STATE OF CALIFORNIA—HEALTH AND WELFARE AGENCY

DEPARTMENT OF SOCIAL SERVICES
P.O. Box 244245, Sacramento, CA 94244-2450

August 24, 1995

ALL COUNTY LETTER NO. 95-47

TO: ALL COUNTY WELFARE DIRECTORS

Reason for this Transmittal
[ ] State Law or Regulation Change
[ ] Federal Law or Regulation Change
[ ] Court Order or Settlement Agreement
[ ] Clarification Requested by One or More Counties
[X] Initiated by CDSS

SUBJECT: BARNES V. ANDERSON, ET AL. - STATE ADMINISTRATIVE HEARINGS

REFERENCE: ALL DA/FSD/CWD LETTER DATED MAY 4, 1995 - PERMANENT INJUNCTION AND JUDGEMENT - BARNES V. ANDERSON

ACL 94-70 DATED AUGUST 26, 1994 - REVISED CHILD SUPPORT DISREGARD NOTICE M43-201A

ACL 94-69 DATED AUGUST 26, 1994 - FAMILY SUPPORT DIVISION COMPLAINT RESOLUTION PROCEDURES

The purpose of this letter is to reiterate County Welfare Department responsibilities pursuant to the requirements of the Barnes v. Anderson Permanent Injunction and Judgment. That order was issued on April 13, 1995 by the United States District Court, Eastern District of California. On May 4, 1995 the California Department of Social Services (CDSS) transmitted copies of the Permanent Injunction and Judgment to all District Attorneys, District Attorney Family Support Division Directors, and County Welfare Department Directors.

County Welfare Departments are required by the order "...to provide State administrative hearings as required by law regarding the receipt or distribution of any support payments by a Title IV-D County Family Support Enforcement Agency ('the County')." The order further provides that, in accordance with Welfare and Institutions Code section 10950, these hearings "...include, but are not limited to, issues that pertain to the amount of, or eligibility for a pass-through (disregard), excess, or pass-on payment or the retention of child support for the repayment of welfare."

County Welfare Department Directors are reminded that employees who communicate with current or prior recipients of AFDC about state hearing issues, and employees whose job responsibilities are related to the state hearing process, need to be familiar with

the provisions of the Permanent Injunction and Judgment. Moreover, all of the aforementioned employees should be aware of the information contained in ACL 94-69 (Family Support Division Complaint Resolution Procedures) and ACL 94-70 (Revised Child Support Disregard Notice M43-201A).

Please contact Dennis Ragasa at (916) 654-1063 if you have questions regarding this letter's relevance to the AFDC program. If you have questions or concerns regarding the Barnes judgment, contact Myrna Fluke of the Child Support Management Bureau at (916) 654-1540.

Bruce Wagstaff

BRUCE WAGSTAFF
Acting Deputy Director
Welfare Programs Division

c: All Title IV-D Administrators
All County Appeals Staff