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

April 4, 1997

ALL COUNTY INFORMATION NOTICE NO. I-22-97

TO: ALL COUNTY WELFARE DIRECTORS

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

SUBJECT: FOOD STAMP COURT ORDER CASE, AKTAR v. ANDERSON

REFERENCE: ALL COUNTY LETTER (ACL) 96-51 AND ACIN I-24-96

The purpose of this notice is to provide County Welfare Departments (CWDs) with the latest information regarding the injunction issued in the Aktar v. Anderson court case.

As previously delineated in ACIN I-24-96 dated April 26, 1996, the Superior Court of the State of California for the County of Los Angeles issued a preliminary order which stated that the California Department of Social Services (CDSS) and/or CWDs were no longer to use involuntary means to collect administrative error overissuances. The involuntary methods include, but are not limited to, administrative collection notices for administrative error overissuances and use of tax intercept and other civil collection procedures. ACL 96-51, dated September 18, 1996, reiterated that the court injunction remained in effect.

On January 22, 1997, the Court of Appeal of the State of California issued a decision which lifts the ban on the collection of food stamp overissuances by involuntary means, in accordance with Public Law 104-193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), for all overissuances which occurred on or after September 22, 1996, the date of implementation of PRWORA. However, for ease of administrative operations, CWDs are to use October 1, 1996 as the date to implement the court decision. The court further ruled that administrative error overissuances which occurred prior to October 1, 1996 could not be collected by involuntary means. The Department is reviewing the potential of seeking relief from this ruling. It is recommended that CWDs flag administrative error overissuance cases for the period prior to October 1, 1996 for possible review at a later date.

CWDs are instructed to review all administrative error overissuance cases which occurred on or after October 1, 1996 and take the necessary steps to initiate collections using all regulatory means available (e.g. state income tax intercept, lawsuit/civil judgement, wage attachment or garnishment/writs of execution).

The Department is in the process of promulgating regulations to reflect the changes impacted by this court order and to allow allotment reduction without the household's consent, as well as revising the appropriate forms affected. We will notify the counties when this process is complete.

If you have any questions, please contact Alan Rowe at (916) 653-5208 or David Badal at (916) 654-1405.

Bruce Wagstaff

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