

DEPARTMENT OF SOCIAL SERVICES
744 P Street, Sacramento, CA 95814



May 3, 1993

ALL COUNTY LETTER NO. 93-29

TO: ALL COUNTY WELFARE DIRECTORS

REASON FOR THIS TRANSMITTAL

- State Law Change
- Federal Law or Regulation Change
- Court Order
- Clarification Requested by One or More Counties
- Initiated by CDSS

SUBJECT: STEFFENS V. McMAHON

REFERENCES: MPP 40-100 and MPP 63-301.1

The purpose of this letter is to provide County Welfare Departments (CWDs) with instructions for implementing the requirements of the Steffens v. McMahon court case (Superior Court for the County of Sacramento, Case #517548, Attachment 1). This lawsuit affects both the Aid to Families With Dependent Children (AFDC) and the Food Stamp Programs.

On November 28, 1990, the Steffens v. McMahon court case was filed against the California Department of Social Services (CDSS) for failure to process applications within the 45- and 30-day requirements of the AFDC and Food Stamp Programs, respectively. The court determined that delays caused by the Agency (CWDs) require corrective action for each program.

Reporting requirement changes for AFDC

CWDs currently submit reports which identify how many requests for aid were processed past the AFDC 45-day processing deadline (CA 237 FG/U). The Steffens court order has added the requirement that CWDs identify how many requests for aid were processed late due to Agency delays (and "other" caused delays for the first report). This reporting change adjusts the AFDC reporting requirements so that they more closely resemble the Food Stamp Program reporting requirements.

CWDs are required to complete the ABCD 257 - Rev. 2/93 statistical report (Attachment 2) in order to comply with the Steffens court order. It is expected that this reporting will continue for at least three years. Data reported on the ABCD 257 will have edit matches to the CA 237 FG/U monthly statistical report.

Agency-caused delay is defined as: failure to timely request essential verification information, failure to timely review

client application, or failure to timely schedule client interview.

When failure to process timely is a combination of Agency delay and "other" causes of delay, CWDs are to determine if the application would have been processed in a timely fashion if the Agency had not caused any significant delay. If the Agency was a significant cause of the delay, the incident would be reported as an Agency-caused delay. Each instance of late processing is only to be reported as a single entry. Do not report one instance of late processing in both categories.

CWDs are to implement this change using the new ABCD 257 no later than October 1, 1993. CWDs are to ensure that all requests for aid are captured on this report including restorations, cancellations, and withdrawals. Failure to implement this reporting change on or before this court-ordered deadline could result in adverse financial consequences to the CWDs and the State.

AFDC Corrective Action

The Steffens v. McMahon court order also requires CWDs to submit a Corrective Action Plan (CAP) (Attachment 3) within 45 days after the quarterly report is submitted if, for two consecutive quarters, the number of AFDC applications processed beyond 45 days exceeds the defined threshold limits. The threshold limits refer to a specified percentage of applications processed beyond the 45-day time limit. These limits are defined as follows:

- The CWDs will use the quarterly information from the CA 237 FG/U for the period July through September 1993 for determining compliance with the Steffens court order. For this first quarter only, if the total number of AFDC applications processed beyond 45 days exceeds five percent of the total applications, the CWD would be out of compliance with the order.

- Beginning with the use of the ABCD 257 for the October 1993 quarter, the revised reporting system will require CWDs to collect data on the number of applications processed late due to Agency-caused delays. If the total number of AFDC applications processed beyond 45 days exceeds two percent due to Agency-caused delays, the CWD would be out of compliance with the order.

EXAMPLE 1: In the first quarter (e.g., July, August, September) the CWD reports eight percent of their total AFDC applications were processed over 45 days. In the following quarter, the CWD reported that four percent of their AFDC applications were processed over 45 days due to Agency delays.

A CAP needs to be submitted because they were over the five percent threshold in the first quarter and over the two percent threshold in the second quarter.

