



RITA SAENZ Leaves CDSS Effective 12/31/03 Tameron Mitchell, Acting Director of CDSS

On December 30, 2003, the following e-mail was sent to all CDSS employees by Rita Saenz.

“December 30, 2003

TO: ALL STAFF
FROM: RITA SAENZ, Director
SUBJECT: FAREWELL

The new year has arrived and many things change. Among those will be my departure from the Department. My last day is tomorrow. What a wonderful five years it has been! Thank you for everything. In honor of this departure, I have composed a simple, but heartfelt piece for you. I hope you will enjoy. May this year and every subsequent year be filled with only the best for you and your loved ones. Love, Rita

This is what I will remember
Our community and every member
Even those not known by name
Have changed my life from being the
same

Working hard here every day
Giving of themselves in every way
Generous to every call

I will miss them, miss them all
Here we're doing God's good work
From our jobs we do not shirk
Each lends in his or her own way
To bring the best to every day

Millions benefit from what we do
Whether they know of it or have no clue
What a legacy we leave
Good folk, hearts upon our sleeves
What will I miss most of all
Hat, elevator chats, and lots of calls
Extra effort that has really paid
Not the clearances that were delayed
No so many e-mails will I get
It seemed at times they would not quit
Still there was some fun in it
Staff success stories were quite a hit
Thank you for the gifts you've given
It made the job so much like heaven
Thank you, thank you, you're the BEST
May your lives be doubly blest
Farewell my friends! “

Effective January 1, 2004, the “respondent/defendant” for CDSS will be TAMERON MITCHELL, acting director in lieu of Rita Saenz. Tameron Mitchell previously worked for the Department of Health Services with Kim Belshe, Pete Wilson’s Director of Department of Health Services, who is the Schwarzenegger appointed Secretary of Health and Welfare Agency.

Happy New Year, Rita.

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CalWORKs Policy Issues

Conditional Asylees Eligible for CalWORKs

On 7/11/03, John Bacon of San Francisco County Welfare Department, inquired about a family who had applied for CalWORKs after receiving conditional asylum decision from an Immigration Judge. The reason for asylum was the applicant's resistance to coercive population control methods of the country they were fleeing.

By law, the United States can only admit 1,000 persons in this category.

Thus, while INS can find that the person is eligible for asylum benefits, he/she cannot receive final asylum until their number comes up. However, a person who has been granted asylum is considered "Permanently Residing in the United State of America Under Color of Law", thus, such person or family will be considered PRUCOL.

On July 15, 2003, David Wiley of DSS informed John Bacon that the San Francisco applicant with conditional asylum is eligible for public assistance benefits as PRUCOL.

MFG Waived for Contra Costa County

On September 26, 2002, Elaine Grothmann of Contra Costa County asked DSS if the County could waive the MFG rule for a victim of rape, domestic abuse, etc.

Elaine told DSS "... I'm shopping for better answer than what is in the regulations..."

The victim, Shanta, has an MFG child and is mildly retarded, with Bi-Polar disorder, and a

host of other disabilities. Shanta and her baby were placed in foster care to protect her from abuse. However, the government failed to protect her. While in foster care, she was molested again by her foster care parents. Naturally, nothing happened to the social worker and the judge that placed her in the molester's home - it's just the way it is.

When Shanta was 18, she was released from foster care. On her own again with no support, she was raped by a person who "hung around" the homeless shelter where she was staying, who also beat her up.

On July 26, 2002, Cheryl Almquist had some good news for Elaine.

Under MPP 42-715.5 and ACL 97-71 the County can waive the MFG rules for victims of domestic abuse when it has been determined that good cause exists.

In fact, 42-715.52 provides that the county shall develop criteria for waiving program requirements for victims of domestic abuse.

It appears that Contra Costa County has not developed a criteria for waiving program requirements for victims of domestic abuse. It is possible that many other counties have also failed to do so.

If the county does not have a criteria developed, then any program requirement for a victim of domestic abuse should be waived. This can be achieved by filing for a fair hearing. ACL 98-58, dated July 31, 1998, on page three provides that if the county does not "...have any specific written policies and procedures entered as evidence in the hearing, the ALJ must reach a decision by applying the facts of the case to the relevant statute or regulation, without regard to county policy."

ADVOCACY PRACTICE TIPS:

1. Mail a letter to the County asking for a copy of their waiver criteria under MPP § 42-715.5.

2. Whenever you get a CalWORKs family that has been denied benefits due to some program requirement that is waivable under 42-715.5 - FILE FOR A FAIR HEARING.

