

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814
(916) 445-0813



June 21, 1985

ALL-COUNTY LETTER NO. 85- 68

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: KING v. McMAHON - ACCEPTANCE OF APPLICATIONS FOR AID TO FAMILIES WITH DEPENDENT CHILDREN-FOSTER CARE (AFDC-FC) BENEFITS

On September 4, 1984, the San Francisco County Superior Court ruled against the State Department of Social Services (SDSS) in the case of King v. McMahon. The Superior Court found the state-funded foster care program invalid insofar as it excludes from AFDC-FC benefits otherwise eligible children who were placed in foster care with nonresponsible relatives. The court also authorized retroactive benefits back to October 16, 1981.

We have appealed this decision to the California Court of Appeals. The Superior Court decision is therefore suspended pending the decision of the higher court. As of this date, the Court of Appeals has not yet scheduled a hearing for King v. McMahon.

The attached stipulation and order was filed on May 23, 1985 pursuant to this case (Attachment A). This order directs the Department to instruct the appropriate county agencies that they must accept all applications for foster care benefits. As you are aware, Manual of Policies and Procedures (MPP) Section 40-109.1 requires applications to be accepted without regard to any belief in or appearance of ineligibility. All applicants for foster care benefits should also be advised of their right to submit a written application for benefits. Pursuant to the attached order, you are reminded that you must comply with the application procedures described above.

We will inform you of further developments in this case as they occur. If you have any questions, please contact Ingrid Petty of the Foster Care Program Management Bureau at (916) 445-0813 or ATSS 485-0813.


ROBERT A. HOWEL
Deputy Director

Attachment

cc: CWDA

ENDORSED
FILED
San Francisco County Superior Court

MAY 23 1985

DONALD W. DICKINSON, Clerk

BY: Martin P. Anahu
Deputy Clerk

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19 Attorneys For Petitioners

20 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

21 IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO

22 KEITH KING, JR., SHANTEE KING,)
23 minors, by and through their)
24 guardian ad litem MILDRED MARTIN;)
25 KENNETH MARTIN; MILDRED MARTIN;)
26 JEWELL FISHER, LASHAWN FISHER,)
27 CASSANDRA FISHER, YOLANDA FISHER,)
28 minors, by and through their guardian)
ad litem ELEANOR HALLMAN; ELEANOR)
HALLMAN; GREGORY WRIGHT, SANDRA WRIGHT,)
PAMELA WRIGHT, minors, by and through)
their guardian ad litem DOROTHY)
SMITH; JOHN WRIGHT; DOROTHY SMITH;)
BESSIE STEWART, HERMAN STEWART, DESMONA)
STEWART, MARY STEWART, minors, by and)
through their guardian ad litem)
OENA STEWART; OENA STEWART; ANTHONY)
LOVE, TAMMY TAYLOR, RICHARD TAYLOR,)
minors, by and through their guardian)
ad litem HALLEAN LOVE; CLARENCE)
and HALLEAN LOVE; individually and on)
behalf of all others similarly)
situated,)

NO. 786 370

STIPULATION AND
ORDER RE:
ACCEPTANCE OF
APPLICATIONS FOR
FOSTER CARE
BENEFITS

Petitioners and Plaintiffs,

vs.

LINDA McMAHON, Director,

STIPULATION RE ACCEPTANCE 1

1 Department of Social Services,)
 2 State of California; DAVID B.)
 3 SWOAP, Secretary, Health and)
 4 Welfare Agency, State of California,)
 DOES, I through LXX inclusive,)
 Respondents and Defendants.)

5 The parties hereby agree by and through their respective
 6 attorneys that within thirty days of entry of an Order pursuant
 7 to this Stipulation that respondents will issue a directive to
 8 all county welfare departments, county child welfare or child
 9 protective services or similar departments in the State of
 10 California under respondents' supervision, directing that such
 11 agencies and departments must accept any and all applications for
 12 foster care benefits in accordance with Manual of Policies and
 13 Procedures § 40-117.11; such applications to be accepted without
 14 regard to any belief in or appearance of ineligibility.

15 Such all-county directive shall include a direction that all
 16 applicants for foster care benefits be advised of the right to
 17 submit a written application for foster care benefits.

18
 19 Dated: 5-15-85

Steph Wald
 STEPHANIE WALD
 Deputy Attorney General
 Attorneys for Respondents

22 Dated: 5-22-85

Phyllis E. Andelin
 SAN FRANCISCO NEIGHBORHOOD
 LEGAL ASSISTANCE FOUNDATION
 PHYLLIS E. ANDELIN
 Attorneys for Petitioners

26 IT IS SO ORDERED

27 Dated: MAY 22 1985

STUART R. POLLAK
 Judge of the Superior Court