



IN BRIEF

✓ **San Benito County** recently discovered that SB 1104 abolished the 18 month time periods for WtW self-initiated plans (SIP). Under SB 1104 SIP participants can continue to attend school for up to five (5) years to meet the goals in their plan.

✓ **From San Diego County Daniel Benson** (DanielB@lassd.org) reports that San Diego County is having the food stamp overissuances sent to the Franchise Tax board who then sends it to the IRS who sends it to the social security administration (SSA). The SSA then will garnish any type of social security other than SSI for that food stamp overissuance in the amount of 15%. This scenario is for those who are not paying on their overissuance.

This means that those clients who are having this done will have to request a hardship hearing through SSA to try and get that amount reduced.

If you have any questions, contact Dennis at his e-mail address above.

✓ **Food Stamp EBT Update.** According to FNS, "... 99.9 percent of all food stamp benefits are issued electronically. Forty-eight States, the District of Columbia, the Virgin Islands, Guam, and Puerto Rico have online operating Electronic Benefit Transfer (EBT) systems. Two States operate offline food stamp EBT systems and issue paper food coupons to recipients who move out of State and have remaining food stamp benefits."

News from the Capitol

2005 STATE LEGISLATIVE SESSION BEGINS



The 2005-2006 legislative session began December 6, 2004. The Senate elected its new leader, Senator Don Perata.

As usual, there are changes in the chairs of the various committees.

In the Senate, welfare legislation was considered by the Senate Health and Welfare Committee, which was later renamed the Senate Health and Human Services Committee.

This year, Human services has separated from the Health and Human Services Committee. The new chair for the **Senate Human Services Committee** is **Joseph (Joe) S. Simitian**. Senator Simitian is a former Santa Clara County Board Supervisor.



Senator Joe Simitian

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The **Assembly Human Services** will be chaired by Assemblymember **Noreen Evans** (D-Santa Rosa) . Noreen Evans was first elected to the Santa Rosa City Council in 1996 and was re-elected to a second term in 2000. She served as a Santa Rosa Planning Commissioner from 1993 to 1996.

Ms. Evans received her Juris Doctorate Degree from the University of Pacific, McGeorge School of Law in Sacramento in 1981 and her BA degree (with honors) in government from California State University, Sacramento in 1978. She is currently an attorney with the Santa Rosa law firm of Lanahan & Reilley, LLP. Her practice emphasizes civil appeals and litigation.



Assemblywoman Noreen Evans

She is married to Mark Fudem, who is an attorney. They have three children and live in Santa Rosa, California.

The **Assembly Budget Subcommittee for Health and Human Services** has not been separated - and has a new chair from Los Angeles County, **Hector De La Torre**. Hector De La Torre majored in diplomacy and world af-

fairs at Occidental College in Los Angeles and attended George Washington University's Elliot School of International Affairs. Mr. De La Torre later served as Assistant to the Deputy Secretary of Labor.

Upon his return to California, Mr. De La Torre accepted a corporate position as a Project Manager in Communications. He was elected to the South Gate City Council in 1997 and represents the city on the Executive Board of



Assemblyman Hector De La Torre

the Gateway Cities Council of Governments, the Southern California Association of Governments and the League of California Cities.

Mr. De La Torre resides in South Gate with his wife, Christine, and their two children.

The **Assembly Budget Committee** will be chaired by **Assemblyman Laird of Santa Cruz**, which is a positive development for the people in poverty.

Elected on November 5, 2002, Assemblymember John Laird represents the 27th State Assembly District, which includes

portions of Santa Cruz, Monterey and Santa Clara Counties. Prior to being elected to the Assembly, Assembly member Laird served two terms on the Santa Cruz City Council, two terms as Mayor, and eight years as a Cabrillo College Trustee.



Assemblyman John Laird

Raised in Vallejo and educated in Vallejo public schools, Mr. Laird's parents were both educators. He graduated from Adlai Stevenson College.

In 1981, Assemblymember Laird was elected to a seat on the Santa Cruz City Council and served until term limits ended his council service in 1990. He was elected by the City Council to one-year mayor's terms in 1983 and 1987, becoming one of the first openly gay mayors in the United States.

John Laird lives in Santa Cruz with his partner John Flores. He is fluent in Spanish, has traveled widely, has conducted extensive family history research and is a life-long Chicago Cubs fan.

CHILD CARE FRAUD

Budget trailer bill SB 1104, included Section 1.3, which calls for a report due April 1, 2005 regarding an error rate study in the child care programs.

