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### **IN BRIEF**

**Medicaid Regulations and Medi-Cal-** At a recent state administrative hearing representatives of the State Department of Health Services (DHS) testified under oath that DHS does not have to follow federal medicaid regulation when administering provisions of the Medi-Cal program. The State does submit federal claims for Medi-Cal, thus, it is a part of the Medicaid program, but the well educated government officials representing the Department of Health Services did not know this.

**CAPI - Indigence Exception - Sponsor Whereabouts Unknown-** This is a policy interpretation requested by Nancy Gillitzer of Fresno County Welfare Department. Many states have asked what happens if the CAPI applicant/recipient does not know the whereabouts of the sponsor?

Marshall Brown, with the approval of Vickie Walker stated: "...if the sponsor's whereabouts are unknown, the applicant's statement (if credible and nonconflicting with other case file information) can be accepted without confirmation. Supporting statements from third parties can also be used if the sponsor's whereabouts are unknown."

**HA Reports Withheld by DSS-** DSS publishes monthly homeless assistance reports

on the internet. The last report published was for June, 2002. Duly promulgated state regulation require that each county submit a monthly report by the 20th day of the following month. This means that the September monthly report is due by October 20th.

We have been informed by DSS officials that no report has been released since June of 2002 because Los Angeles County has knowingly refused to submit the homeless assistance reports as required by duly promulgated state regulations since June of 2002.

How would Los Angeles County react to CalWORKs participants not submitting income reports for over one year? The manure will hit the fan. A notice of action stopping all benefits would have been mailed out in July of 2002 and benefits would have been stopped. But Los Angeles County DPSS just keeps on getting their paychecks and intentionally violating the law. And then they have the colossal nerve to talk about their concern with the integrity of the CalWORKs program when it comes to the participants. How practicing a little bit of what you preach DPSS.

## **DSS News**

### **WtW Sanctions Climbing to New Heights-**

In July of 2002, 34.6% of the unduplicated Welfare to Work participants were sanctioned in California. This is the fruits of punitive policies promoted by the County Welfare Directors Association (CWDA) to make it easier to sanction impoverished families of California.

A year later, we have taken another look at how many people are being sanctioned in California. The California Sanction machine has been humming and it has now reached **42.41% sanction rate**. This is a huge **7.81%** increase over a one year period. At this rate in 2004 the sanction rate will pass 50%.

Counties admit that most sanctions are a result of lack of child care. It is unlawful to impose a sanction when it is caused by lack of child care. Lack of child care is good cause. But then the primary purpose of the California WtW program has always been the desire to sanction.

In July, 2003 the following counties have sanction rates over 50%:

Merced	128.59%
Fresno	109.39%
Plumas	107.41%
Colusa	100.00%
Napa	95.33%
Trinity	80.49%
San Joaquin	77.31%
Tulare	68.77%
Calaveras	65.69%
Los Angeles	60.90%
Tehama	56.30%
San Diego	54.98%
Monterey	52.65%
Alameda	52.55%
Sutter	52.28%
Shasta	51.05%
Humboldt	50.64%

## TANF UPDATE

H.R.3146, which was enacted and became Public Law 108-89, extends the Temporary Assistance for Needy Families block grant program and the child care block grant program through March 31, 2004.

The Center for Law and Social Policy and the Center on Budget and Policy Priorities on September 19, 2003 published the Key Provisions in TANF Reauthorization Bills Passed by the Senate Finance Committee and the House. You can download this report at: [http://www.clasp.org/Pubs/DMS/Documents/1064343116.03/Summary\\_SBS.pdf](http://www.clasp.org/Pubs/DMS/Documents/1064343116.03/Summary_SBS.pdf)

Meanwhile the state welfare directors have published their own side-by-side comparing the House and Senate bills passed in 2003. This side-by-side can be downloaded at: <http://www.aphsa.org/publicat/WMemo-03-9-10-TANF%20side-by-side.doc>

It looks like 2004 will be another year where poor families of America will be **TERRORIZED** by the Republicans and the Bush Administration.

## CWD Victim Report

**Los Angeles County Victim** - On December 31, 2002, Ms. 02350117 a single mom living in Los Angeles County, was verbally notified on 12/31/02 that effective 12/31/02 she will only receive aid for her child because she had already received aid for 60 months. The county said she has been getting aid since 9/23/97.

On 12/31/02 Ms. 02350117 filed for a fair hearing against Los Angeles County stating that

Los Angeles County got it wrong. She started getting aid since June of 1998.

The county recognized that they screwed up and agreed to a conditional withdrawal stating that the county would reevaluate her time limit.

On 2/15/03 Ms. 02350117 received a letter stating that effective 3/1/03 her aid will be reduced because she had exceeded the 60-month time limit.

Ms. 02350117 reopened her hearing filed on 12/31/02 because the county had failed to make a proper determination of her time limit.

On 3/10/03 the hearing was held. Los Angeles County representative Victor Lojero argued that the case should be dismissed because the county had not taken any adverse action against Ms. 02350117.

The county had no case file at the hearing and failed to show that the Ms. 02350117 had been on aid for more than 60 months when the county proposed to terminate the benefits given the lack of evidence Law Judge William Blum granted the claim because the county could not prove that Ms. 02350117 had received aid for 60 months.

**San Diego County Victim** - Ms. 02365372 of San Diego County is enrolled in college at San Marcos. On 12/24/02 she received a Christmas Present from Scrooge County San Diego - her 24 months had stopped and she was no longer eligible for supportive services.

She has a learning disability and needs supportive services to complete her education. Section 42-710.12 provides that the county shall adopt a criteria for extending the 18/24 month clock.

All County Letter No. 0170 dated October 17, 2001 provides for a process of extending the 24/18 month clock for persons with learning disabilities. In this case Ms. 02365372 was never evaluated for learning disability by San Diego County. Judge Patrick Cooney ORDERED San Diego County to rescind their determination that her 24 month time period has expired and top provide Ms. 02365372 screening for learning disability.

## **CCWRO SERVICES FOR LEGAL SERVICES PROGRAMS**

### **Types of Services Offered:**

**Litigation, Fair Hearing  
Representation,  
Consultation, Informational  
Services, Research Services  
& In-Depth Consultation.**

### **Programs Covered:**

**CalWORKs, Welfare to  
Work (WtW),  
Food Stamps, Media Cal,  
General Assistance &  
Refugee/Immigrant  
Eligibility**