



# CCWRO Welfare News 2017-10 12/13/17

Coalition of California Welfare Rights Organizations, Inc. (CCWRO)  
 1111 Howe Ave., Suite 150 • Sacramento, CA 95825-8551  
 Telephone (916) 736-0616 • Cell (916) 712-0071 • Fax (916) 736-2645

## In Brief

### • HUNGER IN CALIFORNIA COMMUNITY COLLEGES CAUSED BY “LOCAL CONTROL”

- Many community college childless students continue to be food insecure, they cannot qualify for food stamp benefits notwithstanding the numerous pieces of legislation passed during the past few years. This is primarily caused by the community colleges not having a uniform statewide process to help students get food stamps. Giving the local colleges the right to run their own system, even if that means students go hungry, has been tolerated by the California Community College Chancellor’s office for many years. The Chancellor should put the needs of the students ahead of colleges who have policies and processes that result in student hunger.

• On September 22, 2016, **Alameda County** informed Beverly Parnell of the Department of Social Services (DSS) that when a WtW participant works more hours than what the Welfare to Work (WtW) Plan provides, which results in additional child care, the county will not pay the child care provider the additional hours. The only exception is when the parent informs the Eligibility Specialist within the week that the change occurred so as to allow any necessary changes can be made to the Plan. This Alameda County policy discourages work and can result in CalWORKs recipients losing their jobs because they were not able to reach their Eligibility Specialist.

• **Nevada County** reported, “when we receive an invoice from the child care contractor, and the hours do not match the approved hours in the WTW Plan, we would contact the parent to determine the reason for the additional hours. If it is an appropriate reason we would approve.” CCWRO asks, what constitutes an appropriate reason?

## Los Angeles DPSS- Call Center Blues

Since the most recent recession, counties have been inventing ways to reduce services to public benefit beneficiaries such as, “banking cases”. Now we have so-called “call centers” that erect major barriers between beneficiaries of public benefits and their workers. 29 counties are operating call centers that contribute to the CalWORKs and CalFresh “churning”, commonly defined as, when a household exits CalWorks or CalFresh and then re-enters the program within 4 months due to procedural reasons.

Los Angeles County with 30-40% of California’s caseload, started a call center that has been a nightmare for beneficiaries. Recent reports reveal that 50% of the calls placed never get to the call center staff. Many beneficiaries were not able to get through. “Sorry. Service is not our business”.

**Table #1-Calls to LA Call Center**

<b>Total Calls made 10-17</b>
<b>549,522</b>
<b>Number Calls Answered</b>
<b>272,092</b>
<b>Number Calls NOT Answered</b>
<b>277,430</b>

## ON IHSS WHILE VISITING ANOTHER COUNTY

On August 11, 2017, Stanislaus County asked DSS whether a "...recipient remains eligible for IHSS during the periods of time she is out of county, staying with family in another county?"

On October 4, 2017, DSS responded: "Yes, the recipient remains eligible; her periodic stays with a family member residing in another county (who will also be a provider) do not affect her eligibility for IHSS. She would continue to be eligible for her county of permanent residence (Santa Clara) as well as when she temporarily resides in the other county (Stanislaus)...."

Stanislaus County: "If so, can her son be compensated by Santa Clara County for providing "temporary" services in Stanislaus County?"

DSS Response: "Yes, the county in which the recipient permanently resides, as the "owner" of the case, would be responsible for all aspects of the case, including compensating the providers, without regard to which county the services were provided in."

Stanislaus County: "At what point would an inter-county transfer be initiated? In other words, how long would a recipient have to stay in a county before initiating an ICT?"

DSS Response: "An ICT would not need to be initiated unless and until the recipient makes a permanent move from her current county of residence to another county. The determining factor is not length of time she spends but rather where (in which county) the recipient makes her permanent home, e.g., where she owns/rents property, receives mail, is registered to vote, etc. This would typically, but not necessarily, be the county where she spends the majority of time."  
**San Bernardino County-** On September 18, 2017, told DSS: "I've searched the CAPI regulations and

## California Assistance Program for Immigrants (CAPI) and INS Form I-864

the USCIS website and have been unsuccessful in locating the answers to my questions regarding the New Affidavit of Support (I-864). I am hoping you can assist me. San Bernardino County asks immigrants to verify sponsorship status by providing one of the following:

- A photocopy of the Affidavit of Support (I-864 or I-134), or
- A written statement from USCIS verifying the existence or non-existence of an Affidavit of Support.

