



IN BRIEF

✓ **FOOD STAMP PROGRAM NAME**

CHANGE PROPOSED- In the June 22, 2004 Federal Register, page 34638, the United States Department of Agriculture proposes to change the name of the Food Stamp program. The Food Stamp Program name was originally created in 1939 when the benefits were issued in orange and blue stamps. In 1961 there was a pilot program and in 1964 a universal food assistance program was created and the name Food Stamp was retained. Now the coupons have been replaced with Electronic Benefit Transfer Cards (EBT). The FSP program is an economic stimulant for the local economy. Every \$5 issued in Food Stamps benefits to poor households generates \$9.20 in local and state economic activity. FNS is interested in the views of advocates and others about changing the name of the Food Stamp program nationwide. For more information go to: www.access.gpo.gov/su_docs/fedreg/a040622c.html

✓ Welf. & Inst. Code 11450(f)(2)(E)(iv) states: "The county welfare department shall report to the department through a statewide homeless assistance payment indicator system, necessary data, as requested by the department, regarding all recipients of aid under this paragraph." This information has not been reported by DSS because the counties have been violating this particular statute since June of 2002 by not reporting.

✓ On 2/17/04 Trinity County asked DSS if the county could accept a faxed copy of a SAWS 1 application for cash aid.

The county proposed answer was, "No, there is nothing in the regulations that allows us to accept an application for cash either by mail, or electronically."

DSS did not adopt the county's proposed answer. DSS's response is as follows:

"STATE POLICY RESPONSE: Yes you can. According to California W&IC § 10851(f) it can be duplicated, copied, or reproduced, as long as it does not permit additions, deletions, or changes to the original. We still must have them sign under penalty of perjury if they have not; for a re-applying applicant."

ALAMEDA COUNTY DELAYS GA CUTS

In our previous bulletin, we reported that Alameda County was proposing to cut 1,452 GA recipients from the rolls. Patricia E. Wall, Executive Director of the Homeless Action Center reports that on June 22, 2004, by a unanimous vote of the Alameda County board of supervisors and on the recommendation of the social services agency, GA funding was restored in the budget for the upcoming fiscal year. The social services agency had proposed to cut these funds and cut off 1452 people from General Assistance (GA). Along with restoring the funds for these recipients, a GA task force will be established comprised of social services-representatives, advocates, and health care services agency representatives to ensure improved program efficiency in the areas of getting disabled people on SSI and in making sure that GA employment services are effective.

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**LOS ANGELES WELFARE
ADVOCATES TO MEET**

The Legal Aid Foundation of Los Angeles County has monthly meetings. The meetings are always on the 2nd Wednesday of every month, at the same time and place, unless folks are notified otherwise.

Date: Wednesday, July 14, 2004

Time: 9:30 to 11:00 a.m.

Place: Legal Aid Foundation, West Office, 1102 Crenshaw Blvd, L.A. 90019

Community Room, near South parking lot.

Agenda

1. Advising clients on state hearings: when and how to request one, how to prepare.
2. Roundtable.
3. Agenda ideas for September (09/08/04).

NOTE: THERE WILL BE NO AUGUST MEETING.

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**VICTORY ON BUDGET
PROCESS VOTE IN HOUSE**

Children's Defense Fund reports that in a series of votes on June 24, 2004, the House of Representatives rejected budget process proposals that would have been devastating for children's programs for many years to come and would have eased the way for more tax breaks for wealthy individuals and corporations. On final passage, - the House rejected by a vote 146 to 268 the Spending Control Act (HR 4663) that set tight spending restrictions on programs that must be appropriated each year, such as education, housing, some child welfare and child care programs, Head Start, and many other programs.

**TANF EXTENDED FOR
THREE MONTHS**

On Tuesday, June 22, 2004, both the House and Senate agreed to pass an extension of TANF (Temporary Assistance to Needy Families) until September. There were no policy changes on the bill. By September 30, 2004, a TANF reauthorization bill must pass or Congress must again pass another extension. Continue to ask your members of Congress to support a strong TANF bill including provisions that you think are critical in your state. We will keep you updated.

**DSS ADVISES COUNTY TO
MISCALCULATE SELF-
EMPLOYMENT INCOME**

- On 3/12/04, a Sacramento County welfare fraud investigator submitted a policy interpretation (PI) to DSS regarding earned income. He asked DSS "If a client does not report his self-employment income, does he get 40% disregard when calculating the overpayment." The county's proposed answer was that the overpayment should be calculated without any

deductions. The investigator asserted, "If we make the decision to automatically give the recipient a 40% self-employment credit then reward them with a \$225 disregard for unreported income and then 50% for unreported earned income there is no penalty for fading (sic) us or violating regulations. In fact there is no fraud."

