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County Welfare Departments Fail to Meet CalWORKs Families' Needs For Emergency Assistance

Counties are the point of access for California's family safety net emergency assistance programs: Homeless Assistance, CalWORKs Immediate Need, and CalFresh Expedited Services. Currently, only 13 counties—mostly smaller counties—are currently open to accept, timely process and issue these crucial safety net programs. California's remaining 45 counties have locked their doors to needy families. Beneficiaries and applicants in dire need of emergency assistance are not able to access such emergency assistance benefits. See **TABLE #2** for county-by-county availability of in-person emergency assistance entitlements for CalWORKs and CalFresh.

It should be noted that Governor Newsom did not suspend the emergency assistance program statutes and regulations for California's safety net programs. See **Table #1**.

TABLE # 1

Safety Net Program	Statute/State Regulation Mandate	Who is eligible	When are Benefits Due
CalWORKs Temporary Homeless Assistance	W&IC § 11450(f)(3)(iii) MPP § 44-211.523	Any CalWORKs eligible family or apparently eligible family with minor children	On the date of requesting temporary homeless assistance.
CalWORKs Permanent Homeless Assistance	W&IC § 11450(f)(3)(D)	Any CalWORKs eligible family or apparently eligible family with minor children	On the day of requesting permanent homeless assistance, but no later than the next working day.
CalWORKs Immediate Need	W&IC § 11266	Any CalWORKs eligible or apparently eligible family with minor children	On the day of application, but no later than the next working day.
CalFresh Expedited Services	W&IC § 18914	Any household whose combined monthly gross income and liquid resources are less than the monthly shelter cost and standard utility allowance.	Within three (3) calendar days of application.

(Cont'd on page 2)

(Cont'd from page 1)

• **CalWORKs Homeless Assistance** – Counties must issue homeless assistance benefits on an EBT card on the date of application, if eligible. Counties fail to meet this requirement when homeless families cannot apply and receive homeless benefits on the same day. See Welfare & Institutions Code Section 11450(f)(3)(D) for permanent homeless assistance and 11450(f)(3)(iii) for Temporary Homeless Assistance. Also see MPP§ 44-211.523: *“The payment for temporary shelter shall be issued or denied within the same working day in which the AU requests homeless assistance.”*

11450(f)(3)(D) A payment for or denial of permanent housing assistance shall be issued no later than one working day from the time that a family presents evidence of the availability of permanent housing. If an applicant family provides evidence of the availability of permanent housing before the county welfare department has established eligibility for aid under this chapter, the county welfare department shall complete the eligibility determination so that the payment for, or denial of, permanent housing assistance is issued within one working day from the submission of evidence of the availability of permanent housing, unless the family has failed to provide all of the verification necessary to establish eligibility for aid under this chapter.

11450(f)(3)(iii) This special needs benefit shall be granted or denied immediately upon the family’s application for homeless assistance, and benefits shall be available for up to three working days.

The meaning of “immediately” in Section §11450(f)(3)(iii) is defined in DSS state regulation §MPP§ 44-211.523: *“The payment for temporary shelter shall be issued or denied within the same working day in which the AU requests homeless assistance.”*

• **CalWORKs Immediate Need** - Families who need CalWORKs emergency assistance are required to be interviewed the date of application, but no later than the next working day. If the family is eligible, benefits shall be issued on the date of application, but no later than the next working day. See W&IC§ 11266(b).

§11266 (b) If an applicant needs immediate assistance and is apparently eligible for aid as defined in subdivision (a), the county shall pay the applicant two hundred dollars (\$200) or the maximum amount for which that applicant

CalFresh Expedited Service Criteria:

(1) the household’s gross income in the month of application does not exceed \$150 and countable liquid assets (assets easily converted into cash, such as a bank account) do not exceed \$100; or

(2) the household’s combined monthly gross income and liquid assets are less than the combined monthly rent (or mortgage) and utilities (i.e., the appropriate SUA)

is eligible, whichever is less. The advance payment shall be made by the end of the first working day following the request for that aid.

CalFresh Expedited Services – Any person who meets the CalFresh Expedited Service standards must receive benefits **within three days**.

18914 (a) In accordance with, and to the extent provided by, federal law, the county human services agency shall provide CalFresh benefits on an expedited basis as provided in subdivision (b) to households determined to be in immediate need of food assistance.

