

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2025-2026 Regular Session

AB 1655 (Bryan)
Version: June 22, 2026
Hearing Date: June 30, 2026
Fiscal: Yes
Urgency: No
ID

SUBJECT

CalWORKs: temporary absence: immigration detention

DIGEST

This bill requires a child or other member of the assistance unit who is detained in a federal immigration detention facility to be considered temporarily absent from the home for the purposes of determining cash aid and eligibility for CalWORKS.

EXECUTIVE SUMMARY

The California Work Opportunity and Responsibility to Kids (CalWORKS) program is an essential program that provides temporary cash aid and support services to low-income, eligible families in California to help pay for basic needs like food, rent, childcare, and clothing. In the past year, the federal government has conducted unprecedented immigration enforcement raids across California and has detained a record number of immigrants and children. When a child or a member of their family unit is detained for more than 30 days pursuant to federal immigration enforcement actions, the child and the family may lose the support they have been receiving from CalWORKS. AB 1655 aims to help ensure that a child or family member who is detained for immigration enforcement purposes is deemed temporarily absent from the home, thereby allowing the child and assistance unit to continue receiving CalWORKS benefits for the duration of the detention. AB 1655 makes its provisions operative July 1, 2027, or the date that the Department of Social Services (CDSS) notifies the Legislature that the Statewide Automated Welfare System can perform the necessary automation to implement these sections, whichever is later.

AB 1655 is sponsored by Coalition of California Welfare Rights Organizations (CCWRO), End Child Poverty California, and SEIU California, and is supported by a number of other groups. It is opposed by the Welfare Fraud Investigators Association. AB 1655 will be heard in the Senate Human Services Committee on Monday June 29, 2026, the day before it is heard in this Committee.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Establishes in state law the CalWORKs program to provide cash assistance and other social services for low-income families through Temporary Assistance for Needy Families (TANF). Under CalWORKs, each county provides assistance through a combination of state, county and federal TANF funds. (Welf. & Inst. Code §§ 11200 et seq.)
- 2) Establishes income, asset, and real property limits used to determine eligibility for the CalWORKs program, and CalWORKs grant amounts, based on family size and county of residence. (Welf. & Inst. Code §§ 11150-11160, 11450 et seq.)
- 3) Requires 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. (Welf. & Inst. Code § 11269.)

This bill:

- 1) Requires, for the purposes of determining cash aid for CalWORKs, a child or other member of the assistance unit who is detained in a federal immigration detention facility to be considered temporarily absent from the home for the duration of the detention.
- 2) Provides that the assistance unit remains eligible to receive continued assistance and services for the detention period if both of the following are met:
 - a) The remaining members of the assistance unit continue to meet eligibility requirements; and
 - 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.
- 3) Specifies that a sworn statement by the applicant or recipient shall be sufficient to establish that a report was submitted for the purposes of these provisions.
- 4) Specifies that, notwithstanding the rulemaking provisions of the Administrative Procedure Act, the State Department of Social Services may implement and administer these provisions by means of all-county letters or similar instructions from the department until regulations are adopted. Specifies that these all-county letters or similar written instructions must have the same force and effect as regulations until the adoption of regulations.

- 5) Makes these provisions operative on July 1, 2027, or on the date that CDSS notifies the Legislature that the Statewide Automated Welfare System can perform the necessary automation to implement these provisions, whichever is later.

COMMENTS

1. Author's statement

In support of this measure, the author states:

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.

2. California's immigrant communities

California is home to about 10.9 million immigrants, accounting for 22% of the foreign-born population nationwide.¹ In 2023, 27% of the state's population was foreign born, the highest of any state. Of California's foreign-born population, about 45% are non-citizens, and about 1.8 million are undocumented. There are an estimated 133,000 undocumented children in California public K-12 schools, and one in five California children live in a mixed-status household where at least one member is not a U.S. Citizen.² According to a report from the U.S. Department of Homeland Security, nearly 80 percent of undocumented immigrants in 2022 had been in the U.S. for more than a decade.³ Of all of the undocumented individuals in the United States as of 2022, about

¹ Marisol Cuellar Mejia et al., Fact Sheet: Immigrants in California, Public Policy Institute of California (Jan. 2026), available at <https://www.ppic.org/publication/immigrants-in-california/>.

