

## In Brief

● **Non-citizen Eligibility** - On 3/9/05, Cindy Uetz of Kern County submitted a request for regulation interpretation. "Mother and child are applying for CalWORKs. They are both noncitizens. The mother refuses to provide sponsorship information. Is the whole case ineligible? Is the child eligible?"

**DSS Answer:** "The entire case would be ineligible because the sponsor income and resources are needed to determine eligibility and payment amount."

**CCWRO COMMENT:** This response assumes that all "noncitizens" have a sponsor, which is false. MPP § 43-119.12 lists a host of noncitizens to whom deeming of sponsored income does not apply.

● **17 year-old child can receive WtW supportive services** - On 3/24/05 Nevada County asked DSS whether a 17 year-old child who finished high school and is attending trade school can get supportive services. Leydis Church answered that the minor child can volunteer and participate in WtW and will have to sign a WtW contract, which will yield supportive service payments that are necessary to attend the traded school.

● **Alleged 1993 overpayment discovered in 2001. County wants to collect in 2005** - On 4/5/05, San Francisco County welfare official, Joyce Bosc asked DSS whether an SSI lump sum income, received in 8/93, not reported then discovered on 5/10/05, can be an overpayment based on a 12/21/04 NOA?

On 4/8/05 Dorothy Sanders informed San Francisco that MPP §§ 44-133.21 and 82-832.1(e) excludes SSI recipients from CalWORKs AU and therefore not counted for the AU.

● **Bob Campbell Leaves the State for Santa Clara County** - More and more state employees are now working for the counties because counties pay more than the State. Bob Campbell, who worked for Legal Affairs at DSS for many years and then started working for Department of Finance has left for Santa Clara County as Deputy County Counsel with a big raise in pay. A number of DSS employees like have become county welfare directors and have doubled their salaries.

**Balderas Reminder - QR 7** - On 3/29/05, Bonnie Campbell of Riverside County asked DSS:

**"QUESTION:** Are counties required to send Balderas reminders when QR 7s are received incomplete and subsequently sent back on 960Y letter?"

**ANSWER:** "When an incomplete QR 7 is received by the CWD, the client is sent the discontinuance NOA (NOA 960Y QR) in accordance with MPP 40-181.221(a). The CWD shall attempt a personal contact if the QR 7 is not returned. If a personal contact is not made, the Balderas reminder is sent no later than 5 days prior to the last day of the report month (MPP 40-181.221(b))."

- In Brief
- TANF Update
- SB 539-**BAD** Child Care Bill
- County Client Abuse Report
- Statistic of the Week-Food Stamp Expedited Service

**Publisher:** CCWRO. **Reporters:** Kevin Aslanian and Grace Galligher. **Contributors:** Steve Goldberg and Diane Aslanian.



## TANF UPDATE

This week both the House and Senate passed a three-month extension of the Personal Responsibility and Work Opportunity Act. This is the ninth extension of the TANF authorization. In addition to the Temporary Assistance for Needy Families (TANF) program, the legislation (H.R. 3021) extends the authorization for the 10 percent transfer to Social Services Block Grant, supplemental grants to states, the TANF contingency fund, the Child Care and Development Block Grant, Transitional Medical Assistance (TMA), Abstinence Education Grants, Grants to the territories, and child welfare waiver authority through September 30, 2005. And now with an opening or maybe two openings on the Supreme Court, it looks like extensions will continue.