EXAMPLE 2: In the third quarter (e.g., January, February, March 1994), the CWD reported that three percent of the AFDC

applications were processed over 45 days due to Agency delays. In the fourth quarter, the CWD reported that 1.8 percent of the AFDC applications were processed over 45 days due to Agency delays.

NO CAP is required because the CWD was not over the two percent threshold due to Agency-caused delay for two consecutive quarters.

It is the responsibility of all counties exceeding the AFDC threshold to submit a CAP to CDSS within 45 days of submittal of the data. No additional notification will be transmitted.

The CAP for AFDC should be sent to:

Department of Social Services
AFDC Policy Development Bureau
County Compliance Unit
744 P Street, MS 16-31
Sacramento, CA 95814

Please see Attachment 4 for the names of your AFDC County Compliance Consultant. Technical assistance is available from these staff on completing the Steffens AFDC CAP.

Food Stamp Corrective Action

For the Food Stamp Program, the court order stipulates the following:

- The CDSS is to identify those CWDs that, for the most recent two successive quarters, exceed three percent of the total number of Food Stamp applications processed after 30 days due to Agency-caused delays.

- CWDs which exceed the three percent threshold for the two successive quarters are to be sent a letter within 120 days from CDSS' receipt of the Stipulation and Consent Decree (February 4, 1993), informing them that action must be taken to ensure compliance with the 30-day application processing time frame. Those CWDs with more than 2,000 Food Stamp households are required to submit a CAP within 45 days from the date the CWD is informed that the CAP is required.

- On an ongoing basis, CDSS will have 30 days after compiling the data to notify those CWDs which exceed the three percent threshold for two successive quarters. These CWDs are to be sent a letter informing them that action must be taken to ensure compliance with the 30-day application processing time frame. Those CWDs with more than 2,000 Food Stamp households are required to submit a CAP within 45 days of the date the CWD is informed that a CAP is required.

To implement the Stipulation and Consent Decree, quarterly data has been collected using information submitted on the DFA 296, Food Stamp Program Monthly Caseload Movement Statistical

Report. The first two successive quarters will be July-September 1992 and October-December 1992. CWDs which are required to submit a CAP will be provided a CAP form along with the letter indicating corrective action is necessary.

Corrective Action Plans

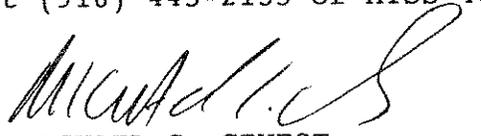
If the CWD is required to submit a CAP, the information in the CAP must include means and progress objectives, and estimated timelines for completion of objectives, and evaluation of action(s) and evaluation dates. This information is defined as follows:

- Means and Progress Objectives: Identify the problem(s) to decide where to concentrate the CWD efforts and resources. An analysis should be made of why the CWD exceeds the required application processing timeframes. Develop objectives to specifically address the problem(s) and a plan of action to prevent recurrence.

- Estimated Timelines for Completion of Objectives: Estimate the length of time it will take for the objectives to be completed. Provide quarterly updates to CDSS on the results as to whether or not the objectives are met and are a viable solution to the problem.

- Evaluation of Actions and Evaluation Dates: Identify the steps to be used to evaluate the implementation of all objectives. Provide timeframes in which you will be conducting these evaluations.

If you have any AFDC questions about the court case, please call Mr. Vincent Toolan at (916) 654-1808 or ATSS 464-1808. If you have any questions regarding AFDC corrective action or the submission of AFDC corrective action plans, please call your AFDC County Compliance Consultant. Food Stamp questions should be directed to Mr. Michael Papin, Food Stamp Program Bureau, at (916) 654-1873 or ATSS 464-1873. If you have any questions about statistical reporting, please call Mr. Levy St. Mary of the Statistical Services Bureau at (916) 445-2135 or ATSS 485-2135.


