

CCWRO Weekly New Welfare News - #2002-04

January 22, 2002

HEADLINES

-- DENTI-CAL CASE SETTLED, LOOKING FOR CLIENTS FOR COMPLAINT

-- 2002-2003 STATE BUDGET BILLS INTRODUCED

-- STATE LEGISLATIVE NEWS - New Bills Introduced in 2002

-- CWD VICTIMS OF THE WEEK

-- STATISTICS OF THE WEEK

-- 2002 New All County Information Notices

-- DENTI-CAL CASE SETTLED, LOOKING FOR CLIENTS FOR COMPLAINT

Request for Information

Pursuant to the settlement in the federal lawsuit, *Deparini v. Bonta*, the Department of Health Services agreed to issue new notices of Denti-Cal Actions to all Denti-Cal beneficiaries whose Denti-Cal TAR were denied using Reason Code 02, 06 or 08 since March 27, 1999.

The *Deparini* notices were issued in mid-December 2001 and were to use the most specific of the 46 Action Codes as the reason for the denial of the Denti-Cal TAR.

In at least two situations, the new Notice of Denti-Cal action still identified the Action Code as 02. Eugenie Mitchell and I believe that Health Services reissued the 600,000 *Deparini* notices without using the *Deparini* Action Codes.

If you have a client who has received an amended notice with 02 still listed as the Action Code, please contact or fax the Denti-Cal Notice to the Deparini counsel by contacting:

Grace A. Galligher
Coalition of California Welfare Rights
Tel: (916) 736-0616
Fax: (916) 736-2645
e-mail: ccwro@ aol.com

Eugenie D. Mitchell
Mitchell and Brewer, L.L.P
(916) 448-8600
(916) 448-8605
eugeniem@earthlink.net

-- STATE BUDGET LEGISLATION FOR 2002-2003

The Assembly version of the State Budget is known as AB 1777. INTRODUCED BY
Assembly Member Cardenas

http://www.leginfo.ca.gov/pub/bill/asm/ab_1751-1800/ab_1777_bill_20020110_introduced.html

The Senate version of the bill is SB 1261 "INTRODUCED BY Senator Peace

http://www.leginfo.ca.gov/pub/bill/sen/sb_1251-1300/sb_1261_bill_20020110_introduced.html

STATE LEGISLATIVE NEWS

AB 1771, as introduced, Strickland. Medi-Cal: income eligibility: mobile homes.

Existing law provides for the federal medicaid program, administered by each state, California's version of which is the Medi-Cal program. The Medi-Cal program, which is administered by the State Department of Health Services, provides qualified low-income persons with health care services. Existing law further establishes eligibility criteria for participation by program applicants in accordance with federal law.

This bill would create an income exemption for the cost of space rental for a mobile-home that is the principal residence of a Medi-Cal applicant. The bill would specify that this provision would not be implemented until the department obtains federal approval.

For More Information and to get the exact bill language go to:

http://www.leginfo.ca.gov/pub/bill/asm/ab_1751-1800/ab_1771_bill_20020109_introduced.html

--==--==--

SB 1264 - Senator Alpert - Exempting public and private scholarships as income or resources

This bill would exempt from consideration of income or resources any public or private scholarship received by a recipient of public assistance. This bill would also make a child over the age of 18 eligible for CalWORKs if the child is in a special education program.

http://www.leginfo.ca.gov/pub/bill/sen/sb_1251-1300/sb_1264_bill_20020114_introduced.html

--==--==

-- AB 1806 INTRODUCED BY Assembly Member Richman -Medi-Cal: eligibility: income and resources.

Existing law provides for the federal medicaid program, administered by each state, California's version of which is the Medi-Cal program. The Medi-Cal program, which is administered by the State Department of Health Services, provides qualified low-income persons with health care services. Existing federal and state law establish eligibility criteria for the program including income and resources requirements.

This bill would require the department, on and after January 1, 2003, to exercise its option under the federal Social Security Act as necessary to expand eligibility for Medi-Cal by maximizing to the fullest extent possible the amount of income and resources that medically needy individuals are allowed to retain for purposes of Medi-Cal eligibility. The bill would specify that its provisions would be implemented only to the extent that federal financial participation is available.

-- AB 1816 INTRODUCED BY Assembly Member Richman

This bill would provide that, if consent is obtained authorizing a county or the board to access certain records contained in state and local data bases, an applicant would not be subject to any requirement to provide independent documentation to verify statements that relate to income for purposes of initial enrollment in, and the annual eligibility review or redetermination for, the Medi-Cal program or Healthy Families Program. The bill would require the board and each county to develop and implement procedures to implement these income verification provisions.

http://www.leginfo.ca.gov/pub/bill/asm/ab_1801-1850/ab_1816_bill_20020117_introduced.html

DSS NEWS

-- ACL 02-01 - Stage 1 Child Care Information to be Collected from Counties

DSS has issued an ACL 02-01 asking counties to provide DSS with information on how many one-parent and two parent families have children in stage 1 child care benefits during July 2001 through December 2003. Stage 1 child care is administered by the CWD. Some counties contract this service to child care agencies. Stage 2 and 3 are administered by the State Department of Education, who also contract with the same child care agencies. Stage 1 for former recipients is limited to a 24 month period.

