CCWRO Bi-Weekly New Welfare News Bulletin - #2002-29

August 26, 2002

HEADLINES

•• IN BRIEF

•• WELFARE NEWS

•• TANF UPDATE

•• STATISTIC OF THE WEEK

•• COUNTY WELFARE DEPARTMENT VICTIM OF THE WEEK

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IN BRIEF - Commentary

-- BUSH RAISES MILLION TRASHING WELFARE MOMS - On July 30th, George Bush went to Charleston, North Carolina for a $500-a-pop fundraiser for Governor Sanford. Rather than talking about Governor Sanford, he launched an attack on welfare recipients saying that the Senate should pass his anti-family and anti-child welfare deform plan designed to decimate poor families of America. His plan is fueled with anti-family outcomes, such as work is more important than family and working is more important than parenting for single parents.

BUSH REBUFFED FOR ALLEGING COLLEGE EDUCATION A WELFARE LOOPHOLE - A Portland Press Herald editorial rebuffed Bush's assertion that attending college is a welfare loophole. We suppose, by loophole, Bush meant like when he signed up with the reserves to avoid the draft during the Vietnam conflict. It appears that there are bad loopholes, like being in college and good loopholes like joining the reserves, which kept Bush alive. Now he's trashing welfare moms for trying to get an education and calls it a "loophole". Bush should try to imagine what it must be like for a single parent with two kids, and a welfare check to try to go to college. It may be hard to imagine with a silver spoon in your mouth.

STATE BUDGET STATUS-

Needy, Aged, Blind, Disabled and Families Denied COLA While Counties Get $300 Million In Incentive Money to Play With - The California proposed State budget, which deprives the needy, aged, blind, disabled and impoverished families of their annual cost-of-living increase enacted into law in the 1970s by a Democratic legislature and signed by Ronald Reagan, will not be available this year. On the other hand, this same budget includes $300 million for county welfare departments to play with in the form of "incentive payments". This is money given to the counties for allegedly helping CalWORKs recipients get jobs. For example, during the month of May, 2002, the 58 counties with thousands and thousands of welfare to work employees, whose mission is to make families self-sufficient, were only successful in finding 7,070 families employment that made them ineligible for CalWORKs. That is a 4% success rate and a huge 96% failure rate. In fact, during May 2002, these same workers were far more successful in sanctioning CalWORKs recipients – they sanctioned 52,831 individuals – a 40% sanction rate of the unduplicated participants.

This is what the counties are getting $300 million in incentive money for – to sanction participants. By getting 7,070 persons jobs during the month means that each county welfare worker failed to get a job for more than one person – and their mission is to make persons employed. Now that certainly deserves a $300 million bonus while letting the needy, aged, blind, and impoverished families go without a COLA.

STATE WELFARE NEWS

-- San Bernardino County Reduces Transportation Supportive Services. – The current transportation supportive services payment rates for mileage in San Bernardino is capped at $5 a day. Previously San Bernardino County had a $6 a day cap. The law also states that the county transportation reimbursement rates shall be based upon the regional market rates or the county mileage reimbursement rate. San Bernardino County's Welfare Director is not given reimbursement of $5 a day when he travels, thus it must have been based upon the "regional market rates". Could it be that in the San Bernardino region the cost of transportation is going down while everything is going up?

This is a violation of the "no cap" rule for transportation supportive services issued by the State Department of Social Services. But what does San Bernardino County, who has been terrorizing welfare families with their welfare fraud investigators for years by running a very vigorous welfare fraud enforcement program, care about the law? Laws are only applicable to impoverished families on welfare and not welfare administrators. They are above the law.

DSS Issues County Fiscal Letter 01-02-58- Not to Accept Late County Fiscal Claims – The State has to get claims from the counties so they can submit their claims timely to the federal government. There is a group of counties who have decided that submitting late fiscal claims is the "norm" rather than the exception. Thus, DSS has decided not to accept late claims in CFL 02-02-58. Off course, some counties, who terminate cash aid for late submission of CA-7 and force working parents to take time off from work and reapply for CalWORKs, were not very happy with the idea of responsibility and accountability. Responsibility? Accountability? They simply do not believe what is good for the goose, is good for the gander. At the 6/12/02 CWDO fiscal committee meeting, some CWDA members suggested a penalty rather than a complete rejection of the claim.