(b) Pursuant to the federal requirements of Section 273.2(i)(2) of Title 7 of the Code of Federal Regulations, the county human services agency shall screen all CalFresh applications for entitlement to expedited service. Applicants who meet the federal criteria for expedited service as defined in Section 273.2(i)(1) of Title 7 of the Code of Federal Regulations shall receive either a manual authorization to participate or automated card or the immediate issuance of CalFresh benefits no later than the third day following the date the application was filed. To the maximum extent permitted by federal law, the amount of income to be received from any source shall be deemed to be uncertain and exempt from consideration in the determination of entitlement for expedited service. For purposes of this subdivision, a weekend shall be considered one calendar day.

(c) The State Department of Social Services shall develop and implement for expedited issuance a uniform procedure for verifying information required of an applicant.

These regulations implement the December 20, 1994 judgment as amended January 3, 1995.

11-601 BLANCO V. ANDERSON LAWSUIT

HANDBOOK BEGINS HERE

.1 Background

The Blanco v. Anderson lawsuit challenged the closure of county welfare department (CWD) offices during regular business hours except Saturdays, Sundays, and legal holidays.

The initial decision, issued on December 16, 1993, addressed only the closure of CWD Food Stamp offices without first having completed a review of the office hours of operation as required by federal regulations at 7 CFR 272.4(g). Emergency state regulations implementing the specific federal regulatory requirements for the required annual office hours review were effective June 1, 1994.

The final judgment, issued December 20, 1994, and amended January 3, 1995, finds that by allowing CWDs to close their offices during the "regular eight hours of the working day," class members have been denied their right to apply for and receive Food Stamp, AFDC, homeless assistance, and Medi-Cal benefits. The court ordered that when the CWDs are closed during the regular eight hours of the working day, they must do the following. They must make it possible for individuals to apply for and receive Food Stamp, AFDC, and Medi-Cal benefits, including emergency benefits, within the time limits prescribed by state and federal law. The CWDs must also provide notice of their hours of operation and of the procedures, during these hours of closure, for applying for and receiving these benefits, including emergency benefits. (Our emphasis added)

HANDBOOK ENDS HERE

.2 Definitions

.21 For purposes of these regulations, the following apply:

.211 "Accept and act upon all applications for emergency benefits" includes providing such emergency benefits within the time limits prescribed by federal and state law.

.212 "Local telephone service" means a telephone number which is toll-free for the same geographic area as the regular telephone number for each CWD office.

.213 "Opportunity to file an application for benefits" includes the provision of special assistance under 7 CFR 273.2(e) and (f) (see Sections 63-300.4 and .5) and 45 CFR 233.10(a)(10)(vi) (see Section 40-157.213).

(a) "Special assistance" means assisting the applicant as necessary in order to provide emergency benefits within the time limits prescribed by federal and state law, including waiving the face-to-face office interview, conducting the application interview by telephone, and assisting the applicant in gathering needed documents.

.214 "Regular eight hours of a working day" means the eight-hour period the CWD's offices are open to the public. If the CWD office is never open eight hours on a working day, the "regular eight hours of the working day" shall mean the hours that the CWD office is open, plus an additional time period(s) immediately before, after, or between these hours, which cumulatively equal eight hours.

.215 "Working days" means Mondays, Tuesdays, Wednesdays, Thursdays, and Fridays, excluding federal and state holidays.

.3 County Responsibilities

.31 If a CWD closes its offices at any time during the regular eight hours of a working day, the CWD shall do all the following during those hours of office closure:

.311 Provide individuals the opportunity to file an application for and receive

Food Stamp and/or AFDC benefits within the time limits prescribed by federal and state law.

(a) Make applications for such benefits readily available to individuals.

(b) Provide a drop-box, mail slot, or other reasonable means for filing applications.

(1) Applications deposited as described in Section 11-600.311(b) shall be deemed to have been filed on the date of the CWD office closure.

(2) In the event an individual certifies he/she was denied the opportunity to file an application, and the CWD does not have evidence to the contrary, the application shall be processed in all respects as though it was filed on the date of the CWD office closure.

.312 Provide individuals the opportunity to file an application for and receive expedited Food Stamp, immediate need AFDC, and/or homeless assistance benefits within the time limits prescribed by federal and state law.

