



IN BRIEF

✓ California Welfare Directors Association (CWDA) has started the process of hiring a consultant to do a study with 8-10 counties with the highest participation rates to develop a best practice document. A low participation rate county would also participate in the process.

✓ There are 15,000 Hmong speaking refugees scheduled to arrive in the USA. About 5,000 will be coming to California. Many will end up in Fresno and Orange County

✓ AB 205 regulations are ready for filing with OAL. AB 205 is the state law that mandates state programs to treat registered domestic partners the same as married partners. For the purposes of CalWORKs a domestic partner will be treated as a stepparent. For the purposes of food stamps. The domestic partner will be a household member provided such member is purchasing and preparing his or her meals with other members of the household.

✓ At the county option, homeless, elderly and disabled persons can use their food stamp EBT card to eat at a restaurant that accepts food stamps. Find out if your county has adopted this option. If not, encourage them to do so.

✓ DSS is in the process of revising the QR 7 form. The only input to this process is from the county welfare directors. The recipients and advocate communities are completely shut out from the process. The revisions will be considered once all counties have implemented quarterly reporting.

✓ **TANF Reauthorization Update-** Because of the election and the Iraq war plus the Bush Constitutional Amendment against our gay brothers and sisters the nation's business, like reauthorizing TANF and WIA will be delayed and taken up next year.

Los Angeles County Closes Office Doors Unlawfully

Many welfare offices in Los Angeles close their doors at 3 P.M. Applicants or recipients, who have been in the office since early morning, and dare to leave to get some milk for their hungry babies would not be allowed back in. They would have to start all over again the next day.

Moreover, persons are supposed to be allowed to apply for Food Stamps and CalWORKs at anytime during working hours.

If a homeless family in immediate needs to apply for Food Stamps, CalWORKs and Homeless Assistance on a Friday afternoon at 3:15 P.M., they will run into the Berlin Wall. The law says you can apply anytime. If they have never received homeless assistance, they are supposed to receive homeless assistance that same day. But in LA county this family must

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spend the week end on the streets of Los Angeles in direct and intentional violations of the law.

Below are the duly promulgated regulations that Los Angeles is violating:

11-600.214 "Regular eight hours of a working day" means the eight-hour period the CWD's offices are open to the public. If the CWD office is never open eight hours on a working day, the "regular eight hours of the working day" shall mean the hours that the CWD office is open, plus an additional time period(s) immediately before, after, or between these hours, which cumulatively equal eight hours.

11-600.215 "Working days" means Mondays, Tuesdays, Wednesdays, Thursdays, and Fridays, excluding federal and state holidays.

11-600.3 County Responsibilities

.31 If a CWD closes its offices at any time during the regular eight hours of a working day, the CWD shall do all of the following during those hours of office closure:

.311 Provide individuals the opportunity to file an application for and receive Food Stamp and/or AFDC benefits within the time limits prescribed by federal and state law.

(a) Make applications for such benefits readily available to individuals.

(b) Provide a drop-box, mail slot, or other reasonable means for filing applications.

(1) Applications deposited as described in Section 11-600.311(b) shall be deemed to have been filed on the date of the CWD office closure.

(2) In the event an individual certifies he/she was denied the opportunity to file an application, and the CWD does not have evidence to the contrary, the application shall be processed in all respects as though it was filed on the date of the CWD office closure.

.312 Provide individuals the opportunity to file an application for and receive expedited Food Stamp, immediate need AFDC, and/or homeless assistance benefits within the time limits prescribed by federal and state law.

Welfare Rules Not Available at Welfare Offices

The law requires that counties make rules and regulations available to public assistance applicants and recipients.

Each county welfare office is required to have a visible sign that states:

"Rules and regulations of the State Department of Social Services are available for your use. Please ask for the materials or manuals you wish to see. **MPP § 17-017.3**

The following information should be available to anybody going into the county welfare office:

- ___ Welfare and Institutions Code
- ___ Health and Safety Code
- ___ CalWORKs regulations
- ___ Food Stamp regulations
- ___ All County Letter

These materials should be available to the public for public use. That means that anybody should be able to walk in and look at the regulations. Public use does not mean contact your welfare worker if you want to look at a regulations. That is the common response recipients get at the welfare offices, which is an illegal response - but not a surprising response.

