



Public Benefits Justice Newsletter

Public Benefits Summit II - Success!

In December 2007, almost 50 public benefits advocates from over 30 statewide organizations convened in Burbank, CA at the second Public Benefits Summit to jumpstart a coalition to eliminate common barriers to statewide benefits programs.

The Summit enabled advocates to re-focus, energize and sharpen their advocacy efforts in order to better address the systemic issues facing low-income communities throughout the state. This two-day meeting focused on (1) identifying one issue that is systemic and cuts across multiple benefits programs or constituencies, and (2) developing a strategic plan for ensuring success in im-

proving that issue over the course of 2008.

After discussing a number of common barriers faced by their clients, participants decided to focus on **Notice Requirements and Deficiencies**. Due Process requires government agencies to provide applicants for and recipients of public benefits timely and adequate notice of any action that affects those benefits, including the reasons for the action and information about how to request a hearing. Improper notices cause a multitude of problems, including clients failing to pursue possible administrative remedies. The group identified achievable goals to improve notices and agreed

the impact on its constituencies would be substantial.

The Summit dedicated day two to outlining a strategic plan to accomplish this goal. Participants split into four working groups (litigation, legislation, administrative advocacy, and community outreach) to effectively implement change from a number of directions.

The working groups developed individual work plans and have already begun meeting and implementing their projects. The progress of the groups is outlined below. Further plans for a meeting for all participants to convene and touch base are underway for May.

Working Group Progress

Since December, each of the four working groups has begun to implement the work plan developed in December, and has met at least once in order to coordinate the activities and share developments.

The **litigation** workgroup has begun researching a number of topics that could potentially be resolved through litigation, including assessment of individual needs, understandability

of notices, the previous Turner litigation, and language access issues. In further discussions of the research, the workgroup decided to split into four subgroups in which to begin development of litigation plans: (1) IHSS notice issues and due process, (2) language access issues, (3) ADA assessment issues in IHSS, and (4) Foster Care issues. Each subgroup will evaluate their issue for possible litigation including identi-

fying the primary notice deficiencies, relief sought, possible declarants/plaintiffs, legal claims, and analysis of the merits of those claims.

The **legislation** group has been actively researching possible legislative remedies to common notice problems. Participants have drafted bills to introduce in 2008 on (1) access to client files — to ensure that clients and their authorized representatives can access all

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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.

Common Notice Problems:

- No notice given
- Notice not in proper language
- Over-technical notices or otherwise indecipherable notices
- Notices that don't accommodate a person with known disabilities
- Contradictory parallel notices
- Notices which describe a rule, but don't spell out potential defenses
- Notices that don't spell out appeal deadlines

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non-privileged documents in their public assistance case file without having to file for a state hearing first (current law provides that recipients may access their entire case file only after they request a hearing, otherwise recipients may access only documents they provide to the county prior to filing for a hearing), and (2) voluntary placement agreements (VPA) — to ensure that counties comply with time limits imposed on duration of VPAs and provide notice to caretakers about the time limit of a VPA. The group is doing research on the current notice requirements in the various benefit programs, and are hoping to come up with model notice(s) to implement across counties and programs, with the goal of introducing more comprehensive legislation next year.

The **administrative advocacy** group is focusing its advocacy at both the policy and individual case levels. Policy work is focused on working with the California Department of Social Services to improve notices and ensure county notices fully comply with CDSS notice requirements. Individual advocacy will focus on notice issues that advocates can raise in individual cases and on developing materials to help advocates pursue these issues successfully. Administrative advocacy working

group members will coordinate with members of other working groups on (1) collecting examples of bad notices and instances when notice should have been given but was not, and (2) researching legal standards for notice and collecting or developing examples of good notices.

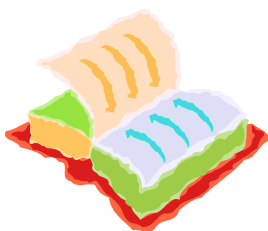
The **community organizing and trainings** group has already begun developing curriculums and materials for trainings. They are planning both client and worker trainings, and are actively collecting bad and good notices, as well as information from clients about what problems they have encountered with notices. They plan to hold client focus groups to collect this information. The group has also created info sheets about clients rights and notice requirements, which are available on the Public Benefits Library and the PB&J Google Group site. These materials could be distributed at trainings or in legal aid offices to inform clients of their rights.

The working groups have already made significant progress in their various projects, and their enthusiasm to work together and improve notices is inspiring! For more information about the groups, or to join, email Elizabeth Graber at egraber@pilpca.org.

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.



New Material in the Library:

There is already TONS of material in the library, including education materials, administrative hearing decisions, example briefs. As people continue to add resources, we will update PB&J about what’s available.

- Natasha Frost, Alliance for Children’s Rights, has submitted a number of Administrative Hearing Decisions and sample briefs under the “Benefits for Children in Out of Home Care” subfolder. Topics include: home approval delays, foster care payments begin at placement, county burden to approve placement, etc.
- A PB&J folder was created to give working groups space to post documents relevant to their projects

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 subfolder 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