

Massachusetts Law Reform Institute

99 Chauncy Street, Suite 500, Boston, MA 02111-1722

(617) 357-0700

(617) 357-0777 FAX

(617) 357-0020 TDD

March 23, 1998

By Fax

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Assistant General Counsel
Department of Transitional Assistance
600 Washington Street
Boston, MA 02111

Re: Public Records Request - Family Cap Rule.

Dear ■■■■

Thanks again for supplying me with the March 20 response to my February 18, 1998 public records request and your fax of March 23. I am writing to follow up.

First of all, thank you for sending the positions of each member of the committee. Would you please also provide me with their names and office locations.

Secondly, this will confirm our discussion that in Attachment 2 "NOB" stands for "Notice of Birth" which is a reference to the fact that DTA learned of such births through a notice from DMA. This will further confirm our discussion of the fact that the indication of 135 Cash Active Children Born After Family Cap Date on Attachment 2 is intended to show the number of children born after the family cap date who nonetheless are receiving cash assistance, as well as our discussion that this number is high, given that only 21 waivers have been approved, and may reflect coding errors. Any further insight you could provide on this would be appreciated.

With respect to the 123 requests for family cap waivers, ■■■■ ■■■■ informed me that it would take approximately 15 minutes each to redact identifying information from the requests at an attorney rate of \$20 per hour. I am now requesting the redacting and production of the following 11 waiver request materials and decisions, including any notes made by the Commissioner or the committee members in connection with the review process:

-The one that was approved and returned to office on 6/10/97, in which you cite "extraordinary circumstances" under the comments section.

-The one that was approved and returned on 8/25/97, in which you cite "failed tubal ligation" in the comments section.

-The one that was denied and returned on 4/07/97, in which you cite "Failed Birth Control" in the comments section.

-The one denied and returned on 1/27/98, in which you cite "Argueing (sic) FCD" in the comments section.

-The one denied and returned on 10/31/96, in which you cite "Needs More Money, Argueing (sic) FCD" in the comments section.

-The two denied and returned on 10/24/96, in which you cite "Needs More Money, Argueing (sic) FCD" in the comments section.

-The one denied and returned on 2/03/97, in which you cite "Needs More Money, Argueing (sic) FCD" in the comments section.

-The one denied and returned on 7/21/97, in which you cite "Argueing (sic) FCD" in the comments section.

-The one denied and returned on 1/27/98, in which you cite "Claims Domestic Violence" in the comments section.

-The one denied and returned on 12/02/96, in which you cite "Needs More Money, Argueing (sic) FCD" in the comments section.

Production of these 11 redacted requests and decisions should take no more than 3 hours. Given the limited amount of time that this production will take, we continue to request that fees for production be waived, because of our nonprofit/public interest status. In any event, this production should cost no more than \$60.00.

This will confirm what you told me on the telephone to the effect that the reference in your letter to "documents provided in response to MLRI's earlier request for information" at the top of page 2 of your letter is a reference to the 8/12/97 response to [REDACTED] [REDACTED]. This will also confirm that there is nothing in that response that sets forth any standards or guidelines for the exercise of the Commissioner's discretion under 203.300(D)(2).

This will confirm that, notwithstanding your production of Attachment 3, the Department has not aggregated information about the number of births per month before and after September 1, 1996 as requested in items number 14 and 15 of my original request.

Finally, please let me know a convenient time for me to come look at the Department's press clippings file which is referenced in your March 20 response.

Thank you for all of your assistance.

Sincerely,
[REDACTED]

Massachusetts Law Reform Institute

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April 3, 1998

By Fax



Assistant General Counsel
Department of Transitional Assistance
600 Washington Street
Boston, MA 02111

Re: Public Records Request - Family Cap Rule.

Dear 

It was nice to meet you yesterday. Since we did not have an opportunity to go over my outstanding requests for clarification with respect to your responses to my public records request, I thought I would summarize in writing for you the questions I continue to have.

In addition to the information requested in my March 23 letter to you, I have verbally asked you for some of the following. To the extent that I have not previously asked these questions, I am asking them now.

1. On Exhibit A to my original public records request, does the category "Number of Ineligible Children" include or exclude the number of children to whom waivers have been granted? Does it include or exclude the number of children subject to exceptions to the family cap?

2. Attachment 1 to your response to my public records request indicates that it covers waiver requests. Does this mean that it covers only requests made pursuant to 106 CMR 203.300(D), and not requests for exceptions under 203.300(C)? If so, please provide me with a similar breakdown of exception requests and decisions, as was contemplated by my original request. If it already includes exception request, could you please indicate which of the entries on your Attachment 1 represent exception as opposed to waiver requests. I note that some of the comments on Attachment 1 suggest that it includes exception request pursuant to 106 CMR 203.300(C)(3).

3. Is the 135 figure for Cash Active Children on your Attachment 2 inclusive of children subject to exceptions as well as waivers? Does this explain the inconsistency between the number of such children and the number of waivers approved as reflected on your Attachment 1?

