

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



September 15, 1981

ALL-COUNTY LETTER NO. 81-99

TO: ALL COUNTY WELFARE DIRECTORS  
ALL FAIR HEARING OFFICERS

SUBJECT: COURT ORDER IN HARVEY KING v. WOODS REGARDING  
THE SPECIAL CIRCUMSTANCES PROGRAM

REFERENCE:

On August 28, 1981, Reginald M. Watt, the Judge of the Superior Court in Butte County, issued an Order Granting Partial Summary Judgment to the plaintiff in the case of King v. Woods. (A copy of the Order is attached.) The case involved the requirement that applicants for special circumstances assistance (SSI/SSP recipients) obtain county welfare department authorization prior to incurring special circumstances expenditures.

The court ruled that to the extent that the Special Circumstances regulation (EAS § 46-425) requires that potential recipients obtain prior authorization from the county welfare department before incurring special circumstances expenditures in emergency situations, the regulation is inconsistent with and in conflict with Welfare and Institutions Code § 12500 et seq., and is thus invalid.

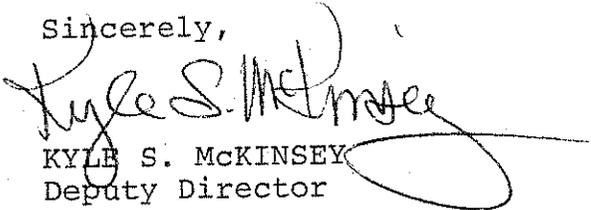
The court specifically ordered Director Woods, the county welfare departments, and the fair hearing officers to stop enforcing that part of EAS § 46-425 which requires that persons obtain prior authorization from the county welfare department before incurring special circumstances expenses in emergency situations; and to stop denying special circumstances assistance based on failure to obtain prior authorization in emergency situations.

The Department will be informing the Department of Finance, as provided in the Budget Act, of the issuance of the court order.

ALL COUNTY WELFARE DIRECTORS  
ALL FAIR HEARING OFFICERS  
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We will advise you further upon receipt of approval from the  
Department of Finance.

Sincerely,

  
KYLE S. MCKINSEY  
Deputy Director

cc: CWDA

Attachment

1 LEGAL SERVICES OF NORTHERN CALIFORNIA  
2 BUTTE REGIONAL OFFICE  
3 541 Normal Avenue  
4 Post Office Box 3728  
5 Chico, CA 95927  
6 Telephone: (916) 345-9491

5 Alan Lieberman  
6 Michael R. Bush  
7 Andrew T. Holcombe  
8 Daniel L. Siegel  
9 Attorneys for Plaintiff

**FILED**

AUG 28 1981

CLARK A. NELSON, County Clerk  
By R. LINDQUIST Deputy

10 SUPERIOR COURT OF CALIFORNIA, COUNTY OF BUTTE

11 HARVEY KING, )

12 Plaintiff, )

13 vs. )

14 MARION J. WOODS, as Director of the )  
15 State Department of Social Services, )  
16 State of California, )

16 Defendant. )

NO. 70562

ORDER GRANTING PARTIAL  
SUMMARY JUDGMENT

17  
18 The above matter came on regularly for hearing in Department  
19 III of the above entitled Court on January 9, 1981, pursuant to  
20 motions of both plaintiff and defendant for partial summary  
21 judgment as to the Third Cause of Action of plaintiff's complaint.  
22 Alan Lieberman of Legal Services of Northern California appeared  
23 for the plaintiff and Deputy Attorney General Carol P. Wallacker  
24 appeared for the defendant.

25 The Court having considered the pleadings and papers on file  
26 in support of the cross motions for partial summary judgment, and  
27 good cause appearing, the Court finds and declares that to the  
28 extent that the Special Circumstances regulation (EAS §46-425)

1 requires that potential recipients obtain prior authorization  
2 from the county welfare department before incurring special  
3 circumstances expenditures in emergency situations, the regula-  
4 tion is inconsistent with and in conflict with W&IC §12500,  
5 et seq., and is hereby declared invalid. The Court therefore  
6 grants partial summary judgment to plaintiff and against defendant  
7 on the Third Cause of Action of the complaint herein.

8 IT IS HEREBY ORDERED that defendant WOODS, his successors in  
9 office, agents, assigns, employees, and all persons acting in  
10 concert with him or subject to his control and supervision, shall  
11 be and hereby are, permanently enjoined, restrained and prohibited  
12 from:

13 1. Enforcing the portion of defendant's current regulation  
14 EAS §46-425 or any successor regulations which requires that  
15 persons obtain prior authorization from the county welfare  
16 department before incurring special circumstances expenses in  
17 emergency situations in order to be eligible to receive special  
18 circumstances assistance.

19 2. Denying special circumstances assistance to any applicant  
20 based on failure to obtain county welfare department authorization  
21 prior to incurring the special circumstances expense in emergency  
22 situations.

23 IT IS HEREBY ORDERED that defendant WOODS, his successors in  
24 office, agents, assigns, employees and all persons acting in  
25 concert with him or subject to his control or supervision, shall  
26 effectuate this order as follows:

27 1. By issuing an All-County letter within ten (10) days of  
28 service of this Order to all County Welfare and Social Service

1 Departments and all Fair Hearing Officers in the State of  
2 California which contains a copy of this Order and directs such  
3 departments and officers to do all things necessary to comply  
4 with this Order.

5 2. By transmitting a copy of this Order and the All-County  
6 letter within ten (10) days of service of this Order to the  
7 Department of Finance, requesting funding authorization if it is  
8 determined that the effect of this Order will be to add to the  
9 cost of the Special Circumstances program.

10 3. By amending defendant's regulation, EAS §46-425, by  
11 removing the requirement that applicants for special circum-  
12 stances assistance obtain county welfare department authorization  
13 prior to incurring special circumstances expenditures in emergency  
14 situations.

15 IT IS HEREBY ORDERED that this Order is effective immediately,  
16 and that defendant WOODS shall fully comply with this Order  
17 within a reasonable time except as otherwise provided for herein.  
18 This Court shall maintain jurisdiction in this matter to ensure  
19 full compliance with this Order.

20 DATED: Aug 28, 1981

21 Reginald M. Watt

22 JUDGE OF THE SUPERIOR COURT

23  
24  
25 Approved as  
26 to form

27  
28 Paul B. Wallacker  
Deputy Attorney General