

**CCWRO Weekly New Welfare News Bulletin
#2003-8- March 11, 2003-**

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IN BRIEF- Welfare Policy Issues

-- Quarterly Reporting.

DSS has proposed to drop the concept of re-averaging during the quarter in favor of doing perspective budgeting in those situations. This concept is waiting for approval from the Department of Finance. Meanwhile, DSS assumes that if the ACL implementing quarterly reporting is released during March, 2003, it will go into effect on November 1, 2003.

-- Milt Yee of DSS informed the California Welfare Directors Association (CWDA) CalWORKs committee that persons cannot be sanctioned for not attending a third-party assessment. If the participant who objected to the county-proposed plan fails to attend the third party assessment, then the county shall schedule the participant for the activity outlined in the proposed plan. If the participant fails to participate without good cause, then a sanction can be imposed.

-- Reimbursement for Extracurricular Activities for Children

On 9/18/02 Bill Beinbrech of LA DPSS asked DSS; "Is reimbursement for transporting children to extracurricular activities a State mandate or a county option?" Michael Lipkin of DSS answered on 10/3/2; "The policy in ACL 00-54, last paragraph, page 4 states, "payments for this type of transportation could provided...if the CWD has determined it is necessary for the parent to participate in work activities. Payment for transportation to extracurricular activities is therefore a county option."

-- San Bernardino County asked DSS; "Are there any financial penalties to the County for failure to timely process some of the IEVS pieces?" IEVS stands for Income and Eligibility Verification System. This system, using the CalWORKs recipients social security numbers,

identifies cases where income has not been reported. Many counties are slow to act on these reports, which allows the overpayment to grow and then they commence to persecute (CWDs call it prosecute) the parent for the large overpayment. These are large overpayments caused by the county intentional program violations. In a letter dated 7/24/02, DSS informed San Bernardino County that federal law and state regulations require processing matches, most within 45 days from the date of the match. Also counties will lose fraud incentive payments, larger errors and lawsuits from advocate groups. However, the 7/24/02 letter made no mention of any consequence or consequences if the county intentionally refuses to process the IEVS reports in a timely fashion.

EDITORIAL - CalWORKs - A Program of Sanction, Penalties and Punishment - How About Trying Something Positive?

The CalWORKs program, is a punitive program, infested with sanctions and penalties. There are Welfare to Work (WtW) sanctions, immunization penalties, penalties for children not going to school, penalties for being convicted of a drug crime and intentional program violations penalties. Some CalWORKs participants have multiple penalties. The whole idea of the program is to punish parents and children of impoverished families. There is only one piece of the CalWORKs program that has a positive feature - CalLearn rewards for completing the program, however even this program has sanctions.

There is no regulation or law that establishes a statewide policy on how sanctions and penalties are imposed. Counties are all over the place on this issue. Typically, many counties do not even have a policy.

The CalWORKs program should be changed into a positive experience by giving people incentives to follow through and complete the objectives of law makers. For example, the Legislative Analyst states that meeting participation rates is important. If California does not meet the rates, it could lose federal money. Lawmakers should consider giving families a COLA if they meet the participation goals. Why not give eligible participants an incentive to meet the federal participation rates?

Counties get incentives for collecting overpayments, etc. It is high time that the CalWORKs Program reward impoverished families and their children with dignity and respect when they meet the expectations of lawmakers.

Today 25-35% of the WtW participants are being sanctioned, which means that the kids suffer. This is a cowardly act and child abuse at the highest level. CalWORKs and county welfare operators have become masters of this in California.

--Stage 1 Child Care:

On 11/6/02 Efthaim Rodriguez contacted DSS with the following inquiry: "A participant is in Stage I and is determined to be stable and referred to Stage II. The Stage II AP will not contract with the participant's provider (maybe it's an in-home provider). However, the participant does not want to select another provider."

On 11/7/02 Suzanne McNamee of DSS responded as follows:

ANSWER/COMMENTS: "...The client can remain in Stage One, provided it has not been more than 24 months since they left cash aid. ...Please note, however, that Stage Two cannot refuse to pay the client's provider simply because said provider is license-exempt. There is no basis for refusal to pay a license-exempt provider."