## 2005 TANF-RELATED BILLS IN CONGRESS

1. S.923- TANF Financial Education Promotion Act of 2005 (Introduced in Senate)
2. H.R.751 - Work, Family, and Opportunity Promotion Act (Introduced in House)
3. H.R.3021 - TANF Extension Act of 2005 (Introduced in House)
4. H.R.240- Personal Responsibility, Work, and Family Promotion Act of 2005 (Introduced in House)
5. S.105. - Personal Responsibility, Work, and Family Promotion Act of 2005 (Introduced in Senate)
6. S.321 - Child Support Distribution Act of 2005 (Introduced in Senate)
7. S.141- To amend part A of title IV of the Social Security Act to allow up to 24 months of vocational educational training to be counted as a work activity under the temporary assistance to... (Introduced in Senate)
8. S.1161 - To amend part A of title IV of the Social Security Act to exempt preparation for high-skill, high-demand jobs from participation and time limits under the temporary assistance for needy... (Introduced in Senate)
9. H.R.2349 - Creating Access to Rides Act (Introduced in House)
10. S.667 - PRIDE Act (Placed on Calendar in Senate)
11. S.458 - Pathways to Self-Sufficiency Act of 2005 (Introduced in Senate)
12. S.6- MORE Act (Introduced in Senate)
13. H.R.1704 - Second Chance Act of 2005 (Introduced in House)
14. H.R.2071 - FamilyCare Act of 2005 (Introduced in House)
16. H.R.3010 - Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2006 (Engrossed as Agreed to or Passed by House)
17. S.1225 - Access to Affordable Health Care Act (Introduced in Senate)

G  
O  
O  
D



N  
E  
W  
S

# SB 539 Ashburn DEAD

**SB 539, authored by Republican Senator Roy Ashburn of Kern County, died in the Assembly Human Services Committee. This was one of the worst bills of 2005.**

Trustline is a process whereby government does crimina background checks on child care providers. Those with child-related crime records are denied trustline and cannot receive child care payments.

This bill was sponsored by the Kern County Superintendent of Schools. It was supported by Association of California School Administrators (ACSA); California Alternative Payment Program Association; California Child Development Program Administrators; California Federation of Teachers; Child Development Policy Institute; Kern County Board of Supervisors; Los Angeles Unified School District; Professional Association for Childhood Education; Riverside County Schools Advocacy Association; San Francisco Unified School District; Santa Clara County Office of Education (SCCOE).

The bill was opposed by American Federa-

tion of State, County and Municipal Employees (AFSCME)I Child Care Law Center; Coalition of California Welfare Rights Organizations; National Center for Youth Law; Service Employees International Union; Sonoma County Child Care Association and Western Center on Law and Poverty.

Supporters of SB 539 alleged that the bill would protect children by denying child care providers their \$2-\$3/ hour for their child care services until they were trustlined by the government.

Supporters of SB 539 refused to entertain amendments that would require the county to verify that the WtW participant has trustlined child care before being forced to participate in the WtW which would certainly protect children, but they were not really interested in protecting children. The supporters of SB 539 were only interested in not paying child care providers for their hard work up until they were trustlined, which according to witnesses could

take days, months or up to a year.

The testimony at the hearing revealed that 83% of trustline checks

found no criminal records. Of the 17% where criminal records were found, only 1 percent were crimes related to children.

The Ashburn Bill would punish 99% of providers to insure that the 1% with criminal backgrounds are not paid for their work. After extensive testimony the committee decided to hold the bill in Committee. Later, Assemblyman Spitzer requested reconsideration and moved the bill. The bill had two yea votes and SB 539 was defeated.

**The Ashburn Bill would punish 99% of providers to insure that the 1% with criminal backgrounds are not paid for their work.**

## CWD Client Abuse Report

☐ - **CWD VICTIM #1** - Ms. E.P. of Ventura County who was pregnant and due on 9/16/05, received a notice of action stating that she would be sanctioned for failure to do job search for the Ventura County Welfare to Work Program. She had never received a pregnancy exemption.

As we stated above, Ms. E.P. was pregnant and should have been exempted from participation in the WtW program. We called her worker, Mr. Colbert at 805-955-2247 and asked him why he sanctioned a participant who should have been exempt under MPP 42-712.48. He responded that he did not know that she was pregnant.

When we informed Ms. E.P. what Mr. Colbert had said, she informed us that she had been telling Mr. Colbert for months that she was pregnant and her pregnancy prevents her from working.

