



IN BRIEF

✓ **New Deputy Director for the DSS Welfare Division being considered** - Bruce Wagstaff has been the Deputy Director for the Welfare Division for the past two centuries, a long time. He has now been appointed Deputy Director for Children's Programs and is also the Deputy Director for Welfare Programs. Char Lee Metsker has been acting for him. Our sources tell us that she may be appointed Deputy Director for the Welfare Division of DSS.

✓ **CWDA CalWORKS Committee Recommend "incentives" to secure CalWORKs participation** - The California Welfare Directors Association (CWDA) CalWORK WtW Reform Committee has analyzed the Governor's proposal to add a 25% sanction to the WtW penalties and has recommended that in lieu of increased sanctions, explore new incentives to encourage participation. CCWRO agrees. Rather than relying on negative reinforcements, the system should find positive incentives for participation, such as the returning the money the family lost while being sanctioned. The committee did oppose the Applicant Job Search proposal; the 25% reduction of MAP for nonworking parents who have been on aid for 60 months and requiring nonexempt adults to participate in 20 hours in direct work activity per week.

✓ **DSS's "welfare to work" division takes a staff hit**- This division was expected to lose 19 employees but actually lost 40. It appears that CalWORKs bureaucrats are being negatively affected just as welfare recipient grant levels have been negatively affected.

✓ **Open Juvenile Courts** - In California, juvenile court proceedings have always been closed to the public and the press. Dr. David Sanders, Director of Los Angeles County Children and Family Services Department addressed the CWDA Board of Directors on March 12, 2004 regarding his views on "open" juvenile court proceedings. Dr. Sanders comes from Minnesota where the sun shines brightly on juvenile courts involving child protective services (CPS) cases. He was the county welfare department director in Hennepin County for 10 years.

Dr. Sanders arguments for opening the juvenile courts were: " (1) more county accountability; (2) openness may lead to more resources and (3) many of the more sensationalized cases were already open because they were also criminal cases, not just dependence cases. Media would also get a more balanced picture of the cases it was reporting on."

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One of the questions posed to Mr. Sanders was how opening the court affects the community in small counties. Dr. Sanders replied that most Minnesota counties are small and were not affected by the opening of the county.

✓ **Child Care NOA required when the payment regional market rates (RMR) change**

- On 9/8/03 San Mateo County inquired; "Do we have to issue a notice to clients two weeks in advance to inform them of the changes to the RMR?" On 10/29/03 DSS responded; "MPP 47-420.3 specifies that counties must notify clients whenever there is an approval, denial, change or discontinuance in the amount of the child care subsidy. Since client's child care payments will likely be affected as a result of the new RMR ceilings and change in the a payment rules, counties must provide timely notice to these individuals. Counties must issue notices of action to these clients at least ten days before the change in the child care benefit occurs. A copy of the NA Back 9 must accompany the notice."

✓ **San Joaquin County sits on 3,600 cases of possible overpayments**

- In a letter dated March 22, 2004, DSS informed San Joaquin County that they have 3,600 cases of potential overpayments that have not been addressed by the county. This means every month the overpayments continue to add up because the county is refusing to address the overpayment information at their fingertips. However, if the overpayment exceeds \$400 or more, the county can prosecute the family for alleged "welfare fraud". San Joaquin County has also failed to submit the state required DPA 482 reports - covering up their failure to do their job which is to process the overpayment reports according the law. There are

certain reports, such as the Monthly Beneficiary Earnings Exchange Report (BEER) and annual Franchise Tax Board (FTB) discrepancy matches, that San Joaquin County is just not processing, although the San Joaquin welfare staff is well compensated for failing to do their job.

✓ **CAPI Regs Outdated - DSS refuses to update regulations**

- On 3/11/04 DSS was notified that state regulations of the CAPI program contain diagnose definitions that are inconsistent with the SSI POMS, which is the SSI regulations published by SSA.

On the same day, DSS responded that because the diagnoses regulations are "...used so infrequently in CAPI, it wasn't worth the effort to change out regs just for that. So, go ahead and use the criteria set forth in POMS. Likewise, use POMS for the Substantial Gainful Activity (SGA) levels since the CAPI regs have an outdated definition for SGA, which now goes up every year."

Welfare to Work News

On 3/24/04, Kern County welfare department asked DSS if the county can demand a doctor statement from a CalWORKs client getting SSI, SDI, and workers comp.

DSS responded that MPP § 42-712.31 "... allows for the county to establish a range of documents that it will accept for verification of an exemption."

