

CCWRO Weekly New Welfare News Bulletin – #2002-24

July 1, 2002

HEADLINES

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- STATE WELFARE NEWS
- TANF REAUTHORIZATION BILLS IN CONGRESS
- CWD Victim of the Week-
- ATTACHMENT OF LAST WEEK –THE EQUITABLE ESTOPPEL POLICY FOR STATE HEARINGS

IN BRIEF - Commentary

Welfare Deform is in full bloom in Washington D.C. The house has passed the Bush-House Republican-anti-child-anti-humane TANF reauthorization bill and the Senate is now working on their version of the bill. There is nothing in these bills that help human beings. It is all bad.

The opponents of the bill want more money for the State Welfare Administrators who impose mean-spirited sanctions and refuse to give poor families a simple cost-of-living increase. In fact, some States reduced benefits.

The debate is filled with LIES that TANF has been a success. While the number of families kicked off aid are about 50%, the child poverty rate has gone down by 0.7% according to some studies. This means that 49% of those kicked off of continue to suffer in poverty, while the welfare bureaucrats continue to swim in welfare money that should go to families in need.

Recent reports by Manpower Demonstration Research Center (MDRC) reveal that adolescent children of parents doing TANF work requirements duty have more behavioral problems than children of parents who are not participating in work requirement duties. Thus, work requirements HURT CHILDREN – Bush wants to hurt children more. The proponents of increased work requirements want to leave more and more children behind, while hypocritically and without any shame, talk about “leaving no child behind”.

STATE WELFARE NEWS

Welfare Advocates Meet with DSS

On June 28, 2002, advocates from legal service organizations met with DSS to discuss welfare issues. Present was; Julia Aguilar of LSNC. Dora Lopez of NLS, Daniel Benson

of LASS, Eve Hershcopf of the Child Care Law Center, Joseph Ramos of ICL, Michelle Morrow of CRLA, Amy Lee and Robert Capistrano of BALA, Jodie Burger of the Employment Law Center and Kevin Aslanian of CCWRO.

Welfare Checks and the Budget-Bruce Wagstaff, Deputy Director for Welfare programs, informed the group that counties would be mailing out welfare checks. By way of background, Bruce said that DSS had mailed an All County Letter (ACL) stating that the State will not be giving the counties advance money to issue welfare payment checks.

Some counties balked at mailing out welfare checks on July 1, 2002. Thursday night (6/27/02), the State Department of Finance talked to the Controller's office about this problem. The Controller's office agreed to issue advances to counties. DSS has informed the counties that they are going to get their advances and another ACL is going out to this effect to the counties.

Time Limits Start 1/1/03 - Bruce stated that there are 93,000 cases where the adult or adults will time out on January 1, 2003. After that, DSS estimates that each month about 1,300 cases will time out. Bruce explained that emergency regulations were published regarding time limits. The regulations provided that counties will send individualized notices of action (NOAs) to current recipients at the 54th and 58th months, and a 10-day NOA before 1/1/03 explaining that their 60 months have expired with the reasons set forth in the NOA. The 54th month was supposed to be July 2002. Counties have complained that they are unable to do the comprehensive NOA, thus DSS will be publishing final regulations, which provide that the 54th month will be the notification and not a NOA. At this time 55 counties have a computer system that tracks the time that an individual has been on aid.

Monthly Reporting System – Effective April 2003, DSS will be implementing a quarterly reporting system. During the quarter a recipient has to report income that would make them ineligible. The details of how this system will be worked during now and 4/03.

Learning Disabilities – The implementation of the learning disabilities evaluation was supposed to be 3/5/02, which was moved to 5/1/02. Well, 5/1/02 has come and gone. The new date is now 9/3/02. According to this policy all applicants will be screened for learning disabilities at assessment. Any individual can ask to be screened and the CWD has to do the screening. In addition, mandatory screening will be offered before a sanction is imposed or a person has been determined not to have made satisfactory progress in their WtW assignment.

Language problems with NOAs and welfare forms – A discussion regarding the failure to issue DSS-translated forms were discussed. This is a widespread problem throughout the State of California. Counties do not issue NOAs in languages other than English and Spanish because their computer system does not generate NOAs in languages other than English and Spanish. Often, Spanish NOAs are not issued to persons designated as a Spanish-speaking case. Another suggestion made was that DSS NOT issue NOAs and forms before such forms and NOAs are available in all of the threshold languages.

DSS stated that it takes time to get the forms translated, so they issue the English versions, then send out the translated versions. The advocates suggested that the reason counties do not use translated forms is because they get the translated ones well after the English forms have been in place for several months and in some cases, over a year.

RECOMMENDATION: (1) The DSS establish a policy of releasing no Forms or NOAs unless they are ready in all required languages. (2) That counties be required to modify their computer system to issue NOAs in all required languages.

Volunteers Not Getting Supportive Services – This was an issue of WtW volunteers not being able to secure supportive services because they are unable to access the WtW Volunteer Plan to get such supportive services. Another problem was that counties have no time limit for acting on the request from an exempt person to volunteer for WtW.

DSS will inform us of what can be done about assuring that volunteers are able to volunteer, participate and receive supportive services.

2-Parents Required to Attend Application Interview and Annual Redetermination – Most counties deny a CalWORKs application if both parents do not attend the face-to-face interview. There is nothing in the CalWORKs regulations that require both parents to be present for the face-to-face interview or the face-to-face interview during annual redetermination. Yet counties deny applications and refuse to conduct redetermination if both parents are not present. Often one of the parents' is working. CalWORKs recipients have lost their jobs because they had to keep these appointments rather than being at work. Advocates would like an ACL on this issue.