From my research, San Bernardino usually obtains this verification from completing the G-845 process. With the G-845 process, USCIS sends back a response to verify sponsorship. However, if an immigrant turns in a copy of the I-864:

- Is a copy of the original I-864 submitted by the sponsor enough,
- Must the USCIS Only entries be completed to show it was received and reviewed by USCIS, or
- Is there another type of response sent back to the immigrant or sponsor to verify the Affidavit was reviewed/accepted?

On September 19, 2017, DSS responded saying "You are correct that, technically at least, the county is supposed to have an I-864 on file for all sponsored individuals applying for CAPI. MPP §49-037.54 via the definition in MPP §49-005(a)(1). It is the claimant's responsibility to provide the I-864 to the county. MPP §49-037.541."

**CCWRO PRACTICE NOTE:** This CDSS regulation violates POMS § SI 00502.240.G.2 that states:

**"2. How to Verify Sponsorship-**Follow regional instructions for contacting DHS to verify sponsorship. In the absence of regional instructions, contact DHS for verification of sponsorship using DHS Form G-845. Complete and attach a G-845 Supplement (see SI 00502.115B.6. for exhibit) and ask DHS to complete Item 7. Ask the local DHS contact office to check their central case control. Since an individual's records can be interfiled with the records of other family members,

any information you can give DHS about the alien's date of entry or about other family members (their names, dates of entry, point of entry, etc.) will help DHS locate the needed information.

If DHS does not respond to your request within 30 days (or other period based on regional instructions), send a follow-up request. Indicate that this is a follow-up and include a copy of the original request and the date it was made.

The problem is that an applicant for CAPI benefits generally does not have a copy of the I-864. While our regulations offer that the claimant may obtain a copy from USCIS through the FOIA process, navigating the bureaucracy inherent in this route is often beyond the ability of elderly, disabled or blind claimants, particularly if they do not speak English well (or at all). Although CDSS has not issued any policy on this issue, we generally encourage counties to avoid denying CAPI benefits solely based on lack of an I-864. You are correct that the county may obtain the relevant information via the G-845S. While this currently adds extra time to the county's eligibility determination (potentially jeopardizing compliance with the 30-day application process), this situation should be obviated by the rapid response provided by the electronic G-845 (the paper version will become obsolete this coming May).

In answer to your question, an original I-864 or a photocopy thereof should be acceptable. I know of nothing in our regulations that requires counties to obtain evidence that the I-864 was received/reviewed/accepted by USCIS. In a general way, this is supported by MPP §49-037.22, which provides that sponsor deeming begins when the sponsor executes the I -864 (or the immigrant's date of entry, whichever is later). That regulation does not mention anything about review or approval by USCIS."

### CAPI & AUTHORIZED REPRESENTATIVE IN LOS ANGELES

Alma Calvelo of Los Angeles County told DSS that she "...received a call from an authorized representative (legal advocate) and wanted clarification of the policy whether Authorized Representative (AR) should always:

1. Provide appropriate identification every time she visits the DPSS office (with or without the CAPI participant) to represent our CAPI participant, although an Appointment of Representative form was previously signed and filed on the case.

2. Accompany the CAPI participant to any required face-to-face interview. (This AR wanted to have a teleconference, while the CAPI participant is in the office for face-to-face interview with the CAPI worker)."

On August 13, 2017 DSS responded saying that "Authorized Representative policy is in the works, with an ACL in draft. AR policy has been county-by-county. Common sense is called for in these situations. Identification, accompaniment, and face-to-face with the applicant/recipient are always good ideas. In the meantime, our implicit policy endorses any measures the County takes to prevent fraudulent actions resulting from AR relationships. Of course, as per usual for CAPI, specific directions can be drawn from the SSI POMS where a multitude of policy related to AR exists.