DSS responded by stating, "Self-employed persons have the choice of either choosing to have the county take 60% of the earned income (after business expenses,) which gives recipients a 40% disregard, or verify the actual expenses MPP 113.212 and MPP 63-503.41. The Food Stamps regulations give a detailed breakdown of treatment of self-employment income. There are no other disregards allowed such as \$225, then 50%."

DSS is WRONG.

44-113.213 provides: ".213 Combine the total earning for the family determined in Section 44-11311 with any net self-employment income determined in Section 44-113.212;

.215. Apply any remainder of the \$225 disregard to any earned income for the family determined in Section -44-113.213;

.216 Apply the 50% disregard to any remaining earned income for the family."

The remainder would be countable income."

The welfare fraud investigator is trying to increase the overpayment in violation of the state law.

DSS TELLS COUNTY ALIEN NOT ELIGIBLE FOR RCA IN ERROR

On January 29, 2004 Humboldt County asked DSS whether a Mongolian citizen granted asylum is eligible for RCA.

Two months later, DSS informed Humboldt County that; "In regards to the Mongolian family applying for benefits after being granted asylum, it appears that they may have passed their deadline for Refugee Cash Assistance. The guide states that asylees are eligible for RCA for 8 months from the date of entry not the date that asylum is granted...."

This policy interpretation is in direct conflict with ACL 00-46 and ACL 00-64, which provide as follows:

"July 12, 2000

ALL-COUNTY LETTER NO. 00-46

TO: ALL COUNTY WELFARE DIRECTORS
SUBJECT: CHANGE OF DATE ASYLEES ARE ELIGIBLE FOR REFUGEE ASSISTANCE

Effective June 15, 2000, individuals who are granted asylum are now eligible for refugee assistance and services beginning on the date that they are granted asylum. Prior to this announcement, eligibility started with the month the asylee first arrived in the United States."

CCWRO SERVICES AVAILABLE TO LEGAL SERVICES PROGRAMS & WELFARE RECIPIENTS REFERRED TO US BY LEGAL SERVICES PROGRAMS

Types of Services Offered: Litigation, Fair Hearing Representation, Fair Hearing Consultation, Informational Services, and Research Services, in depth Consultation.

Programs Covered: CalWORKs, Welfare to Work (WtW), Food Stamps, Medi-Cal. General Assistance and Refugee Immigration Problems

CWD VICTIM OF THE WEEK

On June 7, 2004, Mr. V.O. a Sacramento County resident, received a notice of action (NOA) dated June 4, 2004, stating that his "...Medi-Cal only benefits will be discontinued effective April 30, 2004 because you will begin receiving cash based Medi-Cal benefits beginning July 1, 2004." Needless to say he was concerned that he would have no Medi-Cal until July, 1, 2004.

But there were other problems. Mr. V.O. received another letter from the worker which stated: "Please return completed Medical Report (cw61) no later than 7/3/04 to exempt you from participation in Welfare-to-Work. If it is not received completed by that date you will be scheduled in the next available Job Club." The form also threatened that "Failure to provide necessary information may cause a denial of discontinuance of your case."

Mr. V.O. is disabled. Thus, he has asked to be exempted from the WtW program. The county needs to verify whether or not Mr. V.O. is disabled or not.

It is true that in order for the county to exempt Mr. V.O. he has to provide medical information. MPP Section 42-712.44 is the basis for the exemption. But the word "cw-61", which is a state form that applicants and recipients can use to verify disability is not in this regulation or any other regulation.

What Mr. V.O. has to provide is a medical statement that his disability is likely to last for more than 30 days and significantly impairs his ability to be regularly employed or participate in WtW activities. He also has to accept the treatment that the doctor gives him.

What are the CWD violations in this case?

! COUNT ONE: County is demanding a CW 61 as a condition of granting the exemption, when there is nothing in §42-712.44 that even alludes to having a mandatory form completed by the doctor.

"44 Exemption Based on Disability

.441 An individual who has a disability is exempt from welfare-to-work participation when the following conditions exist:

- (a) The disability is expected to last at least 30 calendar days; and
- (b) The disability significantly impairs the individual's ability to be regularly employed or participate in welfare-to-work activities.

