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IN BRIEF

Quarterly Reporting News- September 1, 2003 Stanislaus County will be testing quarterly reporting. Tulare County will be testing quarterly reporting effective November 1, 2003.

DSS has received over 100 questions on Quarterly reporting from counties and will be issuing periodic All County Information Notices (ACIN) containing the Questions and Answers (Q&As) received from counties.

MBSAC Increase Delayed - The Maximum Basic Standard of Adequate Care was not suspended on October 1, 2002. When the June 1, 2003 COLA was put into effect, DSS discovered this fact and has issued an All County Letter instructing counties to restore benefits to those whose benefits were terminated between October 1, 2002 and when the new MbSAC went into effect. DSS states that over 50,000 families were terminated due to excess income, but

that does not mean that their excess income was below the new MBSAC.

EBT in Los Angeles County- According Kate Meiss of Los Angeles County Neighborhood Legal Services, Los Angeles County Welfare Department staff providing EBT training to clients stated that EBT card holders cannot carry their funds over from one month to another. Off course, this is untrue.

Child Care Inter County Transfer Regulations- DSS has child care intercounty transfer regulations planned to go to public hearings during November of 2003.

Exclusion from Food Stamp Change Report Increased- USDA, FNS has approved a federal waiver that would allow California Food Stamp recipients not be mandated to report unearned income below \$50 and earned income below \$100.

Child Care For Working Boyfriend's Kids- On 2/3/03 Lorna Strachan of San Mateo County asked DSS if a CalWORKs participant with one child of her own, but whose working boyfriend living with her has two of his own children, can get child care for all three children.

On 2/11/03 DSS responded: "Yes, the children are eligible to receive child care assistance as long as (1) lack of child care would result in the CalWORKs client not being able to participate in approved CalWORKs activities or employment and (2) the CalWORKs client is responsible for supporting the children. (MPP 47-201.12). In addition, there is no parent, legal guardian, or adult member of the assistance unit (AU) living in the home who is able to provide the care. MPP 47-220.22 However, the boyfriend's income would need to be counted to determine the family fee."

Transportation CAP- On 5/23/03 Brenda Bovers of San Bernardino County asked DSS if the County can impose a \$5 a day cap on transportation services for CalWORKs participants.

On 7/15/03 Deanna Brown informed San Bernardino County that “According to MPP §42-750.112(b)(3), the transportation rate may not include a “cap” or maximum monthly reimbursement amount beyond which additional miles driven are not reimbursed. Since \$5 is a maximum a CalWORKs participant may receive in a day, even if the person drove more than 20 miles in a day, the maximum rate is considered a “cap” which is prohibited by the regulation cited above... any revisions to how the county plans to operate their CalWORKs program components should be incorporated into the CalWORKs county plan, and the county plan revision must be submitted to CDSS for review, pursuant to MPP § 42.780.51.- .53.”

Advancing Ancillary Payments- dvillarreal@ladpss.org asked DSS about paying for books for childhood development worker classes.

On April 22, 2003, Mike Lipkin of DSS responded that the “...county is obligated to provide participants with books they need for their courses on a timely basis. MPP Section 42-750.21 provides that payments shall be advanced to the participant when necessary and desired by the participant so that the participant need not use personal funds to pay for services...”

Application Withdrawal- At a June, 2003 CWDA Food Stamp Committee meeting, counties were informed that counties should not suggest to customers that they should withdraw their food stamp application for any reason. County minutes do not state that counties denied they were doing this, but at the meeting our sources tell us that counties categorically denied they ever suggested

to any food stamp applicant to withdraw their application. **To say this is untrue is to be kind.** The June 2003, DFA 296 reports verify that counties were lying.

Below are counties, such as Yolo and Santa Barbara with less than a 1% withdrawal rate and Santa Clara leading with a 17% withdrawal rate, Mariposa at 13%, San Benito at 12%, etc. There is a reason for this discrepancy. The high withdrawal rate requests applicants to withdraw their application because they are not eligible, which is illegal, but they do not care about the law.

Alpine	0.00%	Santa Clara	17.28%
Sierra	0.00%	Mariposa	13.04%
Yolo	0.21%	San Benito	12.32%
Santa Barb.	0.71%	Napa	10.27%
Lake	1.09%	El Dorado	8.62%
Sonoma	1.35%	Trinity	8.51%
Kings	1.36%	Monterey	8.30%
Merced	1.40%	Sutter	8.15%
Lassen	1.56%	Yuba	7.91%
Santa Cruz	1.58%	Colusa	7.78%

Travel Time for CalWORKs from Home to Destination- CalWORKs participants who have to travel more than one hour each way by public transportation, unless they have a car and insurance, and have been provided with advance money for transportation, cannot be sanctioned for failure to participate. Even if the person can take the bus in less than two hours, if the participant was not advanced the cost of taking the bus, then they have good cause for not participating.

