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IN BRIEF

The Bush Tax Cuts- New York Times Columnist, Paul Krugman describes Bush and his tax cuts as follows: "President Bush is like a man who tells you that he's bought you a fancy new TV set for Christmas, but neglects to tell you that he charged it to your credit card, and that while he was at it he also used the card to buy some stuff for himself. Eventually, the bill will come due - and it will be your problem, not his." And that's the over half a trillion deficit that Bush has accumulated for us and our kids so he can pay off his political contributors in his "pay to play" governance.

DSS Transition- DSS is in the process of transition. Each Department has a couple of people who head up the transition. The persons heading up the transition for DSS is King Gee, assistant director for Intergovernmental Affairs, a holdover from the Wilson Administration. The other member was supposed to be Deputy Director Donna L. Mandelstam of Disability and Adult Programs Division, but she was maneuvered out by Chief Deputy Director of DSS Tameron Mitchell, who used to work for Department of Health Services. So now the transition team is King and Mitchell.

The new governor will be given a "transition book" which outlines current issues the department is considering and their status. There will also be a report on litigation status.

Supportive Services Unlawfully Being Withheld from Eligible Participants - CWDA had a conference call to discuss the concerns of advocates regarding participants who are not getting the supportive services.

Counties have a budgetary concern about providing services to which participants are entitled. So, for years, counties have been committing the colossal crime of withholding supportive services monies from impoverished families. They intentionally cheat poor families out of child care, transportation and ancillary services that they are entitled to. This intentional fraudulent activity needs to come to a halt.

Supportive Services Aid Paid Pending - Under current DSS policy, counties are allowed to determine on a case-by-case basis to continue aid paid pending (APP) or not to. At a September 4, 2003 CWDA meeting, county representatives said they would like to continue to have the power to decide which family they deem worthy of due process of law and which family they deem not worthy by deciding who gets APP on a case-by-case basis. Counties argue that they don't want to pay APP because they are not able to recoup the APP if the claimant loses the hearing. The fact that denial of APP is a blatant violation of the Due Process Rights of WtW participants did not concern the CWDA meeting participants, because it is not their Due Process rights that are being mutilated.

EMERGENCY REGULATION ALERT

On October 21, 2003, DSS submitted proposed emergency regulations regarding Anticipating Income & Changes in the Food Stamp Program for QR to the Office of Administrative Law - **FILE NO. 03-1021-01 E**

The proposed regulations effect MPPSections: 63-503-505

The last day for public comment is 10-27-03

You can get copies of the regulation by contacting Anthony J. Vlasquez @ (916) 657-2586

DSS Regulation Scheduled for Public Hearing

When: November 12, 2003
Where: State Office Building #9
744 P Street, Auditorium
Sacramento, California
Time: 10:00 a.m.
November Child Care Intercounty Transfers
ORD# 0603-16

HOW TO E-MAIL COMMENTS: All comments must be received by 5:00 p.m. on November 12, 2003. You can e-mail comments to: ord@dss.ca.gov

CCWRO LAWSUIT IN PROGRESS

At this time, CCWRO is working on a number of lawsuits to be filed soon. If you have a client/victim issue that these lawsuits will address, contact: Grace A. Galligher, Directing Attorney CCWRO @ 916-736-0616 or e-mail her at ccwro@aol.com. This week we will inform you about the Immediate Need (IN) and Expedited Food Stamps lawsuit.

This has been a long standing problem in California. Counties have been intentionally violating the regulations governing IN with the knowledge of the State Department of Social Services. In a recent letter from CDSS (in response to our demand letter that said, in essence, shape up or be sued) there is no problem with IN in California. All is fine. Thus, if your client is hungry and becomes homeless because they did not get the IN they were entitled to - it is news to DSS. They have no idea that such families and children are being abused by county welfare departments.

The causes of actions in this case are:

FIRST CAUSE OF ACTION - Violation of 63-300 .21 "Screening

Applicants shall not be required to complete any CWD developed prescreening form."

EXPLANATION: Counties require all applicants to complete a county screening form before they are given a SAWS 1 form. This violates Food Stamp regulations. About every county does this and it is illegal.

SECOND CAUSE OF ACTION: Violation of 40-129. 32

"At the time of application, every applicant shall be given the opportunity to request an Immediate Need payment by completing the Immediate Need section of the application."

40-129.33 "The county shall not complete the Immediate Need section of the application or the Immediate Need Payment Request (CA 4, 9/90), except at the applicant's specific request."

.34 "All Immediate Need payment requests received during regular business hours shall be accepted on that date.

.341 In no event shall any person wishing to file a request for an Immediate Need payment be denied the right to do so.”

EXPLANATION: Many counties have an interactive process. In these counties, like Los Angeles County and other SAWS counties, the county completes the SAWS 1 on line, prints it out and tells the applicant to sign it.

THIRD CAUSE OF ACTION - 40-129.4 The Immediate Need Interview

“.41 If the applicant indicates on the initial application or the Immediate Need Payment Request (CA 4, 9/90) that the family has an emergency situation as defined in MPP 40-129.13, the county shall conduct an Immediate Need interview no later than the next working day following the date the Immediate Need request is received.

.411 When feasible, the county should conduct the interview the same day the Immediate Need payment is requested, but no later than the next working day.

EXPLANATION: Persons who indicate that they are in IN are scheduled for an appointment after the 2nd working day following the date of application.”

FOURTH CAUSE OF ACTION: 40-129.5 Action on The Immediate Need Payment Request

“.51 A determination of eligibility for an Immediate Need payment shall be made no later than the next working day following receipt of the request.”

EXPLANATION: Counties refuse to make a determination on IN within the timeframes provided in law.

FIFTH CAUSE OF ACTION: 40-129.53 When eligibility for an Immediate Need payment does not exist:

“40-129.531 The Immediate Need payment request shall be denied and the applicant notified in writing in accordance with MPP 22-001a.(1). Where notification is hand-delivered, a new Immediate Need Payment Request (CA 4, 9/90) shall also be given to the applicant.”

EXPLANATION. This is a violation of Due Process of Law because applicants denied IN have a right to a FH, but they never get a NOA, thus, cannot file for a FH.

ACTION: If you have a client who has been a victim of one of these causes of action, please let us know NOW!

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Types of Services Offered: Litigation,

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Consultation, Informational Services,

Research Services

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Food Stamps, Medi Cal,

General Assistance &

Refugee/Immigrant

Eligibility