MICHAEL C. GENEST
Deputy Director
Welfare Programs Division

Attachments

cc: CWDA

~~FILED~~
~~ENDORSED~~

APR 25 - 2 PM 1:32

SACRAMENTO SUPERIOR COURT
DEPT #27

1 Grace A. Calligher, Esq.
2 Coalition of California Welfare Rights Organization
3 1901 Alhambra Blvd
4 Sacramento, CA 95816
5 Tel. (916) 736-0616

6 Ralph Santiago Abascal, Esq.
7 California Rural Legal Assistance, Inc.
8 2111 Mission Street, Suite 401
9 San Francisco, CA 94110
10 Tel. (415) 864-3405

11 Attorneys for Plaintiffs

12 SUPERIOR COURT OF THE STATE OF CALIFORNIA

13 FOR THE COUNTY OF SACRAMENTO

14	KAYLA STEFFENS, et al.,)	No. 517548
15	Plaintiffs/petitioners,)	
16	v.)	JOINT PROPOSED STIPULATION
17	LINDA McMAHON, et al.,)	OF SETTLEMENT AND
18	Defendants/respondents)	<u>CONSENT DECREE</u>

19 IT IS HEREBY STIPULATED AND AGREED AS FOLLOWS:

20 1. The parties wish to enter into a settlement of this
21 lawsuit, which shall include all aspects of the dispute regarding
22 the time within which an application for Aid to Families With
23 Dependent Children ("AFDC") and Food Stamps shall be processed.

24 2. This agreement shall be binding on all plaintiffs
25 and the Department of Social Services, Eloise Anderson, Director,
26 Department of Social Services, her agents, employees, successors
27 in interest, all persons acting by, through, or under her, or
subject to her control or supervision.

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29 //

1 AFDC

2 1. Plaintiffs and the Department of Social Services
3 ("the Department") agree that federal and state statutes and
4 regulations require that AFDC applications be processed promptly,
5 but no later than 45 days from the date each application is
6 submitted, except for the provisions of Welfare and Institutions
7 Code section 11266.

8 2. Within 90 days after receipt of this Stipulation
9 and Consent Decree, an all county letter will be sent to all
10 County Welfare Directors regarding the Steffens v. McMahon court
11 case. Counties will be reminded that the AFDC application
12 processing time frame is 45 days. The Department shall instruct
13 all County Welfare Departments ("CWDs") to identify county-
14 caused delays. County-caused delays shall be defined as follows:
15 Where the county 1) fails to properly inform the applicant as to
16 what verifications must be provided as part of the eligibility
17 determination process in accordance with Welfare and Institutions
18 Code ("W&IC") §§11275-11275.50; 2) fails to assist the applicant
19 in obtaining appropriate verification when assistance is
20 requested in accordance with W&IC §11275.1; 3) fails to act on
21 adequate available information; and 4) fails to timely schedule
22 personal interviews in accordance with W&IC §11052.5.

23 3. Within 90 days after receipt of this Stipulation
24 and Consent Decree, the Department shall begin to collect
25 information from the counties identifying county-caused delays in
26 the processing of AFDC applications over the 45-day requirement.
27 The collected data shall be incorporated in the reports currently

1 generated by the Department.

2 4. Where the information collected by the CWD
3 indicates that the number of applications processed in more than
4 45 days exceeds the threshold as identified in paragraph 6 below,
5 the CWD shall be required to identify such violation and submit a
6 Corrective Action Plan ("CAP") to the Department within 45 days
7 after the quarterly data is submitted to the Department. All
8 CAPs shall include problem statements, means and progress
9 objectives and estimated timelines for completion of such
10 objectives. Copies of all CAPs, including any other
11 communication relative to any of the CAPs, shall be available for
12 inspection by the plaintiffs, and the Department shall provide
13 plaintiffs with copies of such documents upon request.

14 5. The Department shall review and approve all CAPs,
15 and monitor the CWD's progress toward meeting its objectives.

16 6. The threshold percentages are as follows: Prior to
17 the implementation of the new reporting system which identifies
18 county-caused delays, the development of CAPs is limited to only
19 those CWDs that, for two successive quarters, exceed five percent
20 (5%) of the total number of AFDC applications processed after the
21 45 days. After the new reporting system is implemented, the
22 development of CAPs is limited to only those CWDs that exceed two
23 percent (2%) of the total number of AFDC applications processed
24 after the 45 days due to county caused delays.

