



IN BRIEF

Food Stamp Errors Up - California's Food Stamp error rate is now 6.43%. This is .14% above the federal tolerance level of 6.29%. California has appealed the federal government's imposed penalties for the State's high error rate. While the State drags on the federal appeals process, the WtW and other welfare sanctions against poor families are imposed swiftly and harshly.

New Child Care Rules NOA Requirement - On September 24, 2003, Alameda County asked DSS: "Can a generic NOA be sent to the clients impacted by the recent Regional Market Rate (RMR) changes or do we have to send one to each client indicating the exact dollar amount by which their benefit can be changed?"

DSS responded to the effect that counties can send out a generic notice, but they are still required to send a specific notice of action to each impacted individual at least ten days before the change in the child care benefits occur. "A copy of the NA Back 9 must accompany the notice". *The NA Back 9 is the back of the notice of action.*

LA County Amends Contract for CalWORKs Refugee Employment Program (REP) For several years refugees receiving CalWORKs benefits were required to receive services from Refugee Providers known as REP. These programs refused to provide transportation and ancillary services to participants, because transportation and ancillary services are not available to Refugee Cash Assistance recipients. This matter was brought to the attention of DSS by

Kate Meiss of Neighborhood Legal Services. After several letters from DSS and some pressure from Legal Services, DSS was mailed a letter from Phil Ansell, Director of DPSS Bureau of Program and Policy stating that the county has amended their contract with the REP contractors. The letter also stated that in January DPSS will mail out a claim form for retroactive supportive services.

CW-61 Medical Evaluation form Costing WtW participants and CalWORKs recipients money - Counties are requiring applicants and recipients to submit a CW-61 to determine if they should continue to be a WtW participants. Many CalWORKs recipients are sanctioned for failing to submit a CW-61.

Alameda County asked DSS whether the County could use ancillary services funds to pay for the completion of the CW-61 requested by doctors or can Medi-Cal pay for the completion.

DSS responded that ancillary services cannot be used to pay for the completion of the CW-61. In addition, DSS stated that "...EDS, the fiscal intermediary for Medi-Cal billings informed us that Medi-Cal does not provide reimbursement for completing the CW-61.

In This Issue

- IN BRIEF
- Transitional Food Benefits
- 2/25/04 Meeting with DSS
- Duration of Sanctions

Transition Food Stamps

Effective December of 2003, transitional food stamps have taken effect.

Under this program, any CalWORKs case being terminated continues to receive food stamps at the same level that they were receiving when their cash aid benefits were stopped. The transitional food stamps is supposed to be automatic.

For example; if Laura Bush was getting \$560 a month in cash aid; food stamps at \$180; and \$2,000 a month child support from G.W. Bush, her cash aid would stop, but she would continue to receive Food Stamps at \$180 a month for six (6) months.

At this time there is no evidence that people are getting these transitional benefits. The state has also failed to issue a case code for transitional benefits. Finally DSS is collecting no data from the county computer systems showing how many people were terminated from cash aid and how of those terminated received transitional food stamp benefits.

Given Schwarzenegger's opposition to this program it is not surprising that there is no effort by DSS to assure that the law in this case is being obeyed.

Given this situation, there is a need to obtain legislative oversight regarding this program by requiring a DSS report showing how many people were terminated from cash aid, which is readily available in the CA 237 monthly reports and how many of them are still getting food stamp benefits. This information should not be hard to obtain given the billions and billions that have been spend on computerization of the welfare system

Welfare Advocates Meet with DSS

This is a brief report of the meeting between welfare advocates and DSS on February 25, 2004.

The meetings are attended by representatives from each legal services program in California and welfare support centers.

The first item on the agenda was "Budget Update". Bruce Wagstaff, DSS Deputy Director for welfare programs, reported that the budget is very difficult. All programs are on the line. DSS has already been severely hit by budget reductions. WTW division has been revamped. The division used to have 5 branches, now it is down to 4. The Welfare to Work Division was scheduled for a staff reduction of 19, but they lost 39 staffers. Bruce Wagstaff has also assumed the role of Deputy Director for both WTW and Child Welfare Programs.

In light of the staff reductions at DSS they have instituted changes in the process of taking calls from counties. DSS has established dedicated time for county calls with questions. This means that there will be certain hours of the day that DSS staff will take calls from county welfare department staff. Child care and WTW is email only for County Welfare Departments.

Bruce also said that DSS can't continue meetings with advocates given the severe staff cuts and propose instead a dedicated email function for advocates. DSS suggested that advocates include a proposed answer in with the email of their questions because it makes life much easier for the limited staff of DSS.

DSS is trying to keep some kinds of contact with CWDA. Kevin Aslanian proposed CWDA have advocates meet every 3 months, like what's done with the CWDA

Medi-Cal Committee. Bruce said he would explore that possibility.

