

CCWRO Weekly New Welfare News - #2002-13

April 8, 2002

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-- DSS NEWS

STATISTICS OF THE WEEK - Expedited Food Stamps Data for October-December, 2001 DFA 296X reports.

-- COUNTY WELFARE DEPARTMENT VICTIM OF THE WEEK -

IN BRIEF

-- Governor Davis has proposed to decrease the payment rates for exempt child care providers. These are mostly low income providers who are not even getting minimum wage. The child care industry composed of the organized child care providers, support this mean-spirited attack on the lowest paid child care providers in California. Fortunately, MALDEF and the Latino Caucus in the State Legislature OPPOSE this ill-conceived proposal. CCWRO also opposes this proposal.

-- The California Welfare Directors Association (CWDA) reports that Kurt Childs "... made a lengthy presentation on changes in child support procedures. He stressed that non-custodial parent must be linked to the welfare to work plan so he/she is not an impediment to the overall plan. When a child support payment is set at the amount of the grant, it becomes so overwhelming to the non-custodial parent that he/she withdraws from the family in order not to pay." CCWRO OBSERVATION: Is this a proposal to have non-custodial parents do job search/workfare duty for the counties? And what does it mean that the "non-custodial parent withdraws from the family"? If the non-custodial parent was part of the family, then he/she would not be a non-custodial parent.

-- CWDA offers some administrative workload relief options. One of them is that "Fingerprint imaging has not saved money and should be eliminated." Well praise the Lord. They have seen the light.

-- Some counties would like to abolish the 18/24 month clock for services because the counties are working with a more difficult population that needs more services. CWDA states "There is an administrative burden of tracking time limits, it limits counties being

able to engage participants, and creates urgency for everyone. Eliminating 18/24-month limits would relieve counties from dealing with community services" CCWRO Support the Elimination of the 18/24 month time limits. It is a sick idea.

-- REVISED PUBLIC ASSISTANCE TABLES EFFECTIVE 4/02

We received a e-mail from Kim Lewis, attorney with Western Center on Law and Poverty pointing out that the 133%; 185% and 200% of our recent public assistance tables did not reflect the new amounts. She is correct. Thank you Kim.

I revised the 1/02 tables at the office in Pagemaker, then brought it home on a disk to turn it into Adobe Acrobat. In this process, the changes in 133,185 and 200%% did not reflect the correct numbers. We apologize. Kevin Aslanian

DSS NEWS

-- ACIN I-23-02 (March 21, 2002)

Fiscal Year (FY) 2002-03 Governor's Budget - California Work Opportunity And Responsibility To Kids (CalWORKs) Program - - This notice describes the CalWORKs budget from the perspective of the Davis Administration.

ACIN I-25-02 (April 4, 2002)

Food Stamp Questions And Answers

ACIN I-26-02 (April 3, 2002)

Fiscal Year (FY) 2002-03 Governor's Budget - Food Stamp Employment And Training Program - This notice describes the CalWORKs budget from the perspective of the Davis Administration.

http://www.dss.cahwnet.gov/getinfo/dat_acin/showfaq.asp?fldAuto=39&ctx=&catnm=2002%20All%20County%20Information%20Notices

ACL 02-31 (April 2, 2002)

Participation Requirements For Two-Parent Assistance Units (AU)

http://www.dss.cahwnet.gov/lettersnotices/2002AllCou_584.htm

-- DSS State Hearings Division Notes.

Item 02-02-02A - Welfare to Work - Exemption, Time Limit and Jurisdictional Issues

This memo describes how the 18/24month clock works.

-- DSS SHD meets with DHS-

Item 02-01-01D Quality Circle Meeting With DHS

" Representatives of the State Hearings Division (SHD) met with representatives of the DHS on January 7, 2002 in a Quality Circle. This was the first in a series of meetings scheduled to try and improve the hearing process in cases where the DHS is a party. The SHD and DHS discussed the Interagency Agreement and each side presented an introductory list of issues to be addressed.

Issues raised by the SHD among other issues include:

- * DHS providing a representative for all hearings when DHS is the party.
- * DHS providing a liaison responsible for a variety of functions including transmitting proposed decisions to the appropriate person for review by DHS and forwarding hearing requests to the appropriate entity within DHS so that the DHS is prepared to submit a position statement or resolve the issue in each case.
- * The need for DHS and SHD to establish a regular meeting process for problem resolution.