3. If the county has a county criteria, then it has to be available to the public in order to be in effect. See MPP 11-501.3 that states:

"Where statutes or CDSS regulations authorize counties to adopt specific standards which affect an applicant/recipients eligibility or grant amount or welfare-to-work activities, including supportive services, such standards shall be in writing and **shall be made available to the public upon request.** (Our emphasis added)"

4. In order to prove that the county criteria is not publicly available, simply tell the claimant to go to the CWD, walk up to the receptionist and ask for a copy of the "county program requirement policy for victims of domestic abuse." In most cases the receptionist will say they do not have it. Thus, even if the county has a criteria, because it is not publicly available, it is not valid and it cannot be used as a county policy in a fair hearing.

County Victim of the Week

This week's victim is a resident of Placer County. She was told by the County that she

needed to work. In response, she found herself a job and started working. She needed child care so she asked her worker about it. The worker said the county does not do child care. She was instructed to call the Placer County Education Office. She called many times, but there was no answer. She left five messages and still no call back.

In November, her child care provider dropped her for not paying her bill. She was going to lose her job, but one of her relatives agreed to watch the kids and hoped that the County would eventually pay. On December 29th, she called Denise from the Placer Ed. Office who agreed to see her and her provider at 9 am on 12/30/03 to sign up for child care. When they arrived, the doors were closed and there was no Denise. This County Welfare Department Victim has filed for a State hearing seeking justice.

**CalWORKs Recipients and Former Welfare Recipients
Come to Sacramento - ACTION**

LIFETIME and The Welfare Made Difference National Campaign has scheduled a shirt display action at the north steps of the State Capital Building in Sacramento. They will be protesting the Schwarzenegger proposed budget cuts against impoverished families with babies and children.

Date: Monday - January 12, 2004

**Place: North Steps of the Capital,
Sacramento**

Time: 10 am. to 2 pm.

Activities

Shirt Display Viewing	10 am- 2 pm
Press Conference	11 am-11:30 am
Reading of the Shirts	11:30 am-12 noon

Come join LIFETIME on January 12, 2003!!!

Statistic of the Week

This week, we take another look at the County Welfare Department Sanction Rates. Under current law, parents of needy children are sanctioned because they allegedly fail to cooperate with the county welfare bureaucrats. It is estimated that 25% of their benefits are taken away from them. Most of the persons sanctioned failed to cooperate because of lack of child care or transportation, according to studies done by some county welfare departments and other researchers. Normally, there are good cause reasons for not cooperating, however, many counties continue to impose sanctions.

Table #1 below looks at the number of unduplicated participants and the number of persons that were sanctioned by the county. Counties can only impose sanctions for persons

who do not participate in a Welfare-to-Work (WtW) activity.

Some counties sanction more people during a given month than the number of unduplicated participants they had for that month. This is explained by the fact that the sanctions are based upon acts of previous months, while the unduplicated participants count the number of persons that are participating during the report month.

Statewide, 42% of the unduplicated participants were sanctioned during October of 2003.

There has been a long time effort by the County Welfare Directors Association and DSS to make it easier to impose WtW sanctions.

CalWORKs recipients are easy targets for counties and easy to sanction - often unlawfully.

The top major counties are Fresno at over 100%; San Joaquin at 80%, Los Angeles at 62%, San Diego at 57%.

Alameda County did not even report the number of sanctions because we believe they are embarrassed about their high rate of sanctions. The last sanction report submitted in August 2003 showed a **56% sanction rate**. In September and October Alameda has refused to meet their WtW reporting responsibilities.

Even Santa Cruz County, which was opposed to sanctions, is now sanctioning 22% of its unduplicated participants.

TABLE 1

Statewide	41.63%				
Merced	134.78%	Calaveras	47.32%	Santa Cruz	21.97%
Napa	123.91%	Tulare	45.20%	Orange	21.45%
Fresno	107.61%	Shasta	44.53%	Santa Barbara	19.74%
Colusa	105.41%	Mendocino	43.22%	Santa Clara	19.16%
Trinity	86.84%	Glenn	43.06%	San Francisco	17.95%
San Joaquin	80.48%	Butte	41.66%	San Mateo	17.34%
Alpine	75.00%	Tuolumne	37.68%	Ventura	17.24%
Sonoma	67.28%	Kings	37.18%	El Dorado	16.05%
Plumas	64.86%	Yolo	37.00%	Solano	13.69%
Los Angeles	62.22%	Contra Costa	36.80%	Riverside	12.15%
Sutter	61.09%	Mono	35.29%	Yuba	11.27%
San Luis Obispo	60.76%	Nevada	34.46%	Modoc	10.42%
Siskiyou	60.00%	Lassen	33.56%	Inyo	6.67%
Tehama	58.84%	Mariposa	32.88%	Imperial	5.41%
Kern	58.39%	Marin	31.37%	Sacramento	4.57%
Humboldt	57.28%	San Benito	28.90%	Del Norte	0.00%
San Diego	57.28%	Madera	27.99%	Sierra	0.00%
Monterey	54.83%	Placer	27.35%	Alameda Not Reported for the Second Month	
Amador	48.78%	San Bernardino	25.16%		
Lake	47.78%	Stanislaus	24.30%		