



# CCWRO Welfare News

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## APRIL 2016 MILESTONE SSI Recipients Lose

<b>Annually</b>	<b>\$1.5 billion</b>
<b>Monthly</b>	<b>\$122 million</b>
<b>Daily</b>	<b>\$4.906 million</b>



**Over 1 million  
SSI recipients  
will endure food  
insecurity.**



## In Brief

- ✓ The Governor's budget estimates that California's food stamp caseload will grow by 5.8 %, while the CalWORKs caseload will go down 5.6%. Meanwhile, the welfare-to-work caseload is estimated to go down 0.3%. Does not add up.
- ✓ In April 2016, SSI recipients who endure food insecurity will be prevented from getting food because California continues the policy of refusing to allow SSI recipients to get CalFresh benefits. This results in over 1 million SSI recipients being denied **\$122 million in CalFresh benefits each month or \$4 million a day**. What a shame - these are all federal dollars.
- ✓ The Governor tasked CDSS with adding 400,000 children to CalFresh next fiscal year but did nothing for CalWORKs children - meanwhile California leads the nation in child poverty.
- ✓ The county single allocation for 2016-2017 will be \$2.66 billion and only \$6.1 million of that money comes from the state general fund according to the County Welfare Directors Association (CWDA). See [W&IC §15200](#) et seq.
- ✓ A county asked CDSS if a MFG child could receive GA. CDSS stated that "an MFG child is considered part of the Assistance Unit and is considered aided in the CalWORKs case." What an illusion. The child receives no CalWORKs money but is considered to be "aided"?
- ✓ Counties can't meet the deadlines required by [ACL 15-99](#). (more on page 2)

## CDSS Policy Can Very Well Result in Elder Abuse

On December 23, 2015, Stanislaus County asked CDSS about a married IHSS client whose spouse works in Alameda County on Mondays through Saturdays and works overtime. The spouse only comes home to Stanislaus County two Sundays a month. The County asks if it can allow for "meal clean up" because the IHSS recipient in question is married and has a spouse. The County also asks if it should pay for domestic services. On December 29, 2015 CDSS responded that "... due to the length of time the spouse is absent, meal clean up seems appropriate and possibly a health and safety issue..." CDSS also said that "The spouse is considered able and available to complete laundry, shopping for food and errands tasks per MPP § 30-763.413. Since laundry, shopping for food and errands do not need to be completed daily, the spouse can complete these tasks when he is home. The spouse can do domestic chores when he is home."

Could this be getting close to elder abuse? How does a disabled person eat for 28 days when the spouse is not home? How dirty does the house have to be, how hungry does the person have to be, and how dirty do her clothes have to be to be considered a victim of elder abuse?

MPP §33-315-2 states: "*The adult protective services program is to prevent and remedy the abuse, neglect, or exploitation of elders and dependent adults who have been harmed or are at risk of harm.*"

Section 15610.07 of the Welfare and Institutions Code states:

*"Abuse of an elder or a dependent adult" means either of the following: "(a) Physical abuse, neglect, financial abuse, abandonment, isolation, abduction, or other treatment with resulting physical harm or pain or mental suffering."*

There is no evidence that the IHSS program beneficiary has the ability to store food for two (2) weeks. What if the beneficiary is on a special diet? Do CDSS adult services officials shop two times a month? Do CDSS adult services officials clean the house two times a month? Do CDSS adult services workers do laundry two times a month? Does the IHSS beneficiary have enough change of clothing for doing laundry only two times a month? Would forcing an IHSS beneficiary to live in a dirty house for up to two (2) weeks cause "mental suffering"?

ACL 15-99 states:

**(In Brief, cont'd.)**

“To ensure that CalWORKs adults are receiving the benefits of the WTW 24-month time clock (MTC), CWDs are to identify currently aided or sanctioned adults (as of the date of this letter) that met all of the following three conditions for any consecutive six-month period between January 1, 2013 and September 30, 2015: (1) The adult(s) was aided; (2) The aided adult(s) had zero hours of participation in a WTW activity; and (3) The adult(s)' WTW 24-MTC ticked.

For the adults identified, CWDs are required to (1) identify the population meeting criteria described above, (2) untick months appropriately from the WTW 24-MTC as described below, (3) notify clients of the months unticked from the WTW 24- MTC and, (4) attempt to engage them in WTW activities, if appropriate.

By February 15, 2016, CWDs must provide to CDSS the information requested in this letter using the attached reporting form.” At the 1-7-16 CWDA CalWORKs Policy Committee (CPC) meeting counties stated that they have the several challenges of complying with this directive:

(1) Not enough time; (2) Ability to pull data (3) No informing letter – (What was ACL 15-99?) (4) Counties were hoping for more collaborative effort between CDSS and counties.