California counties as a practice do not advance transportation costs to participants who are asked to participate in a welfare to work activity. Lack of Transportation is a good reason.

This Policy Interpretation (PI) was done for Juan Perez of the Hotline on 4/15/03 by DSS analyst Voltair Ignacio and the PI states:

“Travel time starts when the participant leaves home and includes the waiting period between transfers. The only time not included in the 2 hours is any time spent transporting family members to school and a place providing care (MPP 42-721.313(a))”

California Welfare Program Computer System Mess

After spending more than a billion dollars, California still lacks a single computer system for the California welfare programs. California has four (4) different computer systems:

1. Los Angeles County has the LEADER system which does not talk to any other computer system in California.

2. C-IV - This is a four (4) county Merced, Riverside, San Bernardino and Stanislaus County system.

3. ISAWS - This is the system and all counties were supposed to be converted to. But politics and county lobbying the Legislature prevented common sense to prevail and the current chaotic system continues. ISAWS counties are: Alpine, Amador, Butte, Colusa, Del Norte, Eldorado, Glenn, Humboldt, Imperial, Inyo, Kern, Kings, Lake, Lassen, Madera, Marin, Mariposa, Modoc, Mono, Monterey, Napa, Nevada, Plumas, San Benito, San Joaquin, Shasta, Sierra, Siskiyou, Sutter, Tehama, Trinity, Tuolumne, Yuba.

4. Then there are the CDS counties, which are changing to what they call the CalWIN system. The CDS counties include Alameda, Contra Costa, Fresno, Orange, Placer, Sacramento, San Diego, San Francisco, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Solano, Sonoma, Tulare, Ventura and Yolo.

Anytime the State makes a change, there are four (4) computer systems that have to be modified, rather than one, which costs millions of wasted dollars than could have been used

to help impoverished families, rather than lining up the pockets of computer programmers.

County Policy Standard

The California 1998 Welfare law confirming with TANF provided counties with a lot of flexibility so they can design their own program that suits their county.

Many counties have an impression that this gives them a blank check to do whatever they want to do. The law does not give counties a blank check to do whatever they want to do.

First, the county policy has to be consistent with the state law and regulations. If a policy results in persons not being able to participate in a WtW program, then such policy is invalid, void and unlawful.

On 6/10/03 Monterey County asked DSS if they can change their policy for car repairs. In their response DSS explained when county standards will be effective.

In May of 2003, in response from Monterey county regarding car repair county policy DSS explained what county standards must entail:

“The policies and procedures adopted by the county must be in writing and must be made available to the public upon request. To be effective, policies and procedures must contain sufficient detail so that program participation requirements can be clearly understood.

In addition to be legally required, written policies and criteria must ensure that county staff, applicants for recipient of aid, and other interested parties have knowledge of program requirements; promote uniform and equitable treatment of clients; assist in demonstrating that county actions are not arbitrary and capricious; and serve to support county actions in State hearings.”

A CCWRO COUNTY STANDARDS CHECKLIST AND RESOURCES

To summarize, the county policy can only be valid if it meets the following requirements:

1. It is in writing;
2. It is provided to the public upon request; (this means any member of the public can go to the CWD office and ask for a copy of the policy. If the person representing the county at the window states that they do not have such a policy, then the policy is NOT available to the public. The victim who was denied the service can also ask for the copy of the policy from the county.)
3. The policy has to have sufficient details;
4. The policy has to be written in such a way that it is clearly understood by participants;
5. Participants have to be aware of the policy, which means they were told about the policy;
6. The policy shall promote equitable and uniform treatment to participants;
7. The county policy cannot allow for arbitrary and capricious county actions.

Generally, county policies do not meet these standards. Thus, if ancillary services has been denied based on county policy that does not meet these standards, the denial is reversed in a fair hearing.

RULE: In a **fair hearing** first determine if the county action was based on county policy or state regulations. If it is a county policy, then determine if the county policy meets these standards. If they don't, the policy is void.

Other Resources:

I. DSS All County Letters

DSS All County Letter 98-58

NOTE: This ACL is signed by the DSS Deputy Director for State Hearings specifying how the county has to prove that there is a county policy. Failure to do so means that the county policy has no weight.

DSS All County Letter 00-08

To download these ACLs go to:

http://www.dss.cahwnet.gov/lettersnotices/AllCountyL_551.htm

II. DSS Regulation

MPP § 11-501.3

III. FH Training Notes

To download these FH Notes from the DSS State Hearings Division go to:

Division @ <http://www.dss.cahwnet.gov/shd/item.html>

Item 98-12-01B

Item 00-04-02C