To get a copy of the ACL and the form that the counties have to complete and return to DSS go to: <http://www.dss.cahwnet.gov/getinfo/acl02/pdf/02-01.pdf>

-- ACIN I-03-02 and I-04-02 - Food Stamp Questions and Answers.

These ACINs contain answers to questions that DSS has received from various county welfare departments. Some of the highlights are:

1. Can Homeless clients receive food stamps if they get three meals from a shelter they are living in? ANSWER is "yes" per MPP 63-503.6;
2. Persons receiving unemployment benefits are exempt from ABAWDS; (ABAWDS are limited to Food Stamp benefits for three months, unless they work 20 hours a week or perform unpaid labor for the county workfare program for 20 hours a week)
3. What constitutes unreasonable distance for exempting a Food Stamp recipients from FSET? (FSET is the Food Stamp work program) ANSWER "Unreasonable distance exists if daily commuting time exceeds two hours per day, not including the transporting of a child to and from a child care facility..."
4. If a CalWORKs recipient is sanctioned for failure to perform unpaid labor (involuntary servitude duty for the county, then not only will such persons welfare benefits go down, but his/her food stamps will also go down.

If you want to get a copy of these ACINs, go to:

http://www.dss.cahwnet.gov/getinfo/acin02/pdf/I-03_02.pdf

http://www.dss.cahwnet.gov/getinfo/acin02/pdf/I-04_02.pdf

CWD VICTIMS OF THE WEEK –

--San Diego County Imposes Sanction Against a Single Mom who was Caring for Incapacitated Member of the Household.

On May 18, 2001, San Diego County mailed a notice of-action to Ms. 2001179066 stating that her cash aid and food stamps will be reduced effective June 1, 2001 due to not going to the WEX program, which is the San Diego County program whereby CalWORKs recipients perform "unpaid labor" or more commonly known as involuntary servitude duty for the county. This is not a 30-day notice, this it is an invalid notice of action. Ms. 2001179066 lives with her husband, who is 100% disabled. 65% of his body has been burned. "She indicated that when she is not home, her husband just sits and that he sometimes needs help cooling off. She indicated that many times he is unable to hold on to things. She works 88 hours per month. The claimant indicated that her daughters had been ill during part of March and April 2001." She was being sanctioned for failing to do her WEX duty since March 29, 2001.

Fortunately Ms. 2001179066 filed for a hearing and the Administrative Law Judge found that the sanction cannot be imposed because "...claimant's husband who was her boy-

friend at the time of the sanction was imposed is incapacitated and needs the claimant at home to care for him."

-- Riverside County Imposes Sanction Against a Disabled Person

On April 4, 2001 Riverside County mailed a notice of action imposing a sanction against Ms. 20011443338 effective May 1, 2001. This is not a 30-day notice, thus this is an invalid notice.

On December 30, 1999 Ms. 20011443338 had provided Riverside County with documentation that she is suffering from (1) Sciatica, and (2) Bi-polar disorder.

At the beginning of January of 2001, the county welfare caseworker asked Ms. 20011443338 to provide the county with another medical verification. "On March 14, 2001 the claimant reported to her caseworker that the doctor was requiring a fee to complete the Medical Report and had no money to pay him.

Ms. 20011443338 signed a release form and the county caseworker mailed a medical form to the doctor. On April 26, 2001 the caseworker received the report. The Administrative Law Judge (ALJ) stated that the "...new Medical Report signed by the claimant's doctor indicated that her medical condition had worsened, that she also suffered from ostio arthritis of the knee, that her medications had been increased, and that claimant's conditions "prevent or substantially reduce her ability to work full time at her regular job" and that she "could not work full time at some other job." The county caseworker refused to grant Ms. 20011443338 an exemption and defended this immoral position at a fair hearing. The ALJ ruled that Ms. 20011443338 is exempt from the WtW program, thus cannot be sanctioned. Just imagine how many other disabled persons have been unlawfully persecuted by Riverside County.

Los Angeles County Imposes Sanction with an Inadequate Notice of Action (NOA)

On December 1, 2000, Los Angeles County proposed to impose a six-month sanction against Ms. 2002259260 for allegedly not signing a GAIN contract. In this case the county NOA did not inform Ms. 2002259260 of her right to file for a fair hearing as required by the State Regulations, thus the NOA was invalid and the sanction was set aside.

STATISTICS OF THE WEEK – TANF Money Expenditures Going Up and Up While the Caseloads are Declining

The Center on Budget & Policy Priorities reports that States have increased the amount of money they are spending on TANF. In 1998 States spent \$13,284 million, while as the caseload was cut in half, they spent \$18,583 million during 2001. One may wonder how is this money being spent? The report implies that it is being spent on childcare in part. But most of the money is being spent on foster care programs and other expenditures that are not in the form of payments to families. In fact, while spending has gone up by 29%, there is no evidence that payments to families have seen any increase to the same magnitude. Most of these increased costs go to bureaucrats.

You can download a copy of the report at:

<http://www.centeronbudget.org/11-1-01wel.htm>

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, Research Services, In depth Consultation.

Programs Covered

CalWORKs, Welfare to Work (WtW), Food Stamps, Medi-Cal and Refugee Immigration Problems

Coalition of California Welfare Rights Organizations, Inc. 1901 Alhambra Blvd Sacramento, CA 95816

Tel. 916-736-0616

After 6 PM - 916-387-8341

Message/cell number 916-712-0071

FAX 916-736-2645

e-mail address: ccwro@aol.com