

CCWRO Weekly New Welfare News Bulletin - #2002-23

June 17, 2002

HEADLINES

- IN BRIEF**
- DSS News -**
- STATISTIC OF THE WEEK -**
- TANF REAUTHORIZATION BILLS IN CONGRESS**
- CWD Victim of the Week-**

IN BRIEF - Commentary

CCWRO COMMENTARY: California Republicans continue to attack immigrants. During the 2002-2003 budget process, Republicans have suggested that the California Food Assistance Program for immigrants be repealed while over 500 million dollars are going to the foster care/child welfare system. This money should be used to provide for California's TANF families. Meanwhile, the new budget, at the urging of Republicans, and the concurrence of Democrats, denies cost-of-living to CalWORKs and SSI recipients. Actually SSI recipients may get their COLA effective 1/1/03, while the children will get screwed - no COLA, until maybe June, 2003.

STATE WELFARE NEWS

#1. Representatives of Legal Services and other advocates statewide are meeting with Bruce Wagstaff, Deputy Director of the State Department of Social Services to discuss issues facing welfare advocates.

The agenda items raised by legal services programs and other advocates were:

LEGAL SERVICES ISSUES FOR THE 5/28/02 MEETING

- a. Policy for granting county rehearing requests while denying representative/recipient requests. (Riv., SB, SD, & LA counties)
- b. Failure to provide Immediate Need Cash, Food Stamps & Medi-Cal w/in regulatory time lines. (Riv., SB & SD counties)
- c. Termination of Medi-Cal for categorically linked recipients in the midst of medical procedures on change of link status. (SB County)

- d. Requiring a 3- day stay in a shelter, a Marshall's Notice of eviction before a homeless client is allowed to apply for Homeless Assistance. (SB County)
- e. Suspension of benefits while a change in household composition or category takes place. (SB County)
- f. The failure of San Diego County to provide notices in languages other than English or Spanish that are available by the state (e.g. Vietnamese).
- g. Whether or not the state has the list of forms that San Diego County is currently using. The reason for this is that it appears that San Diego County is using a mandatory participant W2W sanction notice that is not approved by the state. (the state has a required, non-modified form to be used).
- h. volunteer/exempt and support services (denials of being a volunteer and/or allowing to be a volunteer, but denying support services)
- i. Support services aid paid pending issues (non-provision thereof because of lack of state guidance and/or misinformation on the back of the notices of action...)
- j. Retroactive process for claiming income exclusion for CalWORKs work study, since workers were not informing recipients of their right to exclude educational expenses (which are not excludable unless verified, but no one knows that they are to verify this!)
- k. Compliance with the Welfare-to-Work review process (ACL 02-20).
- l. Compliance re learning disabilities (deadline 09-03-02).
- m. State hearings experience. (L.A. - DPSS- cites 25,000+ requests in 2001, 90% handled w/o hearing, 7% of decisions favored clients.) [DCFS is separate.]
- n. Withdrawal application-county form v. DSS form and usage.
- o. The Notice of Action back page has some incorrect information regarding aid paid pending for supportive services. In addition, in the Sanction Workgroup Jody, Kate and Kevin did a lot of work on the back to make more user friendly. The back needs to be updated. (SHD Issue)
- p. Counties mandate that both parents be present at the intake and redetermination interview. If only one parent appears, the application is denied or the case is closed for not having both parents present at the

redetermination. There is no regulation that requires both parents be present at the interview. In fact, there is no regulation or statute that requires both parents sign the application. Yet applications are denied and cases are closed daily around the state for this reason. REMEDY: An ACL stating that there is no legal authority for this requirement and stop denying applications or closing cases for failure of the other parent to show up for the interview or sign the various application forms.

q. Homeless Assistance. It appears that some counties are not allowing homeless people to apply for HA, unless the county prescreens them and makes sure they are eligible. This is how it works. A homeless person comes to the local office. States he or she is homeless. Is told by the receptionist "you have wait and see your worker". Then the worker comes out. "Do you have a Marshall notice?" Answer "NO, we are sleeping in the car." CWD Worker. "Without a Marshall's Notice we cannot give you homeless assistance. When you get a Marshall's Notice, come back and I'll give you HA."

r. Update on Supportive Services Workgroup

s. Discussion of Implementation of the Child Care Retroactive Limitations provisions

t. Discussion of the implementation of other CalWORKs provisions in the trailer bill, if there is one enacted by 6/28/02.

#2. DSS regulations implementing ELECTRONIC BENEFIT TRANSFER (EBT) REGULATIONS ORD# 0202-04 is available on the DSS webpage at http://www.dss.cahwnet.gov/ord/CDSSPropos_366.htm. The public comment period for this package will close on June 21, 2002 at 5:00p.m. These regulations will effect all CalWORKs participants. It is important for advocates to comment on these regulations.