(a) Maintain enough staff to accept and act upon all such applications, and/or

(b) Maintain a local telephone service with enough staff to accept and act upon all such applications as if such requests had been made in person at the CWD's office.

.313 Greet incoming calls on the main telephone lines of the CWD's offices with an announcement informing the caller of the following:

(a) The working days, or regular eight hours of a working day, when the offices will be closed;

(b) The procedures for obtaining and filing applications for Food Stamp and AFDC benefits, during these hours of office closure; and

(c) The procedures for applying for and receiving expedited Food Stamp, immediate need AFDC, and homeless assistance benefits, within the time limits prescribed by federal and state law, during these hours of office closure.

HANDBOOK BEGINS HERE

(d) CDSS and the Department of Health Services are enjoined by court order in the Blanco v. Anderson lawsuit. The court order includes provisions for providing services to clients under Medi-Cal as well as Food Stamp and AFDC programs. The order requires that telephone announcements greeting incoming calls informing the public of the provisions specified in Sections 11-601.313(a), (b), and (c) include information regarding Medi-Cal and emergency medical services.

HANDBOOK ENDS HERE

.314 Post notices in prominent locations within the CWD's offices and in the public areas, including the doors, immediately outside the CWD's offices which inform the public of the following:

(a) The working days, or the regular eight hours of a working day, when the offices will be closed;

(b) The procedures for obtaining and filing applications for Food Stamp and AFDC benefits during these hours of office closure; and

(c) The procedures for applying for and receiving expedited Food Stamp, immediate need AFDC, and homeless assistance benefits within the time limits prescribed by federal and state law, during these hours of office closure. (Our emphasis added)

See **Blanco v. Anderson** – 39 F.3d 969 (1994); ACL 93-92 (December 17, 1993) and ACL 94-11 (February 14, 1994)

TABLE #2 – List of Counties that provide “limited” services are identified in Yellow - Not Open During Regular Business Hours

Source: County Office Closure Reports – 5-25-20	CalWORKs	CalFresh
Total Active Cases in Counties Open During Regular Business Hours – 5%	34,6676	116,474
Total Active Cases in Locked Counties – 95%	292,646	2,050,007
Percentage of Cases in Locked Down Counties	95%	95%
County	CalWORKs	CalFresh
Alameda	8,377	69,601
Alpine	Less than 11	72
Amador	150	1,521
Butte	2,042	17,243
Calaveras	299	2,886
Colusa	95	762
Contra Costa	6,100	34,109
Del Norte	456	3,062
El Dorado	736	6,884
Fresno	18,549	93,741
Glenn	256	1,685
Humboldt	1,126	13,991
Imperial	3,558	18,106
Inyo	79	1,037
Kern	16,677	72,922
Kings	2,429	11,687
Lake	759	7,368
Lassen	320	1,693
Los Angeles	108,672	686,640
Madera	2,538	11,765
Marin	574	6,682
Mariposa	172	1,250
Mendocino	704	6,758
Merced	5,650	25,000
Modoc	109	765
Mono	-	338
Monterey	3,316	19,439

County	CalWORKs	CalFresh
Napa	310	3,249
Nevada	426	4,805
Orange	11,774	110,589
Placer	814	8,638
Plumas	111	1,298
Riverside	18,826	121,585
Sacramento	19,121	110,594
San Benito	353	2,267
San Bernardino	32,232	160,041
San Diego	15,061	146,325
San Francisco	2,646	47,792
San Joaquin	9,702	47,259
San Luis Obispo	1,035	9,804
San Mateo	773	12,223
Santa Barbara	3,045	22,812
Santa Clara	4,796	50,181
Santa Cruz	1,228	15,360
Shasta	1,873	14,173
Sierra	-	164
Siskiyou	514	3,890
Solano	3,391	21,570
Sonoma	1,476	13,773
Stanislaus	6,734	38,464
Sutter	1,083	5,571
Tehama	847	5,175
Trinity	71	1,102
Tulare	10,898	55,406
Tuolumne	328	3,160
Ventura	3,624	34,827
Yolo	1,066	12,189
Yuba	1,253	7,188
Statewide	339,248	2,208,481

The Welfare-to-Sanction Counties of California

CalWORKs Employment Services – At least nine counties have more CalWORKs families in “sanction” mode than they have families receiving the WtW services. The average administrative costs per case are \$21,050 a year.¹ These costs do not include childcare which is another \$8,424 a year.² Meanwhile, the same family only receives an average grant of \$8,184 a year.³ State-wide, 49,058 families were being sanctioned during February of 2020 while there were 65,018 unduplicated participants.

