

CCWRO New Welfare NEWS

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IN BRIEF

✓ **California Minimum Wage goes up – ABAWDS required to work less hours** – ACIN-I-99-06 informs county welfare departments that the minimum wage in California has increased from \$6.75 an hour to \$7.50 an hour. The federal minimum wage is still \$5.15. Thus, Food Stamp recipients assigned to “unpaid FSET work components” who are being required to perform unpaid labor to get food stamps, will now have to toil fewer hours. Their food stamp benefits were divided by \$6.75 to decide how many hours of unpaid labor they would have to perform, whereas not their food stamp benefits will now be divided by \$7.50 to determine the number of hours of unpaid labor.

✓ **Justice John Roberts of the U.S. Supreme Court wants more money** – According to the Associated Press, Justice John Roberts issued an eight-page report complaining that the pay scale for federal judges is inadequate and threatens to undermine the judiciary’s independence. Federal judges get \$165,200, Appeals judges get \$175,100, Associate Supreme Court Justices get \$203,000 and Mr. Roberts gets a “miserable” \$212,100 a year for serving his country. The median income for 2004 was \$44,389. These women and men *serving* their country are already getting 300-400 percent more than the average American. Judges should know what it is like to be a common person and understand the

hardships that the rest of us have to endure in order to make more humane and compassionate decisions.

✓ **CalWIN Tip** – The CalWIN computer system is now operating in 18 California counties. Everyday, CalWIN creates new challenges for advocates. The latest problem to watch for is CalWIN incorrectly reducing the CalWORKs grant for allegedly not submitting certain required verification to the welfare department. Two such verification items are proof of child immunization and proof of children's school attendance. Unfortunately, it seems that CalWIN sometimes assesses penalties for submitting this verification even when the verification has been submitted. The problem may be that the default in CalWIN is the penalties and the penalty must be removed when the verification is submitted.

A county worker said that in several cases clients had been improperly assessed penalties. Advocates should routinely check notices to make sure that improper penalties are not assessed. Look at line 10 on the on the right side of the Notice of Action granting or changing benefits to see if a penalty has been assessed against the client. If so and the verification has been submitted, clients should be advised to request a fair hearing to challenge the improper penalty.

The 2007-2008 Governor's CalWORKs State Budget

-- A Draconian Assault on Poor Kids of California

The Governor has released his 2007-2008 state budget. As usual, the proposed budget launches another cowardly attack on California's impoverished families. The budget proposed no cost-of-living-adjustment (COLA) for CalWORKs families but proposes to terminate benefits to those families who have failed to achieve self-sufficiency due to the Welfare to Work administration. **Table #1** below provides more details of the proposed budget and how it compares to the budget enacted last year.

In a Letter to the Editor, Schwarzenegger's Secretary of Health and Welfare, KIM BELSHÉ, the leader of the California's failed WtW bureaucracy claimed that "Gov. Arnold Schwarzenegger's CalWORKs proposal is a responsible approach promoting work, strengthening incentives for family self-sufficiency, increasing recipient accountability and positioning the state to avoid millions of dollars in federal penalties. ...Only 25 percent of CalWORKs participants meet federal rules regarding work participation." What Ms. Belshe means is that although California taxpayers have poured over \$1 billion a year to the California WtW bureaucracy, WtW has failed to assist 75% of the CalWORKs participants. The Schwarzenegger concept is very simple. If the bureaucracy fails, then terminate the impoverished families and their children for his bureaucracy's failure.

Schwarzenegger Draconian HIT #1. Suspend the COLA for 2007-2008- Based on current law, the suspension of the 4.21 percent Maximum Aid Payment (MAP) COLA for CalWORKs grants results in \$140.3 million in grant cost avoidance. The current CalWORKs families CalWORKs benefits are at the same level that their benefits were in 1990, using 1990 dollars. Certainly Ms. Belshe's paycheck reflects 2007 and not 1990 dollars and the failed WtW bureaucracy are being paid 2007 wages and not 1990 wages.

Schwarzenegger Draconian HIT #2. Terminate benefits to children after 60 months whose parent is an undocumented non-citizen, a drug felon, or a fleeing felon- Current law continues benefits for children whose parent has been on aid for more than 60 months. Schwarzenegger's Budget proposes to terminate benefits, after 60 months, to those children who are children of undocumented non-citizens, drug felons, or fleeing felons. It appears that these children do not deserve to live. This discontinuance, if approved, will result in savings of \$150 million in grants.

