

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

June 9, 1988

ALL COUNTY LETTER NO. 88-57

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: IMPLEMENTATION OF PRELIMINARY INJUNCTION IN THE WELFARE RECIPIENT'S LEAGUE V. WOODS COURT CASE.

REFERENCE: ACL 82-15, ACL 84-15, ACIN I-40-88:

On February 4, 1982, the Superior Court of the County of Sacramento issued a preliminary injunction in the Welfare Recipient's League (WRL) v. Woods court case enjoining the Department from applying current immediate need regulations to the extent that the regulations require as a condition of eligibility for "immediate need" that an applicant be in an "emergency situation" and have less than \$100 in income or liquid resources.

On January 29, 1988, the State Court of Appeal upheld the Superior Court decision finding the current immediate need regulations (EAS 40-129.2) to be invalid and the preexisting regulation to be in full force and effect. On April 21, 1988, the California State Supreme Court denied the state's petition for review of the appellate court's decision and, therefore, the preliminary injunction is now in effect (copy attached).

In compliance with the injunction, the counties are instructed to cease applying regulations at EAS 40-129.2 effective the date of the order, April 21, 1988. The counties are also instructed to determine immediate need based upon the definition provided in the pre-1978 regulation at EAS 40-129.1.

PRE-1978 DEFINITION OF IMMEDIATE NEED:

The definition of immediate need existing prior to the 1978 revision is reproduced below and is again in effect as of April 21, 1988. Although the complete text of EAS 40-129.1 is being provided, the court order is specifically concerned with the definition of immediate need contained in the first paragraph. The remaining subsections of the existing regulation at 40-129.2, i.e., .21,.22,.23, are not affected by the order.

40-129

1. Definition

- .1 "Immediate need" exists when the applicant's current income and/or liquid resources are insufficient to meet his expenses for food, clothing, shelter, medical care or other nondeferrable needs during the period of evaluation.

- .11 For purposes of this section "liquid resources" means resources which are immediately available and reasonably convertible to cash before the first aid payment would normally be received. These may include cash, negotiable securities, and similar resources but do not include cash surrender value of insurance, trust deeds, household items and furnishings, personal effects, motor vehicles, or real property.
- .12 The county shall always be alert to situations of immediate need at the time of application whether by letter, telephone, or in person. The county shall inquire of the applicant as to his immediate situation and the means he has for meeting current necessities and obligations for living costs in order to determine whether he needs immediate aid. A similar determination shall be made for a medically needy person for whom a change in status to a cash grant recipient is requested or is otherwise indicated.
- .13 Individuals presently receiving aid under any of the categorical aids are not considered to be in immediate need.

In its ruling, the Court clarified that eligibility for immediate need includes:

"applicants who have insufficient current income and/or resources to pay rent or mortgage payments due and owing, or utility bills due and owing whether or not they have received a notice of eviction, notice of default, or notice of termination of utility service".

The Court provided additional direction, stating that for the applicant to be eligible for an immediate need payment, the county must be unable to provide the needed item or service within the required time to make an immediate need payment. Thus, if the county is able to directly provide for or defer the need during the period of application, the applicant would not be eligible for an immediate need payment and the immediate need request must be denied.

IMPLEMENTATION OF THE ORDER:

The preliminary injunction prohibits the counties from denying immediate need to applicants who are otherwise eligible if the applicant meets the eligibility conditions set out above. The Department is required to implement the order immediately upon the Supreme Court's denial of its petition for review (April 21, 1988). Therefore, the counties are instructed to apply the court ordered definition to all currently pending applications. Current applicants for AFDC whose immediate need request has already been denied, but who would be eligible for an immediate need payment under the court-ordered definition, shall be authorized immediate need effective the date of denial.

IMMEDIATE NEED SCREENING:

Due to the now obsolete definition of immediate need on the CA 1, the attached reproducible notice (in English and the five standard languages) must be provided to all applicants. The notice (Temp 1744) explains the changes to the immediate need rule and must be given to applicants at the time they are provided the CA 1.

In addition, counties must ensure that every applicant indicates whether or not he/she is applying for immediate need by checking the appropriate yes/no box on the CA 1. Additional instructions regarding statistical reporting requirements on the implementation of WRL will be issued in the near future.

The Department is not planning to revise the CA 1 to reflect the preliminary injunction in WRL at this time. Therefore, counties are instructed to continue to use the CA 1 (11-85 revision or the pilot version) in conjunction with the recipient notice until the necessary changes to the CA 1 are made.

NOA messages in the Turner handbook language and instructions are attached. Counties are instructed to transfer the above referenced messages to the appropriate forms.

If you have any questions, please contact Ms. Kay Silva at (916) 324-2725.