In response, the Legislature enacted Education Code Section 8385 which mandates a study by the Department of Education in consultation with CDSS, welfare fraud investigators and welfare fraud investigation experts to conduct a error rate study to determine the

degree of errors and fraud in the Child Care Programs.

The statute is silent on the fraud and abuse that counties inflict upon the consumers of the child care and supportive services programs for welfare to work participants.

In our opinion, the Legislature should require vigorous and unyielding assessment and prosecution of county fraud in the same way that child care recipient fraud is pursued.

The 2002 CDSS report reveals that over 75% of the children on CalWORKs are under 12 years of age. Children under 12 are eligible for child care.

Statewide, during fiscal year 2003-2004, less than 29% of single parent WtW participants received child care. Thus, there is an estimated 46% of parents who should be eligible for child care but are not receiving it.

It is estimated that welfare recipients have been unlawfully denied millions of child care dollars each year by counties such as Stanislaus County, which paid for child care for less than 7% of the single parents participating in WtW activities; Santa Clara County at 23.17%; Contra Costa County at 22.96%; Los Angeles County at 22.75% and Orange County at 22.44%. In contrast, Yolo County provided child care to 64% of the unduplicated WtW participants, San Mateo County 62%, Fresno County 60%, San Diego County 54% and Solano County 51%. The need is there, it's just that some counties meet the need and others unlawfully do not.

Child Care Overpayments and Underpayments should be treated equally, investigated equally and should carry equal penalties.

TABLE #1 on page 4 reveals the percentage of unduplicated single parents receiving Stage 1 child care services during FY 2003-2004. The information on this table is based upon the CDSS CW 115 reports which can be found on the CDSS web page.

CWD VICTIM OF THE WEEK

On December 1, 2004, Ms. P.S. applied for Cash aid, Food Stamps and Medi-Cal in Los Angeles County. Her benefits had stopped 11/1/04. She did not receive transitional food stamp benefits for the month of November, 2004.

She arrived at the County Welfare Department (CWD) at approximately 11 a.m. She was not given a SAWS 1 to complete. Rather she was given a county screening form to complete. After completing the form, she asked for a copy but the receptionist refused to give one to her.

By 11:15 a.m. Los Angeles County had violated State regulation MPP §63.300. 31. which states:

“Applicants shall not be required to complete any CWD developed prescreening form.”

After completing the county prescreening form, she had to wait for several hours. She sat through lunch without eating because she did not want to miss her name being called. The CWD did not have the human decency to tell people they could leave for lunch and come back at 1 P.M.

Finally at 2:25 p.m. she was called by eligibility worker, Goar Bagdasaryan.

TABLE #1- Percentage of Unduplicated Single Parents Receiving Stage 1 Child Care Services During FY 2003-2004

STATEWIDE	28.66%		
1	Yolo	64.12%	30
2	San Mateo	62.33%	31
3	Inyo	59.93%	32
4	Fresno	59.27%	33
5	San Luis Obispo	55.68%	34
6	San Diego	53.60%	35
7	Solano	51.02%	36
8	Placer	47.97%	37
9	Plumas	47.00%	38
10	Marin	45.51%	39
11	Santa Cruz	43.52%	40
12	Napa	42.94%	41
13	Calaveras	40.74%	42
14	Tulare	40.33%	43
15	Lassen	39.06%	44
16	Amador	38.32%	45
17	San Benito	37.61%	46
18	Alameda	35.51%	47
19	San Francisco	32.43%	48
20	Monterey	32.28%	49
21	Nevada	31.27%	50
22	Kern	30.66%	51
23	San Bernardino	30.46%	52
24	Mariposa	30.26%	53
25	Sonoma	30.13%	54
26	Riverside	29.84%	55
27	Siskiyou	29.53%	56
28	Shasta	29.10%	57
29	Del Norte	28.64%	58
			Kings
			28.37%
			San Joaquin
			26.33%
			Sutter
			26.29%
			Ventura
			25.71%
			Glenn
			25.49%
			Butte
			25.29%
			Tehama
			24.93%
			Sacramento
			24.64%
			Yuba
			24.05%
			Santa Barbara
			24.02%
			Santa Clara
			23.17%
			Contra Costa
			22.96%
			Los Angeles
			22.75%
			Alpine
			22.50%
			Orange
			22.44%
			Sierra
			22.00%
			Merced
			20.79%
			Tuolumne
			20.51%
			Lake
			20.28%
			Imperial
			18.36%
			Colusa
			17.75%
			Mendocino
			16.47%
			Mono
			15.61%
			Madera
			15.27%
			Humboldt
			15.20%
			El Dorado
			13.92%
			Modoc
			8.84%
			Stanislaus
			6.93%
			Trinity
			5.88%

Ms. Bagdasaryan asked Ms. P.S. several questions, gave her a CW 1, also known as SAWS 1 and instructed her to sign it. The form included several question regarding Immediate Need.

