

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



July 18, 1991

AU. COUNTY LETTER NO. 91-68**TO:** ALL COUNTY WELFARE DIRECTORS**SUBJECT:** CEJA et. al. v. CARLSON - PRELIMINARY INJUNCTION

This is to provide follow-up on instructions to counties provided in All County Letter No. 91-62 dated July 3, 1991 regarding the CEJA et. al. v. CARLSON preliminary injunction. Information provided to counties previously in ACL #91-62 stated that the mandatory provisions of the court injunction were appealed by the Department and were stayed pending review by the court. Following this appeal, the plaintiffs filed a motion asking the Appellate Court to remove this automatic stay. The court granted that motion on July 16, 1991. The court ordered that the preliminary injunction would remain in effect and that its mandatory provisions were not stayed (see attachment).

Therefore, counties are instructed to carry out the provisions of the court order. Those provisions include: The only formula counties may use when deeming income from AFDC disqualified immigrants legalized under the Immigration Reform and Control Act of 1986 (IRCA) to AFDC children and family members, is the stepparent deeming formula found in Section 44-133, 63. In addition, counties are restrained from recouping any overpayments of AFDC benefits to any children and family members of such immigrants attributable to the use of any deeming formula other than the stepparent deeming formula.

Additional mandatory provisions include the following requirements for counties:

- 1) Recalculate July 1991 AFDC benefits using the stepparent deeming formula for all income deemed from disqualified newly legalized immigrants.
- 2) Identify all affected AFDC cases and begin using the correct formula for deeming income for legalized immigrants no later than the payment month of August 1991.
- 3) Notify all affected recipients via a notice to be included with the August 1, 1991 AFDC checks, that they may request a recalculation of their benefits for July 1991. English and Spanish versions of the text to be used in this notice are attached.
- 4) Counties where the named plaintiffs reside (i.e. Los Angeles, San Bernardino and San Mateo) are to recompute AFDC grants for these individuals using the stepparent deeming formula. This provision has already been implemented by means of individual letters sent to affected counties. It is included again to remove any possible questions which could be raised concerning compliance with the court order.

The emergency regulations referred to in ACL #91-62 are still in progress with an intended effective date of August 1, 1991. However, because the Appellate Court has lifted the stay on the preliminary injunction, counties shall abide by the terms of the preliminary injunction as outlined above.

If you have any questions, please call Mary Galaza of the AFDC Policy Bureau at (916) 323-4967.



ROBERT A. MOREL

Deputy Director

Attachment