

## In Brief

✓ **On 8/22/05, CalWIN Issues \$700,000 in overpayments to Yolo County welfare recipients** - Yolo County, the third county to implement CalWIN's "lemon" system, has triggered the issuance of \$700,000 in overpayments in one day. The reason for this action is that the developers of the CalWIN program transmitted bad information to Yolo County to program the system for CalWORKs cost-of-living implementation. Yolo County has a rather small caseload compared to some of the larger counties. Just imagine if this would have happened in a county as large as Los Angeles.

✓ **DSS Revises Forms in Secret** - DSS has made changes to QR-7; WtW 1, 2, 15,16,17 and CW 2186B and has shared these changes with the County Welfare Directors Association. CWDA will also be sharing these forms with regions who will then submit their comments for consideration by DSS through Charibel Nunez of Kings County. DSS asked counties to share input about WtW 3, which is a form to change the activity. There is no public input into this process and representatives of the customers are excluded from the process. CWDA recommended that WtW 3 be abolished.

✓ **DSS to present draft ACIN regarding IEVS and Overpayments** - DSS has informed CWDA that in September, DSS will share a draft ACIN with counties regarding overpayment and IEVS. This underground information will be discussed in secret and not shared with the public.

✓ **TANF Reauthorization** - The TANF reauthorization will end September 30, 2005. Many believe that TANF will be reauthorized in a budget reconciliation bill. This means that all of the Republican proposals will become law without any public debate or discussion.

✓ **Los Angeles Making an Effort to Reduce Sanctions** - In a 8/18/05 memo to Los Angeles County Board of Supervisors, Director Bruce Yokomizo stated that DPSS has developed an action plan in response to a report entitled "Study of Sanctions Among CalWORKs Participants in the Los Angeles County: Who, When and Why?" The key finding of the report, according to the Yokomizo memo is that "Almost two-thirds of sanctioned GAIN participants are sanctioned before participating in any welfare-to-work activity, primarily for failure to attend orientation. The most prevalent reasons identified for this failure to participate are lack of adequate transportation and child care and failure to receive notification in a timely manner."

✓ **Sacramento County IHSS Staff Denies File Access**- On 9/2/05, three Sacramento advocates asked the county welfare department to examine a IHSS casefile with a release of information signed by the client. The social worker, Ker Vu, talked to his supervisor, David Radix, who advised him to consult with County Counsel Michele Bach.

The advocates met with Bert Bettis, the IHSS program manager who also said that they had to follow directions from county counsel. At 4 p.m., Michele Bach informed us that she had informed the IHSS program staff that advocates could view the case file and a release of information form. When we contacted the county IHSS worker, David Radix denied telling us that Michele Bach had advised them not to release the file. He said they were simply waiting for

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direction from county counsel. Access to the file was eventually granted. One wonders how many nonrepresented clients have been similarly denied access to their IHSS files in Sacramento County.

## Advocates meet with DSS on August 16, 2005

**Meeting attendants :** Charr Lee Metsker, Deputy Director for Welfare to Work Programs, Karen Caigle, Employment & Eligibility Branch Chief, Steve Weiss, Bay Area Legal Aid, Teri Ellen, Chief, Employment Section, Kate Meiss, Neighborhood Legal Services; Yvonne Lee, Program Technology Bureau Chief, Deborah Rose, Program Integrity Branch Chief, Richton Yee, Food Stamp Branch Chief; Grace Galligher, CCWRO; Dora Lopez and Ushu Nu, Western Center on Law & Poverty; Michelle Morrow, CRLA; Yolanda Aria, LAFLA; Maria Hernandez, CalWORKs Eligibility Bureau Chief; Kevin Aslanian, CCWRO; Gail Sullivan, Manager, Work Support Services; Jennifer Walker (San Diego Legal Aid); Mark Gagnon; Manager, Fraud Detection of the Fraud Bureau; Teena Arneson, Manager, Overpayment Collection and Review of the Fraud Bureau; Jessica Lee (CDSS, meeting coordinator); Mike Herald, Western Center on Law & Poverty; Audrey King; Analyst, Employment Bureau, Marilyn McCloskey, Attorney for DSS Legal Affairs; Eve Herschkopf, Child Care Law Center;

### I. Char Lee Metsker Update Information

A. New Director – Dennis Bolton. His two primary goals are keeping kids safe and putting people to work. Has asked Charr Lee to report on number of new jobs each month, etc.

B. Budget/trailer bill:

1. Suspension of COLA for 2 years; budget not passed in time for entire year, so 1 month of year (7/05) has COLA. Will issue as supple-

ment.