² Migrant Policy Institute, "Profile of the unauthorized population: California" (accessed Apr. 13, 2025), <https://www.migrationpolicy.org/data/unauthorized-immigrant-population/state/CA#>; Office of Digital Services, "Immigration and California families," Ca.gov (accessed Apr. 13, 2025), <https://www.ca.gov/immigration/>.

³ Karen Aho, "Are more undocumented immigrants living in the U.S. now? Here's what the numbers say," *American Immigration Council* (Jun. 7, 2024) <https://www.americanimmigrationcouncil.org/blog/undocumented-immigrants-living-in-united-states-now/>.

48 percent lived in California.⁴ Immigrants represent a significant part of California's residents and are important and valuable members of its communities.

3. The CalWORKS program is an essential program for many families

The California Work Opportunity and Responsibility to Kids (CalWORKS) program provides temporary cash aid and support services to eligible families in California to help pay for basic needs like food, rent, childcare, and clothing. CalWORKS is meant to provide low-income families with equitable access to essential services, resources, and opportunities. The amount of monthly assistance that a family may receive depends on the number of members of the family who are eligible, the family's income, and any special needs of any eligible family members.

Both adult caretakers or parents of minor children and children may be eligible for CalWORKS.⁵ A recipient must be a U.S. citizen, a legal permanent resident, or have one of another specified immigration status. U.S.-born children can be eligible for CalWORKS even if their parents are not eligible because of their immigration status.

However, when a child is absent from the home for longer than 30 days, CalWORKS support may be reduced or eliminated. Currently, there are a number of exceptions in law for this. For example, if a child is in the hospital, they are considered "temporarily absent" for the duration of their stay even if it passes 30 days. (Welf. & Inst. Code § 11269.)

4. The Trump administration's unprecedented increase in immigration enforcement and detention

The federal government, primarily through the Immigration and Customs Enforcement agency (ICE), enforces federal immigration laws in the interior of the country by placing individuals suspected of being deportable into deportation proceedings, carrying out expedited removals in certain circumstances, or executing outstanding deportation orders.⁶ When someone is arrested by ICE for immigration enforcement, they may be detained to await adjudication of their deportation case or the effectuation of their deportation. Any person in the United States who is not a citizen has some level of risk

⁴ *Id.*

⁵ CalWORKS, "Eligibility & Process," (accessed Jun. 21, 2026) <https://www.calworks.org/eligibility-process>.

⁶ Deportation proceedings are administrative proceedings that are adjudicated by an immigration judge, who must make the determination of whether the non-citizen respondent is deportable, and whether they qualify for relief from deportation, like asylum. Expedited removal is a process by which an immigration officer, not an immigration judge, may remove an individual from the United States without a hearing on their deportability. While expedited removal has historically been limited to narrow circumstances where an individual is apprehended close to the border, the Trump Administration has significantly expanded the circumstances to which it applies, despite significant due process and other constitutional concerns with the practice.

that they could be deported from the United States, and individuals of all varieties of immigration status, from lawful permanent residents to those who are applying for asylum or who are undocumented, may be detained pending adjudication of their cases or a charge of deportability. Most individuals detained can request a hearing regarding their release on bond. Immigration detention is considered civil, non-punitive.⁷ Nonetheless, DHS detains many immigrants for months or even years, often subjecting them to harsh conditions of confinement.

As part of its draconian “mass deportation” agenda, the Trump Administration has substantially increased immigration detention in the past year and a half. It has asserted the power to detain virtually all immigrants indefinitely without review, despite the majority of courts repeatedly rejecting this assertion of authority.⁸ This has meant an increasing number of individuals being detained for immigration enforcement, and for longer periods of time. As of February 2026, 68,289 individuals were in immigration detention, a 65 percent increase from February of last year.⁹ In California, there are 6,459 individuals currently being detained in immigration detention facilities.¹⁰

Many of these detainees are children. Some reporting has found that the Trump administration has detained at least 3,800 children since taking office in 2025, and reporting has found that children are being held for nearly six months on average, well above the maximum of 20 days that the government is supposed to follow for child detainees.¹¹ These children include Liam Ramos, a five-year-old asylum seeker in Minneapolis who was detained alongside his father after being used by immigration agents to get his father to surrender to authorities. Immigration detention centers have long been plagued by reports of unsafe and inhumane conditions, including reports of inadequate medical care, a lack of access to safe drinking water, inedible or spoiled food, the use of solitary confinement and extreme temperatures or 24-hour overhead lighting, poor and unsanitary amenities, overcrowding, and harassment and abuse.¹²

⁷ *Zadvydas v. Davis* (2001) 533 U.S. 678, 690.

