and Vietnamese



Guidance and Requirements for EEC Providers

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Written Policy: Requirements

The policy *must* include:

- (i) **Designated contact person(s)** to be notified in the event an officer engaged in civil law enforcement arrives or makes requests for any information;
- (ii) **Procedures for documenting all interactions with officers**, including by handwritten notes, videorecording, and photographing; and
- (iii) **Procedures for notification** when an officer requests any information related to any individual in a child care or residential program.

M.G.L. c. 15D, § 23 (c).*

***Any existing policies for interacting with law enforcement must be updated to include these three elements.**

Policy Requirements

DESIGNATED CONTACT PERSON(S)

“Designated Contact Person” means the individual identified by the Program to have primary responsibility for responding to the presence of, or requests for information from, law enforcement agents engaged in civil law enforcement.

Designate a contact person

- Individual must be onsite
- Recommend the highest-ranking administrator or manager on site serve as the primary designated contact person
- Different people may serve as the designated contact person at different times of the day
- Strongly consider naming at least one “back up” alternate designated contact person

Policy Requirements

ESCALATION PROTOCOL

Must include procedures for how program employees, staff, and administrators should respond if law enforcement officers arrive on site and whom to notify (the “escalation protocol”).

Requirements

- Make sure that staff/employees are aware of the protocol, and how to contact the relevant individuals.
- Protocol should be simple, easy to remember, and consistent with procedures used in other circumstances.
- Protocol must include certain instructions (see [Guidance](#), pp. 4-5, for full list).
- If applicable: Review program transportation contracts and communicate regarding policies and protocols for drivers near a transportation stop.

Recommendations

- Brainstorm the various scenarios in which interactions may occur on their premises - prepare protocols for those scenarios.
- Include guidance tailored to certain staff positions (e.g., front office staff) that may be more likely to interact with officers.
- Update existing emergency response policies to ensure child or resident safety in the event of any type of law enforcement activity on or near EEC Provider Premises.

Policy Requirements

DOCUMENTING INTERACTIONS

Policy **must** include procedures for documenting all interactions with civil law enforcement.

For example, it should be documented when:

- A civil law enforcement officers arrives at the program;
- An officer requests access to a resident, family member, employee, or other person affiliated with the program;
- An officer requests records or information about the program, a resident, family member, employee, or other person;
- The program receives a judicial warrant, subpoena, judicial or court order, administrative warrant, detainer, or similar legal document relating to civil law enforcement; and
- Staff otherwise become aware of civil law enforcement activity affecting the program, including the presence of civil law enforcement in the vicinity of the program.

Policy Requirements

DOCUMENTING INTERACTIONS, CONTINUED

- All are encouraged to wait until they feel safe to write down what happened.
 - This may be after the law enforcement officers leave the premises.
- Write down what you remember from the incident. (See [Guidance](#), pp.7-8 for information to consider adding to record).
- Use an existing form or create a new one to record interactions and keep those records as you would any other program records, in the normal course. (Template: [Appendix B: Sample Civil Law Enforcement Interaction Documentation](#)).
- Bystanders, including employees and staff, can openly (not secretly) videorecord the interaction, but they must not interfere.
- Recommendation: Report the incident to the [Attorney General's Office Civil Rights Division](#) and the [Massachusetts Federal Misconduct Portal](#).

Policy Recommendations

CHECKLISTS, PROACTIVE DISCUSSIONS WITH ATTORNEYS, HOW TO IDENTIFY A WARRANT



Consider developing checklists and pre-approved language for employees, staff, administrators, and the designated contact person(s) to use when interacting with law enforcement officers engaged in civil law enforcement

“Approved Language” examples available in [Guidance](#), p. 6



Consult with your attorney (if you have one) about how to reach them in an emergency situation and consult with your attorney in establishing policies, procedures, and practices related to PROTECT Act



Add to your written policies and procedures information about how to identify a valid Judicial Warrant or Judicial Order. (See [Guidance](#), p.7 for more information and see [Appendix A](#) (Sample Judicial Warrants and Administrative Warrants) for sample warrants)

Policy Requirements

PROTECTING PERSONALLY IDENTIFIABLE INFORMATION (PII)

EEC Providers **must** protect the personal information of children or residents under their care and **must** ensure the safety and security of their staff's personal data and records.

