

CCWRO Welfare News

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DSS Insists on Unlawful Sanctions of Poverty Stricken Families

DSS has a new draft ACL implementing Chapter 4, Statutes of 2009 which promotes the unlawful sanctions of exempt WtW participants. State law provides that exempt persons cannot be sanctioned.

Chapter 4, Statutes of 2009, provides that counties can exempt caretaker relatives who have a child between the ages of 12 to 23 or have two or more children under the age of six (6). This exemption was enacted to enable counties to balance their budgets because county welfare operating budgets were cut by 30%. This exemption was effective August 1, 2009 and meant that these families could not be sanctioned.

The first draft ACL requires that all newly exempted families in sanction status will need to cure those sanctions. DSS's 17th floor officials had concluded that forcing exempt families to cure their sanctions would result in saving money. Counties, lead by Los Angeles GAIN officials, and other counties objected to the curing requirement pointing out the unnecessary administrative costs that counties will incur to force exempt persons to cure a sanction that should never be applied in the first place. (Read *Cooper v. Swoap*, supra and *Waits v. Swoap*, supra.)

The new revised draft ACL now provides that an exempt individual will be forced to request an exemption through their worker. The other sneaky twist put in the new draft is that those who were sanctioned before July 28, 2009 need to cure their sanctions but not those who were sanctioned after July 28, 2009. The unlawful beat at DSS goes on.

IHSS Update

On November 1, 2009, In Home Supportive Services planned to terminate benefits to 130,00 of California's impoverished elderly, disabled and blind getting In-Home Supportive Services in lieu of being in a nursing home. On October 19, 2009, the

federal court judge in *V.L. et.al. v. Wagner* derailed the terminations. The County Welfare Directors Association (CWDA) has also been very helpful with the litigation effort to protect California's impoverished elderly, disabled and blind receiving In-Home Supportive Services in lieu of being in a nursing home.

DSS has circulated ACL's and ACIN's relating to new IHSS requirements set to go into effect Nov. 1st. Many of them violate state law. Advocates and CWDA have been pointing out these discrepancies to DSS. This is expected from a Department that the California Supreme Court found:

"An administration of the welfare program that discards statutory mandate to reduce relief to the indigent young cannot be sustained. A society that sacrifices the health and well-being of its..." citizens "... upon the false altar of economy endangers its own future, and, indeed, its own survival." *Cooper v. Swoap*, 11 Cal.3d 856.

"In essence, the department has so enmeshed itself in fictitious and misleading libels for the sake of reducing welfare costs that it has obfuscated the purpose of the underlying statute: the preservation, so far as possible, of the family unit, and the more fundamental purpose of the preservation of the health of the state's ..." citizens. *Waits v. Swoap*. 11 Cal.3d 887,

IHSS New Litigation

Peter Sheehan with the Social Justice Law Center is preparing litigation on the IHSS provider felon and serious misdemeanor exclusions (but not that providers be printed or livescanned). In addition, there are some serious issues regarding the results of the livescan and fingerprinting process which we will challenge in an independent suit (non IHSS) or possibly with IHSS

plaintiffs. The DOJ clearance procedures have significant delays (during which the proposed provider can not be employed in the licensed position). Please contact Peter if you know of providers or consumers who might be impacted by the above delay process for declaration purposes--the provider will need to have a criminal history record. Peter Sheehan, at socialjusticelaw@hotmail.com.

CWDA Kills AB 643 - Skinner

In 2009 the County Welfare Directors Association (CWDA) contributed to the hunger and misery of roughly 29,000 adults and 50,000 children by engineering the death of AB 643- Skinner. Currently when a welfare family moves from San Francisco to Alameda Co, their cash aid follows them. But they have to go to the Alameda Co. welfare department and stand in line all day to apply for food stamps, and then return for an interview. After waiting, without food aid, for weeks the family gets their food stamps. AB643 would have required counties to transfer food stamp cases from one county to another just like they do for CalWORKs, Medi-Cal, IHSS. CWDA alleged that it would cost too much to transfer a case from one county to another as opposed to reapplication. Assemblywoman Skinner amended the bill several times to accommodate CWDA, but CWDA never relented and achieved their goal - killed the bill and in the process sentenced about 29,000 adults and 50,000 children to hunger.

New IRT ACL

ACL 09-55 announces new quarterly reporting (QR) income reporting threshold (IRT) effective October 1st 2009 to September 31st 2010. The QR IRT is based on a federal waiver that expires April 1, 2010. The ACL states that the IRT for a 0 family size is \$227. Zero family size? Are unborns being told to report income?

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