

CCWRO Welfare News

Coalition of California Welfare Rights Organizations, Inc.
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In Brief

DSS Director Appointment Update – Our sources tell us that there are three people being considered for Director of DSS by Jerry Brown. (1) Current Director John Wagner. John has been the first state welfare director in the past 40 years who has made a significant effort to consider the views of the poor and their advocates when formulating state policy. Past Directors only considered the views of the providers of the welfare services – the County Welfare Directors and their lobbying organization known as CWDA. The Governor is reported to also be considering Will Lightbourne, current County Welfare Director of Santa Clara County and Rita Saenz, former DSS Director in the Gray Davis Administration.

DSS Wants a Three-Year FNS Waiver for Quarterly Reporting- DSS has decided to ask for a three-year extension of its current quarterly reporting waiver. DSS has been getting waivers for the past three or more years promising to implement Semi-Annual reporting but has not done so. Despite this failure, California has continued to successfully convince the federal government to approve its quarterly reporting waivers. Stay tuned to see if DSS can convince FNS again.

DSS is Seeking A Waiver of Set Interview Date and Time for Annual Redetermination- A county has asked DSS to seek a waiver so the county will not have to give the Food Stamp recipients a date and time for their annual redetermination. DSS has asked if there are other counties to would like to get a waiver of giving food stamp recipients a date and

time for their annual redetermination. Counties want to use a block time rather than a fixed time. We are not sure how this would work, but one thing we know for sure, this “block time” is not designed to accommodate food stamp recipients. Rather it would result in many recipients being terminated from Food Stamps for failure to recertify and be forced to reapply for food stamps.

Food Stamp Applications Not Processed in 30 Days

Federal and State law requires that Food Stamp applications be processed within 30 days. Counties are required to submit quarterly reports of their application processing times. However, from July 2009 through June 2010 Los Angeles County approved 27, 658 application, but refused to report how many cases were approved after the 30 days because “Los Angeles County system cannot produce the information.” There were many counties to reported the percentage of applications approved after 30 days. These delays caused by the county and not by the recipient.

Contra Costa	25% late
San Diego	24% late
Santa Clara	21% late
Santa Cruz	21% late

Department of Child Support Services to Repeal Overpayment Regulations

On August 2, 2010 Department of Child Support Services submitted a request for emergency regulations allowing the Department of recoup overpayments for child support on the basis of a fiscal computer system emergency. The emergency regula-

tions would allow recoupment of child support when the payment was not honored by the bank, or if the wrong amount of child support was paid to the parent.

Additionally, the emergency regulations required repayment of alleged overpayments by “voluntary consent,” presuming consent if the custodial parent does not respond to one of three demand letters or by collection action if the custodial parent affirmatively withholds consent.

Without informing the custodial parents that they are legally entitled to choose not to agree to recoupment of the alleged overpayment, these letters demand that the parent “agree” to immediate repayment in full, or repayment at rates of 25% or 100% of future child support payments until the overpayment is fully repaid.

If the custodial parent affirmatively refused to consent to the recoup, DCSS would take other measures to involuntarily recoup an alleged overpayment.

After the emergency regulations were approved, DCSS submitted a permanent regulations package. The regulations package was amended to permit the recoupment of spousal support as well as child support.

Since DCSS had no such statutory authority to recoup overpayment of child support or spousal support, CCWRO, Legal Services of Northern California and Public Interest Law Project sent demand letters to DCSS regarding the collection policies and after negotiating for over two months, DCS agreed to withdraw the request for permanent regulations and rescind the emergency regulations. DCSS is now in the process of determining the process to refund the money collected.

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