Parjackj Ghaderi of Los Angeles County Counsel also responded saying "The Cash Assistance Program for Immigrants (CAPI) is a state-funded program that is administered by the State and the County. Although it is not entirely clear, it appears that the California Department of Social Services, Manual of Policies and Procedure regarding confidentiality govern the treatment of CAPI records. Under the MPP guidelines, information relating to eligibility that was provided by the applicant/recipient contained in applications and other records made or kept by the county welfare department in connection with administration of the program can be reviewed by the applicant/recipient or his/her authorized representative. Authorization may either be written or via telephone. There is no specific requirement that the authorization be verified by an in-person identification or identification card. Written authorizations are preferred and the only requirement outlined in the State regulations is that they expire one year from the date given. The only CDSS form I could find was to designate an authorized representative for hearings and that form does not require identification. However, I don't know what DPSS' policy is in this regard. At such, although there is no statutory requirement that authorizations be verified through in-person or other means, I suggest that you follow your department's policy."

It appears that the county counsel had better advice than DSS. The DSS response did not refer to current regulations, telephone authorization under MPP 19-015.22 and asserting that counties can do whatever they want to do under the disguise of combating fraud -even violate the rights of CAPI recipients to have representation.

## CAPI - MARSHALL ISLANDS

Elvia Leyva of Sacramento County asked DSS that a "... question has come up about Marshall Islands and SSI. Since they are considered PRUCOL, we do not refer them to apply for SSI correct? There is some debate with our seasoned workers that they should be referred since some of them have work quarters and have been found eligible to SSA. My thought is that when we interview the client, we would only refer them to apply for SSA if they have a work history and it would be to apply for SSA not SSI. Or should we just have them apply for SSI? Please let me know what you think."

Steve Koehler DSS responded saying "Thank you for your inquiry related to the question of SSI eligibility for Marshall Island individuals. Citizens of the Compact of Free Association States (collectively known as the Freely Associated States or FAS) are permanent non-immigrants who are lawfully allowed to permanently reside and work in the United States. These individuals may qualify as PRUCOL in order to obtain CAPI benefits. ACL 16-33. As such, they are not qualified aliens for SSI eligibility purposes. FAS citizens are no longer eligible for SSI. POMS SI 00502.100(A)(2)(a)(1)"/

## WELFARE FRAUD DSS MONITORING REPORTS

The Integrated Fraud Detection System (IFD) identifies unreported income. In August 2017, DSS monitored **Butte County**. Butte has a backlog of 2960 unprocessed iFD abstracts that have past the mandated timeframe.

**Butte County** was also cited for the unlawful practice that provides "...Once the client is discontinued for failure to cooperate with the IEVS verification process, they are not allowed to receive benefits at reapplication until the IEVS verification has been received. The DESS is also not allowing the client to use third party employer information or a sworn statement as verification for IEVS.

Recommendation: The DESS must grant Immediate Need for CalWORKs And Expedited Services for CalFresh for eligible clients. The client is still responsible for providing pending verification to continue their benefits. (MPP 40-129.9) (MPP63-301.548) if the client has difficulty providing verification, the DESS must contact the appropriate income or benefit source. (MPP 20-066.543) If the client or third party is unable to provide verification, the client can submit a sworn statement (ACL 14-26)"

**Butte County** is also unlawfully requiring the fingerprinting of Inter-County Transfer (ICT) clients. DSS considers ICT as a redetermination of eligibility and SFIS is not required at redetermination. (ACIN 1-05-09) (MPP 40-188 thru 40-197)

**San Bernardino County** is not processing the Payment Verification System abstract matches to identify recipients who have/are receiving Social Security Title II retirement, disability or survivor's benefits; unemployment; or state disability insurance within the required timeframe. DSS reviewed a sample of 40 abstracts from the 10/5/16 run date and found 20 abstracts were processed late and 10 were not processed at all. That is a 75% failure to rate by a county that relentlessly pursues fraud. Most of the fraud is actually caused by San Bernardino County's failure to do their job. If San Bernardino did its job, the overpayments would be smaller.

San Bernardino County had a backlog of 5,615 PVS abstracts as of July 2017 New Hire Registry. San Bernardino County is not processing the NHR abstracts within the required timeframe. DSS reviewed a sample of 40 abstracts from the 10/3/16 run date; 20 abstracts were processed late and 7 were not processed at all. That is an estimated 68% failure rate by San Bernardino County.

