STATE OF CALIFORNIA – HEALTH AND WELFARE AGENCY

DEPARTMENT OF SOCIAL SERVICES
744 P Street, Sacramento, CA 95814
(916) 322-5387

March 27, 1981

ALL-COUNTY LETTER NO. 81-31

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: BALDERAS v. WOODS

REFERENCE: ALL COUNTY LETTER 81-8

On February 3, 1981, we issued All County Letter No. 81-8 which explained certain county activities required by the December 22, 1980 preliminary injunction in the case of Balderas v. Woods. The Department instructed counties to implement the court order by requiring a telephone call, written notice or face-to-face meeting to or with recipients.

In a contempt hearing held on February 25, 1981, the Superior Court agreed with plaintiffs' argument that the procedures outlined in ACL 81-8 did not fully meet the terms of the preliminary injunction. Although the court stated that the Department had acted in good faith in implementing the preliminary injunction and did not find the Director in contempt, the court ordered that additional steps be taken. These procedures and practices must be in effect no later than April 1, 1981. Therefore, except as specified in procedure 7, the procedures described below apply to all cases in which a notice of discontinuance effective March 31, 1981 has been issued due to failure to return the February 1981 CA 7 report. All procedures are to remain in effect until further notice:

1. Complete CA 7's which are received by the counties as late as the first calendar day of the month following the month when due shall result in a rescission of the CA 7-related discontinuance, provided that the recipient continues to be eligible based on CA 7 information. This, in effect, extends the maximum period for receipt of a complete CA 7 by one day. For example, if a complete CA 7 for March is received by the first calendar day of the payment month (by May 1, the month following the month when due), the discontinuance must be rescinded. If it is received on or after May 2, the discontinuance stands.

2. When recipients who were discontinued request a restoration at any time during the payment month (in the example above, May), counties may not require the recipient to furnish any documentation previously provided to the county, unless such documentation is absent from the existing file or new circumstances indicate the need for additional documentation.

3. The personal contacts described in ACL 81-8 continue to be required. The court has additionally required, however, that when a reminder notice is sent, it shall be mailed in a separate envelope from the Notice of Action.

4. Counties shall delay notifying the District Attorney's (DA) Child Support Unit and the Employment Development Department (EDD) of the recipient's CA 7-related discontinuance until after the first calendar day of the payment month, thus eliminating the need for recipients whose discontinuance has been rescinded to be referred again to the DA or EDD.

5. When recipients call on the first calendar day of the payment month to report nonreceipt of their warrant, counties shall determine whether a discontinuance has occurred for failure to return a complete CA 7. If that is the case, counties shall inform recipients that in order to prevent the discontinuance from taking effect, they must submit a complete CA 7 by the end of the day.

6. Counties must add the following statement to Notices of Action discontinuing cash grants because a complete CA 7 has not been received - Forms ABCD 239.10X and 10Y:

   "You can avoid this termination, if you are otherwise eligible, by making sure that the county gets your completed monthly eligibility report (CA 7) by the first calendar day of next month."

7. The Department must estimate the fiscal impact of suspending, rather than terminating, aid during the payment month when CA 7-discontinued recipients request a restoration within the payment month. To obtain the necessary data, a survey is being prepared by the Department's Statistical Services Branch. It includes a representative number of counties rather than all 58 counties. The survey will include two months of data. Selected counties are being contacted under separate cover.

The above court-ordered provisions will not increase assistance costs. Extending the CA 7 deadline by one day has the same effect as the current practice of restoring these cases effective the first calendar day of the month. In either event assistance is paid for a full month.

If you have any questions regarding the survey, please call Shirley Opie, Statistical Services Branch at (916) 322-5462. Any other questions should be directed to your AFDC Program Management Consultant at (916) 445-4458.

Sincerely,

Kyle S. McKinsey

KYLE S. McKINSEY
Deputy Director

cc: CWDA