STATE OF CALIFORNIA - HEALTH AND WELFARE AGENCY Edmund G. Brown, Jr., Governor

DEPARTMENT OF SOCIAL SERVICES
744 P Street
Sacramento, California 95814
Telephone: (916) 445-0633

October 30, 1980

ALL-COUNTY LETTER NO. 80-64

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: NORTH COAST COALITION, et al. v. WOODS, et al.

REFERENCE: 44-113.5 and 44-133.7

You were advised by All-County Information Notice I-49-80 of May 9, 1980, that the Court of Appeal has ordered that the Preliminary Injunction in the above-referenced case be given effect. Since you were provided with a copy of the Preliminary Injunction as an attachment to that All-County Information Notice (ACIN), its terms will not be restated here. On October 1, 1980, the Court of Appeal affirmed the order granting the Preliminary Injunction.

The Preliminary Injunction enjoins the operation of EAS 44-113.5 and 44-133.7. This means that income to the FBU from a UAM contribution is to be disregarded when: (1) the contribution is only in the amount that the UAM and the AFDC mother have specifically agreed constitutes his share of the cost-of-living arrangement; (2) the UAM has specifically designated that the contribution be used only for his own needs and/or expenses; or (3) a partial item of need is provided in-kind by the UAM.

Therefore, you may no longer reduce the AFDC grant of the FBU because of net income computed under 44-113.5 and 44-133.7 when the UAM contribution is made under any of the circumstances described above.

The Preliminary Injunction does not: (1) relieve a UAM of his required financial contribution to the AFDC family under W&I Code § 11351.5 of MPP 43-109.1; (2) change the amount of the required financial contribution which the UAM must make pursuant to W&I Code § 11351.5 or MPP 43-109.1 in the amount of $185.00; (3) prohibit the consideration of actual voluntary cash contributions by the UAM for

the needs of the AFDC family under the general income definition, MPP 44-101; or (4) affect the cooperation requirements of MPP 43-107.5.

Since the Preliminary Injunction is only prospective, it shall be applied to new applicants immediately and to continuing recipients beginning with the income received this month which is reported next month.

We will keep you informed of any new developments that require county action. If you have any questions, please contact your AFDC Program Management Consultant at (916) 445-4458.

Sincerely,

Kyle S. McKinsey

KYLE S. McKINSEY
Deputy Director

cc: CWDA