The DHS list of issues includes the following:

- * While DHS will attempt to improve in providing complete and timely position statements, DHS is not required to make a position statement available to the claimant two working days in advance of the hearing. Welfare and Institutions Code (W&IC) §10952.5 and MPP §§22-053.165 and 22-073.252 require the county to make a position statement available to the claimant at least two working days in advance of the hearing. W&IC §10952.5 and MPP §22-001c.(4) specifically exempt the DHS from this requirement.
- * Many DHS issues are mandatory proposed decisions. These issues include managed care cases, orthodontic issues, EPSDT cases and others. Judges should check their delegation document and write a proposed decision when final decision authority has not been delegated.
- * Senate Bill 87 mandated new requirements for counties regarding the Medi-Cal eligibility determination process that became effective July 1, 2001. There is an All County Welfare Director's Letter (ACWDL) No. 01-36, June 19, 2001, that explains the county responsibility in evaluating Medi-Cal eligibility on another basis for a person who is being discontinued from CalWORKs or Medi-Cal. Decisions that follow this ACWDL may be written as final decisions. However, this ACWDL does not address SSI/SSP-linked Medi-Cal discountenances. The DHS has not yet determined if SB 87 applies to persons discontinued from SSI/SSP-linked Medi-Cal. If a judge applies SB 87 to an SSI/SSP discontinuance case, he/she must write the case as a proposed decision.
- * The DHS position is that there is no jurisdiction for an Administrative Law Judge to review an issue that involves a billing dispute. Administrative Law Judges should write

these cases as dismissals. Any decision finding jurisdiction on a billing dispute is a mandatory proposed decision."

DHS has also requested that all decisions involving the drug serostim be sent to DHS as proposed decisions.

<http://www.dss.cahwnet.gov/shd/item.html>

OTHER DSS NEWS:

DSS/CWDA are reformatting the CW 7. The form is a total nightmare. There is no place to report additional changes, such as need transportation, "want child care", or just to leave a note for the worker. There should be a place where CalWORKs participants can communicate with their workers.

-- DSS is proposing to add up all child support collected by the counties, then use it to un-tick months from the 60 month clock. CWDA is unhappy with this proposal and they propose "using the child support obligation paid against the corresponding month of CalWORKs assistance payment made." This means that counties would have to figure out which month the payment was meant for, then un-tick that month. Off course this will be an administrative nightmare, but it would provide CWDA bureaucrats with more job security.

-- Suzanne Nobles, Chief of Employment Bureau suggested that CWDA form a workgroup to consider new regulations that DSS was developing regarding (1) expand the definition of who can provide medical/psychological verification for exemption purposes; (2) clarify the differences between satisfactory progress and satisfactory participation when hours are split between two parents, (3) self-employment and hours; (4) work-study is subsidized income; (5) notifying participants of the expiration of the 18/24 month period; (6) clarify work participation rules for 2-parent families when there is a child in common rules; and (7) third-party assessment. The counties rejected DSS request for a workgroup and suggested that DSS submit these proposals to CWDA CAT committee, which would assure that the workgroup would be solely composed of the county welfare bureaucrats only. This guarantees no equitable input from the people and their representatives that these new policies will effect.

DSS ESTABLISHES UNLAWFUL POLICY - DSS State Both Parents Have to Attend the Face to Face Interview - There is no regulation supporting this DSS underground Policy.

On September 25, 2001, 8:08 AM, Marcia Greene of Shasta County asked DSS "If an applicant AU contains both mother and father and only one of them comes in to make the interview, may we send the paper work home with the one parent and then conduct a telephone interview at a later time with the other parent to go over the SAWS 2?"

DSS ANSWER: "No.. Both parents are applicants, therefore both are required to participate in a face to face interview unless the parent is unable to because of a physical or mental condition (See 40-131). In addition, SFIS requirements must also be met, which would require the parent to come in to be fingerprinted or photo imaged anyway (again, unless unable to do so). See 40-105.3 for SFIS requirements. "

Section 40-131.1 states:

".1 Interview Required Prior to Granting Aid

.11 A face-to-face interview with the applicant is required prior to the granting of aid. For the home visit requirement in AFDC, see Section 40-161."

There is nothing in this section that states both parents have to participate in the interview. On the other hand 40-105.3 does require both parents to be fingerprinted.

