

DEPARTMENT OF SOCIAL SERVICES

744 P Street
Sacramento, California 95814
Telephone: (916) 445-0633



October 14, 1981

ALL-COUNTY LETTER NO. 81-106

TO: ALL COUNTY WELFARE DIRECTORS
ALL FAIR HEARING OFFICERS

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

REFERENCE:

You recently received an All County/All Fair Hearing Officers Letter in which you were advised that the court, in the case of King v. Woods, 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. Further, 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.

In compliance with this order, you are hereby directed to immediately 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. You are also directed to refrain from denying special circumstances assistance based on failure to obtain prior authorization in emergency situations.

If you have questions, please contact your Special Circumstances Consultant.

Sincerely,


KYLE S. MCKINSEY
Deputy Director

cc: CWDA