

CCWRO Welfare News

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2009-2010 State Budget Wrap Up

2009 has been a wild roller coaster ride for welfare advocates.

Ideally, democracy is based on transparency. For example, in California a bill is introduced. It must be available for public review for 30 days before it can be set for hearing in committee.

Another example is the budget process. Governor proposes a budget then budget hearings occur in each house. Each house passes a budget. The budget goes to a Budget Conference Committee where the differences between each house are reconciled and the product of the conference committee would go to each house for approval. If the bill passes both houses, it is sent to the Governor who can either sign the budget, after he blue-pencils appropriations he disagrees with, or he can veto the bill. This is the Democratic way of legislating.

What actually happens in California is that the Big Five, composed of the Governor, the Assembly Speaker, Assembly Minority Leader, Senate President Pro Tem and the Senate Minority Leader, meet sometime in late May or early June. These FIVE people decide what the budget contains. They may also agree to substantial changes in the law that sometimes has nothing to do with the budget.

The 2009 cuts are contained in four different bills. Chapters 4,7,8 and 19, Statutes of 2009. The provisions in these bills never had a committee hearing. They were born on July 24, 2009 and passed on July 24, 2009. (See how to download these bills at the end of this report.)

This year there were 21 trailer bills comprising of 738 pages. Once the Big Five agree, the 120 legislators get together and rubber stamp what the Big Five have decided. The public has no clue what is being voted upon. None of these bills go to a committee hearing. There are many drafting errors in many of these bills because they have not gone through the "so-called" democratic process. The press goes along with this charade saying nothing about this "soviet" style lawmaking and budget enactment process going on in California. For example, most of the provisions in AB 8 go into effect on July 1, 2011. Why did this bill have no public committee hearing? The bill was in printed on July 23 and 24. 21 bills consisting of 738 pages passed the legislative process in two days.

2009 started off with the Governor proposing to eliminate CalWORKs, CAPI, Food Stamps for Immigrants, 90% of the IHSS caseload, Medi-Cal for immigrants. In the end, CAPI and food stamps for immigrants survived. So did Medi-Cal for immigrants. CalWORKs took a \$375 million cut in the "single allocation that counties get for running the CalWORKs and Welfare to Work (WtW) program.

Counties have wide discretion in how they operate their WtW program. Counties have the option of limiting the number of individuals who are required to participate in the WtW program. See AB 4, Chapter 4, statutes of 2009, Section 14 - subsection(f) of W&IC §11320.3. This subsection provides that if the county does not have money for supportive services, then they can issue good cause. Counties can provide good cause to any category of individuals that they deem appropriate given the fiscal realities. To assure that they get the maximum bang for their limited dollars, counties can decide that the limited supportive services money would be better utilized for those who want to be in WtW program. Counties are authorized to exempt families with one child under 2 or families with 2 children under 6.

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It should be noted again that most of the CalWORKS changes that would impact families and children negatively go into effect July 1, 2011.

To determine what changes these bills have, it is better to download the last amended version, which for every trailer bill is July 24, 2009. All of these bills were amended on the same day that they were voted upon and passed both houses of the Legislature.

AB 4. **This bill enacts changes in Human Services.**

Section 1. This bill authorizes the State Department of Child Support to impose a \$25 fee on a parent needing children support services who has never been on welfare. The fee will be assessed if \$500 or more child support is collected.

Section 3. State Department of Child Support shall submit annual reports to the Legislature by March 1 of every year setting forth certain outcomes.

Section 11. This section allows counties to use Federal Stimulus Money for wage subsidies and homeless assistance programs.

Section 13. Allows the four (4) computer consortium to move less than \$100,000 or 10%, whichever is greater, from one line item to another without prior approval from the State.

Section 14. Adds subsection (B) (7) to section 11320.3 to allow counties to exempt families with a child under 2 or families with 2 or more children under 6.