DSS also noted that a San Bernardino County SFIS station is located in an area where workers meet with clients. There is no privacy curtain or computer screen protector to prevent clients and other workers from seeing the SFIS screen. DSS recommended that TAD provides a computer screen protector and a privacy curtain to safeguard the SFIS area. The TAD must meet the confidentiality requirements when fingerprinting clients according to Welfare and Institutions Codes (WIC) 10850 (B). The county must ensure SFIS workstations cannot be viewed or accessed by others during data entry or the image processing.

**Monterey County** is not processing the PVS match within the required timeframe. Of the 40 abstracts reviewed from the 8/31/16 run date, 12 abstracts were not processed timely and 14 were not processed at all. That is a 65% failure rate by Monterey County. The DSS recommendation was that Monterey County "... should develop oversight processes for supervisors to ensure that EWs take prompt action after receiving an PVS match."

We wonder if DSS would make a similar recommendation for CalWORKs and CalFresh beneficiaries who do not submit at all or after the due date

SAR 7? Do not stop their benefits – just develop an oversight process.

DSS also found that Monterey County “...is not processing the IRS match within the required time-frame. DSS reviewed a sample of 10 IRS abstracts from the 4/11/16 run date; none of the abstracts were processed timely.” DSS again recommended that Monterey County “...should develop oversight processes for supervisors to ensure that EWs take prompt action after receiving a IRS match.

Monterey County was also cited for discontinuing CalWORKs cases when the CalWORKs beneficiary fails to provide income verification for voluntary mid-period report – See MPP §44-316.31

### County IHSS Client Abuse Report

•IHSS beneficiary total confused - **Ms. 1588539** applied for IHSS in Sacramento County on 9/9/17. Her provider received a notice that IHSS was approved effective 9/11/17.

Ms. 1588539 received an NOA stating that IHSS was approved effective 10/25/17. Which one is the actual beginning date of IHSS benefits?

• **Mr. 2016287258** received a notice of action dated 9/26/16. Los Angeles County notified the claimant that he was authorized for 63 hours and 11 minutes per month of IHSS effective 11/1/16. The county also notified the claimant that his protective supervision eligibility was being discontinued. On 10/13/16, the claimant requested a state hearing to challenge the county’s discontinuance of protective supervision.

Mr. 2016287258 is an adult that has a mental impairment, which is schizoaffective disorder, and is also diagnosed with diabetes, neuropathy, heart problems, and epilepsy.

Mr. 2016287258’s psychiatrist stated that the claimant’s orientation is moderate “if [the claimant] is not on medication and without support he could not function.” Also, in the Protective Supervision form, the psychiatrist stated that the claimant’s judgment is severely impaired. The psychiatrist stated that the claimant’s judgment is

severely impaired “without support and medication.” Moreover, the psychiatrist stated that the claimant is “severely schizoaffective and needs 24/7 [sic] due to his disease.” Lastly, the psychiatrist responded to the questions of: are you aware of any injury or accident that the patient has suffered due to deficits in memory, orientation, or judgment, with “ammonia elevated by Depakote anti-seizure medication.”

The ALJ found that Mr. 2016287258’s is non-self directing, likely to engage in dangerous activities, and requires supervision 24 hours per day and seven days per week.

## DECEMBER 2017 FACTS:

**SSI** - About 1 million IHSS recipients will be food insecure this holiday season compliments of the State of California which refuses to give SSI recipients food stamps depriving them of a Christmas meal. Shame!

**CalWORKs** - There are 647,000 children living in families with an average cash income less than 39% of the federal poverty level. Many of the 647,000 children, living in deep poverty, will go hungry this Christmas while California fleeces over \$2.3 billion of CalWORKs dollars, resulting in California State government child abuse of CalWORKs kids.

Why? Because although there was \$7.3 billion available for the CalWORKs program during 2017-2018, the Governor proposed, and the Democratic Legislature only approved \$5.1 for California’s CalWORKs kids and families living in deep poverty. What happened to the rest - \$2.3 billion? It was used to partially fund California’s the rainy day fund.





