STATE OF CALIFORNIA—HEALTH AND WELFARE AGENCY

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

July 27, 1994

ALL-COUNTY INFORMATION NOTICE I-22-94

TO: ALL COUNTY WELFARE DIRECTORS

REASON FOR THIS TRANSMITTAL

[ ] State Law Change
[ ] Federal Law or Regulation Change
[ ] Court Order or Settlement Agreement
[X] Clarification Requested by One or More Counties
[ ] Initiated by CDSS

SUBJECT: LUMP SUM INFORMING

REFERENCE: MPP SECTIONS 44-207.432

The purpose of this Information Notice is to remind county welfare departments (CWDs) of the importance of providing the Rutan Lump Sum Informing Notice at application and at annual redetermination. The Rutan court order specifies that counties "shall continue to provide a written explanation of the terms of the lump sum rule to all applicants for AFDC benefits, and to all recipients at the time of annual redetermination." The Rutan court order additionally mandates that "Counties will be required to orally advise applicants and recipients of the importance of the notice at the time it is given, and shall document that the notice was given in the case file."

The Rutan order also specifies that "the county welfare departments shall not apply the rule to any AFDC recipient who received and spent the lump sum prior . . . to receiving [annual] notice. There shall be a presumption that the notice was not given if receipt of the notice is not documented in the case file . . . . The foregoing presumption shall apply to each person who applied for AFDC benefits or who went through annual redetermination at any time following promulgation of regulations implementing this Consent Decree." CWDs will not apply the lump sum rule to create a period of ineligibility or collect an overpayment for a period of ineligibility unless the assistance unit's file reflects that notice as specified by the Rutan order.

If you have any questions about this Information Notice or the lump sum informing requirement, please call Ms. Julie Lopes at (916) 654-1786 or ATSS 464-1786.

Sincerely,

MICHAEL C. GENEST
Deputy Director
Welfare Programs Division