EEC Providers **cannot** disclose to third parties, including local or federal law enforcement, either orally or in writing, the personal information* of a child or resident in their care OR a staff member unless:

- The program has the parent or guardian's (or staff member's) specific, informed consent;
- It is pursuant to a judicial warrant, court order, or subpoena; or
- There is a health and safety emergency.

*Examples: a child's name, the name of a child's parents/guardians or family members, a home address, a social security number, a date of birth, or a place of birth.

Policy Considerations

PROTECTING PERSONALLY IDENTIFIABLE INFORMATION (PII)

EEC Providers **must** protect the personal information of children or residents under their care and **must** ensure the safety and security of their employees' personal data and records.

BUT: ICE may conduct an **I-9 audit** to review employer I-9 forms. If requested, you must provide these employment forms. Employers who receive notice of an I-9 audit must provide written notice to each employee of the request within 48 hours of receiving the I-9 audit notice. See Stat. 2026, c. 163, §8.

For more information: [Guidance for EEC Providers on Interacting with Civil Law Enforcement and Protecting the Information of Staff and Children in their Care](#)

Policy Considerations

Parental Notice, Caregiver Plans, and Visitor Policies

Parental Notice	Caregiver Plans	Visitor Policies
• Notify children's or residents' parents and guardians, teachers, administrators, and provider personnel when officers are on premises. (Recommended) • If law enforcement officers are attempting to reach or are seeking information about a child care child/resident, the program must immediately notify the parent or guardian. (Required) • Sample notification for caregivers (Appx. C) following an incident.	• As soon as possible, make a plan to update and review custodial chain on file: – Update emergency contact information, alternative caretaker contacts, and authorized pick-up contacts for all children and residents – including the option to list more than one emergency contact – Keep these records on file • Emergency Planning Guide for Parents with Uncertain Immigration Status (available in Spanish, Portuguese, Haitian Creole, Simplified Chinese) • Fact Sheet for Parents with Uncertain Immigration Status (available in Spanish, Portuguese, Haitian Creole, Simplified Chinese)	• Adopt written visitor policies (or procedures) that specify restrictions for visitors. • NOTE: These restrictions should apply equally to all visitors — that is, the visitor policy (or procedure) does not differentiate between officers engaged in civil law enforcement and other types of visitors.



