
THIRD READING

Bill No: AB 1655
Author: Bryan (D), et al.
Amended: 8/13/26 in Senate
Vote: 21

SENATE HUMAN SERVICES COMMITTEE: 4-1, 6/29/26

AYES: Becker, Laird, Pérez, Weber Pierson

NOES: Ochoa Bogh

SENATE JUDICIARY COMMITTEE: 11-2, 6/30/26

AYES: Umberg, Allen, Ashby, Caballero, Durazo, Laird, Reyes, Stern, Wahab,
Weber Pierson, Wiener

NOES: Niello, Valladares

SENATE APPROPRIATIONS COMMITTEE: 5-2, 8/13/26

AYES: Cervantes, Cabaldon, Grayson, Richardson, Wahab

NOES: Seyarto, Dahle

ASSEMBLY FLOOR: 61-14, 5/27/26 - See last page for vote

SUBJECT: CalWORKs: temporary absence: immigration detention

SOURCE: Author

DIGEST: This bill requires, when a child or other member of a California Work Opportunity and Responsibility to Kids (CalWORKs) household is detained in a federal immigration detention facility, to consider them to be temporarily absent from the home for the duration of the detention for the purposes of determining CalWORKs aid, provided the person is otherwise eligible for CalWORKs and sworn statements are submitted.

ANALYSIS:

Existing Law:

- 1) Establishes the federal Temporary Assistance for Needy Families (TANF) program, which permits states to implement the program under a state plan. (42 United States Code [USC] section 601 et seq.)
- 2) Allows the arrest and detainment of an “alien”, which is defined as a person not a citizen or national of the United States, if a warrant has been issued, pending a decision whether they are to be removed from the United States (8 USC section 1226(a))
- 3) Notwithstanding any other provision of law and except for certain emergency services, an undocumented person or immigrant who is not a qualified is not eligible for any federal public benefits. (8 USC section 1611(a))
- 4) Defines a “qualified alien,” for purposes of applying for a federal public benefit to be:
 - a) A person lawfully admitted for permanent residence.
 - b) A person granted asylum.
 - c) A person admitted as a refugee.
 - d) A person whose deportation has stayed indefinitely.
 - e) A Cuban and Haitian entrant.
 - f) An individual who lawfully resides in the United States in accordance with a Compact of Free Association.
 - g) A person who is an unqualified immigration status but has been trafficked, battered or subjected to extreme cruelty and their children. (8 USC section 1641)
- 5) Establishes the CalWORKs program to provide cash assistance and other social services for low-income families through the federal TANF program. Under CalWORKs, each county provides assistance through a combination of state, county, and federal TANF funds. (Welfare and Institutions Code [WIC] section 11200 et seq.)
- 6) Establishes income, asset, and real property limits used to determine eligibility for the CalWORKs program and grant amounts based on family size and county of residence. (WIC sections 11150-11160; WIC section 11450 et seq.)

- 7) Requires county welfare departments to redetermine eligibility for CalWORKs family beneficiaries annually. Counties must require the family to complete a certificate of eligibility containing names of all children receiving aid, their present place of residence, the names and status of any other adults living in the home, the name and, if known, the social security number and present whereabouts of a parent who is not living in the home, and any outside income that may have been received through employment, gifts, or the sale of real or personal property. (WIC section 11265)
- 8) Provides that a child who is a patient in a public or private hospital for medical or surgical care is considered temporarily absent from their home for the duration of the hospital stay, for purposes of determining CalWORKs eligibility. (WIC section 11269)

This Bill:

- 1) Makes findings and declarations about the actions of United States Immigration and Customs Enforcement (ICE) and the detrimental effects of their arrests on children.
- 2) States that it is the intent of the Legislature to extend statutory exemptions under the CalWORKs program in order to protect a family with an eligible child detained by ICE from losing portions of their basic needs grant as a result.
- 3) Requires, when a child or other member of an assistance unit is unlawfully detained in a federal immigration detention facility, to consider them to be temporarily absent from the home for the duration of the detention for the purposes of determining CalWORKs aid.
- 4) Requires, for the household to continue to remain eligible to receive continued assistance and services, all of the following conditions be met:
 - a) The remaining members of the household continue to meet CalWORKs eligibility requirements.
 - b) If the member or members are held in detention outside of the state, the detained member or members intend to return to the state once they are released from detention.
 - c) Except for the status of being detained, the detained family member is otherwise legally eligible for CalWORKs benefits.