25 The new reporting system shall be effective within 30
26 days after the Department receives two successive CWD quarterly
27 reports which identify county-caused delays in the processing of

1 AFDC applications.

2 7. Within 60 days after receipt of this Stipulation
3 and Consent Decree, the Department shall issue an All County
4 Letter, written by the Department, instructing all CWDs of the
5 terms of this settlement agreement, including a copy of the
6 agreement. The Department shall provide a copy of the ACL to
7 plaintiffs for their comment. Plaintiffs shall provide their
8 comments at least 10 days prior to the release of the ACL. The
9 Department shall consider timely comments but is not bound to
10 incorporate them.

11 8. The Department shall prepare quarterly statistical
12 reports, which shall include statistical data on AFDC processing
13 time periods for all counties. These reports shall be submitted
14 to the Court for review, with copies to the plaintiffs. The
15 Department will not be required to submit quarterly reports after
16 three years from the date of filing of the first quarterly
17 report, which shall be the first quarter following the quarter in
18 which this stipulation is filed.

19 FOOD STAMPS

20 1. Plaintiffs and the Department agree that federal
21 and state statutes and regulations require that Food Stamp
22 applications be processed promptly, but no later than 30 days
23 from the date each application is submitted.

24 4. Within 90 days after receipt of this Stipulation
25 and Consent Decree, an all county letter will be sent to all
26 County Welfare Directors regarding the Steffens v. McMahon court
27 case. Counties will be reminded that the Food Stamp application

1 processing time frame is 30 days. Counties will be informed that
2 the Department will be identifying those Counties that, for two
3 successive quarters, exceed three percent (3%) of the total
4 number of Food Stamp applications processed after the 30 days due
5 to county caused delays.

6 5. Within 120 days after receipt of this Stipulation
7 and Consent Decree, the most recent data for two successive
8 quarters will be reviewed and those counties that have been
9 identified to have exceeded the three percent (3%) threshold for
10 those quarters due to county caused delays will be sent a letter
11 informing them that action must be taken to process applications
12 within the 30-day time frame.

13 5. Thereafter, within 30 days after the quarterly data
14 has been compiled by the Department, those counties that have
15 exceeded the three percent for two successive quarters due to
16 county caused delays will be sent a letter informing them that
17 action must be taken to process applications within the 30-day
18 time frame.

19 6. County corrective action will be prioritized.
20 Individual counties with more than 2,000 Food Stamp households
21 will be required to submit a CAP.

22 7. Individual county CAPs must be received by the
23 Department within 45 days from the date the county is informed
24 that a CAP is required. The Department shall review all CAPs.
25 All CAPs shall include problem statements, means and progress
26 objectives and estimated timelines for completion of such
27 objectives. Copies of all CAPs, including any other

1 communication relative to any of the CAPs, shall be available for
2 inspection by the plaintiffs, and the Department shall provide
3 plaintiffs with copies of such documents upon request.
4

5
6 DATED: 2/2/93

Grace Galliger

GRACE GALLIGER, ESQ.
Coalition of California Welfare
Rights Organizations, Inc.

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8
9
10 DATED: 2/2/93

Ralph Abascal by Grace Galliger

RALPH ABASCAL, ESQ.
California Rural Legal Assistance

Attorneys for Plaintiffs

11
12
13
14
15 DATED: Feb 2, 1993

Frank S. Furtek

FRANK S. FURTEK, ESQ.
Deputy Attorney General

Attorney for Defendants

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19 IT IS SO ORDERED.