2. Pay for Performance: focus on employment outcomes/\$30 mill. WCLP, LSNP and NCYL (Curt Child) have been selected by the State Legislature to represent advocates according to Char Lee Metsker on a workgroup composed of advocates, counties, DSS and Legislative representatives. ; 3 factors are used to determine how much bonus a county receives; (1) employment rate (2) modified federal work participation and leavers w/ income; and (3) any other factors that this group decides. At a Monday meeting the group discussed interest in child well-being and “good jobs” for leavers. Will be looking at earnings after leaving.

C. Budget augmentation to pay back counties for savings to state from quarterly reporting saving (\$50 mil) was vetoed by the Governor and it turned out to be \$25 million. The Governor has indicated his willingness to restore the \$25 million “if demonstrated need” for it is shown by counties just for administrative costs related to quarterly reporting.

QR Problems: Quarterly reporting issues of variable income and constantly having to report changes; misunderstanding of anticipated income; late processing of timely reports; computer programs as barrier to processing (LEADER issue); Steady income/IRT keeps changing. DSS stated that they will set up separate subgroup to address quarterly reporting problems with advocate participation. Kate encouraged using \$ on training, both workers and participants not where they should be on learning curve.

D. Statewide ABAWD waivers – Section II A. below.

E. Child Care to centralize eligibility waiting lists in each county. \$ for this. Believes designated agency (Research & Referral unless more than one, or if previously has list managed by another agency.)

### II. Richton Yee/Food Stamps

A. SB 68, section 37 requires DSS to seek annual federal waiver of ABAWD. Handout of timeline (LSA = Labor surplus area); 30 days to opt out (Board of Supervisors action). Feds give all areas eligible in Jan/Feb of year. Kevin raised issue that statute is in place now, but this process won't be finished until 4/06. He also pointed out that the State of California already has a statewide waiver and every county can go into effect immediately. DSS argued that counties are not using their 15% exemptions, thus the waiver is not necessary. Kevin pointed out that today food ABAWDS are losing food stamps because their 3 months has expired. Complaint that there are currently counties that are NOT using waivers. Charr Lee says since this is immediate, they will need to opt out or immediately submit request. She said that DSS will take another look at their proposal of starting April of 2006.

B. Prescreening forms, are CalWORKs/Food Stamp issues, but, applicants in Yolo, need to fill out a YC 9 (in person) then go to computer room to enter SAWS1 info the computer to get FS application. Maria says CDSS was waiting for advocates to tell them which forms we thought were bad. Explained that WE thought THEY were to give us a definition of what is "prescreening" (prohibited) vs. "expediting processing" 2 issues: prescreening form asking for info that they shouldn't ask; 2) delays/denies right to get to application. 3) duplicate questions. Charr Lee: need to engage us and counties to develop standards. Can we stop Yolo now? Yes, Richton will check it out. Grace raised other issue of requiring demographic info as a part of the application prescreening process. Steve Weiss of BALA raised issue of wanting FS only and not being given the DFA application, but being required to do longer combined application forms.

### III. CalWIN/LEADER/C-4 (George Christi and other OSI folks) were there.

A. Felt got a lot more detail yesterday that will help work out. (A group of advocates

meet with DSS regarding computer problems on 8/15/05) LEADER: heard today re: QR 7 issues. What else? Kate: What are counties telling CDSS about systems? They are aware of all these problems. When the county does a fix in LEADER, causes other problems (ex: Phantom income). Bad: Lesson clients learn is "ignore the NOAs." Often Los Angeles clients get multiple contradictory notices of actions. When they contact the worker, the worker tells them to ignore the notice. "It is a LEADER error" they are told by the worker. LEADER is also issuing multiple contradictory NOAs. Causes them to ignore messages that are real. Need to provide remedy of giving extension of 90 days hearing when workers have told them this message. Problem w/ interface between LEADER and Child Support and GEARS ( the Los Angeles Welfare-to-Work computer system) and LEADER not interfacing. Fair hearing case file issue: all on screen. Only English/Spanish in LEADER, so state mandated translated forms are not being used as required by law. Also not getting NOAs in county translated languages. Has to be state oversight. LEADER work around if no SSN doesn't work.

