

DEPARTMENT OF BENEFIT PAYMENTS



April 16, 1974

ALL-COUNTY LETTER NO. 74-65

TO: ALL COUNTY WELFARE DIRECTORS

Sponsored by

ACL # 77-15

Issued

3-17-77

SUBJECT: REFERRAL OF AFDC CASES AND RELEASE OF INFORMATION
TO DISTRICT ATTORNEYS

REFERENCE:

Welfare and Institutions Code § 11476 requires the county welfare department to refer AFDC applicants to the district attorney at the time the application is signed in all cases in which the whereabouts of the absent parent is unknown. The section further provides:

"The county department shall cooperate with the district attorney and shall report to him all information contained in the case record which concerns the question of nonsupport and the suitability of prosecution as a method of obtaining support for the child in each case."

Pursuant to these requirements of the Welfare and Institutions Code, the county welfare department is to forward to the district attorney all information received from the applicant or contained in the case record which the district attorney feels may be helpful in his action to secure child support.

As you are aware, an order issued by the U. S. District Court in the Doe and Taylor cases requires that counties must advise applicants and recipients that their cooperation in supplying information concerning absent parents will not affect their eligibility. (My letters of April 10, 1973 and December 3, 1973 dealt with this requirement.) This does NOT mean, however, that the applicant or recipient may not be asked to disclose the identity or whereabouts of the absent parent or that she may not be asked to talk to the district attorney. It means, simply,

ALL COUNTY WELFARE DIRECTORS
Page Two
April 16, 1974

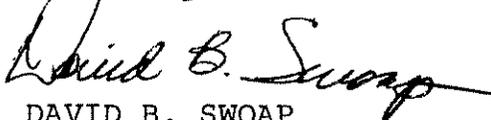
that refusal to cooperate cannot be the basis for finding the applicant or recipient ineligible for AFDC.

Nothing in the orders entered in the Doe and Taylor cases relieves district attorneys or welfare departments from the duties statutorily imposed on them by Welfare and Institutions Code §§ 11350 and 11476, including referring cases and pertinent information, taking action to locate absent parents, securing child support payments and recovering the value of aid paid to their families. These obligations must be fulfilled whether the applicant is cooperative or non-cooperative.

You are directed, therefore, to continue your efforts by all proper means to attempt to learn the identity and whereabouts of absent parents. You are directed to cooperate with and support the efforts of the district attorney, including but not limited to, referring applicants for interviews and disclosing all requested information.

The enforcement of support obligations is a matter of great importance to us all. In order to develop an effective child support program within the county it is essential that all involved agencies assist and cooperate with each other to the maximum extent possible.

Sincerely,



DAVID B. SWOAP
Director

cc: County Welfare Directors Association
All District Attorneys