NEW LAWSUIT COMING

CCWRO will soon be filing a lawsuit for a person whose 18 month clock was started without having a WtW assessment. This is happening in many counties. If you have a client similarly situated, please let us know.

CCWRO Comment: Why would one who is getting disability benefits determined by the state and federal government to be totally disabled have to get another piece paper so the county can fatten up their files.

WtW Inter-County Transfer ACL Coming Soon

DSS is in the process of clearing an ACL regarding WtW intercounty transfers. A draft of this ACL was shared with the counties in January and February. Counties have submitted their comments and DSS has made changes to the ACL based upon the comments submitted by county staff. The people effected by this ACL, the recipient community, were not part of this secret rulemaking process established by DSS and the counties.

The second paragraph of the ACL states that MPP 40-187 "...requires that a county approve or deny cash assistance for an individual who has transferred into the county, within 30 days from the date that it is notified of the transfer by the individual's previous county. Within this 30-day time period, the California Department of Social Services (CDSS) **encourages** counties to make every effort to help the individual make a smooth and expeditious transition into the WtW program in his or her new county of residence. (Our emphasis added)

The first sentence states that 40-187 requires a transfer, but the second sentence encourages counties to do what is required. So which is it? Required or not required?

It appears that CDSS does not want to use it's authority to tell counties to do their job- transfer the case within 30 days.

The ACL does not establish an objective process to assure that the transferred recipient continues to participate in his or her WtW activity.

FOOD STAMP NEWS

On January 21, 2004, DSS informed the Director of Alameda County Social Services Resource Agency Director Chet Hewitt with the following recommendations:

"1. The County should establish county-wide uniform written operational procedures for all aspects of intake, client contact unit and benefit center eligibility functions; to promote consistence and eliminate duplication."

This recommendation can be interpreted to read that DSS found that Alameda County did not have county-wide operational procedures. This resulted in inconsistent treatment of applicants and recipients and duplication of activities that are wasting limited county resources.

"2. The county should develop specific policies to be used by all districts and should ensure that written policies are known by all."

This recommendation reveals that the county does not have county-wide policies. Moreover, it appears that workers may not know what the policies are.

DSS requested that Alameda County provide DSS with a Program Improvement Response (PIR) plan no later than 2/20/04.

Alameda County has failed to submit this PIR as of 4/20/04. We assume this because this document was included in our Public Records Act Request for January, February and March of 2004. If Alameda County had submitted one, then we would have had it, unless it is being unlawfully withheld from us.

2004-2005 State Budget May Revise Released

On May 13, 2004, Governor Schwarzenegger released the May Revision of his '04-'05 State budget. The major changes in the budget include the following:

1. The May revised budget would take 20 million dollars from the TANF Program and give it to the Department of Health Services to fund what is called "Community Challenge Grants in 2004-2005". These grants would promote responsible parenting and reduce teenage pregnancies. In 2004, we wonder how CalWORKs parents can successfully provide for their children on 1989 fixed income levels. This is another raid on impoverished families by Governor Schwarzenegger to fund his pet projects.

2. The proposed elimination of IHSS residual care has been rescinded. DSS would be pursuing a waiver request to obtain federal dollars for IHSS residual care.

3. The Administration also drops its demand to repeal AB 231, which provided transitional food stamps.

4. The May revise rescinded the proposal to provide CAPI, CFAP and CalWORKs for immigrants in the form of block grants. This proposal was opposed by advocates and counties alike.

The governor's 2004-2005 State budget continues to propose the mutilation of CalWORKs benefits by reducing benefits by 10% with no COLA for 2004-2005.

Over the past five years, since the implementation of the CalWORKs Program, welfare families have seen their benefits reduced by 24%.

How was the 24% taken from the mouths of poor families in CalWORKs spent? It was used to provide a 12.4% increase in funding for the county welfare bureaucracy; 75% for county welfare service bureaucracy and 57% for child care.

Meanwhile, TANF money, has become a Christmas tree for programs that have nothing to do with feeding, housing and clothing poor families. During the past 6 years, about 6 billion TANF dollars have been used for non-TANF programs.

There is some good news. On May 5, 2004 the Assembly Budget Committee voted to deny

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TANF funds to fund juvenile detention centers. This vote was based on the motion of State Assemblyman John Laird, 27th Assembly District representing Santa Clara, Monterey and Santa Cruz Counties.



JOHN LAIRD

More details of the May Revise will be coming in our next bulletin.