

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814  
(916) 445-0885



February 14, 1983

ALL-COUNTY INFORMATION NOTICE I-21-83

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: PRELIMINARY INJUNCTION, BAKER v. PROD

REFERENCE:

Attached is a Preliminary Injunction issued in Baker v. Prod, a class action lawsuit recently filed in Superior Court in San Francisco. The Preliminary Injunction requires each county welfare department to take steps immediately to preserve certain records.

The lawsuit is an offshoot of Turner v. Woods and the order in that case not to consider mandatory deductions as income in computing nonexempt income (see All County Letter 82-85 of August 25, 1982). The Turner order was not retroactive because the U.S. Constitution forbids federal courts from ordering retroactive monetary relief. The plaintiffs in Baker have filed in state court in order to gain that retroactive relief denied them in U.S. District Court in Turner.

The Preliminary Injunction was sought by the plaintiffs to assure that those persons who might eventually be entitled to relief under Baker could be identified. The plaintiffs asserted that by identifying ex-recipients and current recipients now case by case search costs could be avoided and more persons would be identified as potential class members.

The order requires SDSS to transmit a copy of the Preliminary Injunction to each county to immediately effectuate paragraphs 1 and 2 found on pages 2 and 3 of the order.

Paragraph 1 should not cause any additional action on your part at this time. It requires that counties not destroy certain case files and other records regarding persons who had mandatory payroll deductions between January 1, 1982 and August 31, 1982. As the retention rule requires such records be kept until mid-1985 the danger of immediate destruction is slight.

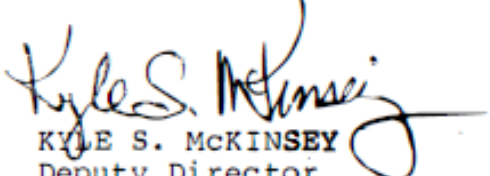
Paragraph 2 is a more complex order. It requires that counties retain, in any form the county deems appropriate, reports or lists, whether or not computerized, that identify persons whose AFDC benefits were terminated or reduced because of the treatment of mandatory payroll deductions between January 1, 1982 and August 31, 1982.

Persons terminated under the 150% income limit are not included in this order.

As you will note, the order requires another letter of instruction to you from SDSS by February 22, 1983, and a report by you to us by March 14, 1983. We are now preparing instructions and anticipate that they will be issued prior to the deadline.

We expect no further orders arising out of Baker v. Prod until Turner v. Woods is decided by the 9th Circuit Court of Appeal.

Please contact your management consultant at (916) 445-4458 if you have any questions regarding this letter or paragraphs 1 and 2 of the Preliminary Injunction.

  
KYLE S. MCKINSEY  
Deputy Director  
Welfare Program Operations

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cc: CWDA