20 DATED: FEB -2 1993

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RONALD B. ROBIE

RONALD B. ROBIE
Judge of the Superior Court

SEND ONE COPY TO:

Department of Social Services
Statistical Services Bureau
744 P Street, M.S. 19-81
Sacramento, CA 95814
(916) 322-2230

AID TO FAMILIES WITH DEPENDENT CHILDREN (AFDC) APPLICATIONS DISPOSITION REPORT

STATE USE		COUNTY		
COUNTY CODE		FOR QUARTER ENDING		
PART A. BEYOND 45 DAY PROCESSING OF APPLICATIONS				
	TOTAL (1)	AGENCY CAUSED DELAYS (2)		OTHER DELAYS (3)
1. Total number of applications and requests for restorations disposed beyond 45 days.....	1	2	3	
a. Approved beyond 45 days.....	4	5	6	
b. Denied beyond 45 days.....	7	8	9	
c. Otherwise disposed of (cancelled & withdrawals) beyond 45 days.....	10	11	12	
2. Total applications and requests for restoration pending beyond 45 days.....	13	14	15	

PART B. TO BE USED ONLY ON INSTRUCTIONS FROM THE CDSS

[This section is intentionally left blank for use according to instructions from the CDSS.]

PERSON TO CONTACT REGARDING THIS REPORT	TELEPHONE NUMBER ()	DATE
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**AID TO FAMILIES WITH DEPENDENT CHILDREN(AFDC) -
APPLICATIONS DISPOSITION REPORT
REPORT NO. ABCD 257 (2/93)**

CONTENT

This report is a result of the Steffens v. Anderson court case and provides quarterly data on overdue processing of AFDC applications which have been disposed of beyond 45 days.

PURPOSE

The purpose of this data is to provide information of those AFDC applications which have been processed beyond 45 days and to identify whether the delay was caused by the Agency or the client.

DISTRIBUTION

This data will be provided to Departmental staff and all other interested parties.

DUE DATE

Reports are to be received in Sacramento on or before the 20th calendar day of the month following the report quarter. Send report to:

State Department of Social Services
Statistical Services Section
744 P Street, Mail Station 19-81
Sacramento, CA 95814

When data is unavailable transmit a report by the due date containing all available information. Attach a note indicating when the department can expect to receive the missing data. Please forward missing figures as soon as possible.

DEFINITIONS

AGENCY CAUSED DELAY - Shall be defined as any delay caused by the failure of the Agency or any assigned representative to:

1. Properly inform the applicant as to what verifications must be provided as part of the eligibility determination process in accordance with Welfare and Institutions Code ("W&IC") SS11275 - 11275.50;
2. Assist the applicant in obtaining appropriate verification when assistance is requested in accordance with W&IC S11275.1;
3. Act on adequate available information; and
4. Timely schedule personal interviews in accordance with W&IC S11052.5.

or to process with "Good Faith Effort" as defined in MPP Section 40-126, any application or request for restoration.

OTHER DELAYS - Shall be defined as any delay not caused by the Agency or any assigned agent.

INSTRUCTIONS

PART A. OVER 45 DAY PROCESSING OF APPLICATIONS

Item no. 1, col. 1 - Total number of applications and requests for restoration disposed beyond 45 days - Enter the total number of applications and requests for restoration which have been disposed of beyond 45 days. (Equal to Item no. 14.c., col. 3 of the CA 237 FG/U report.)

Item no. 1, col. 2 - Of the number reported in Item 1, col. 1, enter the number of applications and requests for restoration disposed of beyond 45 days in which the delay was caused by the agency.

Item no. 1, col. 3 - Of the number reported in Item 1, col. 1, enter the number of applications and requests for restoration disposed of beyond 45 days in which the delay was not caused by the Agency.

Item no. 1.a., col. 1 - Total approved beyond 45 days - Enter the total number of applications and requests for restoration which have been approved beyond 45 days. (Equal to Item no. 14.c.(1), col. 3 of the CA 237 FG/U Report)

Item no. 1.a., col. 2 - Of the number reported in Item 1, col. 1, enter the number of applications and requests for restoration approved beyond 45 days in which the delay was caused by the agency.