- 5) Provides that any sworn statement by the CalWORKs applicant or recipient shall be sufficient to establish a member of the assistance unit has been detained in an immigration detention facility for purposes of this bill.
- 6) Allows the California Department of Social Services (CDSS) to implement and administer this bill through all- county letters or similar instructions until regulations are adopted.
- 7) Makes this bill operative on July 1, 2027 or on the date the department notifies the Legislature that the Statewide Automated Welfare System can perform the necessary automation to implement this section, whichever is later.

Background

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. AB 1655 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 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.”

CalWORKs. As California’s version of the federal TANF program, CalWORKs is the state’s largest anti-poverty program. CalWORKs provides temporary cash assistance aimed at moving children out of poverty and helping qualified low-income families meet their basic needs, such as rent, clothing, utility bills, food, and other items needed to ensure children are cared for at home and safely remain with their families. In addition to cash assistance, adult CalWORKs recipients are provided education, employment, and training services designed to help remove barriers to work and promote self-sufficiency. These services are typically outlined in a welfare-to-work plan.

Eligibility for CalWORKs is based on family size, income level, and region. Families must show economic hardship through income and asset tests and participation in the program is time limited. Adults are only allowed to use CalWORKs for 60 months in their lifetime. Children of adults who receive cash aid can continue to receive benefits until they are 18 years old in California.

CalWORKs Citizenship Eligibility Requirements. As a federally regulated and funded program, CalWORKs has citizenship requirements. In 1996, the federal government changed the way social service benefits are provided through a major reform of the Aid to Families with Dependent Children welfare program. The reform bill was called the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The bill came in response to concerns that the number of families relying on welfare was growing too quickly due to an increase in single mothers. The program was renamed the Temporary Assistance to Needy Families (TANF) program and included major changes including being funded as a block grant to states with a capped amount instead of an entitlement guaranteed by the federal government and limits on the ways immigrants can get services.

The reform also identified which immigration statuses are eligible to receive federal aid. Those statuses include:

- Lawful permanent residents, after 5 years.
- Refugees, people granted asylum or withholding of deportation/removal, and conditional entrants.
- People granted parole by the U.S. Department of Homeland Security for a period of at least one year.
- Cuban and Haitian entrants.
- Certain survivors or victims of abuse, their children, and/or their parents.
- Certain survivors of trafficking.
- Individuals residing in the U.S. pursuant to a Compact of Free Association.

Individuals and families that apply to receive CalWORKs must submit a significant amount of information about their household, income, and citizenship status to their county welfare departments and the state. The state is mandated to submit that information to the Systematic Alien Verification for Entitlements (SAVE) system. The system is administered by the United States Citizenship and Immigration Service and used to verify each noncitizen's immigration status, which is then used to verify their eligibility for benefits. According to its website, the information submitted through SAVE is not used for administrative (non-criminal) immigration enforcement purposes.

Increased Immigration and Customs Enforcement (ICE) Detentions. In the past there has not been a strong nexus between families that receive CalWORKs and people

detained by ICE because of the narrow scope of statuses that are eligible for CalWORKs and because ICE historically detained people who were in criminal custody and therefore not eligible for aid.

However, the recent increase of ICE arrests since 2025 has led to people not usually subject to ICE arrests to be held in detention. These include warrantless arrests, arrests of people with qualified immigration statuses, and even citizens. A news report in February 2026 found that “in at least 4,421 cases, more than 400 federal judges ruled since the beginning of October that U.S. Immigration and Customs Enforcement is holding people illegally.”¹

An unprecedented number of these arrests include children. For example, one ICE family detention center in Dilley, Texas, has had approximately 3,500 people detained since March 2025, and more than half of them have been children. An investigation found that over 300 children had been there for longer than 20 days.² In 1985, a class-action lawsuit, *Flores v. Meese*, led to a court settlement that established a 20-day time limit on children being detained in ICE facilities to decrease the potential harms they could experience. The Deportation Data Project found “ICE held an average of 25 babies and toddlers in custody between January 2025 and March 2026—totaling at least 500 young children [three years old and younger] since Trump took office.” This is an unprecedented number of toddlers and infants being detained by ICE, with a number of babies and toddlers detained for longer than 20 days.³ This bill would allow a family to continue receiving CalWORKs at the same aid level if a member of their household, including a child, has been detained by ICE for the duration of their detention.