The other parent may not be able to attend the face-to-face interview because of work. The application process can take two (2) working days. Just because you have an appointment at 8:00 AM, does not mean you will be seen at 8:00 AM. Sometimes you may be seen after lunch. Then you may have to come back again the next day to be fingerprinted and have your picture taken for the welfare department. But "working" is not a good reason for DSS. The fact that someone may lose his/her job for attending an interview for application does not even phase DSS.

This is clearly an underground policy, which is inconsistent with DSS's own regulations and anti-work.

CCWRO will be sending DSS a letter demanding the retraction of this unlawful policy in an All County Letter.

STATISTICS OF THE WEEK - Expedited Food Stamps Data for October-December, 2001 DFA 296X reports.

The top 10 counties in denying expedited services to persons who the county considered for expedited service food stamps were lead by Imperial county who leads with a perfect 100% record. "Not in our County" is what Imperial County believes.

Santa Clara has a 82% denial rate, Santa Barbara 80%, San Diego 76%. These are high cost counties, while Kern at 72%, Yuba at 72% and Stanislaus at 69% are low cost counties. Yuba County's neighbor, Sutter County has 41% denial rate. Thus, a hungry family with children will have a 50% chance of meeting the emergency needs of their hungry children in Sutter County, rather than Yuba County. Why should children suffer depending on which county one lives in?

The counties with the lowest rate of denials are Trinity, El Dorado, Solano, Fresno, San Luis Obispo, Nevada and San Mateo. But these low rates should not lead someone in is thinking that these counties are more compassionate than other counties. A careful examination of the data will show that these counties screen applicants and only those who would be eligible for FS-ES are considered for FS-ES.

We were going to show how many applications the counties received during the months of October, November and December of 2001, but that information is not available to the public yet. The last report available to the public as of 4/7/02 is the September, 2001 Food Stamp Caseload Movement Report also known as DFA 296 reports. Once the data is available, we will report the percentage of applicants considered for FS-ES by various counties.

Imperial	100%	San Benito	41%	Lake	18%
Santa Clara	82%	Placer	38%	Calaveras	17%
Santa Barbara	80%	Sonoma	38%	Humboldt	17%
San Diego	76%	San Francisco	37%	Nemdocino	15%
Alpine	75%	Inyo	34%	Colusa	12%
Tuolumne	73%	Plumas	30%	Shasta	12%
Kern	72%	Ventura	30%	Amador	10%
Yuba	72%	Tulare	29%	Trinity	10%
Stanislaus	69%	Mariposa	28%	El Dorado	10%
Contra Costa	68%	Yolo	26%	Solano	10%
Sacramento	67%	Alameda	26%	Fresno	9%
Riverside	65%	Marin	24%	San Luis	8%
Monterey	64%	Butte	24%	Obispo	
Lassen	61%	Merced	23%	Nevada	7%
Napa	60%	San Joaquin	23%	San Mateo	2%
Tehama	59%	Siskiyou	22%	Modoc	0%
Santa Cruz	58%	San	22%	Mono	0%
Kings	52%	Bernardino		Sierra	0%
Madera	45%	Glenn	20%		
Los Angeles	42%	Del Norte	19%	Statewide	44%
Sutter	41%	Orange	19%		

COUNTY WELFARE DEPARTMENT VICTIM OF THE WEEK -

Sacramento County mailed a letter to Mr. A.G. asking for additional in response to a request for retroactive transportation payment. Mr. A.G. has been working since 1998, but the county did not give him his transportation money. The letter was dated 11/14/01 and requested that the information be submitted by 11/14/01. Naturally Mr. A.G. not being a person who could read the mind of his eligibility worker, James Kok, failed to submit the requested information. During the month of 12/01, Mr. Kok mailed a letter denying the request for retroactive transportation for failing to submit the requested information by 11/14/01. What was Mr. Kok requesting? Mr. Kok wanted the check stubs that were readily available to Mr. Kok in the casefile.

Mr. A.G. filed for a fair hearing. The county representative agreed to a conditional withdrawal and stated that the county will process the retroactive transportation request. 30 passed and still - no money. Mr. Kok simply does not want to issue the benefits that was unlawfully denied to Mr. A.G. Now Mr. A.G. has requested that the hearing be reopened. The sad thing is that the hearing will cost more than the amount of transportation that is owed to Mr. A.G.

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