

## In Brief

● **Child Care Error Rate Study-** State Department of Education has released a child care error rate study. This was not an audit. The department has concluded that the error rate in child care is about the same as the error rates for welfare.

● **WtW Sanction Study Due 4/1/05 still in hiding-** The State Department of Social Services had a contract with the RAND company to do a "sanction study." The study was not released on 4/1/05 as planned and the preliminary findings were shared in *secret* with CDSS. The taxpayers who paid for the study still wait for the results.

● **Sacramento County has 400 vacancies-** According to the Sacramento Bee, the Sacramento County welfare department has 400 vacancies. Many people have left the welfare department frustrated over the numerous problems with CalWIN, the new computer system also known as CalHELL.

## News from Abroad

### Financial boost for student parents - The Guardian, 27 July 2005

Full-time students in England with young children will be entitled to more financial help with childcare from September, the higher education minister, Bill Rammell, announced.

Mr Rammell said that from next term the maximum weekly amount of childcare grant available to higher education students will increase for a student with one child

from \$114.75 per week to \$148.75 per week and for a student with two or more children from \$170 to \$255.

Students will be able to make use of a broader range of childcare and there would be more flexible arrangements tailored to individual needs under the government's childcare approval scheme, said Mr Rammell. In particular, parents using carers in their own homes will be relieved of the burdens and costs of travel to childcare.

The minister said: "I am committed to making sure that any person with the ability to go to university has the opportunity to do so. Enhancement of the higher education childcare grant is an important part of the government's initiative to increase participation in higher education, develop a better-trained work-force, promote social inclusion and raise the number of student parents in higher education."

... The announcement was welcomed by Universities UK, the body representing university heads, which said that the measures would enhance the already significant package of financial support available to students in 2006 when higher fees are due to be introduced.

"This increase in financial support for student parents in higher education brings the sector another step closer to achieving total social inclusion and increased participation," said a spokesperson.

- ➡ In Brief
- ➡ News from Abroad-Student Parent Aid
- ➡ CalWIN Blues
- ➡ Child Care Issues
- ➡ Statistics of the Week

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# CalWIN News

## CalWIN

### New Santa Clause in Town

In Sacramento county our sources inform us that a GA client was due a \$60 check, but the computer issued a \$6,000 check. The check was promptly cashed because as CalWIN computers knew, the client really needed the money. CalWIN also approved persons applying for GA and expedited food stamps without an additional GA application interview. To the computer it does not make sense to have two separate interviews, so it takes action - approves both the GA and Food Stamps. Well done CalWIN.

Our sources in **Santa Clara County** inform us that CalWIN, the new welfare computer system held up thousands of checks on July 1, 2005. The San Jose Mercury had an article regarding this problem.

**More CalWIN** - CalWIN has been issuing confusing contradictory notices thereby rendering them inadequate. We have seen many cases where the CalWIN issued NOA's stating that benefits had been both granted and denied; and reduced or modified. These constitute inadequate notices, therefore the proposed adverse action would have to be rescinded until a proper NOA was mailed.

**More CalWIN Problems:** A Sacramento single mom whose ex husband (absent parent) was living in Mexico was sent several notices of action, containing both her name and the name of her ex-husband. She then received a letter from the child support office asking why she had not informed child support that her husband had returned.

CalWIN has also been mailing overpayment notices to absent parents who have nothing to do with the overpayment. Many former minor children are also getting copies of these notices, violating the confidentiality section of the public assistance laws.

**Another CalWIN Incident** - Ms. M.A. received a Notice of Action terminating Food Stamp and General Assistance benefits effective June 30, 2005 on July 27, 2005 from the CalWIN computer. She called her welfare advocate in tears on Sunday, July 31, 2005, wondering what this is all about.

## CHILD CARE ISSUES

● **Can Stage 2 terminated person go back to Stage 1 Child Care?** - On 4/8/05 Los Angeles County DPSS Child Care Section has a CalWORKs family who was getting Stage 1 child care, then was transferred to Stage 2. In Stage 2 the family was terminated because they failed to comply with the Stage 2 rules, such as allegedly being abusive to county-contracted child care agency staff. The county had decided to deny child care to the CalWORKs families who were terminated from Stage 2, but were still on CalWORKs and participating in WtW. Tom Grant of DSS informed DPSS that "current CalWORKs recipients terminated from Stage 2 by APPs in LA County in accordance with California Department of Education's guidance must be accommodated in Stage 1 as long as they meet the requirements of MPP § 47-220.

● **Stage 1 Child Care can be used for YMCA summer camp** - On 4/7/05 Alameda County asked DSS: "Can a parent use subsidized child care funds for a summer camp that the YMCA conducts?

ANSWER: "Yes. Please see All County Letter 01-22 dated March 14, 2001 regarding public recreation programs for providing CalWORKs Child Care."

● **Stage 2 Not Available to CalWORKs recipients in drug rehab- Stage 1 has to be available.** - Fresno County informed CDSS that a CalWORKs participants whose activity is drug rehab has been terminated from Stage 2 child care, because Stage 2 child care does not serve children whose parents are in drug rehab.