This was another unlawful act by the county welfare worker. The regulations state that the Immediate Need questions of the SAWS 1 cannot be completed by the eligibility worker.

MPP § 40-129.33 states: "The county shall not complete the Immediate Need section of the application or the Immediate Need Payment Request (CA 4, 9/90), except at the applicant's specific request."

During the interview, welfare worker Bagdasaryan informed Ms. P.S. that lack of transportation was not an Immediate Need factor. This was another false statement not supported by the state regulations.

40-129.13 An "Emergency Situation" means one or more of the following exist:

.131 Lack of Housing - The applicant is homeless as defined in MPP 44-211.511.

.132 Pending Eviction - The applicant has received any type of eviction notice, including a three-day notice to pay or quit, evicting the family from its current residence.

.133 Lack of Food - The applicant does not have enough food to sustain the family for a period of three calendar days.

.134 Utility Shutoff Notice - The applicant has received a notice of termination of utility service or such service has been terminated.

.135 Transportation - The applicant is unable to meet essential transportation needs such as those relating to food, medical care, or job opportunity.

.136 Clothing - The applicant lacks essential clothing such as diapers or clothing needed for inclement weather.

.137 Other - The applicant has other emergencies of similar importance to the family's immediate health and safety."

There is nothing in MPP § 40-129.136 that states "except for Los Angeles County."

The county issued expedited food stamps, but said that they could not issue cash aid because she only had one need which was lack of food. Lack of transportation does not count in Los Angeles County.

The next day, Ms. P.S. wisely contacted an advocate to help her get the Immediate Need (IN) benefits to which she was legally entitled.

The advocate called the L.A. CWD West Valley Office and talked to Intake Supervisor, Julia Nazario. Ms. Nazario stated that the IN request was denied because "Ms. P.S. did not give us the documentation." Ms. Nazario added, "she did not ask for immediate need."

When the advocate asked which statement was the correct; that she did not provide documentation or she did not ask for IN, Ms. Nazario reverted back to the "did not provide documentation" position. When asked what documentation Ms. S.P. did not provide, Ms. Nazario listed the following:

1. Did not bring the children with her to the appointment with her.
2. Did not have birth certificates.
3. No school attendance verification.

For about a year, Los Angeles County has stopped requiring children to be dragged into the welfare department to wait for hours and hours rather than being in school.

Moreover, in order to receive IN, the applicant had to be apparently eligible, rather than completely eligible.

40-129 .11 "Apparent Eligibility" means that the information provided on the Statement of Facts

and information otherwise available to the county indicates that the applicant would be eligible for aid if the information on the Statement of Facts were verified.”

The regulations limit verification that families in emergency need to provide. Such persons only have to verify their alien status, and pregnancy, if the pregnant applicant has no other children.

The applicant also has to meet technical requirements, which are limited to providing a social security number and applying for unemployment benefits that are unconditionally available to the applicant. See MPP § 40-129.2

40-129.2 Eligibility for an Immediate Need Payment

.2I Eligibility for an Immediate Need payment exists when the applicant meets all of the following conditions:

.2II Is apparently eligible for AFDC.

(a) An alien applicant who does not provide verification of his/her eligible alien status is not apparently eligible.

(b) A woman with no eligible children who does not provide medical verification of pregnancy as specified in MPP 44-205.642 is not apparently eligible.

.2I2 Has an emergency situation, without regard to whether it could have been anticipated, which cannot be addressed by the issuance of food stamps or homeless assistance or by referral to a community resource as specified in MPP 40-129.6.

.2I3 Has resources that do not exceed the resource limitation as specified in MPP 40-129.22.

.2I4 Has complied with the following technical conditions for AFDC:

(a) Social security enumeration, application for unconditionally available income (including

UIB), work registration of the principal earner who is exempt from GAIN due to remoteness, work registration of the nonfederal principal earner, and cooperation with the District Attorney in accordance with MPP 43-201.1.”

Finally, the advocate was able to reach Beth Sexton, who is the Deputy for CalWORKs intake. She looked at the case and agreed that the county had wrongfully denied IN and issued IN. In addition, Ms. P.S. will receive her transitional food stamp benefits for the month of November, which was also unlawfully denied to her.

Meanwhile, thousands of similar victims are being denied IN benefits in Los Angeles County because they do not have advocates.

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