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In Brief

✔ A Rand Corporation study entitled "Sanctions in the CalWORKs Program" that was due several years ago is being kicked around. This objective study is shared with the DSS before being published. DSS makes comments. Then they get another draft. DSS sees that their comments have not bee incorporated in the revised draft. So DSS says let's have a conference call to see why our comments have not been made part of the draft. This will be touted an objective study paid for by taxpayers to give the taxpayers the "government's" spin and not the "real story" of Sanctions in California. Arie Kapteyn of the Rand Corporation referred DSS to David Longhran so DSS and David can talk to fix the draft.

✔ According to C-IV, which is a computer system for Riverside, San Bernardino, San Jauquin and Stanislaus County, the computer system does not allow for the notice of action denying benefits to failure to provide verification to state on the notice what verification was not provided. This means that thousands of cases are discontinued and applications denied with unlawful notices of action.

✔ Recently counties have informed the Department of Health Care Services that the state should have mandatory language for notices of action rather than the long standing state position of giving counties "suggested language".

✔ On February 23, 2007, some unknown person of DSS, whose name was deleted from a Policy Interpretation (PI) by DSS and DSS failed to inform the requester of the PI under the Public Records Act why the

name was withheld in violation of the California Public Records Act, stated that "..when an individual has been in WtW sanction status for at least three consecutive months, it is appropriate for a county to begin issuing vouchers or vendor payments…" This undergroung unlawful rule of DSS is in direct conflict with DSS's own duly promulgated regulations that state:

"44-303.3 Vendor payments, i.e., payments made directly to a person or agency supplying goods or services to the recipient or family. Vendor payments are applicable:

.34 In CalWORKs cases in which a parent or caretaker relative is subject to sanction for a period of time known in advance to be at least three consecutive months (see Section 44-307.12).

"44-307.12 Sanction Any parent or caretaker relative is subject to sanction for a period of time known in advance to be at least three consecutive months. The vouchers or vendor payments shall continue until the parent or caretaker relative is no longer subject to sanction."

Los Angeles County AD #4633 – Designed to Overlook Erroneous sanctions and to Get Unlawfully Sanctioned Families Back into WtW Inefficiently

On March 1, 2007 Los Angeles County released Administrative Directive (AD) 4633 entitled Sanction Outreach and Engagement program. The AD informs staff that the new TANF rules require 50% work participation rate. It also alleges that the state may be at risk of losing $185 million, which is very unlikely.

The AD is designed to get sanctioned persons back into the system. The AD is limited to getting this sanctioned to cure their sanction when they come in for annual redeterminaiton visit (RV). After the RV the welfare worker is instructed to tell the recipient to meet with a WtW worker.

During this meeting the WtW worker shall:

1. Provide an overview of the GAIN program;

2. "Markets the GAIN Program by explaining the benefits and services available to GAIN participants.

3. Reviews for supportive services (SS) and Learning Disabilities and explains that SS will be available if he or she agrees to a WtW plan.

4. "Determines the causes/s why the participant has not been responding to the *Monthly Notice to Sanctioned Participants*, PA 125, which prpovide3s GAIN sanctioned individuals with an opportunity to cure their sanction."

5. The worker is instructed to "determine how the participant is making ends meet without his/her portion of the grant considering family needs (rent and utilities) and any other expenses. Obtain documentation or have the participant complete an affidavit (PA 853). This is an affidavit under penalty of perjury.

6. Assist the participant to determine if s/he qualifies for an exemption or meets any criteria for "good cause" using the Good Cause Determination Guidelines (WTW 26). The worker at this point is

told to provide the participant a WTW 26 and 27 so he or she can claim good cause.

7. If the participant declares homelessness as the good cause, the participant may be referred to a Homeless Case Manager. On the other if the individual is homeless and does utter the magic works "I claim good cause because of being homeless" then no referral has to be made under AD 4633.

8. If the participant agrees to cure the sanction anytime during these seven (7) steps, then the WtW worker refers the participant to another office for yet another appointment before the sanction can be cured.

9. On page 7 of the AD the WtW worker is allowed to cancel the sanction if it was erroneously imposed. However for this to be done, the worker has to get the approval of Regional Administrator that is like getting an Act of Congress. The intent is very clear. Los Angeles County knows very well that there are many sanctions that have been unlawfully imposed. It is common to see sanctions imposed in Los Angeles County without a 30-day notice of action in violation of state laws and regulations. There is no inkling of an effort to correct these injustices. Los Angeles County does not believe in correcting their errors and mistakes. They want to sweep it under the rug and hope that they would go away. And to make sure that a consciences worker does not do the right thing, they have created an enormous barrier to correcting erroneous sanction – getting the approval of the regional manager. This is an old welfare department trick. When they don't want workers to do the right thing, they make it harder to so, like requiring "supervisory approval". This time they have gone all the way to the "regional manager".