4. As we previously discussed, I would also like to know what the "average family size" on your Attachment 3 represents. Does it include family cap children or only persons in the assistance unit or something else?

5. Could you please provide me with blank copies of the denial and approval notices that are sent out once a waiver or exception request has been decided?

Thanks again for your patience and assistance. Have a nice weekend.

Sincerely,

A solid black rectangular redaction box covering the signature area.

Massachusetts Law Reform Institute

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April 23, 1998

By Fax

██████████

Assistant General Counsel
Department of Transitional Assistance
600 Washington Street
Boston, MA 02111

Re: Public Records Request - Family Cap Rule.

Dear ██████████

One full month has now passed since my March 23 letter to you requesting documents containing the names and office locations of each member of the family cap central committee and the redacted copies of the materials related to 11 waiver requests. In addition, 20 days have passed since my April 3 letter asking for some minor explanations of the information you previously provided, as well as blank copies of the denial and approval notices that are sent out.

I know you and others at the Department are probably very busy, but I have been quite patient about getting this information. I previously made clear that I would be willing to get the documents in installments, so as to relieve the burden on you. At this point, unless I receive the documents very soon, I will have no choice but to pursue the legal remedies that are available. This would be an unfortunate use of everyone's limited resources, particularly given that there is no dispute about the documents being public records in their redacted form, and I certainly hope it is not necessary.

Please give me a call to let me know when I can expect to receive the documents. If you were already planning on providing the documents in the next several days, I apologize for this letter. I do not want to be antagonistic, I simply want the documents to which I am legally entitled. Thanks for your anticipated attention to this matter.

Sincerely,

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Massachusetts Law Reform Institute

99 Chauncy Street, Suite 500, Boston, MA 02111-1722

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June 8, 1998

Supervisor of Public Records
Office of the Secretary of State
One Ashburton Place
Boston, MA 02108

Re: Public Records from the Department of Transitional Assistance

Dear Supervisor of Public Records:

Pursuant to G.L. c. 66A, § 10 and G.L. c. 4, § 7, cl. twenty-sixth, I am writing to request an order from your office directing the Department of Transitional Assistance (DTA) to produce certain public records, namely: (1) public records containing the names and office locations of each member of the central DTA committee involved in deciding whether to grant or deny requests for waivers from the so-called family cap rule; (2) redacted copies (to protect individual recipient privacy) of all documents submitted to DTA and/or created by DTA in connection with the 11 individual waiver requests identified in my letter of March 23, 1998, including any notes made by the Commissioner or the committee members in connection with the review process; and (3) copies of denial or approval notice forms that are provided to persons who have applied for a family cap waiver. My letters containing, and DTA's letters responding to, my requests are enclosed in reverse chronological order to assist in your review.

These documents were originally requested on February 18 of this year. Because I am requesting the documents on behalf of the non-profit, public interest firm, the Massachusetts Law Reform Institute, and on behalf of our low-income clients, I requested that any fees be waived as permitted by 950 CMR 32.06(5). The Department has refused to waive the fees. Because of DTA's refusal to waive the fees, on an interim basis, I narrowed my original February 18 request for waiver documents -- which was for redacted copies of all documents connected with all family cap waiver requests -- to the 11 waiver requests noted above and in my March 23 letter. Notwithstanding this, I have yet to receive any of these documents from DTA.

DTA has never disputed that these are public records within the meaning of the governing statutes and regulations. Hence, I respectfully request that you issue an order immediately to DTA to compel production of these documents.

In addition, I ask you to direct DTA to produce these documents without charging any fees, given that waiver of the fees is appropriate under the regulations, and given further that DTA has unreasonably refused to produce the public records in my narrowed request on a timely basis.

Thank you for your anticipated prompt attention to this matter.

Sincerely,

[REDACTED]

Enclosures

cc: [REDACTED]
DTA General Counsel

Massachusetts Law Reform Institute

99 Chauncy Street, Boston, MA 02111

(617) 357-0700

(617) 350-0020 TDD

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January 5, 1999

By Fax and Mail

██████ ██████████

Deputy General Counsel

██████ ██████████

Assistant General Counsel

Department of Transitional Assistance

600 Washington Street

Boston, MA 02111

Re: Public Records Request

Dear Ms. ████████ and Ms. ██████████

I am writing to request certain public records, pursuant to G.L. c. 66, § 10. I am writing to you because this request seeks more current versions of documents which your office previously provided in response to an earlier request from me.

In particular, I am requesting the most current versions of the documents you provided to me as Attachments 1, 2 and 3 to Ms. ██████████'s letter dated March 20, 1998, a copy of which is attached for your convenience, and any other documents that show the number of family cap waivers to date that have been requested and denied or approved, some information about the grounds for the waiver requests, and the total number of children that have been excluded by the family cap since 9/1/96.

Since the Massachusetts Law Reform Institute is a nonprofit corporation that represents indigent persons, and these documents are requested for the benefit of these clients and the general public, we request that you waive any fees for these documents as permitted by 950 CMR 32.06(5).

Thank you for your anticipated prompt response to this request.

Sincerely,

A solid black rectangular redaction box covering the signature area.