Schwarzenegger Draconian HIT #3. Terminate benefits to children whose parents happen to be in the 75% of the caseload that is not meeting the federal work participation rates. The Budget assumes the implementation of a full family sanction policy for noncompliant cases that have been sanctioned over 90 days beginning November 2007 with a twelve-month phase-in. The discontinuance of cases that do not meet federal work participation requirements will result in grant savings of \$15.4 million.

Many families do not participate because of the failure of the WtW bureaucracy to do their job. 50% of the participants do not get transportation. Many are unlawfully denied childcare. Many studies show that the reason for nonparticipation is the direct result of the WtW bureaucracy to comply with the law and provide supportive services. Yet, there are no paycheck terminations for WtW bureaucrats who failed to do their jobs and provide supportive services so that more families become self-sufficient.

Schwarzenegger Draconian HIT #4. Terminate all aid to families whose parents do not receive benefits and do not meet the federal participation rates. Implementation of a modified Safety Net Program would provide benefits only for cases that meet federal work

participation requirements. This change would result in a grant savings of \$159.4 million. This proposed change affects families whose parents exhausted the 60-month time limit, but the assistance is needed to insure that the children do not end up in foster care.

• MORE ABOUT THE BUDGET:

FACT: According to the Department of Social Services (DSS), CalWORKs has contributed \$9.4 billion to the General Fund from 1998 to date. The average annual contribution to the General Fund is over \$1 billion. Yet, in many of these years, California's impoverished families with poor children did not even get a COLA, which would have only been maybe 15% of the total CalWORKs contribution to the General Fund.

FACT: The 2007-2008 Governor's proposed budget

FACT: The Governor proposes to increase the DSS bureaucracy's allocation by 10% increase yet proposes to eliminate the 75% of the CalWORKs cases who failed to meet the federal participation rates as well as denying CalWORKs families living on a fixed income of 1990 a meager 4.3% COLA.

FACT: What would a COLA means to families?

includes \$1.9 billion CalWORKs contribution to the General Fund. The 2007-2008 CalWORKs COLA would be less than 10% of the proposed CalWORKs contribution to the General Fund. Doesn't the Governor have any shame?

FACT: The 2007-2008 proposes to carry-over \$400 million in federal TANF funds while denying a 4.3% COLA for California's impoverished families living on a fixed income of 1990.

FACT: While the Budget envisions eliminating benefits to families who fail to meet the federal participation rates, it does not reduce spending on the WtW bureaucracy.

FACT: The 2007-2008 Budget allocates an additional 6.7% to the WtW bureaucracy and reduces spending on poor families by 6.2%.

Family of	Current	4.21% COLA
2	\$555	\$578
3	689	718
4	821	856
5	934	973
6	1049	1093
7	1150	1198

TOTAL TANF SPENDING REQUIRED FOR 2007-2008

\$6,404,628,000

TOTAL TO BE SPENT ON CalWORKs PAYMENTS TO FAMILIES

\$3,035,320,000

TOTAL TO BE SPENT ON CONTRIBUTION TO THE GENERAL FUND AND ADMINISTRATION WHICH INCLUDES SOME SERVICES

\$3,269,308,000

STATE BUDGET AT A GLANCE Source: DSS In millions of \$\$\$	2006-2007	2007-2008	TABLE #1
	Appropriation	Proposed Budget	
Total TANF Grant/Required MOE	6,404,628,000	6,385,869,000	-0.29%
CalWORKs Program (<i>Actuals</i>)	4,981,954,999	4,722,861,999	-5.49%
Grants	3,035,320,000	2,654,624,000	-14.34%
Administration	592,778,793	632,849,170	6.33%
Services	768,546,956	820,498,825	6.33%
Child Care	474,407,250	506,476,004	6.33%
Substance Abuse/Mental Health Svcs	110,902,000	108,414,000	-2.29%
<i>County Share of Admin/Svcs</i>	27,550,000	23,689,000	-16.30%
KinGAP	139,726,000	191,800,000	27.15%
Non-CalWORKs MOE in CDSS	(195,784,000)	(191,505,000)	-2.23%
Other MOE/TANF in CDSS	208,204,000	275,034,000	24.30%
MOE In Other Department Budgets	478,200,000	1,133,121,000	57.80%
State Support	24,886,000	27,511,000	9.54%
Total Expenditures	5,637,187,000	6,158,823,000	8.47%
Federal TANF	2,966,377,000	3,506,772,000	15.41%
General Fund	2,515,283,000	2,480,264,000	-1.41%
Other State Funds (<i>ETF</i>)	20,087,000	35,000,000	42.61%
County Funds	135,440,000	136,787,000	0.98%
Total TANF transfers	794,571,000	622,440,000	-27.65%
Non-CalWORKs Transfers	168,273,000	174,499,000	3.57%
Transfers to Stage 1 and 2 child care, Tribal TANF & Reserves	626,298,000	447,941,000	-39.82%
TANF Grant/Required MOE	6,404,628,000	6,385,869,000	-0.29%
Prior Year TANF Carryforward	422,524,000	395,394,000	-6.86%
Total Available Funding	6,827,152,000	6,781,263,000	-0.68%
Total TANF/MOE Expends	6,431,758,000	6,781,263,000	5.15%
CalWORKs contribution to the General Fund	1,173,949,000	1,954,000,000	39.92%
Excess MOE	470,735,000	203,000,000	-131.89%
CDE Child Care Programs	30,400,000	75,000,000	59.47%
After School MOE	225,349,000	128,000,000	-76.05%