⁸ Kyle Cheney, “Our running list of judges who have ruled on ICE’s mass detention policy,” Politico (Feb. 18, 2026) https://www.politico.com/news/2026/02/18/trump-judges-immigration-detention-00784614?sp_pass_consent=true.

⁹ TRAC Immigration, “ICE Detainees,” TRAC Reports (accessed Mar. 30, 2026) https://tracreports.org/immigration/detentionstats/pop_agen_table.html.

¹⁰ *Id.*

¹¹ “Liam Ramos was just one of hundreds of children at this detention center. Release them all,” New York Times (Feb. 1, 2026) <https://www.nytimes.com/2026/02/01/opinion/liam-ramos-ice-detention.html?smid=url-share>; Mica Rosenberg, “ICE sent 600 immigrant kids to detention in federal shelters this year. It’s a new record,” Propublica (Nov. 24, 2025) <https://www.propublica.org/article/ice-detentions-immigrant-kids-family-separations>.

¹² *Id.*; Disability Rights California, “Newly Opened California City ICE Detention Facility: Dangerous for Disabled People” (Nov. 3, 2025) <https://www.disabilityrightsca.org/reports/california-city-ice-processing-center-a-dangerous-expansion-of-immigration-detention-in>; Muzaffar Chisti & Valerie Lacarte, “U.S. detention grows to record heights under Trump Administration,” Migration Policy Institute (Oct. 29, 2025) <https://www.migrationpolicy.org/article/trump-immigrant-detention>.

5. AB 1655 would help families keep their CalWORKS benefits when a child or family member is detained for immigration enforcement

Given this significant increase in immigration enforcement and detentions, including of children, in the past year and a half, AB 1655 aims to ensure that families can continue to receive the CalWORKS support they need when a child or family member is detained. It specifies that, for the purposes of determining cash aid for CalWORKS, a child or other member of the assistance unit who is detained in federal immigration detention must be considered temporarily absent from the home for the duration of the detention. It specifies that the assistance unit remains eligible to receive continued assistance and services during the period in which the child or family member is detained if: the remaining members of the assistance unit continue to meet eligibility requirements, and, if the member or members are held in detention outside of the state, they intend to return to the state once they are released from detention. To demonstrate continuing eligibility for the program, a sworn statement by the applicant or recipient can be submitted as sufficient to establish eligibility.

6. Amendments

The author has agreed to clarifying amendments regarding the required sworn statement. A complete mock-up of the amendments is attached at the end of this analysis.

SUPPORT

Coalition of California Welfare Rights Organizations (CCWRO) (co-sponsor)
End Child Poverty California (co-sponsor)
SEIU California (co-sponsor)
California Faculty Association
California Partnership to End Domestic Violence
Communities United for Restorative Youth Justice (CURYJ)
County of San Diego
Courage California
The Children's Partnership
Western Center on Law & Poverty

OPPOSITION

California Welfare Fraud Investigators Association

RELATED LEGISLATION

Pending Legislation:

SB 1367 (Cervantes, 2026) prohibits a city or county from approving new land uses or changes of use that permit a detention facility, as specified. SB 1367 is currently pending before the Assembly Local Government Committee.

SB 1243 (Durazo, 2026) prohibits an owner of residential real property from initiating or continuing an unlawful detainer action to evict a tenant whose income, ability to obtain income, or financial support is impacted by immigration enforcement activities, as specified. SB 1243 was held in the Senate Appropriations Committee.

Prior Legislation:

AB 3228 (Bonta, Ch. 190, Stats. 2019) required private detention facilities in the state to comply with and adhere to the detention standards of care and confinement agreed to in the facility's contract for operations, and permitted individuals injured by a private detention facility's failure to comply with these standards of care to bring a civil action.

SB 54 (De Leon, Ch. 495, Stats. 2017) prohibited state and local law enforcement agencies from using money or personnel to investigate, interrogate, detain, detect, or arrest individuals for immigration enforcement purposes, among other provisions.

