

Date of Hearing: March 24, 2026

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Alex Lee, Chair

AB 1655 (Bryan) – As Introduced January 29, 2026

**SUBJECT:** CalWORKs: temporary absence: immigration detention

**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. Specifically, **this bill:**

- 1) Requires that a child or other member of the AU who is unlawfully detained in a federal immigration detention facility be considered temporarily absent from the home for the duration of the detention.
- 2) Establishes, for the purposes of determining CalWORKs benefit amount, that a child or other member of the AU is to be deemed to be unlawfully detained in a federal immigration detention facility if a report of misconduct by federal agents is submitted to the California Attorney General.
- 3) Requires, upon request, a county human services agency to provide assistance to an applicant or recipient household with submitting a report of unlawful detention to the California Attorney General.
- 4) Makes the following findings and declarations:
  - a) All children are precious, and their childhood is sacred and worth protection by the government.
  - b) 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.
  - c) 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.
  - d) Now, under the second Trump administration, family separation is being deployed as a tactic to terrorize immigrant communities across the country.
  - e) In 2025, ICE set a new record for how many children were taken into custody.
  - f) There have been several high-profile cases of citizen children and other children with legal status being unlawfully arrested and detained.
  - g) 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.

- h) This is just one of the dozens of instances in California where children have been arrested and detained, some violently, some at gunpoint.
- i) 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.
- j) California's CalWORKs program was established to protect the basic needs and lifetime opportunities of children in households that are impoverished.
- k) 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.
- l) 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.

**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. (Welfare and Institutions Code [WIC] § 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. (WIC §§ 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. (WIC § 11269)

**FISCAL EFFECT:** Unknown; this bill has not been analyzed by a fiscal committee.

**COMMENTS:** This analysis only discusses policy issues germane to the jurisdiction of the Assembly Committee on Human Services.

**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. 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.

**Author's Statement:** 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."

---

<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-75530212ec0959eda2b42aada3fbe46a>

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

**Equity Implications:** 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.

**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, §§ 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.

**Policy Considerations:** This bill directs county human services agencies to assist applicants with submitting a report of unlawful detention to the California Attorney General. However, county human service agencies are not equipped to assist in filing a report. This may cause confusion for applicants and lead to incorrect information being shared. Additionally, the California Attorney General’s office currently has a process for submitting misconduct by federal agents, which includes unlawful detention.

*Should this bill move forward, the Author may wish to require county human services staff to only direct applicants to the misconduct by federal agents form to file a complaint and not assist in filing the complaint.*

**Proposed Committee Amendments:** In order to address the above policy considerations, the Committee proposes the Author take the following amendments:

**SEC. 2.** Section 11269 of the Welfare and Institutions Code is amended 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 unlawfully detained in a federal immigration detention facility shall be considered temporarily absent from the home for the duration of the detention.

(2) (A) For purposes of this ~~subdivision~~ **chapter**, a child or other member of the assistance unit shall be deemed to be unlawfully detained in a federal immigration detention facility if a report of misconduct by federal agents is submitted to the California Attorney General.

(B) For purposes of this ~~subdivision~~ **chapter**, upon request, a county human services agency shall provide assistance to **inform and provide notice to** an applicant or recipient household with submitting **on how to submit** a report of unlawful detention **misconduct by federal agents** to the California Attorney General.

**Double referral:** Should this bill pass out of this committee, it will be referred to the Assembly Committee on Judiciary.

**RELATED AND 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.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

SEIU California State Council (Sponsor)  
 Coalition of California Welfare Rights Organizations (Co-Sponsor)  
 GRACE - End Child Poverty in California (Co-Sponsor)  
 ACLU California Action  
 California Association of Food Banks  
 California Charter Schools Association  
 California Coalition of California Welfare Rights Advocates  
 California Immigrant Policy Center  
 California Partnership to End Domestic Violence  
 California Rural Legal Assistance Foundation, INC.  
 CFT – a Union of Educators & Classified Professionals, AFT, AFL-CIO  
 Communities United for Restorative Youth Justice (CURYJ)  
 Community Legal Services in East Palo Alto  
 Courage California  
 Culver City Democratic Club  
 Southeast Asia Resource Action Center  
 Western Center on Law & Poverty

**Opposition**

None on file.

**Analysis Prepared by:** Alexandria Smith / HUM. S. / (916) 319-2089