

CCWRO Welfare News

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IN BRIEF

● State offices will be closed every first, second and third Fridays of each month until July 1, 2010.

● DSS's Welfare-to-Work Division lost 17 positions including five filled positions. DSS employees lost about 15% of their income. These cuts made more money available to the general fund (GF) from money designated to serve impoverished families on welfare.

● Judy Gold of the Public Interest Law Project (PILP), Susan Kim and Katherine Siegfried of Bay Area Legal Aid and pro bono lawyers Grace Carter, Jason Sonota and Michael Stevens of Paul, Hastings, Janofsky and Walker LLP filed a lawsuit against Contra Costa County for unreasonable delays (sometimes six (6) months) in issuance of General Assistance under Welfare and Institutions Code Section 17000. The lawsuit is entitled Lugo v. Contra Costa County Board of Supervisors and can be found at: http://www.ccwro.org/index.php?option=com_docman&Itemid=104. Judy Gold, a former welfare advocate, has returned to her passion again. She started off as a welfare advocate, then got a law degree, a job at a big law firm in San Francisco and now has come back to fight the injustices in the welfare system. You can read about Judy in the March 2009 California Lawyer

Magazine.

● San Diego County asked DSS whether or not San Diego County can impose Stage Two Child Care Attendance Reporting requirements on Stage One child care recipients. On May 27, 2009, DSS Child Care Bureau responded as follows:

"The Manual and Policy Procedures (MPP) does not currently have regulations regarding attendance reporting or attendance sheets for Stage One Child Care. Counties may currently develop their own policies regarding attendance reporting and attendance sheets for Stage One Child Care that are applied consistently to clients and that do not conflict with current regulations."

How does a County develop policies that are consistent with nonexistent state regulations?

● On May 27, 2009, the federal Department of Health and Human Services (HHS) published regulations implementing the change in how States use TANF carryover funds. Previously, all carry-over funds had to be used for payments to families and for supportive services. P.L. 111-5 now allows States to use the carry-over money for any reason. It does not have to be used for impoverished families. It can be used by States to bal-

ance their budgets. It should be noted that, according to an HHS statistical report, about 30% of the TANF money is used for payments to families. The remaining TANF money is used for the welfare bureaucracy and to balance the state budgets.

County Welfare Department Client Abuse REPORT

● **PLACER COUNTY TAKES OBAMA STIMULIS REFUND FROM RECIPIENT WITH AN IMPROPER NOA.** Ms. L.C. of Placer County received a tax refund from P.L. 111-5 which was meant to stimulate the economy. Placer County sent a notice of action (NOA) stating that she had "unreported property exceeding program limits" and took the money away from her. Later, L.C. found out that the alleged excess property was a car. This was an inadequate NOA. See ACIN I-151-82 for adequacy of a NOA. The notice also violated the requirements of the consent decree, Knight v. Saenz that can be found at: http://www.ccwro.org/index.php?option=com_

docman&Itemid=105.

This consent decree requires the NOA to inform the recipient that he or she can submit alternative proof that the property had a lesser value. The NOA that Ms. L.C. received did neither. It did not even mention that the alleged excess property was a car.

● Santa Clara County Denies Good Cause for Not Having Proof of Taking Injured Child to Hospital and Tries to Sanction.

Ms. N.A. of Santa Clara County received a NOA imposing a sanction for not signing a WtW plan on 4-1-09. She told the welfare-to-work worker that she took her injured child to the hospital that day. The County demanded verification. She did not have proof that she went to the hospital in her possession. However, Medi-Cal paid for the hospital visit. Thus, the County could have verified that the hospital submitted a bill for that day. In addition, the county has the "responsibility" to assist applicants and recipients with gathering information. See MPP §40-107. The county found Ms. N.A. had no good cause. Had she neglected her injured child and gone to the WtW appointment, she could have been charged with felony child neglect.

Since she wanted to avoid the sanction, she considered the compliance plan which required that she attend job

club. What she did not do was sign the WtW plan.

The law and regulations, MPP 42-721.43 provides that the sanction shall stop if the "... noncomplying individual performs the activity(ies) he or she previously refused to perform; or if the activity that the individual originally failed to perform is no longer available or appropriate, the county must specify another appropriate activity for the individual to perform". The activity that she did not perform, allegedly without good cause, was not signing the WtW plan.

Santa Clara County wanted her to go to job club that would take more than a hour of travel each way by bus. Thus, she was remote. The county defended it's compliance plan which violates state laws and regulations.

● County Refuses to Pay Supportive Services to Homeless Working Mom Who Meets Federal Participation Rates- County Threatens to Call CPS - Wants to Stop Aid for Not Having an Address.

M.L. of Sacramento County and her three kids are homeless. She found a job in Alameda County without assistance from the WtW program. She is working and saving money to find housing for her family. On 4-22-09, the worker issued a notice of action stating, "As of 4/30/2009, the County is stopping your cash aid. Here's why: You are

not living at the last address you gave. You will get another notice about Medi-Cal."

Meanwhile, M.L. works and turns in her TEMP 2145's asking for child care. None of the child care requests have been acted upon by her worker.

The worker informed M.L. that welfare workers are mandated reporters and she may have to report her to CPS for being homeless. This is a violation of W&IC Section 300 which provides that, "No minor shall be found to be a person described by this subdivision solely due to the lack of an emergency shelter for the family."

She could have lost her kids had she not filed for a state hearing. The folks at hearing did a conditional withdrawal and DHA is no longer trying to take away her benefits. However, M.L. still has not received child care and transportation.

M.L. has now found permanent housing, notwithstanding the barriers erected before her by Sacramento County Welfare Department, such as not giving her a 10 day NOA, not paying child care, not paying transportation and threatening to take her children away.

She has been working and meeting the federal work participation rates for months. We'll see if she gets her mileage for working (not bus fare) and her childcare paid after so many months.

Statistic of the Month

JANUARY THROUGH MARCH, 2009 FOOD STAMP EXPEDITED SERVICES PERCENTAGE OF CASES NOT ACTED UPON WITH THE THREE (3) ISSUANCE AS REQUIRED BY STATE LAWS AND REGULATIONS IN MANY LARGE COUNTIES

Statewide	14.84	Imperial	23.08%	Placer	15.58%	Santa Barbara	25.68%
Alameda	29.64%	Kings	10.26%	San Diego	15.66%	Santa Clara	10.61%
Contra Costa	20.81%	Los Angeles	29.94%	San Francisco	28.13%	Santa Cruz	19.23%
Fresno	15.13%	Marin	26.67%	San Joaquin	13.33%	Solano	27.27%
Humboldt	18.31%	Orange	15.12%	San Luis Ob.	22.22%	Sonoma	33.33%
		San Mateo	43.64%	Tulare	29.85%		