We are not aware of DSS rejecting any late claims yet.

-- Child Care Payment for Children not in the AU – Riverside County – Tammy Ledbedder of Riverside County asked DSS on 3/5/02 if an assistance unit (AU) "consists of a mother and her two children. She is living with a partner and has a mutual child. The father is working. Because there is no deprivation, both the father and the common child are not in the AU. Could the county force the father to pay for some childcare for the common child?

DSS Answer by Hilva Chan – "No, our regulations do not give the county the authority to make the father pay for child care. County could pay childcare for the mutual child because without childcare, mother could not work. MPP 47-201.22 specifics that child care could be paid for a child not in the AU when lack of child care would result in mother not being able to work or participate in WtW activity. However, the father's money can be considered to determine if there is a family fee."

-- Retroactive Child Care Paid after TrustLine Denial Received – Fresno County – MPP 47-620.3 – Christine from Fresno County asked DSS on 3/14/02 the following question: "County has a parent who chose a license-exempt provider for her child care, and the provider submitted fingerprints as required for TrustLine. The county intended to pay the provider while waiting for the TrustLine clearance, but the payment was held up for some reason and was never paid to the provider. While the county was trying to clear up the problem with this payment, the provider's TrustLine came back denied. Is the county now obligated to pay the provider for those few months prior to the TrustLine response?
DSS Response: Jackie Dailly of DSS responded: "After reviewing our regulations and conferring with our Legal Department, I called Christine back and told her that the county must pay for the period prior to when they received the

denial TrustLine notice. There cannot be retroactive denials of childcare for any reason. If there were, it would create a significant unanticipated debt for the parent (as provider can still charge for the service), and it would create an advantage for the county to delay payments. The provider has provided the service for which they were informed that they would be paid. They did not know they would be TrustLine denied, since those standards are not widely available.

-- New ACIN dated July 22, 2002, ACIN I-52-02 provides that the three-year clock starts from the time that the food stamp overissuance occurred, rather than from the time the welfare fraud investigators awaken from their several years of deep sleep and discover an overpayment.

"QUESTION #1a:

Please provide further clarification on the three-year time frame for establishing an overissuance (OI) discussed in OI Q&A #1 on pages six and seven of ACIN I-03-02. For example, an IEVS report may cause a case to be referred to an investigative unit for potential fraud and OI computation. When does the three-year clock get started? Is it the date the IEVS worker refers the case to investigations or the date the investigative staff uses the information on IEVS and other verifications (from an employer for example) to calculate the OI?

ANSWER:

The three-year time frame does not begin with the date of discovery, the date the case is referred to investigations, or the date the investigative staff uses the information on IEVS and other verifications to calculate the OI. The three-year time frame begins with the date of the occurrence of the OI [Manual of Policies and Procedures (MPP) 63-801.11; ACIN I-03-02]. OI Q&A #1 in ACIN I-03-02 provides an example of how the three-year time frame works. It also explains the six-year calculation time frame."

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TANF UPDATE

Welfare Reform: With TANF Flexibility, States Vary in How They Implement Work Requirements and Time Limits, from the U.S. General Accounting Office, July 5, 2002. Available at http://www.gao.gov/cgi-bin/getrpt?GAO-02-770
Because of the dramatic declines in welfare caseloads that have occurred since 1996, states have generally faced greatly reduced participation rate requirements for their TANF programs. For example, in fiscal year 2000, caseload reduction credits reduced required rates from 40 percent (the required rate) to 0 in 31 states. As a result, states have increased flexibility to determine the numbers of adults required to be involved in work or work activities. Almost all states met or exceeded their adjusted required rate in fiscal year 2000. However, the fiscal year 2000 federal participation rates varied tremendously among the states, ranging from about 6 percent to more than 70 percent.

States excluded about 154,000 families from federal or state time limits. This number represents 11 percent of the 1.4 million families with an adult receiving cash assistance. By using the 20 percent time limit extension or their MOE funds, states generally targeted time limit exclusions to families they considered hard to employ, families who were working but not earning enough to move off of TANF, and families that were cooperating with program requirements but had not yet found employment. The number of families excluded from time limits may increase in the future because most families have not yet reached their federal or state-imposed cash assistance time limit. Only about one-third of the states have begun using the federal 20 percent time limit extension for families who reached the 60-month federal time limit. In addition to the 20 percent extension, state officials GAO spoke with said that they would rely more heavily on state MOE to extend families' time on assistance in the future.