*MPP § 42-112.48 Exemption Based on Pregnancy*

*.481 A woman who is pregnant is exempt from welfare-to-work participation if the pregnancy impairs her ability to be regularly employed or participate in welfare-to-work activities.*

*(a) The exemption based on pregnancy is supported by medical verification that the pregnancy impairs the woman's ability to be regularly employed or participate in welfare-to-work activities.*

*.482 An exemption based on a medically-verified pregnancy may also be granted when the CWD determines that participation will not readily lead to employment or that a training activity is not appropriate.*

☐ - **CWD VICTIM #2** - Ms. T. is working 50-60 hours a week. She has three (3) children.

In June of 2005, she received a letter from Los Angeles County (the leader in sanctioning many innocent participants) effective 8/1/05, because she did not attend her scheduled orientation appointment for 6/13/05. The reason she did not attend, among other reasons, was that she was WORKING that day.

We called the agency that mailed this letter to Ms. T., it was a contract agency known as ACS. We wanted to know why a CalWORKs recipient working 50-60 hours a week was being asked to attend orientation that conflicted with her job. We talked to Rosie who informed us that ACS had eleven (11) directors and she had no idea who we could talk to.

We did talk to David Dilger at 661-575-8910, who is the complaints manager for ACS. He refused to answer our question as to why a CalWORKs recipient working 50-60 hours a week was being asked to attend orientation.

Ms. T. has not received transportation and child care from ACS for several months. She filed for a fair hearing.

What regulations has Los Angeles County violated in this case?

State Law Welfare and Institutions Code § 11323.4 provides:

*11323.4. (a) Payments for supportive services, as described in Section 11323.2, shall be advanced to the participant, wherever necessary, and when desired by the participant, so that the participant need not use his or her funds to pay for these services."*

Some counties believe that "desired" means the participant must "request" advance payment. This is not true. If the Legislature wanted to precondition the issuance of advance payments to the request of the participant, then they would have said so just like in the Homeless Assistance program one must request

homeless assistance before he or she can get it. In this statute, the Legislature mandated the issuance of advance payment when the participant desired because the Legislature did not want welfare recipients spending their basic survival money on supportive services. That is why they put the word "desire" in lieu of "request" in the statute.

In Ms. T.'s case she has been forced to use money needed to feed and clothe her children to cover transportation costs for her minimum wage job.

## Statistic of the week

### Food Stamp Expedited Service - First Quarter of 2005

The DFA 296 quarterly report for expedited service food stamps was finally available on the DSS web page - [http://www.dss.cahwnet.gov/research/DFA296X-Fo\\_424.htm](http://www.dss.cahwnet.gov/research/DFA296X-Fo_424.htm).

The report reveals widespread violations of Expedited Service Food Stamp regulations 63-301.5 which provides:

#### MPP § 63-301.5 Expedited Service

##### .51 Entitlement to Expedited Service

The following households, if otherwise eligible, are entitled to expedited service:

.511 Households with less than \$150 in monthly gross income as defined in Section 63-502.1 provided their liquid resources as defined in Section 63-501.11 do not exceed \$100;

.512 Migrant or seasonal farmworker households who are destitute as defined in Section 63-503.43 provided their liquid resources as defined in Section 63-501.11 do not exceed \$100; or

.513 Households whose combined monthly gross income and liquid resources are less than the household's monthly rent or mortgage, and utilities.

##### .52 Identifying Households Needing Expedited Service

The CWD's application procedures shall be designed to identify households eligible for expedited service at the time the household files an application.

.521 A CWD employee or volunteer shall inform potential applicants orally of the right to expedited service for eligible households and how to initiate the process, the availability of assistance in filling out the application and shall be responsible for screening applications as they are filed. The CWD also shall advise individuals who inquire about the Food Stamp Program by telephone of the expedited service processing standards for eligible households. The CWD shall assist an applicant, upon request, in filling out forms and completing the application process.