SUMMARY THOUGHTS OF THE PROCESS - The process is set up to avoid spotting unlawful sanctions and allow unlawful sanctions to stand as long as they can employ propaganda and intimidation. It is propaganda by telling people what a great program the GAIN is when they cannot guarantee the customer a living wage job if he or she does everything that the GAIN program demands. It is intimidation in that the process inquires how does a welfare mom live on a fixed income of 1989 and forces them to sign a statement under penalty of perjury of how bad they live.

Even though the process has all of the elements of orientation, and most of the sanctions are failure to complete the orientation, AD 4633 requires the person to go to the GAIN office to participate in another orientation session to cure the sanction and to sign the WtW plan. Why can't that be done the same day. Maybe the author's of AD 4633 don't want participants to cure the sanction.

Terror in Los Angeles.

Ms. C.S. a homeless mom with two kids, 10 and 13 applied for permanent homeless assistance (PHA) on October 9, 2007. She provided DPSS with a copy of the DPSS Housing Verification Form DPA 956 that has to be completed by the landlord as instructed by her homeless assistance worker Athlene Roberts.

When she submitted the landlord completed DPA 956 to her worker Athelene Roberts, HPO5 on 10/9/07, she was expressly informed by Ms. Roberts that she would be notified within three working days whether or not the request for PHA would be approved or denied.

On 10-12-07, Ms. C.S went down to the DPSS Southwest Family District 83 offices to find out if she could move into her permanent housing. She had a 2 pm appointment to turn in her hotel verification to Ms. Roberts. She arrived at 2 pm

and had to wait until 4 pm she was seen by Ms. Roberts. She was told by Ms. Roberts that her PHA has not been approved yet and her temporary homeless assistance has expired and was advised to call supervisors Felicia Turner at 310-419-5520. Mr. Turner never answered her phone, as usual as she does not pick up he phone even when she is at her desk. This was confirmed by the welfare advocate who called her fellow worker who confirmed that DPSS makes people wait three working days before PHA is approved. She transferred the call by Ms. Turner, it rang and rang and rang, but Ms. Turner would not touch that phone. After 20 rings the welfare advocate hung up the phone.

Saturday and Sunday the C,S. family was homeless in Los Angeles county. Monday she went down to District #83 again looking for PHA. She arrived at district #83 also known as Southwest Family around 8 am in the morning and waited until 4 in the afternoon. Around 4 p.m. her worker Ms. Roberts came out to tell her that she needs to call Ms. Turner who is allergic to the telephone.

We then called Mr. Ruben Mejia, who is the district Director, for comment. We were on hold for 15 minutes he refused to talk us.

We talked to Denitta Mallet, Eligibility Supervisor for Homeless Assistance informed us that according to DPSS policies and procedures all HA applicants have to sign a release of information form ABCD228. This form is used so DPSS can call the landlord to verify that the owner knows that he or she has agreed to rent a place to a "welfare recipient". Often landlords change their minds and say they never agreed to rent to the welfare mom. There are many prejudice people in the world. This sentences the family for weeks and months of homelessness again – compliments of DPSS.

DPA 956 is another county form that DPSS forces welfare moms to have the landlord complete to show that the landlord is agreeable to rent to a welfare recipient. The DPA 956 is then transmitted to "LA property" who have to verify the DPA before PHA is authorized. Delays of this verification means families just linger on homeless in Los Angeles. "This is what the program is all about" said Ms. C.S., "force people to suffer and be terrorized." It is surprising that DPSS does not have a CIA and FBI check done on homeless welfare parents.

Of course this is against the law. But then did Los Angeles County really care about the law. What laws you may ask?

LAW VIOLATION COUNT ONE: Forcing CalWORKs recipients to sign a release of information as a condition of getting homeless assistance-

LAW BROKEN: MPP §19-007 .11

"Permission

If the applicant or recipient does not wish the county to contact a private or public source in order to determine eligibility, the applicant or recipient shall have the opportunity to obtain the desired information or verification himself or herself."

LAW VIOLAITON COUNTY TWO – Forcing welfare recipients to use a county form to prove that they have secured permanent housing.

LAW BROKEN: MPP §19-007 .11

"Permission

If the applicant or recipient does not wish the county to contact a private or public source in order to determine eligibility, the applicant or recipient shall have the opportunity to obtain the desired information or verification himself or herself."

LAW VIOLATION COUNT THREE – Not issuing PHA with 24 hours.