LETTER TO THE EDITOR BY SECRETARY KIM BELSHÉ HEALTH AND HUMAN SERVICES AGENCY

Editor -- Gov. Arnold Schwarzenegger's **CalWORKs** proposal is a responsible approach promoting work, strengthening incentives for family self-sufficiency, increasing recipient accountability and positioning the state to avoid millions of dollars in federal penalties ("Schwarzenegger's balancing act of spending and cuts" and "The State Budget: Governor's Proposal -- Social Services," Jan. 11).

Only 25 percent of **CalWORKs** participants meet federal rules regarding work participation. For too many, welfare is a source of long-term dependence. Welfare was never intended to be in perpetuity, and self-reliant families in the long run are better for children.

This plan will strengthen work requirements and recipient accountability by giving adults not participating in required activities 90 days to comply; loss of aid will be imposed if they don't. The plan reinforces work by

rewarding families who continue to meet federal work requirement after having reached the 60-month time limit by continuing aid through the safety net program. The proposal does nothing to change existing safeguards that protect individuals who are unable to work, such as individuals with disabilities. These individuals will continue to receive benefits. Incentives matter. Data suggests that those states with full family sanctions in place increase work participation rates by more than 10 percent. States with a safety net program have even higher work participation rates when combined with full family sanctions.

The budget proposal puts forth policy changes that will increase accountability, encourage personal responsibility and reinforce the emphasis on work.

Secretary KIM BELSHÉ of California Health and Human Services Agency – Reprinted from the San Francisco Chronicle

DIANA SPATZ, LIFETIME, RESPONDS TO THE SECRETARY'S KIM BELSHÉ LETTER TO THE EDITOR

"I hadn't even seen this but am not surprised. Since it's a letter to the editor, my understanding is that you don't typically respond to those. Although I'm thinking that maybe an op-ed from a parent's perspective might be a better way to respond, although it wouldn't be a direct response. But I sure would like to respond to her letter - I'm just so mad about how she misrepresented the issue I don't know where to begin. She talks about parent accountability, but what about the state being accountable to CalWORKs families? What about all the parents that were never offered the services they need to get off

welfare, while their clock ran down? Or when they asked for services, their caseworkers ignored them or denied their request, in violation of state law?

And parents who were sanctioned, including one of our leaders who was seriously injured in a car accident and was wheel-chair bound for a year - during which time they sanctioned her for not showing up for a mandatory welfare to work appointment they scheduled without consulting her - so much for parents being "protected" by dis-

ability exemptions, as Belshe claimed.

Or our former board member, who requested mental health services for 8 months and was ignored - and she was only referred her to counseling after she had a breakdown and was committed - and then, during her first four months of mental health exemption, her caseworker threatened to sanction her 3 times - which only made her even more anxious and depressed - to the point that she dropped out of school and resigned from our board.

Or several mothers that I know who have disabled children but were never exempted - including one mother whose child was diagnosed as schizophrenic and "hears voices" or another whose 12-year old son is suicidal due to seeing his father physically abuse his mother for years. Because that's all I see happening to parents in the system - and I haven't even addressed what is happening to moms who are battered women - the state's own data shows that less than 1% of CalWORKs moms are in domestic violence counseling and less than 1/3 of 1% are

getting domestic violence waivers. When one of the moms in our organization requested a domestic violence waiver her caseworker told her "only if I see bruises all over your body and you have to be living with him for me to exempt you."