Item no. 1.a., col. 3 - Of the number reported in Item 1, col. 1, enter the number of applications and requests for restoration approved beyond 45 days in which the delay was not caused by the Agency.

Item no. 1.b., col. 1 - Total number denied beyond 45 days - Enter the total number of applications and requests for restoration which have been denied beyond 45 days. (Equal to Item no. 14.c.(2), col. 3 of the CA 237 FG/U Report.)

Item no. 1.b., col. 2 - Of the number reported in Item 1, col. 1, enter the number of applications and requests for restoration denied beyond 45 days in which the delay was caused by the agency.

Item no. 1.b., col. 3 - Of the number reported in Item 1, col. 1, enter the number of applications and requests for restoration denied beyond 45 days in which the delay was not caused by the Agency.

Item no. 1.c., col. 1 - Total otherwise disposed of (cancellations or withdrawals) beyond 45 days - Enter the total number of applications and requests for restoration which have been canceled or withdrawn beyond 45 days. (Equal to Item no. 14.c.(3), col. 3 of the CA 237 FG/U Report.)

Item 1.c., col. 2 - Of the number reported in Item 1, col. 1, enter the number of applications and requests for restoration canceled or withdrawn in over 45 days in which

the delay was caused by the agency.

Item 1.c., col. 3 - Of the number reported in Item 1, col. 1, enter the number of applications and requests for restorations canceled or withdrawn in over 45 days in which the delay was not caused by the Agency.

Item 2., col 1., Total applications and requests for restoration pending beyond 45 days - Enter the total number of applications and requests for restoration which, as of the end of the quarter, have been pending beyond 45 days. (Equal to Item no. 15, col.3 of the CA 237 FG/U Report.)

Item 2., col. 2 - Of the number reported in Item 2, col. 1, enter the number of applications and requests for restoration pending beyond 45 days in which the delay was caused by the agency.

Item 2., col. 3 - Of the number reported in Item 1, col. 1, enter the number of applications and requests for restoration pending beyond 45 days in which the delay was not caused by the Agency.

PART B. TO BE USED ONLY ON INSTRUCTIONS FROM CDSS

This area is to be used only when directed by the Department to provide additional information. If additional information is required, Counties will be notified by either All-County Letter or All-County Information Notice.

CORRECTIVE ACTION PLAN
(Steffens v. McMahon)

ATTACHMENT 3

COUNTY		<input type="checkbox"/> AFDC	<input type="checkbox"/> FOOD STAMPS
TELEPHONE		(.)	

1. FINDING: Applications are not processed consistent with the requirements established in the Steffens court order.

2. MEANS AND PROGRESS OBJECTIVES:

Estimated Timelines for
Completion of Objectives:

SAMPLE

(Attach additional pages if necessary)

3. EVALUATION OF ACTION(S):

Evaluation Date(s):

(Attach additional pages if necessary)

AFDC Policy Development Bureau
 County Assignments as of: 09-FEB-1993

Lorna M. Fong, Manager
 AFDC County Compliance Unit
 (916) 654-1871
 (916) 654-1401 FAX

ANALYST	COUNTY	ANALYST	COUNTY
-----	-----	-----	-----
Alex Ezebunwa (916) 654-1050	Fresno Kern Kings Madera Mariposa Merced San Joaquin Stanislaus Tulare Tuolumne	(Temporary) Lorna M. Fong (916) 654-1871	Alameda Contra Costa Marin Monterey Napa San Benito San Francisco San Luis Obispo San Mateo Santa Barbara Santa Clara Santa Cruz Solano
Debbie Hudson (916) 657-1671	Amador Calaveras El Dorado Lassen Modoc Nevada Placer Plumas Sacramento Sierra Sutter Yolo Yuba	Mitzi Spitz (916) 654-1399	Alpine Imperial Inyo Los Angeles Mono Orange Riverside San Bernardino San Diego Ventura
Susan Lawrence (916) 654-2130	Butte Colusa Del Norte Glenn Humboldt Lake Mendocino Shasta Siskiyou Sonoma Tehama Trinity		