LAW BROKEN: MPP§ 44-211.534

"The county has one working day from the time the recipient provides the following information to issue or deny a payment for permanent housing assistance:

(a) A written rental agreement which demonstrates the landlord's intent to rent to the AU at a cost which does not exceed 80 percent of the AU's MAP.

(1) If the county questions the validity of the rental agreement, or a rental agreement cannot be provided, the county shall verify that a rental agreement has been made by directly contacting the landlord or by some other means.
(2) If the county cannot directly contact the landlord, or verify by some other means that a rental agreement has been made, then the recipient must complete and sign a statement under penalty of perjury which includes the following information:

(A) A statement of liability for providing false information.
(B) Name and phone number of landlord.
(C) Location of rental.
(D) Terms of rental.
(E) Dollar amount of deposits and rent."

LAW VIOLATION COUNT FOUR – Requiring the completion of a DPA 956 in lieu of the written rental agreement which demonstrates the landlord's intent to rent to the AU.

LAW BROKEN: MPP§ 44-211.534

"44-211.534 - The county has one working day from the time the recipient provides the following information to issue or deny a payment for permanent housing assistance:

(a) A written rental agreement which demonstrates the landlord's intent to rent to the AU at a cost which does not exceed 80 percent of the AU's MAP. "

LAW VIOLATION COUNT FIVE – Not taking a statement under penalty of perjury as provided in the regulations when the county has a problem contacting the landlord or verifying the agreement in other ways.

LAW BROKEN: MPP§ 44-211.534(a)(2)

"(2) If the county cannot directly contact the landlord, or verify by some other means that a rental agreement has been made, then the recipient must complete and sign a statement under penalty of perjury which includes the following information:

(A) A statement of liability for providing false information.
(B) Name and phone number of landlord.
(C) Location of rental.
(D) Terms of rental.
(E) Dollar amount of deposits and rent."

FINAL REPORT: The intervention of a welfare advocate assured that Ms. C.S. PHA payment was issued on the 16th of October, the day she contacted a welfare advocate. But just imagine how many other poor children are homeless in Los Angeles because they were not able to contact a welfare advocate to get them the benefits that was unlawfully being withheld from them.

✔ **Tuolumne County -** Mr. 2006276054 filed for a state on a date unlawfully withheld by DSS. We would estimate that the hearing was held during the last two (2) months of 2006. A hearing decision was issued on August 29, 2007. The claim was denied. If the claim was granted, then DSS would have to pay penalties for

issuing a late hearing decision. In this case the claimant refused to sign a revised WtW agreement. Tuolumne county refused to refer the matter to third-party assessment as required by state law and regulations. ALJ Pierson upheld the county action and denied the claim - no penalties were paid for having a hearing issued over an estimated six (6) months late.

✔ **Fresno County -** Mr. 2007150903 received a notice of action imposing a sanction because he failed to participate in the WtW program. This victim had an appointment of 2/7/07 with the county of Fresno. The victim did not come to the meeting. During the hearing he testified that he did not come to the meeting because he did not have child care. He even told the county that he did not have child care, but the primary purpose of the WtW is to sanction. ALJ Elizabeth Parker held that this victim should be sanctioned because he did not keep his March 19 and March 28 good cause determination appointments. Counties cannot sanction families for failure to keep good cause determination appointments, but try to tell that to "sanction happy" Fresno County and ALJ Parker of DSS.

The decision contains uncontradicted testimony that the victim must stay with her children (ages 6,9, and 12) until they go to school, takes them to school, works from 10:00 am to 9:pm and also take a GED program to satisfy the veracious appetites of San Bernardino WtW bureaucrats. There was no finding that safe and adequate childcare was available – just a decision upholding the county sanction.

✔ **Fresno County-** Ms. 2007144925 received a notice of action dated November 21, 2005 imposing a sanction effective December 1, 2005. This victim was living in a remote location and Fresno County was fully cognizant of this fact for they verified her residence. Notwithstanding the fact that she was remote, "sanction happy" Fresno county unlawfully sanctioned this victim. During 2007 she was informed by a Fresno County employee that the sanction was unlawful because she was remote. She filed for a state hearing and appeared before ALJ Turner. ALJ Turner dismissed the claim for not filing timely and upheld the Fresno County stealing of thousands of dollars from this victim. ALJ Turter should have known that the Notice of Action was invalid in that it was not a 30 day notice as required by state law and regulations.

✔ **San Mateo County –** Ms. 2007136188 receiving a notice of action dated October 20, 2006, imposing a sanction for not working 32 hours a week effective November 1,2006. She is going to school and trying to become self-sufficient. But San Mateo County insisted that she work 32 hours a week. ALJ Brandon upheld this unlawful sanction that was imposed without a 30-day notice of action.