--San Francisco Stage One Benefits Stopped without a Proper Notice of Action

Joyce Bosc of San Francisco County Welfare Department called DSS on 10/11/02 about a client whose Stage One child care benefits were discontinued by the San Francisco APP, known as Children's Council, with the issuance of a letter that was not a notice of action and did not inform the victim of her fair hearing rights and how to file for a fair hearing.

The victim has filed for a fair hearing and Ms. Bosc was looking for guidance from DSS. DSS informed Ms. Bosc of MPP 47-420.31 that states the county can only terminate Stage One benefits if a timely and adequate notice of action has been issued. We wonder how many other people have been unlawfully terminated by the San Francisco Children's Council.

--Can a CalWORKs participant be reimbursed for ancillary expenses for cosmetology tools and supplies purchased prior to signing the county's employment plan?

On 4/4/02 Dao Nguyen of Santa Clara County asked DSS the following question:

"... a client that signed up for cash aid on December 10, 2001. The client attended a CalWorks orientation that discussed the participation requirements of the program. The client enrolled in cosmetology training program at San Jose City College on January 10, 2002. She bought the tools and supplies required for the program totaling \$780. According to the Appeal Worker, the client met with a CalWORKs representative at the school who told her that she would be reimbursed.

The client did not sign her Welfare to Work employment plan until February 4, 2002. The county denied the request from the recipient. The county denied the \$780 claim because client had not signed the employment plan prior to enrolling in the training program. This decision is being appealed by the client. The appeal hearing is April 10, 2002.

On 4/5/02, Linda Horne of DSS answered:

ANSWER:

Section MPP 42-750 does not specifically prohibit a county from denying ancillary expenses to a client who voluntarily enrolled in a training program with prior approval of the training program from the county. However, if the county ultimately approved the client's welfare to work activity in cosmetology and the tools and supplies are required for the training, the county should pay such costs. Especially since the client was told by a Calworks representative at the school that she would be reimbursed.

COUNTY WELFARE DEPARTMENT VICTIM REPORT

San Diego County Victim - A WtW participant enrolled her child in the Montessori School of San Diego. The enrollment was approved by the San Diego YMCA, which was administering the Stage One program for San Diego in 9/99.

On 6/6/01 San Diego County mailed a notice to the WtW participant stating that she has a \$9,075.65 overpayment. The county said that she was overpaid because YMCA should never had enrolled her child in the Montessori School of San Diego.

She appealed. She was represented by Jennifer Welker of Legal Aid Society of San Diego. In a 25 page decision issued by Rita Saenz, Director of DSS, the hearing decision held that under the equitable estoppel doctrine the participant did not have to pay back the overpayment caused by the county, Good work Jennifer. State hearing # 20021143321.

-- Los Angeles Tries to Sanction a Person Working Full Time. - On June 1, 2002, Los Angeles County mailed a notice of action in SH #2002182287 imposing a sanction for allegedly failing to participate in GAIN. The victim had to take a day of work, come to a hearing, only to be told by the county that the county screwed up - it was an administrative error. The claimant is working full time, but that does not prevent the CalWORKs administrators to try to impose a sanction, even if illegal. In this case the victim asked for a hearing. Many other victims do not and are unlawfully sanctioned by Los Angeles County.

--San Diego County Wants to Sanction Disabled Person - San Diego County, one of the leaders in imposing sanctions upon CalWORKs families, issued a letter dated 5/7/02 that her aid would be reduced from \$516 to \$369 because she failed to cooperate with the WtW program. At the hearing, the county presented an authentic document signed by the claimants doctor that she was disabled. The county did not accept this document, because in certain places it was whited out, thus, they assumed the document was falsified. The county never contacted the doctor to determine if the statement was true or false. They just went forward with their primary mission - sanction.

At the hearing the claimant testified that this was the document that the doctor gave her and she gave it to the welfare office. She never falsified the document as slanderously alleged by the county. She won her hearing and the county was not able to terrorize this victim. But just imagine how many other persons similarly situated are being terrorized by San Diego County today.

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