

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814
(916) 322-5387



September 3, 1985

ALL-COUNTY LETTER NO. 85-92

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: SHAW v. McMAHON

REFERENCE: ACL 84-109, ACL 85-25, ACL 85-67, ACIN I-60-85

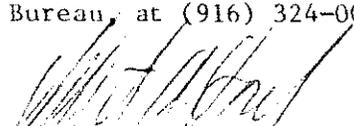
On August 6, 1985, the Contra Costa Superior Court issued an Order Compelling Defendants to Comply with Peremptory Writ of Mandate and Permanent Injunction. A copy of the order is attached (Attachment A). This order prohibits denial of state-only AFDC-U Shaw benefits to families solely because they met the federal standards for unemployed parents (e.g., connection with the labor force).

Effective back to October 1, 1984, for the retroactive Shaw cases, and for the prospective Shaw cases from February 21, 1985, counties must determine if those persons denied Shaw benefits under the state-only AFDC-U program were denied solely because they met the federal standards for unemployed parents. All denials solely for this reason will be rescinded and eligibility established for Shaw benefits.

Counties are to begin implementation of this court order immediately and to complete a review of all those persons denied Shaw benefits solely because they met the federal standards for unemployed parents as soon as possible.

The new order also requires the Department to report to the court by December 30, 1985 the number of cases where state-only benefits were granted which had been previously denied because of the federal work history requirement. A revised statistical report (Attachment C) must be returned to the Department by November 15, 1985, in lieu of the report that was due August 1. If your county has already filed the report with the Department, it will be necessary to submit a new revised statistical report to replace the originally submitted report. Specific detailed instructions for complying with the new order are attached (Attachment B).

If you have any questions, please contact Kathy Layne, AFDC Program Development Bureau, at (916) 324-0097 or (916) 322-5387.


ROBERT A. HOREL
Deputy Director

Attachments

1 CONTRA COSTA LEGAL SERVICES FOUNDATION
2 JANE GRANT KERR
3 ELIZABETH R. ARNOLD
4 1017 Macdonald Avenue, P. O. Box 2289
5 Richmond, California 94802
6 Telephone: (415) 233-9954

7 CASEY McKEEVER
8 ATTORNEY AT LAW
9 WESTERN CENTER ON LAW AND POVERTY
10 1900 K Street, Suite 200
11 Sacramento, CA 95814
12 Telephone: (916) 442-0753

13 Attorneys for Plaintiff

FILED

AUG 6 - 1985

J.R. OLSON, Clerk, Court
CONTRA COSTA COUNTY

By _____ Deputy

G. TAMURA

14 SUPERIOR COURT OF CALIFORNIA,

15 CONTRA COSTA COUNTY

16 TAMIE SHAW,

NO. 262299

17 Plaintiff,

18 vs.

ORDER COMPELLING
DEFENDANTS TO COMPLY
WITH PEREMPTORY WRIT OF
MANDATE AND PERMANENT
INJUNCTION

19 LINDA McMAHON, et al.,

20 Defendants.

21 Plaintiff's motion to compel defendants to obey Peremptory
22 Writ of Mandate came on regularly for hearing on June 17, 1985.
23 Plaintiff was represented by attorney Jane Grant Kerr and state
24 defendants were represented by Deputy Attorney General Winifred
25 Y. Smith. The court having considered the oral arguments and
26 memoranda of points and authorities, and all other pleadings and
27 documents on file in this case, and good cause appearing,

28 IT IS ORDERED that:

1. Plaintiff's motion is granted, compelling state
defendants to comply with this court's order of January 23,
1985;

1 2. State defendants, their agents, employees, and
2 successors in interest, are enjoined and prohibited from
3 applying EAS 44-270.4, the federal lump sum rule, to the state
4 only AFDC program, including all single parent and two parent
5 households;

6 3. State defendants, their agents, employees, and
7 successors in interest, are enjoined and prohibited from denying
8 state-only AFDC benefits to families meeting federal
9 requirements for work history or connection to the labor force.

10 In implementation of the following order,

11 IT IS FURTHER ORDERED that:

12 1. All-County Information Notice

13 Defendant McMahon and the Department of Social Services
14 shall issue an All-County Information Notice within 5 working
15 days of this order superseding All-County Letter 85-67 to the
16 extent it is inconsistent with this order, and informing county
17 welfare departments that, pursuant to court order, Shaw benefits
18 may not be denied to families because they meet federal
19 requirements for work history or connection to the labor force.

20 2. All-County Letter

21 Defendant McMahon and the Department of Social Services
22 shall issue an All-County Letter within 20 working days of the
23 date of this order informing the county welfare departments of
24 the terms of this order and instructing them to comply with its
25 terms by granting state-only AFDC benefits to any eligible
26 families regardless of whether the family meets the federal
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1 requirement for work history or connection to the labor force.

2 The All-County Letter shall also instruct the county welfare
3 departments to reevaluate the eligibility of any family denied
4 state only AFDC benefits because they met the federal
5 requirements for work history or connection with the labor force
6 pursuant to the implementation of the January 23, 1985 court
7 order, via the 85-25 All-County Letter; and to provide state
8 only benefits to those eligible families. For families in the
9 above defined group identified prior to May 1, 1985, benefits
10 shall be evaluated from October 1, 1984. For families in the
11 above defined group identified after April 30, 1985, benefits
12 will be evaluated prospectively from date of application.

13 3. Monitoring

14 Defendant McMahon shall submit to plaintiff's counsel and
15 file a return with the court by December 30, 1985, reporting by
16 county the following information for AFDC cases evaluated
17 pursuant to this order:

18 a. The number of cases where state-only benefits were
19 granted but previously denied because of the federal work
20 history requirement.