ROBERT A. HOREL
Deputy Director

Attachment

1-29-87
D. Stone

Accepted for
Proc
5 FEB 13 1982

ENDORSED:

Filed _____

FEB - 4 1982

J. A. SIMPSON, CLERK
By B. Stone, Deputy

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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SACRAMENTO

WELFARE RECIPIENTS LEAGUE, INC.,)
KATHERINE GRAHAM and MARY NORMAN,)

Plaintiffs and Petitioners,)

v.)

MARION WOODS, Director, Department of)
Benefit Payments, State of California,)

Defendant and Respondent.)

NO. 268972

~~PROPOSED~~ PRELIMINARY
INJUNCTION

The above-matter was heard in Department 23, on October 21, 1981, pursuant to Motion for Preliminary Injunction. Daniel P. Murphy appeared as attorney for plaintiffs, and Robert F. Tyler appeared as attorney for defendant. The matter having been fully argued and submitted, and proof being made to the satisfaction of the Court, and good cause appearing,

IT IS HEREBY ORDERED that during the pendency of this action or until further order of the Court, the defendant, his agents, officers, employees, and representatives, and all persons acting in concert or participating with them are hereby enjoined

1 as follows:

2 1. From refusing to grant immediate need AFDC benefits
3 to AFDC applicants, who are otherwise eligible therefore, when
4 the applicants' current income, and/or liquid resources (Manual
5 of Policies & Procedures § 40-129.21) are insufficient to meet
6 his or her expenses for food, clothing, shelter, medical care or
7 other nondeferrable needs during the period of evaluation of the
8 application, including applicants who have insufficient current
9 income and/or resources to pay rent or mortgage payments due and
10 owing, or utility bills due and owing, whether or not they have
11 received a notice of eviction, notice of default, or notice of
12 termination of utility service (former Manual of Policies &
13 Procedures § 40-129).

14 The term "otherwise eligible" in the preceding para-
15 graph means: (a) the applicant family is apparently eligible
16 for AFDC (Manual of Policies & Procedures § 40-129.431(a); (b)
17 their eligibility cannot be verified, and an aid payment issued,
18 within the required time to make an immediate need payment, i.e.,
19 by the working day following the day the applicant indicated that
20 she or he was in immediate need, and thus a special issuance or
21 expedited grant payment is not possible (Manual of Policies &
22 Procedures §§ 40-129.3, 40-129.42, 40-129.43); (c) the family
23 has cooperated with the county welfare department in the applica-
24 tion process (Manual of Policies & Procedures § 40-129.431(b));
25 and, (d) the county welfare department cannot provide the needed
26 item or service within the required time to make an immediate

1 need payment, i.e., by the working day following the day the
2 applicant indicated that he or she was in immediate need (Manual
3 of Policies & Procedures §§ 40-129.3, 40-129.433).

4 2. From failing to notify all county welfare departments
5 within 24 hours of service, that they are to grant immediate need
6 AFDC benefits to applicants for AFDC, who are otherwise eligible,
7 when the applicants' current income and/or liquid resources are
8 insufficient to meet his or her expenses for food, clothing, shelter
9 medical care or other nondeferrable needs during the period of
10 evaluation of the application, including when the applicant has
11 insufficient current income and/or liquid resources to pay rent
12 due and owing, or utility bills due and owing, regardless of
13 receipt of a notice of eviction or notice of termination of
14 utility service, and to take all necessary steps to insure that
15 this injunction is complied with.

16 3. From destroying, or allowing to be destroyed, the
17 records of application of all AFDC recipients who, as a result
18 of that application, were ultimately determined to be eligible
19 and whose beginning date of aid was determined to be the first of
20 the month following the date of application pursuant to Manual of
21 Policies & Procedures § 44-317.12.

22 4. From failing to notify forthwith all county welfare
23 departments that they are not to destroy any records of application
24 for AFDC of any person who as a result of that application, was
25 ultimately determined to be eligible, and whose beginning date of
26 aid was determined to be the first of the month following the date

1 of application.

2 The term "application" and "applicant" used herein
3 throughout has the same meaning as Manual of Policies & Procedures
4 §§ 40-103.4 and 40-103.5, respectively.

5 IT IS FURTHER ORDERED that the Preliminary Injunction
6 shall issue without plaintiffs being required to file a bond.

7 DATED: FEB 4 - 1982

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BENJAMIN A. DIAZ

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BENJAMIN A. DIAZ
JUDGE OF THE SUPERIOR COURT

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Approved as to form:

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Per telephone conversation with
13 Robert Tyler on January 29, 1982.

