

CONCURRENCE IN SENATE AMENDMENTS

AB 1655 (Bryan)

As Amended August 13, 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 California Work Opportunity and Responsibility to Kids (CalWORKs) benefit amount if specified conditions are met.

Senate Amendments

- 1) Clarify that the AU meets the following conditions:
 - 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.
- 2) Strike the requirement that a report of misconduct must be submitted to the Attorney General, and instead provide 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.
- 3) Allow the California Department of Social Services to implement and administer this bill through all- county letters or similar instructions until regulations are adopted.
- 4) Make 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.

COMMENTS

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)¹. 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)².

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)³. 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.

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

² <https://apnews.com/article/immigration-ice-children-detained-lawsuit-dilley-75530212ec0959eda2b42aada3f8e46a>

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

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 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

According to First 5 LA, this bill "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."

FISCAL COMMENTS

According to the Senate Appropriations Committee on August 13, 2026, "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."

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**ASSEMBLY FLOOR: 61-14-5****YES:** 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**NO:** Chen, DeMaio, Dixon, Ellis, Flora, Gallagher, Hadwick, Johnson, Lackey, Macedo, Patterson, Sanchez, Ta, Tangipa**ABS, ABST OR NV:** Castillo, Davies, Jeff Gonzalez, Hoover, Celeste Rodriguez**SENATE FLOOR: 28-10-2****YES:** Allen, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Cortese, Durazo, Gonzalez, Grayson, Hurtado, Laird, Limón, McGuire, McNerney, Menjivar, Pérez, Richardson, Rubio, Smallwood-Cuevas, Stern, Umberg, Wahab, Weber Pierson, Wiener**NO:** Alvarado-Gil, Choi, Dahle, Grove, Jones, Niello, Ochoa Bogh, Seyarto, Strickland, Valladares**ABS, ABST OR NV:** Padilla, Reyes**UPDATED**

VERSION: August 13, 2026

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