Related/Prior Legislation

AB 419 (Lowenthal, Chapter 293, Statutes of 2013) required a child who is a patient in a public or private hospital for medical or surgical care to be considered temporarily absent from the home for the duration of the hospital stay, for purposes of CalWORKs aid.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

¹ www.newsweek.com/ice-jailed-people-illegally-4400-times-hundreds-of-judges-rule-report-11525251

² www.pbs.org/newshour/show/reporter-details-life-for-children-and-families-detained-in-texas-migrant-facility

³ www.thedailybeast.com/ice-snatches-record-numbers-of-babies-for-immigration-detention-under-trump-administration

According to the Senate Appropriations Committee: “Unknown ongoing General Fund costs, potentially low millions per every 100 CalWORKs families, for grants, employment services, and child care services. Unknown one-time General Fund costs, potentially low hundreds of thousands, for automation. Unknown costs to counties for administration. Costs would be potentially reimbursable by the state, subject to a determination by the Commission on State Mandates.”

SUPPORT: (Verified 8/14/26)

ACLU California Action
California Association of Food Banks
California Charter Schools Association
California Faculty Association
California Network for Immigrant and Worker Justice
Cft – a Union of Educators & Classified Professionals, Aft, Afl-cio
Culver City Democratic Club
First 5 LA
Nextgen California
San Diego; County of
Santa Monica Democratic Club

OPPOSITION: (Verified 8/14/26)

California Welfare Fraud Investigators Association

ARGUMENTS IN SUPPORT: According to First 5 LA, “In the past year, expanded immigration enforcement and accelerated deportation efforts have been a central priority of the federal administration. Among all states, California has experienced one of the highest levels of ICE enforcement activity. According to Reuters, between October 2025 and February 2026 there were at least 4,421 reported cases of unlawful detainment nationwide. When a parent or caregiver is detained, even temporarily, the resulting family separation can have significant and lasting impacts on young children’s healthy development.

AB 1655 (*as amended on 6/22/2026*) provides a targeted safeguard to help prevent disruptions in critical assistance that families rely on to remain housed, fed, and stable. By minimizing unnecessary benefit loss, the bill helps avoid downstream costs associated with deeper poverty, housing instability, and adverse childhood experiences. It is critical that California’s safety net programs function as intended -- supporting children and families through periods of crisis and mitigating harm where possible.”

ARGUMENTS IN OPPOSITION: According to the California Welfare Fraud Investigators Association, “The reporting person should be required to sign a county Human Services/Social Services self-attestation form that is required in many other instances when requesting or continuing CalWORKS aid. The form would be signed under the penalty of perjury... All CalWORKS initial applications for aid, semi-annual reports, annual recertifications, and many other self-certifications forms filled out by recipients incorporate the signed under penalty of perjury notice. The reporting member should provide the location of the detention facility where the Assistance member is detained upon request for aid.

Applicant fraud in the CalWORKS and CalFRESH programs has increased in the last few years. Some applicants/recipients are under stress mentally and financially when applying for aid. Their objective is to provide aid for their family. Sometimes this can cause them to make poor decisions by intentionally giving false information. The Perjury notice can cause a recipient to pause and think. This Bill due to lack of fraud protection is allowing recipients to be exposed to possible felony criminal prosecution and ultimately diverting resources away from those who truly need assistance.”

ASSEMBLY FLOOR: 61-14, 5/27/26

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Connolly, Elhawary, Fong, Gabriel, Garcia, Gipson, Mark González, Haney, Harabedian, Hart, Irwin, Jackson, Kalra, Krell, Lee, Lowenthal, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Michelle Rodriguez, Rogers, Blanca Rubio, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

NOES: Chen, DeMaio, Dixon, Ellis, Flora, Gallagher, Hadwick, Johnson, Lackey, Macedo, Patterson, Sanchez, Ta, Tangipa

NO VOTE RECORDED: Castillo, Davies, Jeff Gonzalez, Hoover, Celeste Rodriguez

Prepared by: Naima Ford Antal / HUMAN S. / (916) 651-1524
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**** **END** ****