DSS stated that they are researching this issue at this time and will respond at the next meeting.

Homeless Assistance – Advocates stated that counties are not administering the homeless assistance in accordance with the regulations. Many counties will not give the HA application form to applicants who go to the welfare office seeking homeless assistance. They are told to see their worker, who will give them a HA application. If the worker is not in, some counties tell the applicant “come back tomorrow”, which is illegal.

Advocates suggested that DSS do another ACL explaining that applicants and recipients have a right to apply for HA without seeing their worker.

Immediate Need (IN) for CalWORKs – Advocates complained that counties are not issuing immediate need as required by state law. It was also pointed out that DSS used to have a reporting system of IN, but that was stopped, thus, DSS has no idea what is happening in the area of IN.

RECOMMENDATION: In light of the fact that Bruce Wagstaff had stated in the first meeting that DSS wants to be proactive, rather than reactive, advocates suggested that the IN reporting system be reinstated.

The next meeting will be Thursday, Sept 26th (9/26/02). Persons who have issues that they would like to raise can do so by mailing them to CCWRO.

TANF UPDATE

SENATE FINANCE COMMITTEE PASSES ITS WELFARE DEFORM BILL

On June 26, 2002, the Senate Finance Committee passed what is called the "Work Act", HR 4737. The bill passed 13 yeas and 8 no votes.

Yes: Baucus, (D) Rockefeller (D), Breaux (D), Conrad(D), Graham (D), Jeffords(I), Bingham(D), Kerry(D), Torricelli(D), Lincoln (D), Hatch (R), Snowe (R), Murkowski(R).

No: Daschle (D), Grassley (R), Nickles (R), Gramm (R), Lott (R), Thompson (R), Kyl (R), Thomas (R).

WELFARE RIGHTS ADVOCACY

On May 31, 2002, a group of welfare recipients gathered before the Office of Congresswoman Jennifer Dunn protesting the Republican Marriage Incentive.

The following are the Wedding vows:

"The Wedding Vows

Dearly beloved, we are gathered here today in the welfare office of the future - envisioned for us by the House Republicans and Representative Dunn- to enjoin these women into the state of holy matrimony.

Marriage, my dear friends, is a time-honored institution by which two people who love one another deeply bind their lives together, pledging their fidelity and their lifelong support for one another. That is, unless the woman is poor.

Here in the welfare system of the Republican Congress, marriage is the answer to poverty, and women MUST wed to secure the financial future of their children.

Today, these women will wed for welfare. They will make a holy pledge to love, honor and obey someone till death do them part. Together with someone, they will take a vow

for richer or for poorer, in sickness and in health, foresaking all others as long as they both shall live.

Umm .. Will some of you gentlemen kindly come forward and marry these women, and relieve the government of its role in providing real support for women on welfare?

(Uncle Same coaxes men forward)

Now that we have some grooms . Let us proceed. Now if anyone here can show just cause as to why they should not be married, speak now or forever hold your peace.

(Women voice objections)

By the power vested in me by the Bill of Rights and the American public, I pronounce these marriage incentives unfair and unjust!

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COUNTY WELFARE DEPARTMENT VICTIM OF THE WEEK-

San Bernardino County Victim - Ms. 2001144820 was mailed a notice of action imposing a 12 month food stamp and 6 month CalWORKs Intentional Program Violation (IPV) sanction for allegedly not telling San Bernardino County that she had a 1995 Honda. Val Silva of San Bernardino alleged that Ms. 2001144820 was the registered owner of the 1995 Honda during March, 2001, because they witnessed her drive away from the welfare office in a 1995 Honda and the DMV records showed that she was the registered owner of the car. Ms. 2001144820 testified that in January of 2001, she transferred ownership of the 1995 Honda to her sister and that she had reported this fact to her welfare worker. She also testified that she was not informed at the time of application what the resource limits were for automobiles. She first found out about the resource limits when the San Bernardino welfare fraud investigators contacted her. She fully cooperated with the investigators, according to the fair hearing decision. In this case, Administrative Law Judge, James Beall found that the county had failed to establish by the preponderance of the evidence that Ms. 2001144820 had committed an intentional program violation.

Riverside County Tries to Collect Overpayment Alleging Fleeing Felon – Ms. 2001218050 was mailed a letter stating that she had been overpaid because the father of her child was a fleeing felon and they failed to tell Riverside County of this fact. The fair hearing reveals that on October 23, 1998 police visited her house because her nephew ran away. Ms. 2001144820's common law spouse spoke to the police officers and gave them his true identity. The officers left and then returned to arrest Ms. 2001144820's common law spouse, because he had a warrant out for his arrest issued on 9/10/02. Neither he nor

she knew about it. This was all explained to the Riverside County, but Riverside County still insisted that Ms. 2001144820 was overpaid for 9/98 and 10/98, because he was a fleeing felon. A fleeing felon is a person who is running away to avoid a felony prosecution. (See §82-832 et.seq.) In this case, neither Ms. 2001144820 or her common law spouse knew that he had a felony warrant out for his arrest. Moreover, Riverside County could not even prove that he knew about the warrant. In fact, Riverside reasonably knew that the victims had no knowledge of the warrant, but proceeded to try to intentionally take money away from Ms. 2001144820 to which they had no right to do so. The county's action amounted to an attempted theft, but to date, there are no warrants issued against Riverside County for this attempted theft and no Intentional Program Violation Sanctions for trying to rob Ms. 2001144820 of \$78.

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

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