B. C-4 ISAWs goes through 2008 w/ extensions, and want to move them off earlier. Raised ISAWs programming problems leads to workarounds that are bad for clients and not consistent, sometimes, with law. Need more state leadership role, can't just defer to counties. Charr Lee says oversees design and implementation, and ongoing basis. Look at these on an ongoing basis, formed subgroup, etc. Explained clients are suffering, they've been told about these problems for last 2 meetings, and now are just forming subgroup, or, w/ ISAWs not doing anything. Kate Meiss asked DSS why can't they tell workers that if computer doesn't work, to revert to paper? CharLee said "it is the 21st century, with automation, need to move on." Yes, but not at clients' expense. Grace mentioned that need to stop rolling out the system. Charr Lee says all she can do is tell them to follow the rules, "and she'll come down and tell them to fix the

processes" if they can't. Kate: please give us answer on request for ALJ across the board giving extension on time to request when have been told to ignore notices. Charr Lee said she will respond, but not yet. Also noted that she will get back to us re: fair hearing and automation issues.

#### IV. FRED:

DSS contacted San Francisco County and got FRED protocol. In process of studying protocols throughout state. Debbie Rhodes: as they get a full set, CDSS will talk about a statewide standard and involved advocates in the process? Need to see what's effective/working. Timeframe? Underway now, existing policies should all be in by 1st week of September. Not limited: CW/FS.

#### V. 482 form to show IEVs matching.

Many counties are not filing their monthly IEVS activity reports as required by State Regulations. DSS stated that counties have 30 days after end of month to get form in. After one week DSS will call the county if late. If DSS does not get a report after the third call – a call each week a letter will go to the county welfare director informing of issue and assist to get reports in and to develop Corrective Action Plan. Haven't needed to get to that letter yet. Mostly a smaller county issue with staffing. About 5 are small, plus Fresno and San Mateo. Alameda is still missing reports, though have been on time in last 2 months. DSS said that if the number of hits each month exceed the number of hits processed, then it is obvious that they have processing backlog. This issue triggers review, and Alameda is "working with them." Charr Lee asked how long they will work with them/"till fixed" – they are working on it, but no specific CAP. Discussed unfairness to clients when there is backlog in processing, that this leads to loss of witnesses/defense in criminal cases. Charr Lee says "they will get on it," and should just keep everyone current.

#### VI. SAWS2 w/ SAWS1:

Some counties are requiring applicants to complete a SAWS2 before they are allowed to apply for CW or Food Stamps. DSS said counties should take SAWS1 w/o requiring SAWS2. Requested an email to ISAWs consortium to STOP doing this, and not wait till the computer is reprogrammed.

**A. CalWORKs penalties**--Minimize, avoid, cure sanctions/penalties. Separate issue of working on attendance and immunization NOA's. Maria asked Kevin to give examples of NOA language to give to Turner committee.

#### VIII. RAND Sanction Study

DSS exercised penalty and RAND is getting no additional funding; talked to CEO re: jeopardizing reputation and work in future. They are monitoring principle investigation and hope to get it to CDSS soon.... Gave confidential preliminary findings. Still looking at administrative data, etc. so may change. Also getting other info, ex Welfare Policy Research project, LA research, Riverside and San Diego county's research. Charr Lee interested in pulling group together to sort through research. Group of counties involved, talked to CWDA. Hesitant to use old group, since a lot of county changes. So, we can change our folks too. Meet w/in next month? [Michelle Morrow said she could come; Yolanda asked that Vanessa Lee come.]

IX. Discussion of whether NOAs required by ACL 03-59 changed, substantively, the process? (ACL 03-59 is the ACL changing the sanction goof cause determination process.) ALJ's were finding that it was acceptable if the original requirements were met and the county did not comply with all of the provisions of ACL 03-59. Regulation cleanup packet has been back burned. DSS agreed they need to train the ALJ's on the ACL. They will talk to State

Hearings Decision and will get back to us. In hindsight, they think the problem is that they didn't say it was immediate. They will survey all 58 counties re: compliance. Also issue of what the automation systems have.

**X. Agreed that if exempt @ or before appraisal, then you are exempt, and as if appraisal didn't occur.**

Will do in Q & A. Jodie to develop the Q & A's on this. Raised issue of SIPs and exemptions (exempt SIPs and returning to SIP-dom after exemption ends.)

**XI. Have started working on a ACL on DV issues.**

Send list to Gail Sullivan. Drafting waiver form. Discontinued issue of difference between DV program requirements and WtW waiver. They know and are going to clarify. Notices of denial; when can request (ALJ in LA said must be w/in 90 days of being told of waiver.)

**XII. Exceptions: how inform of extender, how to apply, when to inform.**

Natural times for reminders (redetermination). Think there's readability room for improvement of difference between exceptions and exemptions. Agree issue of automatic ones. Asked us to look at WtW 2106 (?) form. Kate suggested using LSNC form; Kevin suggested using QR 7 form. Nu asked: if turn 60, should auto add? Yes, counties SHOULD. When modify forms, will go out with ACL that will explain process. Retros? They need to look into it. Also need to survey, since front line staff don't know can get back on after 60 months. Question re: resources of timed out individuals (for food stamps).