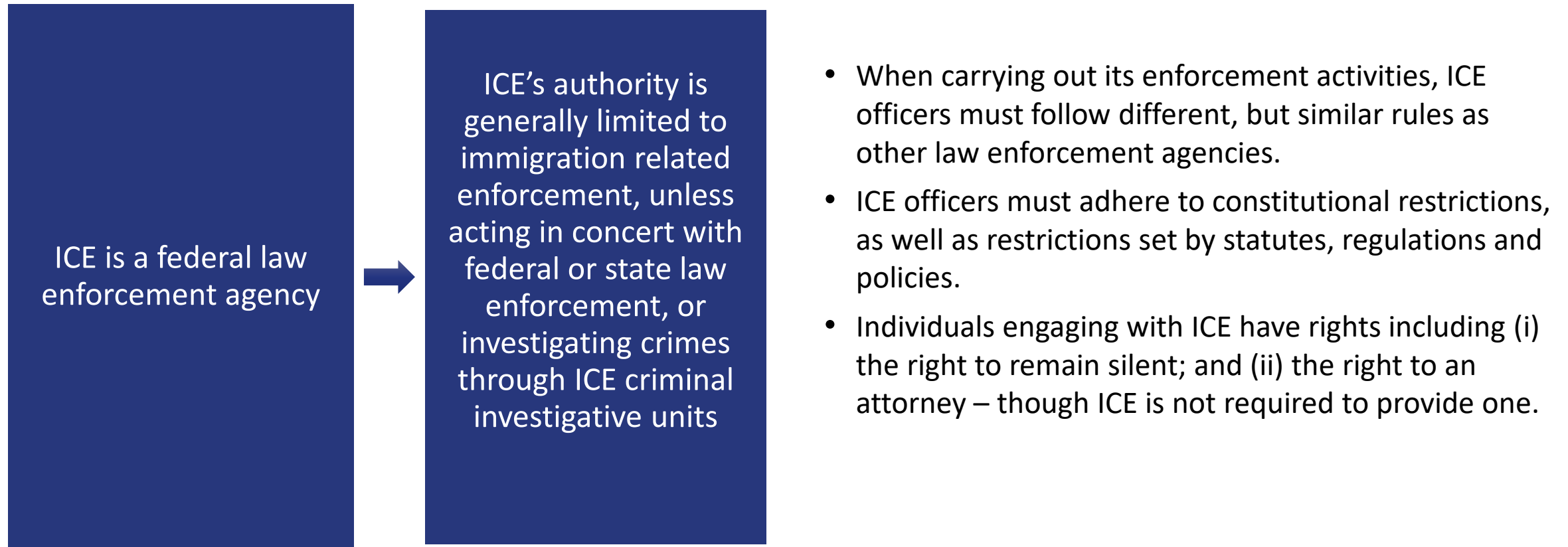
Refresher: Know Your Rights

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ICE Authority

OVERVIEW

ICE is subject to different, but similar, rules as other Law Enforcement



ICE Authority

OVERVIEW

ICE is subject to different, but similar, rules as other Law Enforcement

ICE can demand identification:

- Immigrants often must carry identification on them, including copies of a green card and/or proof of registration.
- Depending on the facts and circumstances, ICE officers, when they have probable cause to believe a person is here unlawfully, can ask for identification.

ICE can interrogate:

- ICE officers may interrogate a noncitizen or person believed to be a noncitizen as to their “right to be, or to remain in the United States” without a warrant. (*NOTE: individuals have a right to remain silent and to a lawyer even if undocumented*).
- ICE cannot approach any individual based on race or nationality alone. However, ICE can approach a person based on factors unknown to the interrogated person.

Judicial Warrants vs. Administrative Warrant

AO 93 (Rev. 11/13) Search and Seizure Warrant

UNITED STATES DISTRICT COURT
for the _____

In the Matter of the Search of _____
(Briefly describe the property to be searched
or identify the person by name and address)

Make sure the warrant
has your correct name
and address

To search the premises,
officials must have a search
warrant. If officials only have
an arrest warrant, they do not
have authority to search or
enter your property

Case No. _____

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search
of the following person or property located in the _____ District of _____
(Identify the person or describe the property to be searched and give its location):

Officers are typically only allowed
to search the person or property
described here, nothing more

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property
described above, and that such search will reveal (Identify the person or describe the property to be seized):

The search can only be
executed at the time indicated
here

YOU ARE COMMANDED to execute this warrant on or before _____ (not to exceed 14 days)
☐ in the daytime 6:00 a.m. to 10:00 p.m. ☐ at any time in the day or night because good cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the
person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the
property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory
as required by law and promptly return this warrant and inventory to _____ (United States Magistrate Judge)

☐ Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C.
§ 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose
property, will be searched or seized (check the appropriate box)
☐ for _____ days (not to exceed 30) ☐ until, the facts justifying, the later specific date of _____

Date and time issued: _____

City and state: _____

Judge's signature _____

Printed name and title _____

This warrant **MUST** be signed by a
judge to be valid. If it is not signed, you
are not required to permit a search

Judicial warrants **must** be signed by a judge and indicate the correct name, address, and time.