So Belshe apparently has no idea how things are actually working for families in the system. Or maybe she does, but she just doesn't care. LIFETIME has been thinking to invite her, Genest and other such folks to actually spend a day with a family who receives CalWORKs and see for themselves how parents are being treated. Also, aren't there studies that show that full family sanctions don't increase work participation? If so, does anyone have a cite on any such study? Thank you everyone for letting me vent - it helped me feel less overwhelmed by what they're trying to do - which will help me channel my anger and stop them from targeting our kids. Diana Spatz, Lifetime.

STATISTICAL FACTS IN BRIEF

FAMILIES DENIED BENEFITS DUE TO COUNTY ERRECTED BARRIERS TO BENEFITS. According to the DSS' CA 255 October, 2006 Report, over 41% of the CalWORKs applications were denied due to procedural requirements. That means the family was fully eligible for CalWORKs, but failed to overcome one of many bureaucratic obstacles counties erect to prevent needy families from receiving benefits that they are entitled to receive. Many of these families are forced to reapply and are eventually approved for cash aid, but they lose benefits for one or more months.

EQUITABLE ESTOPPEL STATE HEARINGS OUTCOMES – At the request of a Legal Services program we obtained information from DSS regarding outcomes of equitable estoppels state hearings. The information reveals that From May 1, 2006 through December of 2006 there were 170 equitable estoppel cases decided for CalWORKs. 122 cases were granted and 48 were denied. That is a 72% success rate for legal services advocates who are the ones who raise equitable estoppel claims during state hearings.

WHEREABOUTS UNKNOWN DISCONTINUANCES UNLAWFUL

Many counties discontinue cases when the mail is returned to the welfare office. Counties often tell ap-

plicants and recipients that they must have a permanent address. Many counties issue termination no-

tices of action for not having a permanent address. Of course, the county notice of action (NOA) does not say that the discontinuance is for failure to have a permanent address. Rather, the reason is "whereabouts unknown." Naturally, the NOA is mailed to the recipient at the address allegedly unknown. When the recipient gets the NOA and calls the welfare office saying "here I am" the county does not rescind their unlawful act of terminating benefits. Often families end up homeless with children going to foster care homes for alleged neglect.

The law is very clear. There is no residency requirement that the recipient must live in the county. The family simply must be living in the State of California. Moreover, there is no requirement to have an address as a condition of eligibility for CalWORKs.

MPP 42-400 Residence in the state, but not in the county, is a requirement for receipt of aid. However, it is necessary to determine the county in which the applicant lives in order to establish county responsibility for payment of aid. (See Section 40-125.)

In fact there is no durational residency requirements

in California.

42-401 - No durational period of residence in the state or county is required.

Can a family be terminated for leaving the State? Not according to the regulations. The family must be absent for more than a month. There must be some evidence that the person is living in another state. Without it, the county action to terminate is invalid, void and unlawful.

CONCLUSION: Most of the 1,787 cases terminated in California during October 2006 were unlawful. The county could have simply at the recipient's EBT card usage. The EBT card is used like an ATM card to spend the cash aid and food stamp benefits, and would show where the recipient actually spent the CalWORKs and Food Stamp benefits.

See TABLE #2 below. This table reveals county-by-county total cases denied during October of 2006 and the number of cases terminated for alleged whereabouts unknown.

Counties				Counties			
	Cases terminated	Case terminated due to whereabouts unknown	Percentage of cases terminated due to whereabouts unknown		Cases terminated	Case terminated due to whereabouts unknown	Percentage of cases terminated due to whereabouts unknown
Statewide	39,368	1,787	5%				
Alpine	1	1	100%	Sutter	140	5	4%
Sierra	1	1	100%	Del Norte	119	4	3%
Stanislaus	533	96	18%	Santa Clara	1,608	54	3%
Riverside	1,281	214	17%	San Luis Obispo	220	7	3%
San Bernardino	1,597	199	12%	Tuolumne	98	3	3%
Merced	440	52	12%	Monterey	508	14	3%
Placer	140	14	10%	San Joaquin	1,428	39	3%
Inyo	21	2	10%	Ventura	598	15	3%
Kern	1,638	138	8%	Nevada	42	1	2%
Mendocino	181	15	8%	Glenn	47	1	2%
Tehama	134	11	8%	Marin	103	2	2%
Yuba	218	17	8%	Madera	245	4	2%
Sacramento	3,306	252	8%	Siskiyou	84	1	1%
Kings	217	15	7%	Los Angeles	11,444	128	1%
Yolo	236	16	7%	Butte	323	3	1%
Solano	598	40	7%	Humboldt	280	2	1%
San Francisco	467	30	6%	Shasta	338	1	0%
Imperial	333	21	6%	Alameda	1,878	0	0%

