



## In This Issue

- In Brief
- Schwarzenegger Thumbs His Nose at the Law
- Los Angeles County Disregards Their Reporting Responsibilities
- Equal Justice in America?
- Food Stamp Policy News
- Statistical Analysis - IHSS Hours Compared County-by County

### IN BRIEF

**Solano County** asked DSS on 8/27/03 whether or not they can modify their Transportation Reimbursement rates to limit reimbursement to an amount that does not exceed the monthly gross earnings for working participants.

DSS responded that limiting transportation reimbursement is "capping" transportation claims in violation of 42-750.112.

**San Bernardino County** asked DSS on 5/23/03 whether or not they can limit transportation reimbursement to \$5 a day. On 7/18/03 DSS responded 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."

**Sacramento County** asked DSS on 6/4/03 whether or not the county has to pay IHSS providers for transportation other than to and from the work place.

71 days later DSS promulgated an unlawful underground rule that transportation reimbursement is limited to and from place of work. CCWRO is preparing litigation.

## Schwarzenegger Thumbs His Nose at the LAW

Schwarzenegger has decided not to implement the law which provides food stamps to welfare recipients who become self-sufficient and are transitioning off of welfare.

**He** wanted to repeal AB 231 as part of his midyear budget reduction proposal which was not enacted by the State Legislature

The Democrats refused to repeal AB 231. The Terminator has decided that he is above the law and will not implement the provisions of AB 231 which are effective January 1, 2004. It's the Schwarzenegger way of wishing Happy New Year to poor families of California.

## Los Angeles Disregards Their Reporting Responsibilities

Under state regulations, counties including Los Angeles County, are supposed to submit certain statistical reports just like welfare recipients who have to file monthly reports.

If a welfare recipient in Los Angeles County does not file the report by the end of the month of which the report is due, benefits for the family come to a total halt. Food runs out, children go hungry and families become homeless.

When Los Angeles County intentionally and knowingly refuses to submit the reports required by state regulations - nothing happens - zero consequences. (cont'd on next page)

**Editorial**

**Schwarzenegger** follows in the footsteps of his mentor, Pete Wilson. Like Wilson, Schwarzenegger has decided that welfare kids and the disabled are easy targets for his administration.

**Attacking** welfare kids and the disabled has been a long time obsession of Republican politicians in Sacramento. In fact, many of the Sacramento- based Republicans are very willing to take money from the mouths of poor kids to make more money available for welfare bureaucrats.

**Fortunately**, Democrats under the leadership of John Burton, Senate President Pro Tem, are not rolling over for Schwarzenegger and he has failed to enact his punitive midyear cuts so far.

**The Schwarzenegger** attack on the poor will most likely continue and will be reflected in the 2004-2005 budget.

As of December 15, 2003 Los Angeles County has intentionally refused to submit the following reports:

**CA 237 HA** - Last Report Submitted - June, 2002  
This is a monthly CalWORKS Homeless Assistance Report

**DFA 296X** - Last Report Submitted- March, 2002  
This is a quarterly Expedited Service Food Stamp Report

**STAT 40** - Last Report Submitted- October, 2002 - FSET Quarterly report

**STAT 46** - Last Report Submitted- October, 2002

This is a quarterly report for Food Stamp ABAWDS

Last month we called Lisa Nunez, Chief Deputy Director of Los Angeles County DPSS. We informed her that DPSS was failing to meet their reporting requirements. She said she would look into it. It has been a month and Los Angeles County continues on the path of irresponsible behavior- refusing to meet their reporting responsibilities.

**EQUAL JUSTICE IN AMERICA**

**A** welfare mom in small County was overpaid by about \$567 due to failing to report three (3) child support checks. She has repaid the entire amount of the overpayment. The County did not allow the \$50 disregard for each of the months, but then County cheating of welfare recipients is standard practice without any criminal repercussions.

Because the welfare overpayment was over \$400 dollars, the County has filed FELONY charges against this welfare mom.

**Food Stamp Policy News**

**DSS and Los Angeles County Attack Food Stamp Recipients**

On August 12, 2003, Los Angeles County DPSS asked DSS whether a person applying for food stamps is eligible, if the car owned jointly with another person is worth over \$9,000. The car is not accessible to the household because, as of 7/12/03, the police impounded the car and it is not accessible to the household. (cont'd on page 4)

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Los Angeles County's answer was that "until the participant gets the car out of impound, they do not have access to it.