#3. On 5/21/02 DSS published ACIN I-37-02 announcing that persons whose unemployment insurance benefits ran out on or after 3/15/01 are eligible for another 13 weeks of unemployment insurance benefits. This extension ends on 12/31/02.
http://www.dss.cahwnet.gov/lettersnotices/2002AllCou_581.htm

#4. NEW DSS ALL COUNTY LETTERS-

*** ACL 02-31 (April 2, 2002)**

Participation Requirements For Two-Parent Assistance Units (AU)

*** ACL 02-33 (May 1, 2002)**

California Work Opportunity And Responsibility To Kids (CalWORKs) Regulations For 60-Month Time Limit Procedures

*** ACL 02-34 (May 3, 2002)**

California Work Opportunity And Responsibility To Kids (CalWORKs) Program County Post Assessment Policies And Procedures Remedy Notices Of Action

* **[ACL 02-35 \(May 8, 2002\)](#)**

Extended Implementation Date For Learning Disabilities Screening And Evaluation In The California Work Opportunity And Responsibility To Kids (CalWORKs) Program

* **[ACL 02-36 \(May 9, 2002\)](#)**

Changes To The California Work Opportunity And Responsibility To Kids (CalWORKs) Program To Allow Parents To Receive CalWORKs Services When Their Child Is Receiving Out-Of-Home Care

* **[ACL 02-37 \(May 13, 2002\)](#)**

Release Of Refugees And Other Non-Citizens Previously Held In "Indefinite Detention"

* **[ACL 02-38 \(May 22, 2002\)](#)**

Electronic Benefit Transfer (EBT)

* **[ACL 02-38 \(REVISED\)\(June 5, 2002\)](#)**

Electronic Benefit Transfer (EBT)

* **[ACL 02-39 \(June 3, 2002\)](#)**

County Status Report On Assembly Bill (AB) 1682 Implementation

To download any of these ACLs, go to

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

#4. DSS State hearing division issued Item 02-04-03A entitled Equitable Estoppel Update. This memo presents DSS policy that equitable estoppel does not apply to Food Stamps due to the recently issued Vang v. Saenz Third Appellate District Court decision that reversed the 1993 Superior Court decision holding that equitable estoppel does apply to food stamps. This is an unpublished decision. DSS tried to get it published, but was not successful. This document also analysis some court cases that support the departments' efforts to deny equitable estoppel relief to CalWORKs recipients. A copy of this document is attached hereto for your convenience.

STATISTIC OF THE WEEK - WtW Sanction

During February, 2002, 24% of the unduplicated participants statewide were sanctioned by the county welfare departments. The purpose of the WtW program is to allegedly make families on welfare self-sufficient. Interestingly, only 3% of the participants found employment that resulted in termination of public assistance; 14 counties, including Marin, Sutter and Yuba achieved 0% success in finding employment that resulted in the termination of WtW participants. At one percent are San Bernardino, Kern, Madera, Butte, Shasta, Orange. These counties spend millions of dollars to assist participants in becoming self-sufficient. The data shows a colossal failure, but the money keeps flowing.

The sanction leaders are Merced at 83%, Fresno at 73%, Calaveras at 63%.

If you want a copy of the hard data, please ask for the 2/02 WtW data, and we will be glad to e-mail it to you in Microsoft excel format.

TANF UPDATE

On June 17, 2002, the Senate Finance Committee will be marking up the TANF reauthorization legislation. It is not clear at this time what will happen. Even if it passed, it has to go to conference. Moreover, Bush now has "homeland security" on the agenda. Whatever passes, there is going to be more sadistic attacks on impoverished families and children.

Republicans may be hoping that TANF reauthorization will not pass this year so they can make it a campaign issue. Democrats may be so excited to pass something that they will give the store away just to get the issue of "welfare" off the radar screen.

WHO ARE THE VICTIMS? Impoverished families, babies and children are the victims again, thanks to the political games of politicians starting with Bill Clinton, George Bush, the Republican and Democratic parties.

COUNTY WELFARE DEPARTMENT VICTIM OF THE WEEK-

On December 20, 2001, San Diego County attempted to impose a 6 month sanction for CalWORKs and 12 month sanction of Food Stamps. Allegedly, Ms. C.H., a mother of four (4) children, had the father of one of the children, Mr. B, living with her from 9/98 through 10/99.

The only evidence presented by San Diego County was a report done by their welfare fraud workers. The evidence introduced reveals that Mr. B. told San Diego County welfare fraud investigator that during '98 and '99, he was living in Las Vegas. He did visit Ms. C.H. now and then, but did not live there. The report also showed that Ms. C.H. indicated that he did visit her, but he did not live with her during 98 and 99.

Luckily, she had a hearing and Administrative Law Judge, Deborah Smaller, found in favor of Ms. C.H. concluding that the county failed to prove that Mr. B. was living with Ms. C.H. during 9/98 through 10/99. There is justice now and then.

CCWRO SERVICES

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. General Assistance 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