CDSS response to counties, according to the CWDA meeting minutes, “Do what you can to show you are working on it. The reason for the reporting requirement is to look at these cases and start to resolve them. By February you may not be able to complete the report but need to make an attempt and provide what you have.” *Is this CDSS leniency policy also applicable CalWORKs beneficiaries when it comes to SAR 7 submission and compliance with WtW requirements?*

✓ CDSS identified the list of 11 counties that would be visited by the CalWORKs Eligibility Bureau in 2016. The visits will be in-person or remote. Last year's visits revealed problems with anticipated income and immediate need – CDSS determined that the policies need to be clarified. During the 2016 visits CDSS will review the implementation of the pregnant-women-only cases, drug felon cases and truancy cases.

✓ On August 13, 2015 Riverside County asked CDSS: “Would the stepsister of a deceased or absent biological father be considered a caretaker relative for the eligible child?” On September 1, 2015 CDSS CalWORKs Eligibility Bureau responded: “Yes, as she is the aunt of the eligible child related by marriage.”

✓ CDSS was asked “When a person has committed fraud, is the person automatically not entitled to be in the CAPI program for good?” Just because the county thinks that somebody has committed fraud does not mean that the person actually committed fraud. *CAPI recipients are innocent until proven guilty.* CDSS responded, “Not necessarily. In cases in which fraud has been confirmed, the county and/or consortium is responsible for imposing any applicable penalties ACL No. 00-73.” We were unable to locate any statute or regulations that would specify penalties for intentional program violations for CAPI. Even though there is no authority to

impose any penalties upon CAPI recipients, CDSS points out that the SAWS 1 talks about penalties. The CDSS response implies falsely that counties can impose penalties not authorized by statute or regulations by referring the county to the SAWS 1 and implying that the penalty rules for CalFresh and CalWORKs on the SAWS 1 may apply to CAPI.

✓ CDSS has policy of denying CAPI indigence exception because the applicant failed to provide an elderly abuse report done by the county welfare department. CDSS stated “If the county requested supporting documents and the claimant did not provide them, then the county should deny the exception for insufficient evidence.” How nice. Just ask for something that the aged, blind or disabled non-citizen indigent applicant does not have and then deny CAPI to the needy person.

✓ San Benito County is issuing paramedical hours that are less than the hours stated on the [SOC 321](#) completed by the doctor - a violation of state law.

✓ On November 30, 2015, Shasta County asked CDSS what should they do with an IHSS client who turns 18, is non-verbal and can't move his arms and legs. Who will be signing his timesheet?” On December 21, 2015 CDSS responded that “A Power of Attorney agent or conservator is not required in order to sign the recipient's timesheet. [ACL 12-55](#) (11-1-12) introduced form [SOC 839](#) ..., which the recipient completes for this purpose.” Any person designated by the recipient as an authorized representative (AR) can sign the AR form. CDSS points out that the “...recipient may not assign his/her provider as the timesheet signatory, as this represents a conflict of interest.”

✓ On November 19, 2015, Los Angeles County IHSS Program Policy Division wrote to CDSS that the DPSS IHSS Quality Control Staff has criticized IHSS workers for not having documentation that county staff mailed a [SOC 821](#) to the IHSS applicant/recipient's physician. The SOC 821 is the “protective supervision form”. On December 4, 2015 CDSS IHSS analyst responded that “The County is not required to mail form SOC 821 to the physician.”

✓ CDSS CAPI unit released an undated All County Letter regarding authorized representatives for CAPI. In order for a person to be eligible to be designated as an authorized representative by a CAPI recipient the county has to make a determination that the proposed authorized representative is “capable of helping the CAPI applicant”.

And what are the standards for determining “capable”? Does the person have to have a high school degree? How about a college degree? Can the county do a drug test? Does the person have to have a car? Will the county do a credit check? This rule implies that CAPI recipients are incapable of determining if a person designated by the CAPI applicant is capable of helping him or her and they need the county to make that determination for them.

This also creates a huge unfunded mandate that would have to be paid by the State for the time that it takes counties to determine if the persons designated by the CAPI applicant are capable of helping him or her.

**IMMIGRANT CAPI BENEFICIARY FORMS IN ENGLISH ARE A CIVIL RIGHTS VIOLATION**

The Cash Assistance Program for Immigrants (CAPI) is for beneficiaries whose primary language generally is not English. These are non citizens, but are lawfully residing in the United States and are a vital part of our community. The CAPI program was enacted in 1998 (Stats 1998, Chapter 329 - AB 2779) and has been violating the civil rights of CAPI beneficiaries from the beginning.

