

CCWRO Welfare News

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In Brief

• Child Protective Services' investigation ruled illegal. – *Greene v. Camretta* 588 F.3d 1011 (2009) - On December 10, 2009, Judge Berzon of the U.S. 9th Circuit Federal Appeals Court ruled on the issue of whether the actions of a child protective services caseworker and deputy sheriff, exceeded the bounds of the constitution. The Judge found that the CPS worker and deputy sheriff violated the Fourth Amendment when they had a school official take a minor out of class and interviewed the minor in a private school office for two hours without having parental consent for the interview, a warrant or a court order. Such action constituted a seizure and interrogation.

The social worker also excluded Ms. Greene, the mother, from the minor's medical examination at the KIDS Center. Judge Berzon noted that *Wallis v. Spencer*, 202 F.3d 1126, 1142, establishes that parents and children maintain clearly establish familial rights to be with each other during potentially traumatic medical examinations and, as such, the right may be limited in certain situations to presence nearby the examination, if there is a valid reason to exclude family members from the examination room. The action by the social worker to exclude Ms. Greene from the premises entirely violated her constitutional rights under *Wallis*.

The full decision can be reviewed at:
<http://www.ca9.uscourts.gov/datastore/opinions/2009/12/10/06-35333.pdf>

• Restoration of Non-Assistance Food Stamp Benefits Without An Application – DSS received a waiver from Food Nutrition Services (FNS) to restore Non Assistance Food Stamp benefits to recipients who were terminated for less than 30 days and have cured whatever caused the termination. For example, a household (HH) is terminated effective February 1, 2010 for failure to submit a QR7. On February 5, 2010, the HH submits a complete QR-7. This waiver permits the food stamps restoration without submitting a new application. This waiver does not apply to CalWORKS cases. There is a draft ACL being developed to implement this waiver that may be released in March or April, 2010.

• \$25 Disregard for Unemployment Insurance Benefits (UIB) for Food Stamps, but not CalWORKs – Effective November 1, 2009, Public Law 111-92, provides that the first \$25 of UIB is not counted as income for Food Stamp purposes. DSS issued an All County Letter on December 19, 2009 implementing this provision. Counties were instructed to restore benefits for persons who did not get the benefit of P.L. 111-92. However, the \$25 disregard was not applied to CalWORKs cases.

• Income from a new job that begins in the submit month cannot be used until the next quarterly report is received by the county - On November 2, 2009, Tulare County asked DSS what to do if a CalWORKs recipient reports on a September QR7 that on October 3rd a job was offered. "Do we use the anticipated income in the following quarter, November in this case? Or do we instruct the client to report it on her next QR 7, as the change did not occur in the data month?"

On November 25, 2009 DSS responded, "Since in this scenario, the client did not know about the new job until the submit month, this information will not be used to calculate the upcoming quarter's grant amount."

• 18 year old pregnant woman only (PWO) eligible for cash aid based on her eligibility to the Cal-Learn Program - On September 23, 2009, Riverside County asked DSS, whether an "18 year old pregnant woman only (PWO) is eligible for cash aid based on her eligibility to the Cal-Learn Program or must she have already entered the Cal-Learn Program in order to be eligible to cash aid?"

On November 25, 2009, DSS responded that, "If the teen meets the Cal-Learn program requirements specified under MPP 42-762.1 and provides verification indicating that she is in her first or second trimester of pregnancy, she can be aided as a CalWORKS PWO Assistance Unit (AU) of 1 under MPP 42-762.7 with a pregnancy special needs payment under MPP 44-211.6."

• Riverside County Policy on Social Security Number (SSN) denies aid to eligible families - Riverside County Department Policy 40-106 / 45-201B provides that an applicant must not only provide his or her social security number, but must also show the county a copy of the SSN card before they can be given immediate need. The county policy provides options for SSN verifications. The first option is to view the card; the second option is the SSA award letter; the third option is a Medicare card; the fourth option is the MC 194 referral to the social office, and the final option is "MEDS or IEVS screen print showing the

person's name, SSN, and a "J" verification code. The policy does not explain how the applicant needing "immediate need" can get a MEDS or IEVS printout. The Riverside County Department Policy states:

"A person who refuses to furnish, to make application for or to verify a SSN for himself/herself is sanctioned, ineligible for assistance and excluded."