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IMPORTANT NOTICE

The Rules About Immediate Need Have Changed

You can get an Immediate Need payment of up to \$100, if you do not have enough income and resources to pay for your needs while we work on your application. These needs can be for:

- Food
- Clothing
- Medical Care
- Rent or mortgage payments which are due
- Utility bills which are due
- Other expenses for basic needs which can't be put off.

You do not need an eviction notice or a shut-off notice.

You must be apparently eligible for Aid to Families with Dependent Children (AFDC).

If you think you meet the rule, tell us.

TEMP 1744 (Eng.) (5/88)

AVISO IMPORTANTE

Han Cambiado las Reglas con Respecto a la Necesidad Inmediata

Si usted no tiene suficientes ingresos y recursos para pagar sus necesidades mientras tramitamos su solicitud, puede recibir un pago de necesidad inmediata de hasta \$100 dólares. Estas necesidades pueden ser para:

- Alimentos
- Ropa
- Cuidado médico
- Alquiler o pagos de hipoteca de su casa que ya están vencidos
- Cobros por servicios públicos y municipales que ya están vencidos
- Otros gastos para necesidades básicas que no pueden esperar

No necesita un aviso de desocupación o de cancelación de servicios.

Tiene que ser aparentemente elegible para Asistencia para Familias con Niños Necesitados (AFDC).

Si cree que cumple con los requisitos de la regla, díganoslo.

TEMP 1744 (SP) (5/88)

ປະກາດສຳຄັນ

ກົດໝາຍຕ່າງໆ ກ່ຽວກັບຄວາມຕ້ອງການອັນຮີບດ່ວນ ມີການປ່ຽນແປງ

ທ່ານສາມາດຕ້ອນການຕ້ອນ ທີ່ຕ້ອງການອັນຮີບດ່ວນອັນນີ້ເຖິງ \$100, ຖ້າທ່ານວ່າທ່ານ
ບໍ່ມີລາຍໄດ້ ແລະແຫ່ງລາຍໄດ້ຕ່າງໆ ເພື່ອຈ່າຍໃຫ້ແກ່ຄວາມຕ້ອງການ ຂອງທ່ານ ອາດ
ເວລາທີ່ພວກຂ້າພະເຈົ້າ ດຳເນີນ ກ່ຽວກັບ ອົບສະໝັກຂໍ ຂອງທ່ານ. ຄວາມຕ້ອງການຕ່າງໆ
ເກີດມາມີສາມາດເຮັດໄປຈ່າຍສຳລັບ:

- ອາຫານ
- ເຄື່ອງນຸ່ງຫົ່ມ
- ຄ່າພະຍາບານ
- ຄ່າເຊົ່າບ້ານ ຫາລືລາຍຈ່າຍຕ່າງໆ ກ່ຽວກັບ ຫາລືກຊົມທີ່ເປັນໄປ
- ຄ່າອະສັງກະຮີມະຊົມ ທີ່ເປັນໄປ
- ຄ່າການຮັບຈ່າຍອື່ນໆ ແກ່ຄວາມຕ້ອງການພື້ນຖານຕ່າງໆ ທີ່ບໍ່ສາມາດລັຊາໄດ້.

ທ່ານບໍ່ຕ້ອງການ ອົບປະກອດຂັບລ່ວ ຫາລື ຮຽກຮອງຊົມສັນຄົນ ຫາລືອົບປະກອດປັດອັນອິດ
ອັນນີ້.

ທ່ານຕ້ອງເປັນຜູ້ທີ່ຮັກສາຊີວິດແຈ້ງວ່າ ທ່ານນັ້ນ ເປັນຜູ້ທີ່ມີສິດ ສຳລັບເງິນຊ່ວຍເຫຼືອ ແກ່
ຄອບຄົວມີສູງກວ່າ (AFDC).

ທ່ານບໍ່ຕ້ອງຕ້ອນວ່າ ທ່ານນັ້ນ ທ່ານສາມາດສົມ ຫາລືຖືກຕ້ອງກັບກົດໝາຍນີ້ແລ້ວ, ກະຊວງແຈ້ງ
ໃຫ້ພວກຂ້າພະເຈົ້າຊາບ.

THÔNG BÁO QUAN TRỌNG

Luật Lệ Về Trợ Cấp Cho Nhu Cầu Khẩn Cấp Đã Được Thay Đổi

Quý vị có thể được nhận một khoản tiền Trợ Cấp Cho Nhu Cầu Khẩn Cấp lên tới 100 đôla, nếu quý vị hiện không có đủ lợi tức và tài nguyên để trả cho những nhu cầu của quý vị trong khi chúng tôi đang cứu xét đơn xin trợ cấp của quý vị. Những nhu cầu này có thể thuộc về:

- Thực phẩm
- Quần áo
- Chăm sóc Y tế
- Tiền thuê hay nợ tiền nhà đến hạn phải trả
- Các hóa đơn về các tiện nghi (điện, nước, điện thoại v.v..) đến hạn phải trả
- Những phí tổn mà quý vị không thể thiếu hoặc tránh được

Quý vị không cần phải có giấy thông báo đuổi nhà hay giấy thông báo cắt các tiện nghi.