.442 To qualify for this exemption, the individual shall do all of the following:

- (a) Provide verification from a doctor as defined in Section 42-701.2(d)(2) that includes the disability, the expected duration of the disability, and the extent to which the disability impairs employment and/or participation in the welfare-to-work activities; and
- (b) Actively seek appropriate medical treatment, as verified by a doctor as defined in Section 42-701.2(d)(2).

.443 The exemption may be reviewed at the time the condition is expected to end, or sooner if there is reason to believe that there has been a change in the condition."

! COUNT TWO: County is demanding that Mr. V.O. use the welfare form to verify disability. First of all doctors often charge for the completion of the forms. Secondly, the regulations provide that applicants/recipients are the primary source of verification (see 40-157.2) and that county forms should not be used because they expose the individual's right to confidentiality under MPP Section 19.001 that states:

"19-001 In accordance with Welfare and Institutions Code (W&IC) Section 10850 and 45 CFR Section 205.50(a), these regulations were created to protect the applicants and recipients against identification, exploitation or embarrassment that could result from the release of information identifying them as having applied for or having received public assistance."

MPP §19-007.1 governs where the county or state forms are used to get verification. The regulations provide that if the applicant or recipient is not able to obtain the requested verification and needs assistance from the county to obtain the information needed to establish eligibility, then the applicant or

recipient can give the county "permission" to get the information for the applicant/recipient.

“.1 Collateral Contacts in AFDC and APSB

Pursuant to EAS Sections 40-157.22 and 40-181.31 individual consent forms, signed by the applicant or recipient are required for each contact made during the evidence gathering process. An exception to this rule is found in MPP Section 20-007.36 which exempts SIUs from the requirement of permission to contact collateral sources.

.11 Permission

If the applicant or recipient does not wish the county to contact a private or public source in order to determine eligibility, the applicant or recipient shall have the opportunity to obtain the desired information or verification himself or herself."

County abuse of this process has been a long standing problem. The following is a September 20, 1988 DSS ACIN I-91-88 which states:

"September 20, 1988

ACIN I-91-88

Subject: PROTECTING CLIENT PRIVACY WHEN MAKING COLLATERAL CONTACTS IN AFDC, RCA AND RDP

REFERENCE: MPP 19-007.1 Collateral Contact in AFDC
MPP 40-157.2- Methods of Gathering Evidence

The purpose of this letter is to clarify the application of AFDC regulations with regards to protecting client privacy when making collateral contacts during the evidence gathering process in determining eligibility for aid. Though the legislative process, it has been brought to the attention of the Department that there is a potential problem in this area.

Information has been received which indicates that some CWDs may not have been consistently following the regulations referenced above in verifying AFDC eligibility. It has been stated that form letters are routinely sent to schools, employers, and landlords by some counties without prior authorization by the applicant. In some cases these contacts have had adverse effects on recipients, ranging from embarrassment to loss of a job.

In response to these problems, SB 2112 was introduced. This bill was intended to codify and reaffirm the AFDC privacy and confidentiality protections currently contained in DSS regulations. The bill was withdrawn on assurances that the Department would write to all counties reminding them of these protections and emphasizing the need to comply with them.

The authority on this subject is found in MPP 19-007.1 and 40-157.22. These regulations provide that when collateral contacts are needed in the evidence gathering process, individual consent forms, signed by the applicant or recipient are required for each contact made by the county. This does not mean that collateral contacts should be the first option.

An applicant or recipient must first have the option of obtaining the desired information or verification himself or herself without any requirement to use county forms or form letters. If the person does not want to obtain the information, then he or she can request assistance from the county in obtaining the information by signing the county consent form.

The intent of these requirements is to protect clients from being identified, exploited or embarrassed as a result of having applied for or received aid.

Regulations provide certain specific and limited exceptions to these requirements. The exceptions apply to Special Investigative units, obtaining information from public records and verifying information obtained through IEVS in accordance with MPP 20-06.5. Additionally, for RDP and RCA clients, it is appropriate and mandatory that the CWD contact the voluntary agency (Volag) or sponsor as part of determining a refugee's eligibility for cash assistance. The CWD must inquire what assistance, if any, the VOLAG or sponsor has provided to the refugee, and whether the refugee has refused an offer of employment or has voluntarily quit a job. This collateral contact must be made without regard to whether the refugee consents to the contact. (See MPP Section 69-204.2.)

Practices such as those described in the second paragraph are in violation of the regulations referred to in this ACIN. Client privacy and the confidentiality of information about the client must be protected through proper application of the regulations cited above. Signed, Robert Horel, Deputy Director"