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CHAPTER 11-500 PROGRAM STANDARDS - INCOME MAINTENANCE

11-501 INCOME MAINTENANCE RESPONSIBILITIES **11-501**

.1 Eligibility and Grant Decisions

Income maintenance staff shall be continuously responsible for making decisions on eligibility and maintaining correctness of grant on all public assistance cases, whether in service status or not. These include: initial determinations and redeterminations of eligibility; determination of subsistence needs; computation of grants, and share of cost (for MN); change actions on grants; movement between categorical programs; eligibility for supplemental food programs.

.2 Recording

The county welfare director shall assure that records are maintained by income maintenance staff which document the basis for eligibility decision and the amount of grant or share of cost (for MN). Such recording need not be in narrative form and should be entered on forms to the extent possible.

.3 County Standards

Where statutes or CDSS regulations authorize counties to adopt specific standards which affect an applicant's/recipient's eligibility or grant amount or welfare-to-work activities, including supportive services, such standards shall be in writing and shall be made available to the public upon request.

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Examples of program requirements for which counties are to develop written standards include but are not limited to the following: (1) definition of what constitutes regular school attendance and good cause criteria, under Sections 40-105.5(a) and (f); (2) extending the work exemption based upon caring for a young child, under Section 42-712.47; (3) diversion program requirements, under Section 81-215.32; (4) child care for other required activities or for children not in the AU, under Sections 47-201.12 and 47-401.45; and (5) continuing case management services and/or supportive services for former recipients, under Section 42-717.1.

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NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 10553, 10554, and 10603, Welfare and Institutions Code.

11-503 STAFFING STANDARDS 11-503

The number of eligibility worker and eligibility supervisor positions necessary to assure maintenance of acceptable performance levels in the income maintenance and quality control functions shall be determined by the county, taking into account the availability of clerical and other supportive processes, and shall be submitted in the county plan subject to approval by State Department of Social Services (SDSS) as standards which the county will maintain.

Maintenance of acceptable performance levels shall be measured by taking into consideration the findings of the quality control system, promptness in processing applications and paying aid, currency of reinvestigations, appropriateness of identification and referral of persons for service assessment, and such other factors as SDSS shall establish as appropriate indicators of performance.

.1 The use of aides is specified in Welfare and Institutions Code Section 10810.

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.11 Welfare and Institutions Code Section 10810 states:

Subject to the approval to the Department, each county department is authorized to sponsor and conduct programs for the recruitment, training, and utilization of volunteers to assist county department employees in the performance of office duties and to aid in performing services in the counties including but not limited to the following:

- (a) Friendly visiting of the indigent aged;
- (b) Finding homes for foster children;
- (c) Escorting and transporting recipients to clinics and other destinations;
- (d) Aiding in location of improved housing;
- (e) Teaching homemaking skills and aiding in budgeting and care of the household;
- (f) Providing tutoring and other educational aid.

Volunteers shall not duplicate services performed by county department employees.

The county department shall maintain the confidentiality of records of recipients.

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CHAPTER 11-600 LAWSUITS INVOLVING MULTIPLE PROGRAMS

11-601 **BLANCO V. ANDERSON LAWSUIT** **11-601**

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.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.

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

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.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.

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- .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 of 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.

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- (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.

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- .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.

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- (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 notices posted by the CWD offices informing the public of the provisions specified in Sections 11-601.314(a), (b), and (c) include information regarding Medi-Cal and emergency medical services.

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NOTE: Authority cited: Sections 10553, 10554, and 18904, Welfare and Institutions Code. Reference: Section 18902, Welfare and Institutions Code; Blanco v. Anderson Court Order, United States District Court, Eastern District of California, No. CIV-S-93-859 WBS, JFM, dated January 3, 1995.

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**CHAPTER 11-700 FRANCHISE TAX BOARD (FTB) AND INTERNAL REVENUE SERVICE (IRS)
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