U.S. DEPARTMENT OF HOMELAND SECURITY **Warrant for Arrest of Alien**

IMPORTANT: An arrest warrant only permits an arrest of the indicated person, NOT a search of any of private property. If an officer attempts to search your house with only an arrest warrant, you may refuse

File No. _____

Date: _____

To: Any immigration officer authorized pursuant to sections 236 and 287 of the Immigration and Nationality Act and part 287 of title 8, Code of Federal Regulations, to serve warrants of arrest for immigration violations

This warrant is only valid to arrest the person indicated here

I have determined that there is probable cause to believe that _____ is removable from the United States. This determination is based upon:

- ☐ the execution of a charging document to initiate removal proceedings against the subject;
- ☐ the pendency of ongoing removal proceedings against the subject;
- ☐ the failure to establish admissibility subsequent to deferred inspection;
- ☐ biometric confirmation of the subject's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or
- ☐ statements made voluntarily by the subject to an immigration officer and/or other reliable evidence that affirmatively indicate the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.

YOU ARE COMMANDED to arrest and take into custody for removal proceedings under the Immigration and Nationality Act, the above-named alien.

Must be signed by an immigration officer to be valid

(Signature of Authorized Immigration Officer) _____

(Printed Name and Title of Authorized Immigration Officer) _____

Certificate of Service

I hereby certify that the Warrant for Arrest of Alien was served by me at _____ (Location)

on _____ (Name of Alien) on _____ (Date of Service), and the contents of this notice were read to him or her in the _____ (Language) language.

Name and Signature of Officer _____ Name or Number of Interpreter (if applicable) _____

Form I-500 (Rev. 09/16)

Administrative warrants do **NOT** permit ICE entry into any EEC Center

Rights and Responsibilities of Staff as Bystanders

You may bear witness to a public arrest

Physically interfering or verbally berating ICE could have adverse consequences for both you and the immigrant

You have the right to witness and document, including by video

You can help by promoting calm

You have the right to remain silent if ICE asks you any questions

You can ask the individual being arrested if they want you to call anyone for them

Federal Misconduct Portal: See Something, Say Something

Lawyers and media outlets need specific, verified information

What are we looking for?

- Random stops, non-targeted enforcement
- Violence against immigrant
- Harm, mistreatment to children
- Harm, mistreatment to pregnant women
- Long term residents, green card holders, those w/out any criminal record
- Demeaning or outrageous behavior
- Violence against bystanders

Reports:

[Mass Gov and AG Federal Misconduct Portal](#)

Community Support: Portal to report federal agent misconduct

Report misconduct by federal agents



[Mass.gov/fedmisconduct](https://mass.gov/fedmisconduct)

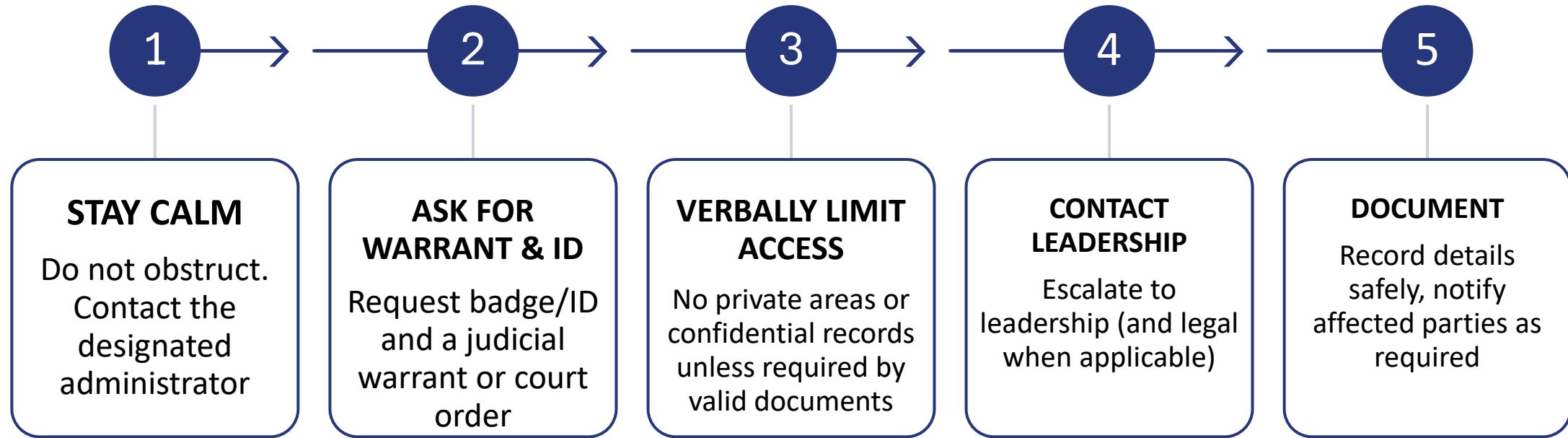
Use this form to report potentially unlawful actions or misconduct by ICE or other federal agents enforcing immigration laws.



