



## New Welfare NEWS Bulletin

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- California has a new state welfare director John A. Wagner - New Plaintiff for lawsuits
- Counties Unlawfully Denies IHSS Services to disabled adults & Children

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## CCWRO In Brief Reports

✓ **12 Counties have less than 80% of cases reassessments done on time** – DSS has held back mailing letters to the 12 counties who have failed to do reassessments in less than 80% of their cases according to our reliable sources. The reason that DSS is refusing to hold counties accountable in an unknown and strange.

✓ **HHS region IX officials visiting counties** – HHS region IX officials are visiting two (2) counties to audit their IV-E (foster care) claiming.

✓ **State of California Does not want to pay overpayments to the federal government** – The state of California owes millions of dollars to the federal government for overpayments that occurred before 2003. DSS is negotiating with HHS to get out of paying the money they owe to the federal government. We wonder how DSS feels

about working families who may owe DSS for overpayments that occurred before 2003? Will DSS even consider negotiation with welfare moms?

✓ **AB 22 - Bill to repeal the Maximum Family Grant (MFG) rule supported by CWDA**– AB 22, sponsored by the East Bay Community Law Center that would repeal the law refusing to pay cash aid for children conceived while on welfare. This law has increased abortions and been a cause of great hardship to thousands of innocent babies and children of California. The bill passed the Assembly Human Services Committee, The amended bill would only repeal the provisions of MFG rule to any child born upon the enactment of AB 22.

✓ **CWDA is concerned that IHSS time sheets are not signed under penalty of perjury**– CWDA members

have expressed concern that IHSS providers and recipients are not signing their time sheets under penalty of perjury, thus, it is hard to pursue fraud. It should be noted that county welfare officials do not sign many of their time cards, time study documents and a host of other documents under penalty of perjury. Does that mean counties are getting away with fraud?

✓ **Santa Clara County Violates the Law for Transitional Food Stamps –**

Under current law whenever CalWORKs is stopped food stamps are supposed to continue for five (5) months. Food Stamps are supposed to be received uninterrupted. This is not true in Santa Clara County. In Santa Clara County when aid is terminated for households whose food stamps are scheduled for the 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup> or 5<sup>th</sup> day of the month do not get their food stamps on the 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup> or 5<sup>th</sup> day of the month.

✓ **States can issue Domestic Violence (DV) Waivers. Some states have issued more child support cooperation DV waivers compared to the number of work waivers–** USCA Title 42, Section 602(a)(7) and 45 CFR §260.50 et.seq. provide that states can issue Family Violence Option (FVO) waivers for any of the TANF program requirements. The Congressional Research Office reported that some states provided more Child Support cooperation FVOs compared to work waivers. Thus,

while giving the family a waiver from the child support penalty, the states still will sanction the domestic violence victim by imposing a work penalty.

✓ **How is TANF money used? –**

According to HHS during 2003 states used \$19 billion dollars from the federal government. Only \$5.8 billion was used for what is called “basic assistance”. That means a check to the family to pay for food, housing, energy and clothing. That means that only 30% of the money was used for the poor. Now the name of TANF should be changed to permanent assistance to needy states (PANS) rather than temporary assistance to needy families (TANF).

✓ **32 States refuse Transitional Food Stamps to the poor –**

Transitional Food Stamps is a program that continues food stamp benefits for persons whose TANF has been terminated for whatever reason, often due to employment. States have an option to continue such food stamp benefits for a five (5) month period with no cost to the state and a huge economic benefit to the state and the poor people. 32 states have decided that they would forego the economic benefits to their states just so they can deny poor people assistance – evidence of how uncaring many state welfare officials are towards the poor that give them huge paychecks and millions to flounder.

## **John A. Wagner, New Director of DSS**

Presidential candidate Romney's state welfare director has found a home in California. John A. Wagner is 44 year old Harvard graduate who worked for Wisconsin Tommy Thompson, the proponent of the changing welfare that has resulted in increased infant mortality rate among African-American babies.

From Wisconsin he headed the Massachusetts State welfare department. He is a proponent of full family sanctions and requiring the physically challenged to participate in welfare to work activities or face full family sanctions.

He will be paid \$165,000 a year for being the Director of the State Department of Social Services that pays the average family about 6,000 a year to the average welfare family. That is a \$159,000 difference.

Massachusetts state welfare advocates do send us their condolences to California welfare advocates. A the beat goes on.

### **COUNTIES UNLAWFULLY DEPRIVE IHSS SERVICES TO DISABLED ADULTS AND CHILDREN**

During 2006 there was legislation to combat alleged fraud in the In-Home Supportive Services (IHSS) program. The fraud programs enacted by the Legislature include severe penalties for the disabled and the aged, while contain no compatible penalties for the welfare employees who unlawfully deprive persons in need of IHSS services from those services.

Counties have employed some shady policies to reduce hours that are authorized to IHSS recipients. One of the most blatant county unlawful policies is to prorate related services by

assuming that the need is being met in common with other housemates. The county obtains no verification that the related needs are met with the other housemates, but assumes it is being met. The state regulations state:

“MPP §30-763.321 When the need is being met in common with those of other housemates, the need shall be prorated to all the housemates involved, and the recipient's need is his/her prorated share.”

During the past several years the IHSS program has been running as a federal waiver program to allow the state to

download more money.

There is a PCBS and Medi-Cal Plus Waivers. In essence what these waivers provide is that IHSS is now just another one of the Medi-Cal Services that Medi-Cal recipient may qualify for. Just like a Medi-Cal recipient may qualify for certain drugs and services depending on what the Medi-Cal program authorizes, IHSS services are now another similar service.

Riverside County has refused to authorize IHSS services to a child receiving Medi-Cal because the child is not receiving SSI. The Medi-Cal Waiver did not provide that IHSS would be limited to SSI recipients. This something that Riverside County IHSS officials made up to deny IHSS services to several children getting Foster Care Medi-Cal. Adminis-

trative Law Judges have upheld these unlawful county activities. The Administrative Law Judges are Rufina Diaz who upheld the county's denial of IHSS to a Medi-Cal recipient until SSI is received and Enaj Leotaud upheld Riverside County's unlawful action of denying IHSS because the child was not eligible for SSI.

In Orange County a disabled adult receiving Medi-Cal and SSI was denied IHSS services by an Administrative Law Judge Barbara Smuelders upheld Orange County's denial of IHSS for failure to provide the county with verification of income and resources. It appears that Orange County has decided that IHSS program has different standards than those in the law. And DSS has supported this unlawful action.

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