____STATISTIC OF THE WEEK – Welfare Report of May, 2002 DPA 266

-- In Sacramento County during July, 2002, there were 598 individuals who were sanctioned. 155 individuals have been sanctioned over 18 months. Thus, it is estimated that statewide 20% of the sanctioned individuals have been sanctioned over 18 months.

-- May, 2002 Welfare to Work Activity participation statewide. Clearly the highest number of WtW participants are those who are working in the component of unsubsidized employment at 57.8%. While the counties and the state take credit for their hours of participation, there is hardly any administrative cost to this portion of the caseload.

Activity	Number of participants	Percentage of the Participants
Appraisal	18,630	10.51%
Assessment	4,882	2.75%
Reappraisal	2,012	1.14%

Job search & job readiness assistance	17,579	9.92%
Unsubsidized employment	102,573	57.87%
Self-employment	4,405	2.49%
Subsidized private sector employment	763	0.43%
Subsidized public sector employment	886	0.50%
On-the-job training (OJT)	395	0.22%
Grant-based on-the-job training (OJT)	35	0.02%
Work-study	1,575	0.89%
Supported work or transitional employment	25	0.01%
Work experience	3,100	1.75%
Community service	5,421	3.06%
Job skills training directly related to employment	1,405	0.79%
Vocational education training	24,259	13.69%
Education directly related to employment	3,385	1.91%
Adult basic education	9,979	5.63%
Satisfactory progress in a secondary school	524	0.30%
Other activities	3,549	2.00%
Providing childcare to community services participants	18	0.01%
Mental health services	10,345	5.84%
Substance abuse services	2,652	1.50%
Domestic abuse services	3,947	2.23%
Granted waiver of program rules (Subset of	345	0.19%
Number of individuals 6-29 (Unduplicated)	177,257	
Self-Initiated program (SIP)	11,008	

COUNTY WELFARE DEPARTMENT VICTIM OF THE WEEK

Ms. M.C. of Los Angeles County is a mother of two (2) small children, ages 2 and 3. During the month of July she was under attack by Los Angeles County. The county tried to sanction her for not participating in the GAIN program. She informed the county that she did not have childcare. The GAIN worker found good cause, but the welfare worker did not know about it. Then she received a notice of action stating that all of her benefits would stop for failing to submit an income report. She promptly filed for a fair hearing before the 20th of July, then brought in another CA-7. It appears the County of Los Angeles, DPSS, lost the first one. She got a receipt.

She filed for a fair hearing because the law states that if one files for a fair hearing prior to the effective date of the action, the benefits shall continue without change. She figured this would protect her from being foodless and moneyless beginning of August, 2002.

Her welfare check is due on the 2nd day of each month. There was no check for her when she went to pick it up. For readers who do not live in Los Angeles, you should know that in LA, recipients must go to a "check cashing location" to pick up their checks. These check cashing locations pay Los Angeles County approximately one dollar per welfare check handed over to a welfare recipient. You may ask "why?" Good question. Simple answer. Many recipients also cash their checks at these check-cashing locations. In Ms. M.C.'s case, she has to find a ride and find someone to watch her kids, so she can go across town and wait in line to get her check. Then she must pay these leeches $10 to cash her welfare check.

As of August 7, 2002, Los Angeles County had failed to provide Ms. M.C. with the benefits she was entitled to. She does not have money for food and diapers, but then why would DPSS care?

There are at least three (3) counts, if not more, in which DPSS has violated the basic human rights of Ms. M.C.:

COUNT ONE: Violation of MPP §44-305 which mandates that the welfare warrant be placed in the mail to be received on a regular date each and every month;

COUNT TWO: Violation of MPP 22-072.5 which requires the county to continue benefits at the same level; and

COUNT THREE" Violation of MPP 22-073.122, which mandates that aid paid pending be issued within five (5) days from the date of the request.

There are more counts, but after three, we've lost count.

CCWRO SERVICES

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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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