Santa Barbara	416	26	6%	El Dorado	142	0	0%
Lassen	48	3	6%	Napa	77	0	0%
Orange	1,442	84	6%	Amador	36	0	0%
San Mateo	244	14	6%	Calaveras	35	0	0%
San Benito	76	4	5%	Mariposa	29	0	0%
Tulare	1,306	68	5%	Colusa	25	0	0%
Lake	96	4	4%	Trinity	20	0	0%
Sonoma	306	12	4%	Modoc	19	0	0%
Santa Cruz	235	9	4%	Plumas	8	0	0%
Fresno	2,052	76	4%	Mono	0	0	0%
San Diego	1,911	69	4%	Contra Costa	0	0	NO RE-PORT

COUNTY CLIENT ABUSE REPORT

Riverside County denies diversion assistance because the worker does not like the applicant and requires participation in WtW by applicants. Ms. A.M. applied for CalWORKs in Riverside County on January 22, 2007. She was prescreened by an eligibility worker (EW) and then assigned to a "self-sufficiency workshop". The EW told Ms. A.M. that if she does not attend this "self-sufficiency workshop", EW would deny the application for benefits. At the "self-sufficiency workshop" another Riverside County worker told Ms. A.M. as she was leaving the workshop that Ms. A.M. would not get "grant diversion" because "I don't like you." It appears that the standard for grant diversion in Riverside County is whether or not the welfare bureaucrat likes you. When we called Mr. Jim Wright, the Assistance Director for CalWORKs and inquired about this, they refused to respond. It appears that Riverside County views the welfare laws with contempt and welfare recipients with total contempt. Mr. Wright's office not only refused to respond, but they also refused to take a message for him. His aide informed us that she is the screener and she screens his calls. Our call was not worthy of Mr. Wright's consideration. Riverside County also required Ms. A.M. to participate in the WtW orientation/appraisal called "self-sufficiency workshop" without providing any supportive services and while they were applicants and not recipients.

Los Angeles County imposes GAIN

sanctions without proper notices. On June 9, 2006, Ms. 2006179216 received a notice of action imposing a GAIN sanction effective July 1, 2006. She filed for a State Hearing. The Los Angeles County Appeals representative appeared for the county with a position statement that did not contain the ACL 03-59 notices except for the June 12, 2006 NOA. **EXPLAIN WHAT THE ACL -3-59 NOTICES ARE!!!!** THE ALJ pointed out that the county's position statement lacked the ACL 03-59 required notices. The county, realizing that they fooled the claimant, but were not able to fool the judge backed down and agreed to stipulate to rescind the unlawful sanction. There are thousands of similar sanctions in Los Angeles County where the victims have not filed for a state hearing and will not receive relief until some higher power saves them for this LA County Horror.

San Bernardino County sanctions a disabled person who did not participate for lack of transportation. Mr. 2006181141 filed for a state hearing because San Bernardino County wanted to impose a sanction on him. On April 27, 2006 this victim received an appointment letter asking for May 5, 2006 to "discuss cooperation requirement." The victim failed to appear. The county mailed another appointment letter on May 5, 2006 to appear on May 22, 2006. Again the victim did not appear. He filed for a state hearing and a hearing was held on September 13, 2006. At the hearing, the victim

testified under oath that the reason he did not appear for the appointments was because he did not have transportation. The county failed to present any evidence that the victim had transportation. In fact, the victim was one of the 3,371 of the 11,340 unduplicated participants participating in the WtW program that did not get transportation. According to the San Bernardino County WtW 25 reports, 30% of the participants in San Bernardino County did not receive transportation during May 2006. The fact that the law provides no one should be sanctioned if transportation is not provided did not help this victim. The county's real purpose of the program – sanction at all cost was affirmed by the ALJ without any evidence that this victim has transportation and when he testified under oath that the reason he did not participate

is due to lack of transportation.

This victim also presented evidence of disability from a medical doctor. This too was ignored because the “county indicated contacting the doctor's office involved and the doctor denied completing such verification...” There was no evidence that the victim had authorized the county to contact the doctor, there was no consideration of hearsay evidence. Finally what makes this case so outrageous is that the county had imposed the sanction for something other than a WtW activity. The law specifically limits sanctions for not doing a WtW activity. Keeping an appointment to “discuss cooperation requirement” is not a WtW activity. Injustice was done and we wonder who will fix it?

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