Follow up items:

◆ Program Integrity: DSS handed out a list of counties who will have a IEVS review during 03-04. For 03-04 San Joaquin, Imperial, Alameda, Calaveras and Tulare are left. Large to medium counties are reviewed once every 3 years. DSS also looks at the DPA482, which is a county quarterly report showing how many IEVS hits the county received, how many were resolved and how many are pending; CA812, which is a overpayment report and FNS 8209, which is a food stamp overpayment report to determine how counties are handling the IEVS reports.

Kevin wants counties to have a specific plan and deadline on how to meet Corrective Action Plan for counties who have backlogged IEVS hits. CDSS says they identify specific weaknesses and give counties options to set out the specific processes to correct the backlogs. DSS agreed they are not getting consistent reports from county staff to follow up on the recommendations that DSS made in their review report. DSS has no sanction authority for counties who are not processing IEVS reports within 60 days as required by federal and state regulations.

DSS agreed that making deadlines and reports could be useful and maybe Bruce needs to be signing off on the reports.

Advocates pointed out that counties get 12.5% of the overpayments recouped according the state law. Thus, the law provides for an incentive for

counties to allow the overpayment to grow so they can get 12.5% of the overpayment. It is a way for counties to raise money from overpayments collected.

NOTE: The DPA 482 reports will soon be on the Internet. The August 12, 2003 All IEVS Coordinators letter states that DSS is soon going to request that the DPA 482 reports be e-mailed to DSS so the information can be placed on the Internet.

◆ Advocates had raised the issue of restaurants accepting the Electronic Transfer Benefits (EBT) card. Debbie McFadden of the DSS Integrity Branch agreed to call Steve Bingham of Bay Area Legal Aid directly re: Citibank and restaurant cards.

How to Get Policy Interpretations from DSS

As stated in this report on our recent meeting DSS has agreed to accept and respond to policy and regulation interpretations as they do for counties and administrative law judges.

DSS agreed during the 2/25/04 meeting that all questions will be e-mailed to [Welfare Advocates@dss.ca.gov](mailto:WelfareAdvocates@dss.ca.gov) and a copy should be mailed to ccwro@aol.com.

A copy of the response will be e-mailed to both the persons who posed the question and CCWRO. CCWRO will share the response with the legal services programs.

CCWRO has developed a fillable form to impose the question.

As an example, we have attached a question that was e-mailed to DSS for a response.

◆ Retrieving info from closed files. Many counties are not able to retrieve old welfare files. These files especially are important in cases where information is needed for overpayment cases. On the other hand, if the county does not have the files, they cannot prove their case in a hearing and the claimant will prevail. For example:

◆ A person who files a hearing because of denied MFG benefits three years ago will have jurisdiction to have a hearing because the county cannot produce a notice of action;

◆ If the county cannot retrieve the MFG notices that were given or signed by the claimant, the claimant will prevail.

◆ Overpayments have to be proven and the county has to produce the file for the overpayment. If the county fails to provide the file, then the county fails to establish an overpayment and the overpayment disappears. It is important not to do a conditional withdrawal - always get a hearing decision stating that the overpayment cannot be sustained because the county has failed to establish the overpayment.

◆ Two-parent families: Advocates raised the issue that in many families the stay-home-parent is not offered any services.

◆ Temporary homeless assistance: Joe Ramos of Inland Counties Legal Services raised the issue that San Bernardino County is requiring homeless families to come to the county welfare department once every three days to get their next homeless assistance check for an additional 3 days. DSS said that the regulations state there is an initial 3 day period, after that, the county can provide for up to 7 days, based on verification of continuing homelessness and search.

◆ Learning Disabilities (LD): Advocates led by Kate Meiss and Jody Berger of Legal Services of Northern California raised accommodations for all aspects. DSS said that they are planning to do questions and answers. Advocates will e-mail Teri Ellen proposed questions and answers relative to LD issued.

◆ Transportation: LA County Welfare Department (DPSS) has issued a new directive reducing rate from 32.5 a mile 15 cents a mile after 500 miles a month. The requires that transportation rates be based upon regional market rates. DSS stated that Los Angeles County has provided DSS with a study to justify this reduction. DSS said they will give study to Kate Meiss.

Statistic of the Week

Duration of WtW Sanctions

There is no statewide data as to the duration of WtW sanctions. We recently obtained information from Sacramento County as to the number and duration of the sanctions.

During the month of February, 2004, there were a total 361 families in sanction. 28 families were sanctioned for one month; 20 families for two months; 14 families for three months; 10 families for four months. 149 cases were sanctioned from 5 to 17 months; 168 cases have been sanctioned more than 18 months. Thus, 47% of the sanctions were over 18 months.

ADVOCACY TIP: We would encourage you to ask your county if they have data on the duration of the sanctions for persons who have been sanctioned by the county. This could be helpful information for advocacy.