Section 15. Provides the TAP program shall go into effect October 2011.

Section 17. Allows counties to use mental health services money for other purpose until July 1, 2011. However, this section shall not limit the availability of mental health and substance abuse services to those in need of such services.

Section 18. This section allows counties to limit participation in WtW activities for certain categories of individuals given the approximate 40% reduction in the county single allocation.

Section 25. This section reduces the benefits of SSI couples within 90 days of the enactment of this bill to the minimum required by federal law to make sure the SSI couple is eligible for Medi-Cal.

Section 26. This section eliminates supplementary payments for certain SSI recipients as of October 1, 2009 who are receiving IHSS services.

Section 28. Requires DSS to convene a stakeholder's workgroup to develop and issue a report evaluating the implementation of quality assurance and fraud prevention and detection enacted from 2004 to present. The report is due to the Legislature on December 1, 2010.

Section 29. Effective September 1, 2009, IHSS recipients ranked three or below will not receive domestic or related services except for those who need protective supervision, paramedical services or receive more than 120 hours of services each month. This section will go into effect through an All County Letter (ACL) and/or emergency regulations.

Section 30. Effective September 1, 2000 IHSS recipient, whose "functional index score below 2.0 shall not be eligible for any IHSS services..." This does not include IHSS recipients who need protective supervision, paramedical services or receive more than 120

hours of services each month. This section will go into effect through an ACL and/or emergency regulations.

Section 33. This is the Work Incentive Nutritional Supplement (WINS) program. This program is for former CalWORKs recipients who are meeting the federal work participation rates. They will get \$40 a month on their EBT card as food stamps. This allows California to count these folks in the TANF work participation rates. This program will go into effect until 10-1-11.

DSS must implement the WINS program in consultation with stakeholders. DSS shall develop WINS automation in tandem with a pre-assistance employment readiness (PAERS) program. If the workgroup determines that the PAERS program would be beneficial, it shall prepare a proposal by 3-31-11 for consideration the legislative budget subcommittee process in 2011.

Section 40. The eligibility threshold for the use of additional Community Services Block Grant funds received under the federal American Recovery and Reinvestment Act of 2009 (Public Law 111-5) (ARRA), and the annual allocation of Community Services Block Grant Funds for the 2009 and 2010 federal fiscal years, as provided by ARRA, shall be increased to 200 percent of the federal poverty level exclusively, as determined by the Department of Community Services and Development, or any other Department through which these federal funds are administered by the state.

Section 41. The State Department of Social Services shall consult with stakeholders, including at a minimum, representatives of counties, foster youth, and organizations or entities that have experience providing family search and engagement services or technical assistance, to determine how best to ensure that existing best practices

for family search and engagement and participatory case planning, including, but not limited to, training or technical assistance, are institutionalized statewide. To the extent possible, the Department shall also consult with birth parents or relatives, and caregivers. Beginning in 2010, the Department shall provide information at future budget hearings regarding the implementation of these efforts, including any available outcome data.

Section 42. The State Department of Social Services shall develop a risk management form, with input from the counties and stakeholders representing recipients and providers, no later than 90 days from the date of approval of the 1915(j) State Plan Option. Upon receipt of this input, and within this 90-day period, the Department shall commence testing the form in three representative counties, in order to assess implementation costs and any operational issues. Counties and stakeholders shall remain informed of the results of this testing. To the extent that the actual implementation costs differ from the amount estimated in the budget, the Department shall submit a revised budget to the Legislature based on actual costs to support statewide implementation.

AB 7.

This is called "Public social services: statewide enrollment process"

This will be Part 1.75 of the Welfare and Institutions Code.

Section 10200 (a). Identifies the outcomes for the statewide enrollment process for CalWORKs, food stamps and Medi-Cal, such as better access, elimination of inefficiencies. The outcomes shall be developed in consultation with a stakeholders group.

