

UPDATED INFORMATIVE DIGEST

Before the implementation of All County Letters (ACLs) 12-02, 12-23 and 12-66, it was possible for County Welfare Departments (CWDs) to establish and conduct overpayment (OP) recoupment processes against any members of an overpaid Assistance Unit (AU) at any time. This meant that if a child moved to a new AU from an overpaid AU or had been in an overpaid AU as a child, he or she could be held liable for OPs incurred by the AU's parent or caretaker relative.

Hartley v. Lightbourne (Case No. RG11605702, 11/05/2012, Alameda Superior Court) challenged the Department's policy on OP recoupment against certain populations of persons, described above. In an attempt to proactively avoid prolonged litigation, the Department issued a series of ACLs addressing the opposing party's major concerns.

The release of ACLs 12-02, 12-23 and 12-66 reduced the population against whom OP recoupments shall be established. These ACLs mandated that, as of January 6, 2012, CWDs shall no longer collect OPs from the following: 1) adults or emancipated minors who were minors receiving cash aid in an AU when an OP occurred and 2) any minor who becomes a member of a new AU when the OP occurred while the minor was a member of the previous AU.

ANTICIPATED BENEFITS

The Department anticipates that these proposed regulations will benefit needy and vulnerable adults and children who were receiving cash aid in a previous AU when an OP occurred by relieving them of the OP liability. Additionally, the proposed regulations will make other technical, conforming changes, such as renumbering of sections and amending cross references as necessary.

The Department reviewed existing program regulations and determined that no other regulations clarify the requirements provided for by the litigation. These proposed regulations are not only consistent and compatible with existing state regulations but also with the intent of *Hartley v. Lightbourne*.

The Department finds that these proposed regulations are compatible and consistent with the intent of the *Hartley v. Lightbourne* settlement agreement, as well as existing state regulations.

These regulations were considered at the public hearing held March 12, 2014, in Sacramento, California. Written testimony was received during the 45-day comment period from January 24, 2014, to 5:00 p.m. March 12, 2014. The Department has found that the comment was out-of-scope of the proposed regulations.

The Department did not renote these regulations because no changes requiring renote were made to the regulations following the public hearing.