Quý vị phải cho thấy rõ ràng là người hội đủ điều kiện để được hưởng Trợ Cấp Gia Đình Có Con Em Nhỏ (AFDC).

Nếu quý vị nghĩ rằng mình đáp ứng được với luật này xin quý vị báo cho chúng tôi biết.

TSAB NTAWV CEEBTOOM TSEEM CEEB

Txoj cai hais txog kam xav tau kev pab tam sim ntawd tau hloov lawm

Koj muaj cuab kav tau txais nyiaj pab rau qhov xav tau tam sim ntawd ntau txog \$100, yog hais tias koj tsis muaj txaus thiab nrhiav tsis tau nyiaj qhov twg los them rau kev xav tau ntawm koj thaum uas peb tseem lis txog koj tsab ntawv thov. Cov kev xav tau no yog them rau:

- Zaub mov
- Khaub ncaws/ris tsho hnav
- Nqi kho mob
- Nqi them tsev nyob los yog cov nqi koj txais los ntawd txog caij them lawm
- Nqi dej nqi taws txog caij them lawm
- Lwm yam nuj nqis uas yog yuav siv rau yam koj xav tau es koj tsis muaj cuab kav tshem tawm tau.

Tsis tas koj yuav muaj ib daim ntawv hais kom tawm tsev los yog ib tsab ntawv ceeb toom kaw dej taws.

Koj yuav tsum yog tus neeg uas muaj txoj cai tau txais kev pab nyiaj rau yim neeg muaj tub ki me (Aid to Families with Dependent Children (AFDC)).

Yog koj xav tias koj raug/nyob rau txoj cai ntawd lawm, kom hais rau peb.

TEMP 1744 (Hmong) (5/88)

重要通知

有關緊急需要的條例有所改變

在我們處理你的申請表的時候，你可以得到最多到 \$100 的緊急需要付款，假如你沒有足夠的收入和財源的話。這些需要可以是：

- 食物
- 衣著
- 醫藥護理
- 到期的房租或抵押付款
- 到期的水電等公用事業賬單
- 其他你不能拖欠的基本需要花費

你不需要一份驅逐通知或者阻斷通知。

你必須很明顯地合乎貧困子女家庭補助金 (AFDC) 的資格。

假如你認為你符合此項條例的話，請告訴我們。

State of California
Department of Social Services

Manual Msg. No.: M40-129B
Action : Approve
Reason: Immediate Need
Title: Immediate Need
(first or second payment)

Auto ID No. : A1107A
Flow Chart No. : mIC., p12 & 13, #216,
#219 & #227

Form No. : NA 290
Effective Date : 04/21/88

Source : WRL Court Case
Regulation Cite: 40-129.1, 40-129.432, 40-129.434, 40-129.435

Revision Date : 06/08/88

MESSAGE: As of _____, the County has approved your Immediate Need payment for _____.

The amount of your Immediate Need payment is \$_____.

The amount of this payment will be taken out of your regular cash aid amount.

You will get another notice about your regular cash aid.

INSTRUCTIONS: Use to approve a first or second Immediate Need payment.

Fill in the month of the Immediate Need payment.

Fill in the amount of the payment.

If it is the first payment and is less than \$100, show the computation in the right hand column (the NA 200 can be used). If it is a second payment, show \$100 minus the first payment and the remainder in the right hand column.

Another notice about AFDC must be sent.

State of California
Department of Social Services

Manual Ms No.: M40-129C
Action : Deny
Reason: Immediate Need
Title: No Immediate Need

Auto ID No. :
Flow Chart No. :
Source : WRL Court Case
Regulation Cite: 40-129.1

Form No. : NA 290
Effective Date : 04/21/88
Revision Date : 06/09/88

MESSAGE: The County has denied your application for Immediate Need dated _____.

Here's why:

You can't get an Immediate Need payment because:

Your _____ needs have already been met by:

Your income and resources of \$_____ will meet the cost of your _____ needs. Your income and resources are figured on this page.

You already get cash aid.

Other:

You may request an Immediate Need payment at any time before you get cash aid.

You will get another notice about your regular cash aid.

INSTRUCTIONS: Use to deny the applicant when the rules for Immediate Need are not met.

Check the appropriate box(es). Fill in any blank spaces and explain as necessary. If the second box is checked, use the right hand column to show the computation listing all countable income and resources and the total. If the last box is checked, fill in the information needed.

Another notice about AFDC must be sent.