Section 10200(b). Provides that a plan shall be developed for a state-

wide enrollment process for CalWORKs, food stamps and Medi-Cal that would include a project description, business case, business and technical requirements and cost benefit analysis. It shall also assess what other states are doing who also have a statewide enrollment process for CalWORKs, food stamps and Medi-Cal, including risk assessment, a transition plan and more.

Section 10200 (c). - It allows DSS and DHCS to use a contractor and a strategy to inform the public and beneficiaries of the statewide enrollment process for CalWORKs, food stamps and Medi-Cal.

Section 10200 (d). Requires that DSS and DHCS submit a comprehensive plan to the fiscal and applicable policy committees 45 days prior to request for an appropriation.

Section 10200 (e). Contingent upon legislative approval, DSS and DHCS may proceed with procurement activities consistent with the plan approved by the Legislature. Any contractor, county consortia, non-profit provider, or any partnerships shall be authorized to compete for any aspect of this process. Any such entity shall make accurate determinations and redeterminations of eligibility for CalWORKs, Food Stamps and Medi-Cal, coordinate with CBOs to assist individuals with the application process in their own language, represent the Department at state hearings, assist applicants and recipients, meet federal technology standards.

Section 10200 (f). If the plan is approved by the Legislature, then DSS and DHCS shall have the authority to implement this part.

Section 10200 (g). DSS and DHCS may contract with other state agencies as appropriate.

Section 10200 (h). DSS and DHCS shall convene a stakeholder's steer-

ing committee for consultation in developing a statewide enrollment process for CalWORKs, food stamps and Medi-Cal.

Section 10200 (i). This section shall only go into effect if there is federal financial participation available.

Section 10200 (j). DSS and DHCS may seek federal waivers needed to implement this part.

Section 10202. This section provides that this part does not authorize the modification of the CalWORKs, Food Stamp or Medi-Cal programs.

Section 10203. This section allows DSS and DHCS to implement AB 7 without going through the regular APA process.

Section 10205. This section states that for the purposes of this part, all references to county in the various laws shall mean the state Department.

AB 8. Human services

Section 1. This section provides once every six (6) WtW participants shall meet with their welfare workers to assess their progress of becoming self-sufficient. The second self-sufficiency review (SSR) shall be conducted on the same day of that the annual redetermination appointment. The county shall mail a 60-day advance notice about the SSR and the recipient may reschedule the SSR on a date not to exceed 20 calendar days beyond the scheduled SSR. If the recipient fails to attend the SSR, the county shall issue a notice of action (NOA) reducing the benefits by 50% after 30-calendar day, unless the recipient has already done the SSR or had good cause for failing to attend the SSR. This section is effective July 1, 2011. By January 1, 2013 each county shall provide DSS with an evalu-

ation of the effectiveness of the SSR. DSS shall forward these evaluations to the relevant fiscal and policy committees. Those recipients who are meeting the CalWORKs hours of participation shall be exempted from the self-sufficiency reviews.

Section 3. This is the new WtW sanction statute that is effective July 1, 2011. The changes start at 11327.5(d)(2). This section provides for what is called "graduated sanction steps".

STEP 1. After being sanctioned for three months the county shall review and assess to see if the individual has barriers to participation, assess the need for supportive services and connect the participant with the services by a social worker or employment service worker. "The county shall make a good faith effort to remediate any barriers that are identified." If barriers relating to substance abuse, mental health, or domestic violence are suspected, the county shall schedule assessments with an employment specialist or social worker for the individual in order to assess and review for treatment. This review shall occur within 30 days after the grant reduction made.

If the county does not do this review or the county determines that the individual has complied or is exempt, the sanction shall be terminated. If failure to conduct a review or remediate an issue is the result of the recipient's noncompliance, the sanction shall continue. If the sanction is not cured, the child only benefits shall be reduced 25%.