Kern, San Bernardino and San Joaquin Counties are actually operating a “Welfare-to-Sanction” program rather than a “Welfare-to-Work” program. See **TABLE #3**.

During 2019-2020, counties receive \$168 a month for a basic WtW case that needs services, \$139 for a work-ready case that also receives services and \$131.48 a month for a sanction case in which there is a reduction of \$125 in cash aid payments each month. So, the more people in sanction, t

1. The 2019-2020 annual WtW employment services appropriation to the counties was the sum of \$1,368,627,000.00.
2. The average monthly costs for Stage 1 child care is \$702 according the 2019-2020 state budget documents published by CDSS.
3. The average monthly costs for a CalWORKs grant is \$702 according the 2019-2020 state budget documents published by CDSS

TABLE #3

February 2020	Sanctions	Unduplicated Participants
Statewide	49058	65018
Butte	409	309
Kern	5536	2188
San Bernardino	8803	5113
San Joaquin	2836	1052
Shasta	401	302
Sutter	195	162
Tuolumne	58	48
Ventura	678	596

Source: 2-20 WtW 25 & 25A

FY 2020-2021

Counties get \$131.48 a month for a sanction case. CalWORKs families get a reduction of \$125 in cash aid payment each month. So, the more people in sanction, the more money the county retains and more kids suffer = 21st century county child abuse.

Update: Blood Lead Testing Bills for Medi-Cal Kids Get To The Assembly Floor

Daphne Macklin

On March 3, 2020, the California State Auditor Elaine Howle and her key staff presented their findings on the state's abysmal compliance with federal Medi-Cal required blood lead screenings for Medi-Cal recipient children aged 12 months and 24 months. The hearing by the California Joint Legislative Audit Committee was an opportunity for members of the State Assembly and State Senate to vent their concerns and outrage at the failure of the Department of Health Care Services, Department of Public Health, Department of Managed Care, and most egregiously, the Childhood Lead Poisoning Prevention Branch, to protect Medicaid children.

The legislators were clearly armed for bear, but the emerging COVID-19 crisis, meant that some key participants "invited" to the hearing were not available to attend. The State Auditor, along with the key staff who prepared the January 7, 2020 report, answered specific questions about the report and noted that their report was the third report that had been prepared over the past ten years on the same issue.

Gilbert Bradley, M.D., the newly appointed head of the Department of Health Care Services, attended the legislative session and apologized for the agency's lapses in vigorously pursuing compliance with federal blood lead screening standards.

Although the State Legislature's focus on the pandemic has substantially overridden almost all other legislative priorities, blood lead testing issues remains a matter of serious focus and concern.

Three bills sponsored by CCWRO, the Environmental Working group and other organizations, AB 2276 (Reyes) AB 2278 (Salas) and AB 2279 (Cristina Garcia) passed out of the Assembly Health Committee on the consent calendar in late May.

AB 2276 (Reyes) - This bill requires that Medi-Cal managed care plans provide information to parents and caretakers of young children about blood lead testing and require case management services to assure both testing and any appropriate follow up care for children with elevated blood lead levels of 5 mcg or greater.

AB 2277 (Salas) - This bill focuses on children who come to Medi-Cal after age 24 months and requires that Medi-Cal managed care plans determine which children have not had blood lead screenings as of age 24 months and advise parents and caretakers of the availability of testing services.

AB 2279 (Cristina Garcia) - This bill authorizes the Department of Public Health Services Childhood Lead Poisoning Prevention Program to redetermine the allocation of funds that it provides to counties that provide follow-up care for Medi-Cal children who are identified as having elevated blood lead levels of 5 mcg or greater.

Under the special rules adopted for the pandemic adjusted 2020 legislative calendar, all of three measures passed out of the Assembly Appropriations Committee on June 3, 2020.

The bills will now be voted on by the entire Assembly and should move on to the California State Senate for policy and finance hearings in the next few weeks.

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