

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, California 95814



September 30, 2004

ALL COUNTY INFORMATION NOTICE NO. I-68-04

TO: ALL COUNTY WELFARE DIRECTORS
ALL CalWORKs PROGRAM SPECIALISTS
ALL CONSORTIUM PROJECT MANAGERS

REASON FOR THIS TRANSMITTAL

- State Law Change
 Federal Law or Regulation Change
 Court Order
 Clarification Requested by One or More Counties
 Initiated by CDSS

SUBJECT: NOTICE TO CALIFORNIA WORK OPPORTUNITY AND RESPONSIBILITY TO KIDS (CALWORKS) FORMER RECIPIENTS REGARDING THE GUILLEN V. SAENZ COURT CASE

REFERENCE: Welfare and Institutions (W&I) Code Section 10851

The purpose of this letter is to inform counties of the State's plan to mail out notices to discontinued CalWORKS recipients regarding the Guillen v. Saenz court case. The notice alerts former recipients that if the court case is resolved in the plaintiff's favor, they may be eligible for retroactive payments. The notice further instructs these former recipients to keep their address current with the Post Office to facilitate these retroactive payments.

Background

The Guillen v. Schwarzenegger court case challenged the denial of a Cost of Living Adjustment (COLA) for CalWORKs recipients due October 2003. In May, 2004 the Superior Court found for the plaintiffs, and the State is currently appealing that decision. Potential class members are all CalWORKs cases on aid on or after October 2003. If the State loses its appeal, counties will have to issue retroactive payments to all eligible cases.

Informing Notice

A copy of the notice (with translations in Spanish, Russian, Chinese, and Vietnamese), TEMP 2219, is attached. The notice is also available on line at <http://www.dss.cahwnet.gov/pdf/TEMP2219MULT.pdf>. The notice advises recipients to file a change of address form with the Post Office if they move. The mailings for these notices will begin on or before October 15, 2004. The first mailing will be to all cases discontinued between October 2003 and October 2004. Follow-up mailings are scheduled on or before February 15, June 15 and October 17, 2005.

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These notices have been negotiated between the plaintiff's attorneys and the California Department of Social Services (CDSS). Counties will not be required to maintain changes of address on discontinued cases and will not be required to keep clients informed of ongoing developments. Counties will be provided with updated addresses of the discontinued cases if the appeal is lost.

Poster

A poster is provided on line at [http://www.dss.cahwnet.gov/pdf/TEMP2219MULT\(Poster\).pdf](http://www.dss.cahwnet.gov/pdf/TEMP2219MULT(Poster).pdf) for display in county offices. (The poster is the same as the notice except displayed side by side instead of front and back.) The poster should be displayed until the case has been fully implemented or dismissed. Counties should also provide posters to locations where the clients are likely to view them.

Records Retention

To facilitate any future implementation of the Guillen litigation, counties are reminded to retain all records for all cases on aid on or after October 2003. Current retention requirements under W&I Code Section 10851 require counties to retain records for three years from the date of the last request for Federal reimbursement. In addition, W&I Code 10851 requires counties to retain all materials necessary to approve or deny a case for back benefits for three years from the date a court case is settled and implemented. CDSS will advise the counties of any additional records retention requirements in subsequent letters.

If you have further questions about this case or its potential implementation, or the records retention requirements, please call Vincent Toolan at (916) 654-1808 or e mail him at vtoolan@dss.ca.gov.

Sincerely,

CHARR LEE METSKER, Chief
Employment and Eligibility Branch

Attachment

c: CWDA
CSAC