**XIII. Combined notices re: OP on separate reasons:**

Consortium said programmed so each OP is

a separate notice of action, no way to process combo NOA. LA said it was a result of agreement. Discontinued that they may be looking at the wrong thing. The problem is when there is more than one basis in one month (and then that continues): Deprives people of FS waiver; Fraud prosecution;

**XIV. Students taking sanction instead of stopping education.**

SB 1104 encouraged them to look at the sanctioned folks, but not required. Give examples of SIPs that are not allowed to cure to Teri Ellen.

**XV. UIB/DIB anticipated income:**

Only with specific award letter with amount and start date. This went out in QR implementation letter. Raised issue w/ UIB/DIB and anticipated income. Maria asked for top 10 issues. Look back period for historical earnings.

**Next meeting will be in Monday, December 5, 2005 from 10 AM to 2 PM.**



**County Client Abuse Report**

Ms. S.H. is a victim of spousal abuse. She is not a U.S. citizen but she is eligible for CalWORKs under the Violence Against Woman Act (Violence Against Woman Act (VAWA)) program. Sometime in March of 2005, she reported to San Diego County that she had child support money that was being collected in her country that exceeded \$5,500. The only way she could get that money was to personally appear in Mexico where the money was being held. San Diego County issued a notice of action terminating her benefits because she refused to retrieve the money. She filed for a state hearing. She was told at the hearing that according to administrative law, if she left the country she could not reenter the United

States of America unless she had "advance parole" status.

The regulations state:

#### "MPP §42-201 PROPERTY

.1 Real and personal property shall be considered for purposes of this chapter when it is actually available. Property shall also be considered when the applicant or recipient has a legal interest in a liquidated sum and has the legal ability to make that sum available for support and maintenance.

.2 Limits on property holdings have been set high enough that a person need not be completely destitute to qualify for aid. On the other hand, these limits insure that persons who own property sufficient to provide themselves with the necessities of life do not receive aid intended for those in greater need. Limits on property which he/she can retain and remain eligible for aid are set forth in this chapter.

#### HANDBOOK BEGINS HERE

#### .3 Objectives

In determining eligibility with respect to property, it is necessary to ascertain the purposes for which property is held. A person is eligible if the property he owns is held for any one of the following

purposes (within certain limits): (1) To provide him with a home; (2) to provide him with income to help meet his needs; (3) to provide him with a reserve to meet a future need. Emphasis is placed on the purpose for which property is allowed to be held. The specific limits with respect to use or total value on some types of property constitute a part of the definition of a needy person; but the more important consideration is that property may be held within those limits, because it meets a present or future need of the recipient.

Regulations in this chapter are designed to express a general test: does the property meet a current need or is it to be held for some future need? This test should be the basis of decision in situations not specifically or exactly covered by the regulations.

Policies governing eligibility with respect to property shall be administered with consideration to the ability and circumstances of the person in order that undue hardship not be imposed upon him in making his plans to comply with property provisions."

#### "HANDBOOK ENDS HERE"

In order for this welfare mom to retrieve the \$5,500 child support, she would have to prepare an application for advance parole, also known as I-131. She would have to file that with the USCIS Vermont Service Center and pay a \$165 filing fee. It takes at least four to five months to receive an approval or denial.

Applicants for an I-131 do not have a right to advance parole - it is a USCIS discretionary benefit they bestow on some and not others. Assuming that she is receiving her advance parole, she would have to have money to travel to the location where the \$5,500 is being held. She would also have to find child care for her children. San Diego County never offered to pay any of these expenses. The ALJ held that the argument that she could not reenter with advance parole "is less than persuasive".

**Gilford Eastham**, ALJ, ruled that \$5,500 was actually available to this victim of domestic abuse without showing that the claimant had resources available to travel to Mexico; that the claimant's children would not be left *home alone* while she was in a foreign county; and that the claimant had an approved I-131 in her possession to travel and return to her family in the US.

### SIPs Down 52% - Correction

Due to a computing problem, we reported in our last issue that statewide, SIPs were down 52%. This was incorrect. There was actually a 23% increase statewide. We also reported

that from 2002 to 2005, Los Angeles and Santa Clara Counties had their SIPs reduced. In fact, Los Angeles County had a 30% increase and Santa Clara County had 26% increase.

This does not mean that counties have become receptive to SIPs. Getting a SIP approved in California is still a fight and many persons who should have their SIPs approved often lose.