STEP 2. After imposing the 25% of the child-only benefits sanction for three months, the county shall review and assess to see if the individual has barriers to participation, assess the need for supportive services and connect the participant with the services by a social worker or employment service worker. "The county shall make a good faith effort to remediate any barriers that are identified." If barriers relating to substance abuse, mental health, or domestic violence are suspected, the county shall schedule assess-

ments with an employment specialist or social worker for the individual in order to assess and review for treatment. This review shall occur within 30 days after the grant reduction made.

If the county does not do this review or the county determines that the individual has complied or is exempt, the sanction shall be terminated. If failure to conduct a review or remediate an issue is the result of the recipient's noncompliance, the sanction shall continue and after three months the child-only benefits shall be reduced by another 25%, a cumulative 50% reduction of the child only grant.

STEP 3. At the 42nd month of sanction, the county shall schedule another review. If by the 48th month the individual is not participating, their benefits shall be reduced by another 25%, a total of 75%.

STEP 4. At the 54th month of sanction, the county shall schedule another review. If by the 59th month the individual is not participating, their benefits shall be reduced by another 25%, a total of 100%.

Section 11327.5(d)(5) provides that child-only cases where the **parents are ineligible aliens or have been convicted of a drug possession felony** with the intent to sell, shall be required to meet the state WtW participation rates in order to continue to get full child only benefits. On the 54th month the county shall determine if the parent is exempt or not. If not exempt, then the parent will be required to meet the state participation rates (SPR) provided there are childcare and transportation funds appropriated for this purpose. If the parent does not meet the SPR within 3 months, after the 60th month, then the child-only benefits shall be reduced by 25% as a sanction for not meeting the SPR. If the noncompliance persists for three cumulative months after the review and the county has made supportive services available, then the child-

only grant shall be reduced by another 25% for a total of 50%.

Section 4. This section eliminates the CalWORKs COLA put into law by Ronald Reagan in 1970.

Section 6. This section will count sanctioned months against the 60-month time clock.

Section 7. This section eliminates the SSI COLA.

Section 8. This section requires that DSS collaborate with stakeholders in implementing this bill with legislative staff, advocates and counties.

Section 9. This section allows DSS to implement these changes through emergency regulations and All County Letters.

AB 19. **This bill enacts** **changes in** **IHSS**

Section 1. This section provides that effective January 1, 2010, the application for in-home supportive services shall contain a notice to the recipient that his or her provider(s) will be given written notice of the recipient's authorized services and full number of services hours allotted to the recipient. The application shall inform recipients of the Medi-Cal toll-free telephone fraud hotline and Internet Web site for reporting suspected fraud or abuse in the provision or receipt of supportive services.

Section 2. On or before December 31, 2011, the Department, in consultation with county welfare Departments and other stakeholders, shall develop a process to ensure that a provider of services under this article receives a list specifying the approved duties to be performed for each recipient under the provider's care and a complete list of supportive service

tasks available under the IHSS Program.

Section 3. Effective November 1, 2009, all prospective IHSS providers shall complete a provider orientation. This orientation shall explain what IHSS does, its IHSS rules, etc.

Section 4. This section provides that there shall be a time sheet which tracks the work the IHSS provider has done that shall be signed by the recipient and the provider. This section also contains a fraud penalty for providers who allegedly misrepresent facts.

Effective July 1, 2011, each timesheet shall contain spaces for the fingerprint of the provider and the recipient.

Section 5. The Department shall develop an appeal process for providers who have been rejected by the county.

Section 6. On or before July 1, 2010, the Department, in consultation with the State Department of Health Care Services, counties, and other stakeholders, shall ensure that a standardized curriculum and training materials for county social workers are developed for the purpose of preventing fraud within the program.

Section 7. This section authorizes counties to make unannounced home visits to the homes of IHSS recipients.

Section 8. This section provides that all IHSS recipients and providers shall be fingerprinted.