21 This monitoring information may be reported with monitoring
22 information required by the January 23, 1985 court order. All
23 monitoring information may be submitted by December 30, 1985.

24 d. Defendants shall provide a copy of all instructions
25 and notices sent by DSS pursuant to this order to plaintiff's
26 counsel within 5 days after they are sent to the counties.

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4. No Bond

The above order shall issue without plaintiff's filing a bond.

5. Jurisdiction

The court retains jurisdiction for one year to ensure compliance with this order.

6. Costs and Attorneys' Fees

Plaintiff is awarded costs and attorneys fees. The court retains jurisdiction over their amount and plaintiffs may petition for them when the appeal is resolved.

7. Nature of Injunction

The provisions of this injunction are prohibitory, and shall not be stayed if an appeal is filed by defendants.

SO ORDERED.

DATED: ~~July~~, 1985
AUG 6 - 1985

DAVID A. DOI STN

JUDGE OF THE SUPERIOR COURT

Approved as to form only:

Winifred Y. Smith
WINIFRED Y. SMITH
DEPUTY ATTORNEY GENERAL

IMPLEMENTING INSTRUCTIONS

BACKGROUND

A Notice of Decision was issued on September 20, 1984, by the Contra Costa County Superior Court requiring the plaintiffs to confer with the Department before the court issued its order. In the interim, an All-County Letter (No. 84-109) was issued requesting that counties flag or otherwise identify all cases where receipt of a lump sum resulted in either a denial, termination or suspension of AFDC benefits from the date of the order.

On January 23, 1985, a final order was issued prohibiting the Department from applying the federal lump sum regulations to the state-only AFDC-U cases, including both single-parent and two-parent households. All-County Letter No. 85-25 was issued to implement the Shaw v. McMahon court order. This letter included instructions that all federal AFDC-U assistance units (AU) being discontinued from federal AFDC due to receipt of nonwindfall lump sum are not eligible for state-only AFDC-U when the AUs met the federal standard for unemployed parents.

On June 27, 1985, an Amended Notice of Decision was issued which enjoined and prohibited this Department and its agents from denying Shaw state-only AFDC-U benefits to families solely because they meet the federal standards for unemployed parents (e.g., connection with the labor force) for prospective Shaw cases. Counties were notified via ACIN 1-60-85 of the decision and asked to identify all Shaw cases in which state-only AFDC-U benefits were denied due solely to the family meeting the federal standards for unemployed parents. On August 6, 1985, a final order was issued.

CASES DENIED SHAW BENEFITS

For all cases that were denied state-only AFDC-U benefits solely because they met the federal standards for unemployed parents pursuant to the implementation of the January 23, 1985 court order via ACL 85-25, dated February 21, 1985, the county shall:

1. Reevaluate eligibility for Shaw disregarding their eligibility for the federal AFDC-U program.
2. If otherwise eligible for Shaw state-only AFDC-U benefits, rescind the denial and determine back benefits in accordance with ACL 85-25.

NOTICES OF ACTION

The Shaw v. McMahon - Denial - Principal Earner Eligible for Federal AFDC Notice of Action is no longer an active Notice of Action and should not be used. County stock of this notice should be destroyed.

STATISTICAL REPORT

The Shaw v. McMahon Statistical Report has been revised to include the information required by the current order. The attached revised Statistical Report should be submitted to the Department on or before November 15, 1985, in lieu of the report that was due August 1. Please mail the report to:

Department of Social Services
Statistical Services Branch
744 P Street, M.S. 12-81
Sacramento, California 95814

If your county has already submitted the Shaw v. McMahon Statistical Report to the Department, it will be necessary to submit a new revised Shaw v. McMahon Statistical Report.

ATTACHMENT C

SEND ONE COPY TO: Department of Social Services
 Statistical Services Branch
 744 P Street, M.S. 12-81
 Sacramento, California 95814
 (916) 322-2230

STATISTICAL REPORT (REVISED)

SHAW VS. McMAHON

NAME OF COUNTY SUBMITTING REPORT

THIS REPORT IS DUE ON OR BEFORE:

NOVEMBER 15, 1985

THIS REPORT IS

ORIGINAL SUBMISSION SUBSEQUENT REPORT REVISION-NO. _____
 NO. _____

REPORTING PERIOD

FROM: OCTOBER 1, 1984

TO: OCTOBER 31, 1985

FOR RETROACTIVE CLAIMS FOR PERIOD OCTOBER 1, 1984 THROUGH APRIL 30, 1985

- | | |
|---|--|
| 1. Number of claims received for retroactive period | |
| 2. Number of claims granted for retroactive period | |
| 3. Number of claims denied for retroactive period | |
| 4. Total amount of benefits paid for retroactive period | |

NUMBER OF CASES WHERE STATE-ONLY AFDC-U BENEFITS WERE GRANTED BUT PREVIOUSLY HAD BEEN DENIED BECAUSE OF THE FEDERAL WORK HISTORY REQUIREMENT

- | | |
|---|--|
| 5. Number of claims for retroactive period October 1, 1984 through April 30, 1985 | |
| 6. Number of applications for period May 1, 1985 through October 31, 1985 | |

TOTAL AMOUNT OF BENEFITS PAID FOR CASES WHERE STATE-ONLY AFDC-U BENEFITS WERE GRANTED BUT HAD BEEN PREVIOUSLY DENIED BECAUSE OF THE FEDERAL WORK HISTORY REQUIREMENT

- | | |
|---|--|
| 7. Total amount of benefits for the retroactive claim period October 1, 1984 through April 30, 1985 | |
| 8. Total amount of benefits for applications for the period from May 1, 1985 through October 31, 1985 | |

PERSON TO CONTACT REGARDING THIS REPORT

TELEPHONE NUMBER

DATE