What sanction? Does Riverside County not only sanction the family, but also excludes the person and also find them ineligible? Why doesn't the worker look at MEDS or IEVS before asking for verification?

- Riverside County Policy Violates MPP 40-105.5(c)(C) – Riverside County Department Policy 40-105A, recites the good cause reasons for failure to provide verification of immunization. However the policy omitted MPP §40-105.5(c)(C).

"40-105.5(c)(C) - Their right to file an affidavit claiming that immunizations are contrary to their personal and/or religious beliefs or for medical reasons."

We could find no exclusion for Riverside County to accord the MPP §40-105.5(c)(C) and MPP §40-105.5(c)(C) is not a county option. We wonder how many families have been unlawfully sanctioned by Riverside County for willfully and unlawfully refusing to obey the state regulations?

- ABAWDS waiver goes to September 30, 2011 - In a January 29, 2010 memo FNS issued a notice that the ABAWDS waiver for 49 states will be extended until September 30, 2011.

COMING

The Quarterly/Semi-Annual Reporting Update;

Stage 2 Child Care Hearing in Sacramento Violates Basic Tenets of Due

COUNTY CLIENT ABUSE REPORT

Family of Four (4) Denied Food Stamps - No Notice of Action - Mr. K.T. applied for food stamps on 1-20-09 in Sacramento County for himself and his 4 children. He completed all forms and provided all verification requested by the welfare office. After he submitted all the verification, he was told that because his sponsor completed an I-134 form, he was not eligible for food stamps. As of February 13, 2010 he yet to receive a Notice of Action denying his application.

Placer County Wrongfully Denies Food Stamps to a Family of 6 Moving from Sacramento for Several Months - V.M. moved from Sacramento County to Placer County. Sacramento County assigned V.M. to ESL as the Welfare to Work activity and V.M. was receiving transportation.

The oldest daughter is 18 and still in school. Placer County approved CalWORKs for five people, but approved Food Stamps for only three people. V.M. had to make a separate application for Food Stamps because California has chosen to force people to reapply for Food Stamps when they move from one county to another within the State. Why Food Stamps were approved for only 3 people, instead of the 5 people on the CalWORKs case, is unclear.

San Diego County Unlawfully Delays Application - R.H. (BY44587) applied for CalWORKs on January 6, 2010. R.H. was in immediate need, but only received food stamps. R.H. provided all of the requested verification on January 6, 2010, but San Diego County refused to issue CalWORKs benefits.

The county informed R.H. that the county has 45 days to process the application, even if the county has all requested verification. The state regulations provide that aid shall be issued "promptly". It appears that for San Diego County promptly means 45 days.

Madera County Unlawfully Delays Immediate Need. Ms. N. S applied for CalWORKs on February 12, 2010 and requested Immediate Need. N.S. stated that she needed diapers for her one-year old and money for transportation. Madera County unlawfully refused to process the Immediate Need request, refused to issue a notice of action denying the request for Immediate Need and instead scheduled an appointment for March 15, 2010. Madera County informed N.S. that it could take another 30 days after the March 15 appointment before she gets any cash aid.

San Bernardino County Violates Expedited Service Food Stamp and CalWORKs Immediate Need Laws. On 2-4-10 Ms. K.H, case # 2334701, who is seven months pregnant, applied for CalWORKs and Food Stamps. When she applied, she had no income and no resources. This information was on her SAWS-1 dated 2-4-10. San Bernardino County scheduled an appointment for 2-10-10. At the appointment she provided the county with pregnancy verification, her birth certificate and a copy of her social security card. Several days after the appointment she received a letter from her worker, Ms. Lambert that she is not eligible for CalWORKs because she does not have any eligible children. The list of laws violate by San Bernardino are long. (1) Refusal to schedule an immediate need appointment on the date of application, but no later than the net working day; (2) refusal to issue consider the applicant for expedited services, (3) refusal to issue aid to a pregnant woman with no other children.