Section 9. This section allows counties to investigate IHSS fraud. It also provides that the Department, in consultation with county welfare directors and other stakeholders, as appropriate, shall develop uniform statewide protocols for acceptable activities to be performed and acceptable measures to be taken by the Department, the State Department of Health Care Services, and the counties for purposes of fraud prevention.

Section 10. The provider shall provide the county with his or her physical address and not a mailbox. A paycheck for a provider shall not be mailed to a post office box unless the county approves a written or oral request from the provider, which shall include an explanation of the circumstances that make the use of a post office box appropriate or necessary. The county shall document an oral request received pursuant to this subdivision the provider's request and the county's approval or disapproval shall be retained in the provider's file.

Section 11. This section provides that effective October 1, 2009 the county shall investigate the background of a person who wants to be a provider who is not listed in

the registry as provided in Welfare and Institutions Code Section 12301.6.

No later than 7-1-10 the county shall complete a criminal background check of all IHSS providers. If the county gets information that the provider has been convicted of a crime listed in Welfare and Institutions Code Section 12305.81, then t CCWRO Coalition of California Welfare Rights Organizations, Inc. 1901 Alhambra Blvd. Sacramento, CA 95816-7012 (Phone: (916) 736-0616 ~ Fax: (916) 654-1401 Cell: (916) 712-0071

kevin.aslanian@ccwro.org he provider working for the IHSS recipient shall be terminated by the county.

The provider will be given a chance to clarify the information and a right to an appeal.

Section 12. DSS shall convene a stakeholders' meeting to implement Section 4, 5, 10 and 11 of this bill.

Section 13. This section authorizes that the provisions of this bill be enacted through emergency regulations.

THE END

AB 4 - http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=abx4_4&sess=CUR&house=B&author=evans
 AB 7 - http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=abx4_7&sess=CUR&house=B&author=evans
 AB 8 - http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=abx4_8&sess=CUR&house=B&author=evans
 AB 19 - http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=abx4_19&sess=CUR&house=B&author=evans

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Effective Dates Summary

Effective Date	Department	Action Item
March 1, every year	DCSS	Report on Child Support Outcomes
October, 2011	DSS	Implement the Temporary Assistance Program (TAP)
Effective August 1, 2009 through July 1, 2011.	DSS	Counties may use mental health and substance abuse funds for other WtW activities
July 1, 2011	DSS	Implement Semi-Annual self-Sufficiency Reviews
July 1, 2011	DSS	Implement gradual sanctions.
July 1, 2011	DSS	Reduce Benefits of Child Only cases by up to 50% for not meeting state participation rates
October 1, 2011	DSS	Implementation of the WINS program
March 31, 2011	DSS	Stakeholder report for legislative consideration of the PAERS program
Beginning 2010	DSS	Report on family search and engagement for foster care.
45 days before request for appropriation	DSS	DSS shall submit a plan for public social services statewide enrollment process.
October 1, 2009	DSS	Eliminates State Supplemental Payments to SSI Couples
December 1, 2010	DSS	Report Due from Stakeholders Group on IHSS Fraud and Quality Assurance
September 1, 2009	DSS	IHSS applicants and recipients ranked three (3) or below will lose domestic and related services
September 1, 2009	DSS	IHSS applicants and recipients functional ranked two (2) or below will no longer be eligible for IHSS services.
January 1, 2010	DSS	Notice to IHSS providers and recipients about authorized services and fraud hotline
On or before December 31, 2011	DSS	Develop a process to ensure that the provider gets a list of approved services and IHSS services available.
November 1, 2009	DSS	All perspective providers shall complete IHSS orientation
July 1, 2011	DSS	All timecards shall have a space for a fingerprint of the recipient and provider.
July 1, 2010	DSS	DSS shall have a standardized training program developed in consultation with DHCS and stakeholder groups
October 1, 2009	DSS	The county shall investigate the background of all new IHSS providers
July 1, 2010	DSS	All IHSS provider background checks shall be completed