Under current law, if more than 5% of the program beneficiaries have a certain primary language, then CDSS is responsible for providing those beneficiaries with notices in their own primary language. The 2015 DSS “[ABCD 350 - Annual Recipient Report](#)” reveals that the primary language for 45.43% of CAPI is Spanish, 9.68% is Armenian and 5.33% is Russian. Some languages have no translated forms at all. CAPI recipients whose primary languages are Arabic, Cambodian, Farsi, Hmong, Korean or Ukrainian have no CAPI forms or notices of action in their primary language.

TABLE # 1 reveals that after 18 years of the 12 forms that CAPI applicants interact with, 8% have not been translated in Spanish, 83% have not been translated in Armenian and 67% have not been translated in Russian. This is a violation of the civil rights of California’s Spanish, Armenian and Russian speaking CAPI recipients that has been going on for 18 years.

**TABLE # 1**

English	Armenian	Chines	Russian	Spanish	Vietnames
SOC 453- Cash Assistance Program For Immigrants (CAPI) Statement Of Household Expenses And Contributions		SOC 453	SOC 453	SOC 453	SOC 453
SOC 455- Authorization for State Reimbursement of Interim Assistance					
SOC 804- Statement Of Facts For Determining Continuing Eligibility For The Cash Assistance Program For Immigrants (CAPI)	SOC 804	SOC 804	SOC 804	SOC 804	SOC 804
SOC 807- Cash Assistance Program For Immigrants (CAPI) Request For Waiver Of Overpayment Recovery - Income/Expenses				SOC 807	
SOC 807A- Cash Assistance Program For Immigrants (CAPI) Request For Waiver Of Overpayment Recovery - Without Fault				SOC 807A	
SOC 809- Cash Assistance Program For Immigrants (CAPI) Indigence Exception Statement		SOC 809	SOC 809	SOC 809	SOC 809
SOC 810- Applicant Certification Of Contact With SSA To Change Status From Institutional Care To A Home Setting					
SOC 814- Statement Of Facts Cash Assistance Program For Immigrants (CAPI)		SOC 814	SOC 814	SOC 814	SOC 814
SOC 830 - Request for Conditional CAPI After Naturalization Pending SSI/SSP Eligibility Determination		SOC 830	SOC 830	SOC 830	
NOA – 691-Notice of CAPI application denial		NA 691	NA 691	NA 691	
NOA – 692 – Notice of CAPI Change		NA 692	NA 692	NA 692	
NOA – 693 – Notice of approval of CAPI application		NA 693	NA 693	NA 693	

# SB 1041 Recipient Impact Analysis

January 2016 Four (4) year California WtW

## Program Outcomes REPORT

WtW Activity	January 2012	January 2013	January 2014	January 2015	January 2016
Unduplicated Number of Participants in a WtW Activity this month	119,810	119,946	117,845	119,396	111,930

### WtW SANCTIONS

WtW Participants Being Sanctioned this month	46,924	50,889	57,279	60,305	57,741
% of WtW Participants Being Sanctioned this month	39%	42%	49%	51%	52%
<b>\$ Loss</b> by WtW Participants Being Sanctioned this month - Estimated @ \$125 per sanction.	\$5,865,500		\$7,159,875		\$7217,625

### WtW POSTSECONDARY EDUCATION

WtW Participants in Postsecondary Education	10,050	9,579	8,200	7,189	5,638
% of WtW Participants in Postsecondary Education	8%	8%	7%	6%	5%

### WtW JOBS OUTCOMES

Number of Unduplicated Participants Who Entered Employment That Resulted In Termination of CalWORKs	3,145	4,108	2,492	3,722	4,221
% of Number of Unduplicated Participants Who Entered Employment That Resulted In Termination of CalWORKs	3%	3%	2%	3%	4%
Taxpayer <b>\$ Cost</b> Per Unduplicated Participant Who Entered Employment That Resulted In Termination of CalWORKs *	\$60,521	\$46,334	\$76,380	\$51,139	\$45,093

### WtW TRANSPORTATION SUPPORTIVE SERVICES

Number of Unduplicated Participants Getting Transportation	60,400	60,589	64,757	65,974	56,575
% of Number of Unduplicated Participants Getting Transportation	50%	51%	55%	55%	51%
<b>\$ Loss</b> by WtW Participants not receiving transportation - Estimated at \$100 per month per participant	\$5,920,190	\$5,938,954			\$5,545,570

## WTW OUTCOME SUMMARY

- A lot of sanctions. Very few jobs.
- Is this the Welfare-to-Work OR the Welfare-to-Sanction program?
- California leads the nation in child poverty. \$2.3 billion now being spent on WtW could be better used to lift California's poor children out of deep poverty by bringing their cash aid up to 100% the federal poverty level, now.

\* Annual WtW Expenditures are \$2.3 billion for 2015-20167

Source: State Department of Social Services WtW 25 reports