

## DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



February 3, 1988

ALL COUNTY LETTER NO. 88-15

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: VAESSEN V. WOODS RETROACTIVE IMPLEMENTATIONREFERENCES: ACIN I-44-80, ACIN I-150-82, ACL 80-60, ACL 81-21, ACL 82-55,  
ACL 82-82, ACL 83-20, ACL 84-27, ACL 84-43, ACL 84-50 AND ACL 85-44

The Vaessen v. Woods lawsuit challenged the State Department of Social Services' (SDSS) authority to count income tax refunds as income available to meet current needs rather than as resources. On April 5, 1984, the California Supreme Court ordered SDSS and County Welfare Departments (CWDs) to treat income tax refunds as resources rather than income in grant determination. The Court also ordered SDSS to provide retroactive benefits and interest to class members. On September 17, 1987, the final order was signed and the provisions of that order are set forth in the attached regulations.

The purpose of this letter is to provide you with specific instructions and materials necessary for implementation of the Vaessen Retroactive Court Order. Vaessen Posters (Temp 1706E) will be sent to you under a separate cover letter on or before February 22, 1988. Attached are the following materials:

1. A copy of the Emergency Regulations.
2. Reproducible copies (English only) of:
  - "Walk-in" Claim Form (Temp 1706A).
  - Supplemental Claim Form (Temp 1706B).
  - Release of Tax Information Forms for the Franchise Tax Board (FTB) and the Internal Revenue Service (IRS) (Temp 1706C and Temp 1706D).
  - Transmittal Forms to IRS and/or FTB (Temp 1706F and Temp 1706G).
  - Notices of Action.

Translations of the above materials (except Temp 1706F and Temp 1706G) in the five standard languages will follow as soon as possible.

3. Instructions for completing Notices of Action.
4. Listing of counties by code number.
5. Statistical Reporting Form.
6. ACL 84-121.

### Listing of Counties by Code Number

The attached listing has an individual code number for each county. The Claim Form (Temp 1706) mailed by SDSS and each Release of Tax Information Form (Temp 1706C) returned from FTB has a number code which matches a county on the attached listing. If no case file can be located in the county in which the claim is filed, the number code on the Claim Form or the Release of Information Form will identify the correct county for claims processing.

For example, if Sacramento County receives a Claim Form and after a thorough search cannot locate a case file, the county will use the number code on the Claim Form and the county code listing to identify the correct county for claims processing. If the number code on the Claim Form is 20 (Madera County), then within 15 working days after receipt of the Claim Form, Sacramento County would forward the Claim Form to Madera County (see Emergency Regulation Section 50-016.52).

### Obtaining Tax Refund Information

When no case file exists or the information in the case file is insufficient to verify or deny a claim, the CWD shall request the amount of the tax refund with the Release of Tax Information Forms from IRS and/or the FTB (see Emergency Regulation Subsection 50-016.516). Attach the Release of Tax Information Form(s) (Temp 1706C and/or Temp 1706D) to the appropriate Transmittal Form (Temp 1706F and/or Temp 1706G) and forward them to:

Franchise Tax Board  
Disclosure Office  
P.O. Box 1468  
Sacramento, CA 95814

and/or

Internal Revenue Service  
Disclosure Officer  
P.O. Box 24014  
Fresno, CA 93779

When a claim is received from a non-English speaking claimant and no case file information can be located, the county shall use its current procedure for obtaining a signature on the Release of Information Form ABCDM 228 to obtain a signature on the Release of Tax Information Forms from IRS and/or FTB (Temp 1706C and Temp 1706D). Send an English version of the form to FTB and/or IRS.

### Fiscal Claiming Instructions

Retroactive payments issued in compliance with the Vaessen v. Woods court case shall be issued and claimed in accordance with MPP Section 25-740.5. These payments must also be reported on the separate listing as required in All-County Letter (ACL) 84-121, dated November 27, 1984 (copy attached). Federal financial participation in court-ordered interest payments is still an unresolved issue. Therefore, in addition to the requirements of ACL 84-121, the amount of interest included in the payment to each case must also be reported separately on the listing; e.g.:

Case Number	Case Name	Total Amount of Payment, Including Interest	Total Amount of Interest
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The preceding instructions apply to payments claimed under the existing payment system through June 1988. Further instructions will be given for payments claimed after July 1, 1988.

If there are any questions regarding claiming instructions, please call Ms. Stephanie Davis, Assistance Policy Unit, at (916) 323-0267 or ATSS 8-473-0267.

### Statistical Reports

Submit the attached Statistical Reporting Form by November 1, 1988 to:

State Department of Social Services  
744 P Street, M.S. 19-81  
Sacramento, CA 95814  
Attention: Levy St. Mary

If you have any questions regarding the attached Statistical Reporting Form (GEN 1172), please contact Mr. Levy St. Mary at (916) 445-2135 or ATSS 8-485-2135.

If you have any questions or need any assistance regarding the Vaessen Court Order or the attached materials, please contact Mr. Vincent Toolan at (916) 324-2007 or ATSS 8-454-2007.



ROBERT A. HOREL  
Deputy Director

Attachments