.522 The screening shall consist of a review of the DFA 285-A1 or the SAWS 1 CA1/DFA 285-A1 if the applicant elected to complete the expedited service section. The CWD shall immediately forward the application for processing when it is determined that the applicant is entitled to expedited service.

.523 Households being recertified or reapplying after less than a one-month break in certification shall be entitled to expedited service if determined eligible as specified in Section 63-301.51.

##### .53 Processing Standards

All households receiving expedited services, except those receiving expedited services during months in which allotments are suspended or cancelled shall have the case processed in accordance with the following regulations. Those households receiving expedited services during a suspension or cancellation shall have their cases processed in accordance with Sections 63-107.862 and .863.

##### .531 Expedited Service Households

(a) For households entitled to expedited service at initial application, the CWD shall make the authorization document, access device or coupons available to the recipient either by mail or for pickup at the household's request, no later than the third calendar day following the date the application was filed. For purposes of this section, a weekend (Saturday and Sunday) shall be considered one calendar day. However, if the third calendar day is a nonworking day when coupons cannot be issued, the CWD shall make coupons available on or before the working day immediately preceding the nonworking day. Whatever system a CWD uses to ensure meeting this delivery standard shall be

designed to allow a reasonable opportunity for redemption of an authorization document or use of an access device no later than the third calendar day following the day the application was filed.

**HANDBOOK BEGINS HERE**

(1) For example, if the application is filed on Thursday, coupons must be made available to the households on Monday. However, if Monday is a holiday, coupons must be made available on Friday or Saturday if coupons are issued on that day.

**HANDBOOK ENDS HERE**

The leading violator of MPP 63-301.5 was Placer County - leading the violator pack at 89%. This means 89% of the persons who were eligible for FS ES received their FS after the 3-day limit. Placer County was the first county to implement the CalWIN program, more commonly known as "CalHELL".

Other leading violators of MPP 63-301.5 were Santa Cruz at 42%; Ventura at 36% El Dorado at 32%, Tulare at 29%, Santa Clara at 27%, Los Angeles at 24% and Sacramento at 20%

**Table #1** in column 2 reveals the percentage of food stamp recipients who were eligible for expedited service FS, but received their benefits beyond the timelines provided in law.

Merced, Modoc, San Bernardino and Stanislaus county simply refused to report, notwithstanding the clear reporting requirement that all counties have.

**Table #1- During the first quarter of 2005 the number of FS eligible households not issued emergency food stamp benefits on time.**

Placer	89%	Mendocino	8%
Santa Cruz	42%	Calaveras	7%
Ventura	36%	Fresno	6%
El Dorado	32%	Inyo	6%
Tulare	29%	Marin	5%
Santa Clara	27%	Del Norte	5%
Mono	25%	Madera	4%
Los Angeles	24%	San Luis Obispo	4%
Napa	22%	San Diego	4%
Sacramento	20%	Yolo	4%
Tehama	19%	Contra Costa	4%
Statewide	18%	Siskiyou	3%
Lake	18%	Tuolumne	3%
Humboldt	15%	Kern	3%
San Mateo	13%	San Benito	3%
Alameda	13%	Trinity	3%
Riverside	11%	Monterey	2%
Lassen	11%	Sonoma	2%
Santa Barbara	10%	Glenn	2%
Sierra	10%	Amador	2%
Nevada	9%	San Francisco	1%
Yuba	9%	Orange	0%
Solano	9%	Alpine	0%
Kings	8%	Colusa	0%
Shasta	8%	Imperial	0%
Butte	8%	Mariposa	0%
San Joaquin	8%	Plumas	0%
Sutter	8%	<b>STATEWIDE</b>	<b>18%</b>

**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, and Research Services, in depth Consultation.

**Programs Covered:** CalWORKs, Welfare to Work (WtW), Food Stamps, Media Cal. General Assistance and Refugee Immigration Problems

**You can reach CCWRO @  
916-736-0616 or 916-387-8341 or  
916-712-0071**