Scenarios

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General Principles for Child Care Providers



Staff *should-not* physically interfere with officers

General Principles for Child Care Providers

Program staff, including the designated contact person, **shall not:**

- physically obstruct or interfere with a law enforcement officer;
- destroy, conceal, alter, or falsify records;
- knowingly provide false information;
- advise another person to evade a lawful arrest;
- sign documents on behalf of the program unless authorized to do so; or
- voluntarily provide access to any person or confidential information contrary to federal or state laws and EEC policies and procedures.

Guiding Principles for Child Care Providers

PRIOR to an incident ...	AFTER an incident ...
• Develop policies and protocols • Train all staff in policies and protocols – including escalation protocol and other applicable emergency protocols • Determine what indoor and outdoor space constitutes “EEC premises” at your location • For every family, ensure that your center has emergency contacts and alternative caregivers listed • Share “Plan Ahead” resources with parents to appoint alternative caregivers in case of an emergency making them unavailable • Ensure staff maintain sensitivity to absences and behavioral challenges that may be related to these stressors • Offer extra support to children/residents as needed • If there is an imminent threat to safety, do not hesitate to call 9-1-1 for assistance.	• All involved should write down what they remember of the incident; keep the record as you would other records • Designated staff member to notify parents/guardians, teachers, administrators, and staff (See Appendix C, EEC Model Policy, p. 13) • Report the incident to the AGO Civil Rights Division and Massachusetts Federal Misconduct Portal • Debrief the incident and revisit policies and emergency protocol(s) based on any lessons learned

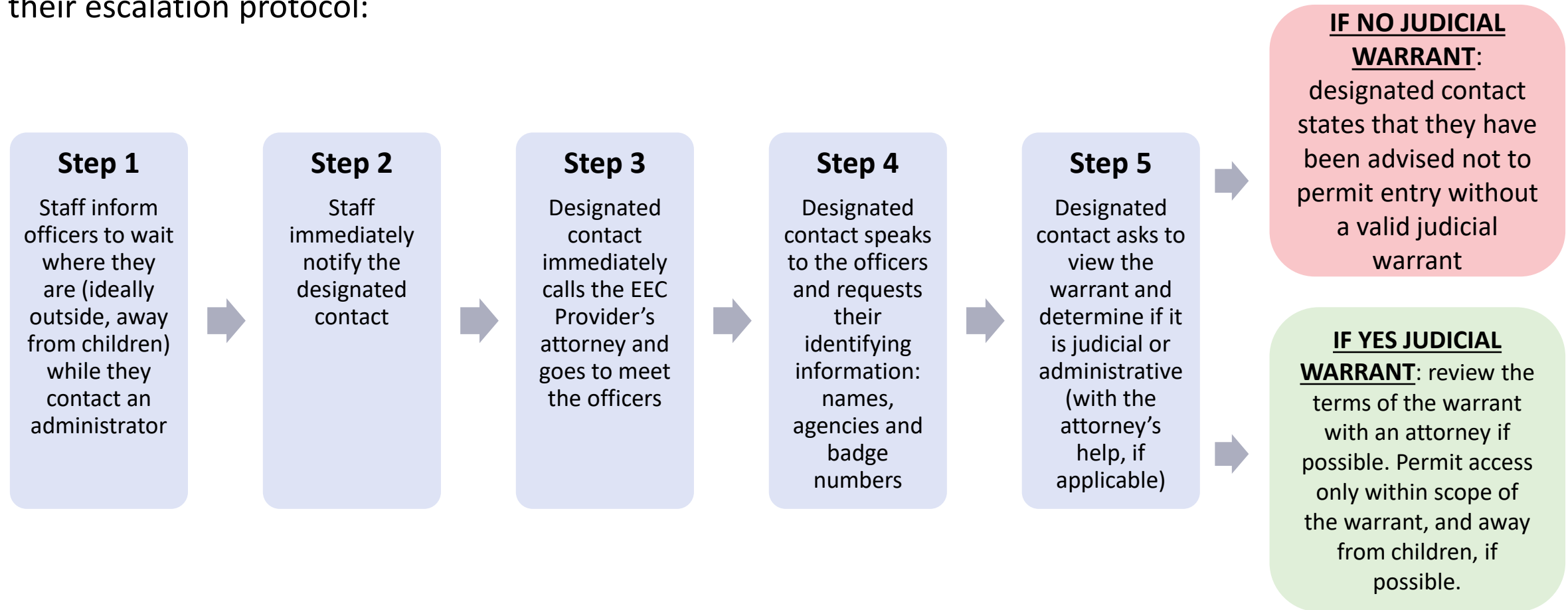
Scenario 1: Child Care Center/Residential Program