ANSWER: "According to Stage 1 regulations (MPP § 47-230) this client will be eligible for Stage 1 care because services are not available in Stage 2 and drug rehab would be on the county list of approved welfare-to-work activities.

● **Tax Intercepts for Child Care Overpayments** - Glenn County asked CDSS whether or not Glenn County can use tax intercepts to collect child care overpayments.

ANSWER: "The Child Care program does not have specific regulations allowing involuntary collection of overpayments including tax intercepts. CDSS is not currently developing overpayment collection procedures; therefore, counties have the option to develop their own procedures for correcting childcare overpayment, underpayments and erroneous payments. A CWD may impose a tax intercept if that is a part of their policy and procedures for correcting child care overpayments and if the recipient agrees."

**CCWRO Comment:** There is no statute that allows for recoupment of child care overpayments. Thus, under Oliva v. Swoap (1976) 59 Cal.App.3d 130, 136, 130 Cal.Rptr. 411 it is unlawful to recoup public assistance overpayments unless there is a specific statute that authorizes such recoupment.

This policy interpretation allows counties to have a mandatory recoupment process for child care despite the lack of statutory author-

and federal funded child care overpayment? Do the counties return it to the State and federal governments or do the counties KEEP the money and not return it to its rightful owners - the state and federal government. It is our suspicion that the latter is true.

● **San Diego County Refuses to Pay two providers** - On 4/21/05 Deborah Smaller, a DSS Administrative Law Judge asked the CDSS Child Care Bureau whether or not a WtW participant can have 2 providers. San Diego County had a client who was working and going to school 11 hours a days and needed two providers to accomplish this rigorous schedule. San Diego County told the participant that she could only have one provider and that they would not pay for 11 hours, because she had another provider doing part of the 11 hour care. The victim filed for a fair hearing. The Child Care Bureau responded that under Education Code 18076.3 the county *may* pay for two providers.

**CCWRO Comment:** The proper answer is that the participant should be transferred to Stage One where there is no prohibition of paying more than one provider.

## Statistic of the week

In this issue we look at the California Assistance Program for Immigrants (CAPI) program participation in the State of California. CAPI provides assistance to lawfully admitted immigrants who are lawful alien residents. Most of the rules governing the CAPI program are similar to the SSI program except that persons who were sponsored with an "I-134" after 8/22/96 are not eligible for 10 years. Table #1 below shows which counties have the most CAPI concentrations.

As of May of 2005 there were 8,901 cases in California; 33% of those cases are in Los Angeles County; 11% are in Alameda and Santa Clara County; 8% of the cases are in San Francisco County.

Some refugee-heavy counties, such as Fresno

have only 1% of the caseload. Fresno has a large refugee population. San Joaquin County also has less than 1% of the caseload, yet it also has a large refugee population. It appears that Fresno and San Joaquin counties are keeping eligible CAPI individuals out of the program.

During May of 2005, Fresno County started the month with 29 applications pending from the previous month. During May, 2005, Fresno County accepted 15 applications. Thus, during May, 2005, Fresno County had a total of 44 applications to process. During the month of May, 2005, Fresno County only processed 11 applications; 9 of those applications were denied or withdrawn. Only one (1) application was approved; 33 of the May, 2005 applications were carried over to June 2005.

During May 2005, San Joaquin County received no applications, but had 36 applications pending from April, 2005. During May, 2005, San Joaquin County found time to approve one case and carried over 35 cases for June of 2005.

Statewide, counties started with 2,229 cases brought forward from April, 2005; during May there were 827 applications. Counties acted upon 921 of the applications; 227 were approved, while 667 were denied; 27 applications were placed in the other categories, whatever that may mean. **Yes, 81% of the cases were denied.**

**May, 2005**

<b>Statewide</b>	<b>8,091</b>		
Alameda	928	Orange	409
Alpine	0	Placer	6
Amador	0	Plumas	0
Butte	1	Riverside	131
Calaveras	0	Sacramento	452
Colusa	0	San Benito	10
Contra Costa	275	San Bernardino	89
Del Norte	0	San Diego	326
El Dorado	2	San Francisco	729
Fresno	116	San Joaquin	66
Glenn	0	San Luis Obispo	9
Humboldt	0	San Mateo	322
Imperial	11	Santa Barbara	2
Inyo	0	Santa Clara	958
Kern	9	Santa Cruz	2
Kings	2	Shasta	0
Lake	1	Sierra	0
Lassen	0	Siskiyou	0
Los Angeles	2,709	Solano	118
Madera	3	Sonoma	46
Marin	18	Stanislaus	75
Mariposa	0	Sutter	7
Mendocino	0	Tehama	0
Merced	21	Trinity	0
Modoc	0	Tulare	10
Mono	1	Tuolumne	0
Monterey	27	Ventura	150
Napa	6	Yolo	44
Nevada	0	Yuba	0

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