



Public Benefits Justice Newsletter

Half-Year Review of PB&J Activities

Public Benefits Justice (PB&J) advocates reconvened in San Francisco on May 5, 2008 to assess the progress of each of the four working groups and enhance coordination among the groups. The 30 attorneys, paralegals and other advocates from California legal service programs that attended the one-day meeting reconnected and identified common themes that have come up in each working group over the past 6 months. By the end of the day, participants were re-energized and prepared to cohesively move forward in the next phase of their working group plans.

Last December at the second Public Benefits Summit, participants identified defective Notice of Action as a pervasive problem that negatively im-

pacted all public benefit recipients and decided to coordinate advocacy efforts during the course of 2008 in order to tackle these defective notices. To this end, participants created four working groups to challenge deficient notices and improve the adequacy of notices: (1) litigation, (2) legislation, (3) community training and outreach, and (4) administrative advocacy.

Following report-backs from each working group, the May meeting participants identified several issues that have come up in each of the working groups and, thus, require coordination amongst the four groups: (1) disability issues, (2) consequences for providing bad notice, and (3) factors that comprise good notice. These issues became the focus of

breakout sessions, to give the meeting participants the opportunity to develop multi-group strategies to address them. Intercommunication between groups is essential to assure groups are coordinating efforts and not doubling up on work. The breakout sessions allowed members of each working group to share information and materials, and learn what other groups are doing to address the same issue.

Overall, the meeting was a success! Each working group has been effective in carrying out its mission and continues to make progress toward our goal. For more specific information about the May 5th meeting, contact Elizabeth Graber, egraber@pilpca.org.

Working Group Updates

Here's an update on the progress of each working group and their plans for the upcoming months.

Litigation

The litigation team identified four areas that appear ripe for litigation, (1) IHSS notices, (2) Foster Care notices, (3) language access issues, and (4) ADA assessment issues, and divided into subgroups in order to develop litigation theories and strategies in each of these areas. The Foster Care subgroup sent a Public Record Act request to all 58 counties to determine what notices are used on behalf of foster youth. Members of that subgroup are now analyzing the responses received

from the PRA request. The IHSS subgroup is actively developing legal theories and investigating the practices of the State and counties. For more information about the litigation team, contact Stephen Ronfeldt, sronfeldt@pilpca.org, or Laura Streimer, l.streimer@kidsalliance.org. (Note: Angie Schwartz will be returning from maternity leave on October 1, 2008, and will resume her role as the Litigation Working Group coordinator at that time).

Legislation

The Legislation working group drafted legislation to ensure that every public benefits recipient has

access to all non-privileged documents in their public assistance case file, without having to file for state hearing first (Current law was interpreted to give recipients access to their entire case file only after they request a hearing, otherwise recipients could access only documents they provide to the county prior to filing for a hearing. PB&J advocates interpreted the law to allow clients access to their complete files even before requesting a hearing.). After drafting the bill, participants of the working group used it to start a conversation with the California Department of Social Services (CDSS), which ended up agreeing with our

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Public Benefits Justice

Public Benefits Justice (PB&J) is a coalition designed to combat systemic barriers to public benefits programs. Each year, participants will focus on an important issue that will significantly and systemically improve the situation of low-income communities in California. This newsletter serves to provide PB&J participating advocates and organizations with updated information about progress of the coalition.

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interpretation of the law. CDSS is planning to issue an All County Letter (ACL) on the topic soon, making the introduction of the bill unnecessary.

The Legislation working group is now focusing on developing legislation that will be introduced in the 2009 session. Possible topics include: (1) mandating counties to use State translated notices, (2) requiring that legal aid organization names are on the back of every notice of action, (3) creating consequences for issuing bad notices, like the unlawful detainer law, (4) creating an option to send notices to authorized representatives. For more information about the progress of the legislation working group, please contact Dora Luna, dluna@wclp.org.

Community Organizing and Training

The Community Organizing and Training (COT) working group has made a lot of progress in developing training and informational materials on what constitutes a defective notice and how to raise notice issues in individual cases. Participants have developed curriculums for both client and worker trainings on what notice is, what rights clients have in receiving notice and how to challenge a defective notice. The trainings also address accommodations that must be made available to clients with disabilities. At the meeting on May 5, members of this working group asked for other PB&J participants to join their effort in implementing this project. The next steps include finding trainers and taking the curriculums

and training programs to different programs and counties. Members of the working group are also interested in writing scripts for skits that will be a part of the trainings, and organizing client focus groups to determine what specific issues arise in client comprehension of notices. To get involved with the COT working group, please contact Jodie Berger, jberger@lsnc.net.

Administrative Advocacy

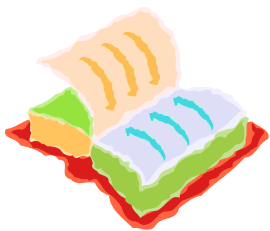
Members of the Administrative Advocacy working group have: 1) drafted a memo on legal standards for notice, 2) developed an overview of common notice problems and arguments to be used for training, and 3) worked with CDSS and the State Hearings Division on correction of inaccurate notices, Administrative Law Judge (ALJ) attention to notice issues, an ACL/ACIN reminding counties about when they are required to give notice, readability and translation concerns, and specific issues such as notice of the availability of telephone or in-person hearings. Natasha Frost, Alliance for Children's Rights, is working with pro bono attorneys to raise notice issues in fair hearings and has compiled a number of sample briefs. Amy Williams, LSNC, has been raising notice at every fair hearing and is starting to see ALJs and County representatives pay more attention to notice and jurisdiction. Contact Alice Bussiere, abussiere@ylc.org for more information on the progress of the Administrative Advocacy working group.



Public Benefits Library

The Public Benefits Library is sponsored by the Legal Aid Association of California (LAAC) and is available to "all those working to ensure access to justice for low-income

Californians." It is a GREAT resource, not only for information about notices and Public Benefits Justice, but all areas and issues associated with public benefits. It provides a space for advocates to share materials about litigation and fair hearings, trainings, administrative and legislative advocacy, and media. Members of the legal services community can access and post any relevant material to the library.



How to Post on the Library:

- ◆ Go to CALegalAdvocates.org
- ◆ Login (or "Join this Site") on the left-hand side
- ◆ Click on the "Library" tab on the top of the page
- ◆ Scroll down to the bottom of the page, and click on the Restricted Library (Site Members Only) "LINK"
- ◆ Click on the "Public Benefits" folder
- ◆ From there, check out all the sub-folder topics: General - Resources Applicable to Multiple Programs, CalWORKs, Food Stamps, Benefits for Children in Out of Home Care, SSI/OASDI, Child Care, Child Support, General Assistance/General Relief, Public Benefits Justice, and In Home Supportive Services

Other News:

Due Process Claim Filed in *Watkins, et al. v. County of Alameda, et al.*

On June 9, 2008, two participating organizations in PB&J, the Public Interest Law Project and Bay Area Legal Aid, along with Heller Ehrman, LLP filed a lawsuit against Alameda County for its unlawful implementation of time limits against 'employable' General Assistance (GA) recipients. The lawsuit included a claim challenging the notices the county used to inform GA recipients of the time limits. Even though the Judge dismissed the notice claim, finding that the notice issue was not yet ripe for adjudication, the Judge went on to discuss the deficiency of the notices used by the county at significant length. The briefs and order are available at www.pilpca.org.