

SENATE THIRD READING
SB 590 (Durazo)
As Amended September 4, 2025
Majority vote

SUMMARY

Allows a "designated person" to receive Paid Family Leave (PFL) benefits.

Major Provisions

- 1) Commencing July 1, 2028, expands eligibility for benefits under the PFL program to include individuals who take time off work to care for a seriously ill designated person.
- 2) Defines "designated person" to mean *a care recipient, as defined*, related by blood or whose association with the employee is the equivalent of a family relationship.
- 3) *Requires an individual that requests PFL to care for a designated person for the first time to identify the designated person, and to attest under penalty of perjury to how the individual is either related by blood to the designated person or how the individual's association with the designated person is the equivalent of a family relationship.*
- 4) Makes conforming changes to incorporate the designated person eligibility and makes other technical gender non-conforming changes to existing provisions.

COMMENTS

- 1) *Background:* Almost all private sector employees and some public sector employees pay into California's Disability Insurance Fund, which funds the PFL Insurance Program. The program is entirely employee funded. PFL provides partial wage replacement when a worker is unable to work due to three circumstances: caring for a seriously ill family member (parent, child, spouse, registered domestic partner, sibling, grandparent or grandchild); bonding with a new child (through birth, adoption, or foster care); or an exigency related to a spouse, registered domestic partner, parent, or child's military deployment.
- 2) *Caregivers:* Immigrant, LGBTQ+, older and disabled Californians often rely upon chosen and extended family for care. However, workers frequently can't access PFL benefits to care for a seriously ill member of their extended or chosen family.

Researchers have found substantial complexity in the living arrangements of migrants, who are less likely than other groups to live in simple arrangements with partners and children and much more likely to co-reside with extended family and non-biological family members. Many LGBTQ+ adults, especially older adults, do not have accessible relationships with biological relatives. In one study, 42% of LGBTQ+ adults said they would depend on close friends in an emergency, compared to 25% of the general population.

A 2021 analysis from the Census Bureau found that, "Of the 92.2 million adults ages 55 and older in 2018, 15.2 million (16.5%) are childless." Aging adults also rely on a wide network of relationships for caregiving. Many caregivers are partners, neighbors, or friends. Among Americans who provide care to an adult age 65 or older, more than 23% provide care for a friend, neighbor, or other unrelated person.

Among people with disabilities, 42% reported taking time off to care for chosen family, compared with 30% of people without disabilities.

- 3) *Amendments:* Amendments to the bill delay implementation for an additional year, i.e., until July 1, 2028, specify that a designated person must be "a care recipient" rather than an individual, and require first time applicants for PFL for a designated person to identify the designated person and to attest under penalty of perjury to how that person is related by blood or how their association is equivalent of a family relationship.

Existing law provides specified enforcement that is generally applicable to false or fraudulent statements made in support of claims for disability insurance, including PFL. Section 2116 of the Unemployment Insurance Code provides that it is unlawful to "knowingly present or cause to be presented any false or fraudulent written or oral material statement in support of any claim for disability insurance including family temporary disability insurance benefits."

Sections 2117 and 2118 specify that supplying and verifying false or fraudulent information is punishable by a civil penalty of not more than \$1,000, or not more than \$20,000 if the violation was willful and intentional. Sections 2117 and 2118 also provide that such a violation is a misdemeanor offense, and can be punishable by imprisonment in the county jail or state prison for up to one year. In contrast, Sections 126 and 1170 of the Penal Code establish perjury as a felony, punishable by up to four years imprisonment.

The current PFL application, Form de2501f, nonetheless requires a declaration and signature attesting that "I declare under penalty of perjury that the foregoing statement including any accompanying statements is to the best of my knowledge and belief true, correct, and complete." (Part A25, Part B11) While for most circumstances, including in Form de2501f, this type of oath is not explicitly provided in statute or regulation, such a declaration under penalty of perjury is prescribed in 22 CCR Section 2706-2(g)(12) with respect to military assist certification. Should this bill become law, it would be the first instance relating to PFL in which penalty of perjury for a claimant seeking benefits is specified in statute.

To the extent that the required attestation under penalty of perjury pursuant to this bill is folded into or mirrors the existing signature and declaration under penalty of perjury on current forms, this is unlikely to create additional complications. Otherwise, false or fraudulent statements in this particular context could be punishable as felonies with penalties that are four times as severe as the statutory penalties for any other false or fraudulent statements made toward the same end. Such an outcome could create confusion as to which penalties would be applicable to a given violation.

According to the Author

"No one should have to choose between putting food on the table and caring for a seriously ill loved one and especially not those workers who have been contributing each month into the Paid Family Leave Insurance program. Yet, that is exactly what is happening in California when a worker's loved one is not on the list of family members they can care for under that law. SB 590 updates California's paid family leave law so that Californians can care for their extended or chosen family. In doing so, California will join Colorado, Connecticut, Oregon, Maine, Minnesota, New Jersey and Washington in recognizing the importance of these relationships."

Arguments in Support

A large coalition representing organizations including labor groups, social justice and civil liberties groups, LGBTQ+ and immigrant rights groups, children's advocacy groups, small business groups, and legal groups, among others, argues in support:

SB 590 would create a more equitable Paid Family Leave program for California workers. 16.5% of older Americans do not have children, so are more likely to rely on chosen and extended family for care. LGBTQ+ people and people with disabilities disproportionately rely on and care for chosen family members. California has higher percentages of people living in multigenerational households; immigrants, people of color, and those families with financial concerns are more likely to live in multigenerational homes. [...] California can make our landmark Paid Family Leave program more equitable in a fiscally responsible way by allowing claimants to use Paid Family Leave to care for their chosen and extended family members.

Arguments in Opposition

None on file.

FISCAL COMMENTS

According to the Assembly Appropriations Committee, with respect to the previous version of the bill, "One-time costs of approximately \$2 million and ongoing annual costs of approximately \$200,000 to the Employment Development Department (EDD) [and] [a]ssuming a 2.7% increase in PFL care-related claims filed effective July 1, 2027, EDD estimates this bill will result in additional benefits paid of approximately \$2.5 million in 2027, \$5.2 million in 2028, \$5.4 million in 2029, and \$5.5 million in 2030, when compared to current benefit projections."

VOTES

SENATE FLOOR: 38-0-2

YES: Allen, Alvarado-Gil, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Hurtado, Jones, Laird, McGuire, McNerney, Menjivar, Niello, Ochoa Bogh, Padilla, Pérez, Richardson, Rubio, Seyarto, Smallwood-Cuevas, Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener

ABS, ABST OR NV: Limón, Reyes

ASM INSURANCE: 14-0-3

YES: Calderon, Wallis, Addis, Alvarez, Ávila Farías, Berman, Chen, Ellis, Gipson, Harabedian, Nguyen, Ortega, Petrie-Norris, Michelle Rodriguez

ABS, ABST OR NV: Hadwick, Krell, Valencia

ASM APPROPRIATIONS: 14-1-0

YES: Wicks, Sanchez, Arambula, Calderon, Caloza, Dixon, Elhawary, Fong, Mark González, Ahrens, Pacheco, Pellerin, Solache, Ta

NO: Tangipa

UPDATED

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