On a day when children are present at a child care center/residential program, ICE arrives on the premises and asks to speak to a named staff person at the center/residential program.

What might EEC Provider staff consider when faced with this situation?

Escalation Protocol

When law enforcement arrives on at an EEC Licensed or Funded Program, EEC providers should initiate their escalation protocol:



Scenario 1: Child Care Center/ Residential Program

During the Event

- Follow escalation protocol, starting by immediately contacting designated contact person
- AND**
- Follow other applicable emergency protocols
 - Civil arrests are not allowed on EEC Provider Premises during operating hours, unless law enforcement officers have a Judicial Warrant or Judicial Order.
- HOWEVER:** If officers proceed with unlawfully conducting civil arrest, do not physically interfere.
- Bystanders *can* openly (not secretly) videorecord the interaction
 - Whenever possible, staff who are not directly involved in responding to officers should remain with children and maintain ordinary care routines.
 - If there is an imminent threat to safety, call 9-1-1 for assistance.

After the Event

- Document, report, and provide notice to parents and staff about what occurred

It is illegal to obstruct, impede, or assault an ICE agent.

Scenario 2: Parent at Pick Up

At pick up time, ICE officers arrive on the premises and attempt to arrest a parent immediately outside of the front door of the childcare center, on EEC premises.

What might child care staff consider when faced with this situation?

Scenario 2: Parent at Pick Up

During the Event

- Civil arrests are not allowed on EEC Provider Premises during operating hours, unless law enforcement officers have a Judicial Warrant or Judicial Order.
HOWEVER: If officers conduct civil arrest, do not physically interfere
- Follow escalation protocol, starting by immediately contacting designated contact person
AND
- Follow other applicable emergency protocols
- Bystanders can openly (not secretly) videorecord the interaction
- If there is an imminent threat to safety, do not hesitate to call 9-1-1 for assistance.

If parent is detained, determine alternative caregiver:

- Follow programs emergency protocol, including checking the child's emergency contact information, authorized pick-up contacts, and alternative caregiver documents (e.g., caregiver authorization affidavit, temporary agent, stand by guardian)
- If unable to reach an alternative caregiver, contact DCF

Scenario 3: Family Child Care Provider

ICE officer arrives at the home of a family child care provider, knocks on the door, and asks for the child care provider, stating her name.

What might the family child care provider consider when faced with this situation?

Scenario 3: Family Child Care Provider

- Civil arrests are not allowed on EEC Provider Premises during operating hours, unless law enforcement officers have a Judicial Warrant or Judicial Order.
 - Moreover, law enforcement cannot access the inside of a home without a valid a judicial warrant signed by a judge
 - You do not need to open the door unless presented with a valid search or arrest warrant
 - If there is an imminent threat to safety, program staff should not hesitate to call 9-1-1 for assistance.

In rare circumstances, law enforcement officers may identify a clear and immediate health or safety threat that qualifies as an exception to the warrant requirement.



