



## IN BRIEF

✓ **Medi-Cal Waiver Group** - The Department of Health Services has set up a Medi-Cal waiver group. For more information go to [www.medi-calredesign.org](http://www.medi-calredesign.org).

✓ **Quarterly Reporting (QR) regulations** - The final QR regulations will be filed with the Secretary of State on or about April 1, 2004.

✓ **Transitional Food Stamps** - A number of counties have refused to implement transitional food stamps which was effective January 1, 2004.

**ADVOCATE ACTION:** Advocates are urged to find out from their counties how many persons are receiving Transitional Food Stamps (TFS). This data can be compared to the number of persons terminated from CalWORKs. There are some terminations that are not eligible for TFS, such as termination due to inter-county-transfer, sanctions or penalties.

✓ **Minor Parent-Senior Parent -EBT Card** On December 11, 2003, Shasta county asked DSS about a case of a senior parent who is the payee on the minor parents case, and the minor parent wants an EBT card.

DSS RESPONSE: "Minor parent may not have their own card issued unless the senior parent/adult in the home refuses to be the payee..."

✓ **Drug Convictions in the Military** - Orange County inquired on October 21, 2003 whether or not a military drug felony conviction is considered a "state or federal" court conviction as provided in §82-832.20.

On October 22, 2003 DSS filed the following response:

"If the client was convicted at a Special or General court martial, it is considered a federal felony drug conviction and the TANF/CalWORKs drug felon rules would apply. If the client was convicted at a Summary court martial, then it would only be considered a felony drug conviction if s/he was represented by a lawyer at trial. If the client was merely punished under Article 15, it is not a conviction."

✓ **EBT News** - Consumer Union reports that EBT cardholders can purchase money orders, purchase stamps, and get \$50 cash back from the post office.

This enhances the utilization of EBT cards by welfare recipients.

**ADVOCATE ACTION:** Advocates are advised to talk to their local County Welfare Department and get them to issue Notices of Points of Sale locations.

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## ANALYSIS OF THE SCHWARZANEGGER WELFARE CHANGE PROPOSAL

The following is an analysis of Governor Schwarzanegger's proposed changes to the CalWORKs program. These changes will not be heard in any committee where regular changes are made - they will be a part of the "budget trailer bill."

In the past trailer bills have been the vehicle for many of the welfare policies which negatively impact families in California today.

The language for the trailer bill was submitted to the Legislative Counsel office and was printed on 2/18/04 @ 11:53 AM. This was to let folks know what version was being analyzed. However, there will be no printed bill. That will be public sometime May or June of this year. The trailer bill:

1. Welfare & Institutions Code (W&IC) §10531(f) will be repealed.

**CCWRO comment:** This subsection mandates that mental health services be continued after the adults become ineligible for aid, but their children are still eligible.

2. This proposal would give counties 12.5% of the supportive services overpayments that they recoup.

**CCWRO comment:** In the CalWORKs and Food Stamp programs, some counties wait for the overpayment to build up so they can collect large overpayments and get their 12.5% bounty. In addition, counties prosecute the individual for felony fraud to make the recoupment of the overpayment a part of the plea bargain. The bill provides no incentives for underpayments. There should be a 12.5% county

penalty for underpayments paid to the CalWORKs recipients or an organization that discovers the underpayments.

3. Eliminates W&IC§10531 (n) which requires that counties work on job creation.

**CCWRO comment:** It appears that creating jobs for welfare recipients is not a concern of this administration.

4. Sanctions children because parents are not participating. W&IC§ 11320.(a) is amended by adding the following sentence:

"Failure or refusal by an applicant to comply, without good cause, shall be treated by the county as a failure to cooperate in completing an application for aid under this chapter."

**CCWRO comment:** Failure to complete the application process means the application is denied and the family has to reapply.

5. The Schwarzanegger Administration will require all applicants and recipients to do 20 hours a week in what they call "core activities". The core activities are defined as activities listed in W&IC § 11326 (a) through (j) and (n). This excludes such activities as ESL, adult basic education, job skills training, vocational education, education directly related to employment, getting a teachers credential, or other activities needed to make the person self-sufficient.

**CCWRO comment:** Persons who do not speak a word of English cannot learn English, they would have to look for a job - a job that they cannot do because they do not speak English.

6. Schwarzanegger proposes to amend W&IC §11320.3(a)(4) to limit the exemptions for nonparent caretaker relatives.

**CCWRO comment:** Forces nonparent caretaker-relatives to participate in Welfare to Work. This will discourage poor relatives from taking care of their kin.

7. Schwarzanegger proposes to force disabled and pregnant women to participate in WtW unless they can prove that their disability prevents them from participating in WtW.

8. W&IC §11322.4 will be repealed which allows any CalWORKs applicant or recipient to participate in WtW, even volunteers.

9. **WtW Plan to be signed in 60 days.** Section 11325.21 provides that the WtW plan shall be signed within 60 days.

10. **Eliminates the 18/24 month participation timeline, including self-initiated program participation.** W&IC§ 11325.23(a)(1) is amended by deleting the words “within the time period specified in subdivisions (a) and (d) of Section 11454.