This is consistent with state regulation MPP § 63-501.21 that states: "Resources owned jointly by separate households (including non-food stamp households) shall be considered available in their entirety to each household, unless it can be demonstrated by the applicant household that such resources are inaccessible to that household..."

This did not sit well with the State Department of Social Services. Rather than accepting the County's proposed response which is consistent with the regulations, the 8/14/03 response from DSS stated:

"...the entire value of the vehicle is considered available to the household because access to the value of the vehicle is not dependent upon any agreement with the joint owner as provided in ACIN 17-02."

Another household goes hungry compliments of DSS analyst Frederick Hodges the Third.

**Drugs from Canada are a  
Medical Expense Deduction**

On September 23, 2003, San Joaquin County asked DSS whether drugs prescribed in the USA and purchased in Canada are eligible for medical expense deduction. DSS analyst, Katie Kwiatek responded; "Since the medication is being prescribed by a doctor in the United States and only being filled in Canada it would be considered an allowable medical expense and the deduction would be allowed."

**A car used to transport a disabled household member; even those members not getting food stamps, are exempt.**

On July 22, 2003, San Mateo County called DSS about CalWORKs recipient who owns a car that could make them ineligible for cash aid and food stamps. The car is used to provide medical transportation to a disabled member of the family who is not getting food stamps.

The proposed answer was to deny food stamps because the disabled member of the family was not getting food stamps.

However, Katie Kwiatek of DSS had the right answer. She wrote back to San Mateo County on July 22, 2003 stating that "... the disabled member is living in the home, the vehicle can be excluded per MPP § 63-501.52(e). The disabled person does not have to be a member of the food stamp household; they just need to be a member of the household."

**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, Medi Cal, General Assistance & Refugee/Immigrant Eligibility

## Statistic of the Week

This issue looks at the hours provided to IHSS recipients in each county.

There are statewide standards for determining the number of hours IHSS recipients should get. The statewide average is 81 hours a month.

The 10 top most stingy counties with hours are Tuolumne, Tulare, Merced, Santa Clara, Orange, Ventura, Plumas, Siskiyou, San Francisco and Calaveras Counties.

Excluding small counties, counties such as Marin, Butte, Solano, Fresno have assessed a need for over 100 hours a month.

County-by-County IHSS Hours Per Case April, 2003	Hours Per Case		Hours Per Case
<b>STATEWIDE</b>	<b>81.18</b>		
TUOLUMNE	44.75	AMADOR	87.18
TULARE	61.28	GLENN	87.47
MERCED	62.87	RIVERSIDE	87.82
SANTA CLARA	63.71	MENDOCINO	88.54
ORANGE	68.40	SONOMA	90.93
VENTURA	70.36	MARIPOSA	91.34
PLUMAS	70.76	TRINITY	91.82
SISKIYOU	71.86	COLUSA	91.83
SAN FRANCISCO	72.18	CONTRA COSTA	92.40
CALAVERAS	72.36	SACRAMENTO	94.02
SAN JOAQUIN	76.28	HUMBOLDT	94.14
YOLO	76.31	ALAMEDA	94.91
LOS ANGELES	76.56	MONTEREY	95.15
TEHAMA	76.82	SHASTA	95.75
STANISLAUS	77.01	SAN BENITO	97.08
YUBA	77.15	KINGS	98.72
SAN DIEGO	78.02	NAPA	98.76
SAN LUIS OBISPO	78.68	SAN MATEO	99.75
IMPERIAL	80.27	FRESNO	100.25
SAN BERNARDINO	81.61	EL DORADO	100.62
DEL NORTE	82.25	PLACER	101.56
MADERA	82.90	SOLANO	101.89
KERN	83.06	BUTTE	104.62
SANTA BARBARA	85.35	MODOC	108.27
INYO	85.44	LAKE	109.20
SUTTER	85.87	MARIN	117.30
LASSEN	85.89	NEVADA	123.54
SIERRA	86.60	MONO	131.34
SANTA CRUZ	86.86	ALPINE	137.14

What is the difference between these top ten stingy counties and the counties that pay for over 100 hours a month?

In many counties, social workers do not do an accurate assessment of the number of hours and services that are needed, thus, the huge discrepancies between counties.

Many counties are famous for coming up with unlawful ways to deny hours to which IHSS recipients are entitled to.

Advocates should always file for a fair hearing and make sure that the appropriate hours have been granted. CCWRO can provide assistance with IHSS hearings for IOLTA funded legal services programs.