Here are the state regulations: MPP § 17-017

.1 One set of the regulations and handbook materials (including All-County Letters) of the Department of Social Services, the Welfare and Institutions Code, the Health and Safety Code, and other laws relating to any form of public social service must be made available to the public during regular office hours in each central or district county office administering public social services and in each local or regional office of the department. (Welfare and Institutions Code Section 10608.)

.2 These references shall be placed in the waiting or reception room or in a location available and convenient for public use.

.3 A sign shall be prominently posted in each waiting/

room or reception room in appropriate languages as follows:

"Rules and regulations of the State Department of Social Services are available for your use. Please ask for the materials or manuals you wish to see.

.4 A signout book should be used to prevent loss of regulations or other materials for public use. The maintenance of the reference materials in a current and usable condition is a condition of compliance with the statute.

CALL TO ACTION: LETS COME TOGETHER AND FIGHT BACK NOW: Next time you go into your local welfare office, take the attached welfare regulation survey form, complete the form and return it to CCWRO.

Your efforts can assure that someday all people will be able to have access to the regulations, even those who do not work for the welfare department or have a computer.

NEW LAWSUIT FILED

On July 15, 2004, BALA, CCWRO, LSNC and Welfare Law Center filed a law suit entitled Vu v. Mitchell in the Superior Court of San Francisco, Case No. CPF-04-504362 against DSS.

The lawsuit challenges DSS's failure to translate into appropriate language all Food Stamp Program and certification materials. Specifically the complaint for a Writ of Mandate asserts that DSS is violating 7 U.S.C. § 2020(c),(e)(1), (e)(2)(A); and 7 C.F.R. 272.4(b)(iii), (b)(3)(i); 272.5(b)(4).

NEW STATE BUDGET 2004-2005

This week the Legislature passed and the Governor signed the State budget. The Budget Bill is SB 1113

The trailer bill, SB 1104, which enacts laws allegedly needed to implement the budget, makes several changes in the CalWORKs

program. Often provisions of the trailer bill are not budget related, rather it is a process to make changes in the law by circumventing the regular lawmaking process. A more comprehensive report on the budget is coming soon. This report contains some of the major highlights of the CalWORKs provisions of the budget:

- CalWORKs COLA for 04-05 at 2.75% will take effect October 1, 2004 in lieu of July 1, 2004.
- SSI COLAs will also be 2.75%, but rather than taking effect January 1, 2005, it will take effect April 1, 2005.
- Currently, CalWORKs participants receive supportive services for 18 months. SB 1104 would delete the 18 month limit on supportive services.
- SB 1104 would require participants to enter into contract within 90 days.
- SB 1104 would require participants 30 hours a week of "core" activities. Core activities are:

Core Activities

1. Unsubsidized employment
2. Subsidized private sector employment
3. Subsidized public sector employment
4. Work experience
5. On-the job training (OJT)
6. Supported Work
7. Work Study
8. Self-employment
9. Community service
10. Job Search
11. Vocational education and training (12 month limit)

Other Core Activities - Hours spent in classroom, laboratory, or internship activities shall count if the county determines that it would lead to self-supporting employment, and recipients makes satisfactory progress.

1. Adult Education and ESL
2. Education directly related to employment
3. Job training

MONITORING COUNTY WELFARE DEPARTMENT DECLARATION

On or about _____ I, _____
Date First Name and Last Name

visited the county welfare department of _____
Name of the County

located at _____.
Address of the county welfare office

1. That I was ___able/___not able to locate a sign in the welfare lobby stating:

“Rules and regulations of the State Department of Social Services are available for your use. Please ask for the materials or manuals you wish to see.”

2. That I asked CWD officials if I could see a copy of the following information and received the response set forth below:

ASKED FOR	AVAILABLE	NOT AVAILABLE
___ Welfare and Institutions Code	_____	_____
___ Health and Safety Code	_____	_____
___ CalWORKs regulations	_____	_____
___ Food Stamp regulations	_____	_____
___ All County Letters	_____	_____

I hereby declare under the penalty of perjury statement is true and correct. Executed on

_____, 2004, in the City of _____

County of _____

By _____

PLEASE Mailed this form to: **CCWRO,**
1901 Alhambra Blvd.
Sacramento, CA 95816-7012
ATTN: Rules & Regulation Lawsuit Group