

## ASSEMBLY THIRD READING

AB 1655 (Bryan)

As Amended April 9, 2026

Majority vote

**SUMMARY**

Establishes that when a child or other member of the assistance unit (AU) is unlawfully detained in a federal immigration detention facility, they are to be considered temporarily absent from the home for the duration of the detention for the purposes of calculating a CalWORKs benefit amount.

**Major Provisions**

- 1) Deems a child or other member of the assistance unit who is unlawfully detained in a federal immigration detention facility temporarily absent from the home for the duration of the detention for purposes of determining cash aid for CalWORKS.
- 2) Deems a child or other member of the assistance unit as unlawfully detained in a federal immigration detention facility if a report of misconduct by federal agents is submitted to the California Attorney General. Specifies that a confirmation message from the Attorney General that the submission was received is sufficient to establish a report was submitted for purposes of this paragraph.
- 3) Requires, upon request, a county human services agency to provide assistance to an applicant or recipient household by submitting a report of unlawful detention to the California Attorney General.

**COMMENTS**

Background: CalWORKs provides monthly income assistance and employment-related services aimed at moving children out of poverty and helping families meet basic needs. CalWORKs aid payments are calculated based on family income and the number of people in the AU. In order to be eligible and counted in the AU, applicants must be United States citizens, lawful permanent residents, or qualified immigrants. Counties verify citizenship or proof of legal immigration status.

Payments are not provided to the family for any member who is not a part of the AU. In child-only CalWORKs cases, in which there is no aided adult, children are the only recipients of aid. When a child is no longer residing in the home, an AU is reduced or terminated. The only exception is when a child included in the AU experiences a prolonged hospital stay, regardless of the type of hospital, the parent is deemed "temporarily absent" from the household, and aid payments and services continue to be provided to the whole family. *This bill* would expand this exception to include a child or other member of the AU who is unlawfully detained in a federal immigration detention facility.

There are a few different scenarios when a family might lose CalWORKs aid due to unlawful immigration detention. For example, Parent 1 is documented, Parent 2 is undocumented, and their child is documented. U.S. Immigration and Customs Enforcement (ICE) could sweep the whole family, including the child, and detain them unlawfully while they determine whether they

are documented. In that case, Parent 1 and the child may be on CalWORKs, or child-only CalWORKs, and lose aid.

According to media reports, while ICE determines documentation status, people are being unlawfully detained for weeks at a time. According to the Marshall Project, “ICE has booked at least 3,800 children into detention since Trump took office last year. At least 1,000 children were held longer than 20 days, a court-ordered limit on child detention” (Flagg and Heffernan, 2025)<sup>1</sup>. AP News similarly reported that, “hundreds of immigrant children lingered in federal detention beyond a court-mandated limit, including some who were held more than five months, according to court filings that alarmed legal advocates who say the government is failing to safeguard children” (Gonzalez, 2025)<sup>2</sup>.

These families are facing legal costs, possible job loss, and education disruption. Research published in the Journal on Migration and Human Security entitled “The Household Financial Losses Triggered by an Immigration Arrest, and How State and Local Government Can Most Effectively Protect Their Constituents” found that each immigration arrest results in an average of \$24,151 in accumulated and permanent financial losses to each affected household (Boyce and Launius, 2020)<sup>3</sup>. In addition to the major costs associated with detention, individuals who are also CalWORKs recipients are at-risk of losing CalWORKs aid because they are not allowed to be counted in the AU.

ICE is disproportionately profiling people of color in its detention operations. The recent United States Supreme Court decision *Noem v. Vasquez Perdomo\**, 596 U. S. (2025) allows ICE to use the following criteria when making investigative stops:

- 1) The type of location at which they were found (such as a car wash or bus stop);
- 2) The type of job they appeared to work;
- 3) Whether they speak Spanish or English with an accent;
- 4) Their apparent race or ethnicity.

Based on ICE's admitted targeting of people who present as immigrants, people of color may also disproportionately lose benefits based on profiling. *This bill* may help these individuals when they are wrongly and illegally targeted to maintain their lifelines.

### **According to the Author**

"When ICE kidnaps a child, families are thrown into a traumatic situation. Parents must juggle legal battles, missed wages, and the fear of not knowing when their child will return home. Despite this trauma, California law does not clearly protect these families from losing CalWORKs support during a child's detention, exposing them to sudden income loss and jeopardizing their ability to maintain housing, food, and stability for their other children."