11. **Decreases benefits by another 25% for sanctioned families.** The Schwarzanegger Administration proposal would amend W&IC § 11327.5(d) by adding subsection (4) which reads:

“1327.5(d)(4) If the noncomplying individual fails to cure the sanction by complying before the end of the first month of a first instance sanction, the end of the third month of a second instance sanction, or the end of the sixth month of a third instance sanction, the maximum aid payment to the family shall be decreased by an additional 25 percent.”

This proposal completely disregards the fact that many sanctioned recipients are not able to cure the sanction because the county has erected barriers to curing the sanction. Such barriers, include, but are not limited to, inability to contact the person who has the authority to cure the sanction within the CWD bureaucracy, the failure to establish a mandatory curing process by DSS for the state of California.

12. The bill provides that if the timed-out parent is not working, then the benefits of the children are reduced by 25%. The parents' needs continue to be disregarded.

**CCWRO comments:** The bill punishes children because their parents are not working - Currently when a parent has been on CalWORKs for over 60 months, only the children receive cash aid payments.

13. The trailer bill would also propose to reduce CalWORKs grants by 5% and to deny the COLA for 2004.

**CCWRO comments:** The CalWORKs fixed income is what former CalWORKs recipients received in 1989. This proposal will push it back into the mid eighties.

### **LEGISLATIVE HEARINGS**

Hearings on this proposed language will be held first in the **Senate on April 15, 2004, in Room 4203** upon adjournment, which means when the Senate floor session ends, the subcommittee will start the hearing. CalWORKs is the first item on the agenda.

The **Assembly** hearing will be held on the **5th day of May, 2004 at 1:30 PM in room 444.**

## CALIFORNIA TANF PARTICIPATION RATES

### Bad Welfare Statistical Data Problem

**According to the WtW 25 reports**, during December of 2003 there were 121,878 unduplicated participants in the welfare to work program. This is the figure that the State has to report to the federal government. DSS has argued that participants include all persons who are enrolled in the program, rather than those who are participating. The number of persons enrolled are 210,909, which far greater than the number of unduplicated participants.

We have always questioned the data that the counties produce and the State distributes. Even the counties say that their numbers are unreliable, thus, all county data and statements should be suspect. A classic case in point are the number of WtW participants who received Stage 1 child care. Based on the WtW 25 and CW 15 reports, 90% of the unduplicated participants are receiving child care but only 43% are getting transportation services. How could one need child care to participate in a WtW activity, but not need transportation. The only time a participant may not need transportation is if they are doing their activity in their home and child care is being provided in the home as well. Counties and DSS produce the numbers

as mindboggling as they are. It's all in black and white.

The child care reports shows that 18 counties had over 100 of its unduplicated participants getting child care. How could that be? How could Yolo County pay 293% of its unduplicated participants? See Table 1 for a complete list of counties who paid Stage 1 child care to over 100% of their unduplicated participants. Are there enough people participating in the TANF program to meet the federal guidelines?

Before that question can be answered, a verifiable accounting of the number of participants should be viewed before any pragmatic

changes are made based on faulty data of California Counties and DSS.

#### TABLE 1

##### DECEMBER 2003 COUNTIES WHO PROVIDED STAGE 1 CHILD CARE TO OVER 100 OF THE UNDUPLICATED PARTICIPANTS

YOLO	293.12%
SAN MATEO	166.75%
SOLANO	166.34%
SAN DIEGO	150.74%
INYO	144.74%
MARIN	139.92%
LASSEN	131.88%
SAN BENITO	130.43%
MONTEREY	129.25%
FRESNO	128.13%
RIVERSIDE	118.94%
PLACER	116.85%
AMADOR	114.29%
PLUMAS	108.33%
SAN LUIS OBISPO	107.69%
SANTA CRUZ	102.50%
SAN BERNARDINO	100.49%

**WtW Redesign:** The system needs to be re-designed to empower the "people" to decide how they are going to become self-sufficient, rather than allowing the county welfare bureaucrats to make these decisions - welfare bureaucrats who are not employment specialists.

## County Victim of the Week

Ms. S.G of Los Angeles County, is the mother of two minor children. On October 19, 2002, her aid was reduced because she failed to participate in the GAIN orientation/appraisal phase of the GAIN program. She did not have child care and transportation, but that did not matter to Los Angeles County - sanction was imposed.

Ms. S.G. was never informed on how she could cure the sanction. She was told by her welfare worker to contact the GAIN worker. The GAIN worker said her case was closed and sent her to talk to the welfare worker. She left several messages with the welfare worker, but no calls were returned.

On July 13, 2003, she received a letter stating that her benefits would be stopped for failing to submit a completed income report. On October 7, 2003 she reapplied for aid. The County paid aid for her and her children.

The victimizing continues; in December, the County decided they made an error when they granted aid to Ms. S.G. The County decided that because she was sanctioned back in October of 2002, the sanction should be still be in effect in October, November and December of 2003 and continuing. The county alleges that this was the second sanction of Ms. S.G. The second sanction should be for 90 days, not 360 days.

Beginning January 1, 2004, Los Angeles County began adjusting the overpayment without a notice of action. The County agreed to rescind the overpayment solely because an adequate notice of action was not mailed. However, the county continues to insist that once a recipient has been sanctioned, the sanction perpetually continues.

It's no wonder the State has a problem with the participation rates. When formerly sanctioned individuals apply for CalWORKs in Los Angeles County, rather than scheduling them for participation in the WtW program as mandated by State regulations, they just continue the sanction in blatant violation of the State regulations.

### **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