Resources for EEC Staff and Families

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Resources



[Updated guidance & model policy for **child care providers** on implementing the PROTECT Act](#)



[Updated guidance & model policy for **residential programs** implementing the PROTECT Act](#)



[One-Pager defining the Protect Act, applicable to EEC child care programs](#)



Additional PROTECT Act [Resources for EEC Programs](#)

Community Legal Resources

ORI works closely with legal services providers, resettlement agencies and other legal organizations to expand capacity for immigration legal services in the state.

The Habeas Project

- Email: immigrationhabeasproject@gmail.com

The Legal Representation Fund (LRF)

- Detained hotline: (617) 637-8195
- Family and Friends Hotline (617) 396-7143

The HelpDesk (for EA recipients, former TPS Recipients or using HomeBase):

- Fill out this [form](#), OR Email ORI-Helpdesk@mass.gov, OR [Legal Helpdesk | Mass.gov](#)

The Massachusetts Access to Counsel Initiative (MACI)

- Intake: (508) 505-4588

Additional Immigration Legal Resources

It may take time to find a provider, please use trusted legal service organization and check references.

Legal Services Directory in Massachusetts:

- Massachusetts Legal Resource Finder
<https://masslrf.org/en/home>
- City of Boston free consultations:
<https://www.boston.gov/departments/immigrant-advancement/free-immigration-consultations>
- MIRA immigration helpline:
<https://miracoalition.org/resources/immigration-helpline/>

Legal Services Directory Outside of Massachusetts:

- Immigration Advocates Network Legal Directory
<https://www.immigrationadvocates.org/legaldirectory/>
- The American Immigration Lawyers Association's online directory
<https://www.ailalawyer.com/>

Know Your Rights Guidance Regarding ICE Enforcement for Immigrants, Families, and Communities



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www.mass.gov/ago

Attorney General Guidance:

KNOW YOUR RIGHTS: ICE Enforcement

A Guide for Immigrants, Families, and Communities

Due to the recent surge in immigration enforcement activity across Massachusetts, the Attorney General's Office (AGO) has received a number of questions about the actions of U.S. Immigration and Customs Enforcement (ICE) agents, the role of local police in immigration enforcement, and the rights people have when they interact with federal immigration officers.



General Resources

Many family planning documents can be done without an attorney

- **Family Planning**

[Resources for Immigrants in Massachusetts | Mass.gov](#) - MA AGO's office website about family planning and non-discrimination, including worker's rights.

- **ORI's Toolkit**

[Community Resource Toolkit | Mass.gov](#) – Spanish, Haitian Creole, Portuguese family planning forms

- **Community Support Initiative**

Schedule meeting between the community members you support, ORI and pro bono probate and immigration lawyers by clicking the link that says "Request a Meeting" - <https://www.mass.gov/community-resource-toolkit>

- **Additional resources for immigrants on the Attorney General's website**

<https://www.mass.gov/info-details/resources-for-immigrants-in-massachusetts>

When to Reach Out / Who to Contact

AGO - To File a Civil Rights Complaint with the Attorney General's Office, visit www.mass.gov/how-to/file-a-civil-rights-complaint, or for related civil rights questions, email civilrights@mass.gov, or call (617) 963-2917.

- Immigration enforcement in or around schools or child care providers
- Detention of young person under the age of 19

ORI – Contact in unique emergency scenarios. This may include:

- Immigration enforcement in or around EA shelters, schools, places of worship, or other sensitive locations
- Detention of a parent/caregiver for a child with significant disabilities
- Detention of a parent/caregiver for a child who is currently undergoing medical treatment for a serious medical condition (such as cancer)
- Detention of a teenager, younger person, student
- Detention of individual with no criminal record, United States Citizen children and significant long term US residence (more than 15 years approximately)
- Other cases where a significant humanitarian concern is presented, including larger scale workplace raids or immigration enforcement events

EEC – Contact your licensor. For more information, see <https://www.mass.gov/child-care-program-licensing>.



Q & A

Questions will either be answered in the presentation or will be used to create future materials to be released after this session.

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