"[This bill] closes this harmful gap by ensuring that immigration detention counts as a temporary absence under CalWORKs for the duration of the detention. It ensures families keep their full

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<sup>1</sup> <https://www.themarshallproject.org/2026/01/29/ice-kids-in-detention-numbers>

<sup>2</sup> <https://apnews.com/article/immigration-ice-children-detained-lawsuit-dilley-75530212ec0959eda2b42aada3fbc46a>

<sup>3</sup> <https://doi.org/10.1177/2331502420973976>.

grant and access to job training while they work to reunify with their child. It provides the stability families need to survive one of the most traumatic events a family and child can experience."

### **Arguments in Support**

Sponsors write, "Under current rules, when a household member is placed in an institution, the family's grant may be reduced. However, immigration detention is not explicitly addressed in statute, creating uncertainty and additional risk for families already experiencing trauma. By contrast, California regulations governing unemployment compensation recognize the harms of unlawful detention. Under Cal. Code Regs. Tit. 22, Section 1253.1-1, claimants may remain eligible for benefits if their unemployment results from being unlawfully deprived of personal liberty by force or fear, provided they are not otherwise disqualified. Similar protections against unlawful detentions should be extended to children and families affected by immigration detention.

"ICE raids pose a continued and serious threat to the financial and emotional wellbeing of California's children and families. The Protecting Kids from ICE Act helps to support families impacted by ICE by treating unlawful detention as a temporary absence, keeping the family's full CalWORKs grant in place during the detention."

"This bill ensures children are not economically harmed because of unlawful federal actions beyond their control and reinforces California's commitment to protecting vulnerable families."

### **Arguments in Opposition**

None on file.

## **FISCAL COMMENTS**

According to the Assembly Appropriations Committee on May 6, 2026:

Due to the lack of data on the number of unlawful detainments of CalWORKs recipients, CDSS provided an analysis of the costs for every 100 CalWORKs families impacted by this bill.

Using this methodology, CDSS estimates an initial General Fund (GF) cost of \$1.5 million and an ongoing GF cost of \$1.7 million per every 100 CalWORKs families. These costs are primarily cash aid that otherwise would not have been paid and additional social worker time, as well as one-time automation costs in the first year. Actual costs will depend on the number of CalWORKs recipients illegally detained. If only 25 families are affected, GF costs would be approximately \$400,000.

Specifically, for every 100 CalWORKs families, CDSS estimates:

- 1) One-time General Fund (GF) costs of \$1.5 million in fiscal year (FY) 2026-27. This estimate includes \$871,000 in CalWORKs grant aid and one hour of county social worker time per case, one-time administrative costs of \$500,000 to train county staff to submit a report of misconduct by federal agents to the AG, and one-time GF automation costs of approximately \$109,000 to update the California Statewide Automated Welfare System (CalSAWS).
- 2) Ongoing GF costs of \$1.7 million in FY 2027-28 and annually thereafter for CalWORKs grant aid and social worker time.

This estimate assumes an average monthly grant cost of \$992 and an assistance unit with one eligible member who is being detained by the U.S. Immigration and Customs Enforcement. The estimate accounts for employment services costs and childcare costs based on recent utilization rates.

Although California's annual \$3.7 billion federal TANF block grant may be used flexibly within the CalWORKs program, it is fully allocated within the existing and proposed state budgets. Thus, although the above costs are "total fund" costs to the CalWORKs program, they are considered GF costs.

Because this bill creates new duties for counties (social workers) relating to expanded eligibility under CalWORKs and reporting assistance, the bill imposes a state-mandated local program. These costs, approximately \$8,000 annually per 100 CalWORKs families, are included in the above estimates.

The Legislative Analyst's Office recently warned of General Fund structural deficits of around \$35 billion per year in the 2027-28 fiscal year and ongoing.

## VOTES

### **ASM HUMAN SERVICES: 5-0-2**

**YES:** Lee, Gipson, Elhawary, Jackson, Solache

**ABS, ABST OR NV:** Castillo, Tangipa

### **ASM JUDICIARY: 9-2-1**

**YES:** Kalra, Lee, Bryan, Connolly, Harabedian, Pacheco, Papan, Stefani, Zbur

**NO:** Macedo, Sanchez

**ABS, ABST OR NV:** Dixon

### **ASM APPROPRIATIONS: 11-3-1**

**YES:** Wicks, Aguiar-Curry, Calderon, Caloza, Fong, Mark González, Krell, Pacheco, Pellerin, Sharp-Collins, Solache

**NO:** Dixon, Ta, Tangipa

**ABS, ABST OR NV:** Hoover

## UPDATED

VERSION: April 9, 2026

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