SB 29 (Lara, Ch. 494, Stats. 2017) prohibited a city, county, city and county, or local law enforcement agency from entering into a contract to detain noncitizens for immigration custody, and prohibited a city or county from approving or signing a deed or other document to convey land or issue a permit for the construction or reuse of a building to housing or detain noncitizens for immigration proceedings unless it has provided specified notice to the public and solicited and heard public comments regarding the proposed detention facility.

AB 419 (Lowenthal, Ch. 293, Stats. 2013) provided that a child who is a patient in a hospital for medical or surgical care is to be considered temporarily absent from the home for the purposes of CalWORKS eligibility, as specified.

PRIOR VOTES:

Senate Human Services Committee (Vote not available at the time of publishing this analysis)

Assembly Floor (Ayes 61, Noes 14)

Assembly Appropriations Committee (Ayes 11, Noes 3)

Assembly Judiciary Committee (Ayes 9, Noes 2)

Assembly Human Services Committee (Ayes 5, Noes 0)

Mock-up of Proposed Amendments for 2025-2026 AB-1655 (Bryan)
(Amendments may be subject to technical amendments required by Legislative Counsel)

Mock-up based on Version Number 96 - Amended Senate 6/22/26

The people of the State of California do enact as follows:

SECTION 1. (a) The Legislature finds and declares all of the following:

(1) All children are precious, and their childhood is sacred and worth protection by the government.

(2) Raids by the United States Immigration and Customs Enforcement (ICE) and military occupation have stolen the joy of childhood for countless children and have replaced it with fear and danger.

(3) During the first Trump administration, family separations were pursued by taking children from their parents when they crossed the southern border, but this practice was stopped with litigation.

(4) Now, under the second Trump administration, family separation is being deployed as a tactic to terrorize immigrant communities across the country.

(5) In 2025, ICE set a new record for how many children were taken into custody.

(6) There have been several high-profile cases of citizen children and other children with legal status being unlawfully arrested and detained.

(7) Here, in California, Benjamin Guerrero-Cruz, a student at Reseda Charter High School was detained by federal agents while walking his dog. He was held in ICE custody at the Adelanto Detention Center for over three months, causing him to miss the start of his senior year.

(8) This is just one of the dozens of instances in California where children have been arrested and detained, some violently, some at gunpoint.

(9) These children will forever be impacted by the violence of ICE arrests and detention. As California leaders work to find a resolution to these ICE raids, there are steps that California can take now to protect these youth and their families from economic harm as a result of childhood ICE detention.

(10) California's CalWORKs program was established to protect the basic needs and lifetime opportunities of children in households that are impoverished.

(11) Due to an existing program rule, a child's portion of the family's very small CalWORKs grant must be reduced if the child is placed in an institution, though there are exemptions to this rule for temporary absences as set forth in law.

(b) 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.

SEC. 2. Section 11269 of the Welfare and Institutions Code is amended to read:

11269. (a) A child who is a patient in a public or private hospital for medical or surgical care shall be considered temporarily absent from the home for the duration of the hospital stay.

(b) This section shall become inoperative 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 Section 11269, as added by the act that added this subdivision, whichever date is later, and, as of January 1 of the following year, is repealed.

SEC. 3. Section 11269 is added to the Welfare and Institutions Code, to read:

11269. (a) For the purposes of determining cash aid for CalWORKs, a child who is a patient in a public or private hospital for medical or surgical care shall be considered temporarily absent from the home for the duration of the hospital stay.

(b) (1) For the purposes of determining cash aid for CalWORKs, a child or other member of the assistance unit who is detained in a federal immigration detention facility shall be considered temporarily absent from the home for the duration of the detention. The assistance unit shall continue to remain eligible to receive continued assistance and services for this period if both of the following conditions are met:

(A) The remaining members of the assistance unit continue to meet 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.

(2) A sworn statement by the applicant or recipient shall be sufficient to establish that a member of the assistance unit has been detained in an immigration detention facility a report was submitted for purposes of this subdivision.

(c) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the

Government Code), the State Department of Social Services may implement and administer this section by means of all-county letters or similar instructions from the department until regulations are adopted. These all-county letters or similar written instructions shall have the same force and effect as regulations until the adoption of regulations.

(d) This section shall become 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 date is later.

SEC. 4. No appropriation pursuant to Section 15200 of the Welfare and Institutions Code shall be made for purposes of this act.

SEC. 5. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.