

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



October 6, 1982

ALL-COUNTY INFORMATION NOTICE I-137-82

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: NOTICES OF ACTION DISCONTINUING STATE-ONLY AFDC-U

REFERENCE: BLAIR v. WOODS, ALAMEDA SUPERIOR COURT, NO. H-85874-0

Judge Raymond L. Marsh of the Alameda Superior Court on September 28 granted, and on September 29, 1982 signed, a Peremptory Writ of Mandate against the State in the case of Blair v. Woods. The petitioners contend and the judge found that the Notices of Action discontinuing recipients because of the three-month limitation in the State-only AFDC-U Program must contain a statement that general assistance may be available to them. We are appealing this decision and the order is automatically stayed pending the appeal. However, the petitioners have made a motion in appellate court to have the peremptory writ enforced. The court could rule on this motion at any time.

The Department's interpretation of the law is that SDSS has no ability to direct the counties in regard to the administration of general assistance (Welfare and Institutions Code § 17000-17410) absent a specific statute to do so. Clearly, the court has disagreed. Should you wish to join in the appellate process please have your county counsel contact Asher Rubin, Deputy Attorney General, at (415) 557-2004.

The court has ordered the Department of Social Services to instruct the counties to give such notification to all affected recipients. Even though the order is stayed on appeal, you are free to comply with it if you choose. Should you choose to voluntarily comply with the stayed court order, the following would be required:

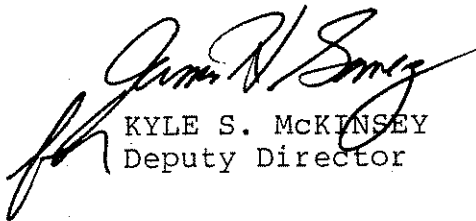
1. Send to each recipient of State-only AFDC-U benefits whose aid was discontinued effective October 1, 1982 because of the limitation contained in SB 1326 a notice advising them that they may apply for and if eligible may receive general assistance benefits. This notice would be sent as soon as administratively feasible.

Since the Notices of Action discontinuing these cases have already been sent, a supplemental notice will be necessary. In sending this supplemental message, do not use a standard Notice of Action form because these messages are not to give the recipients a right to aid paid pending or a state hearing. The right to aid paid pending and a state hearing given with the original notice of discontinuance is the only such notice recipients are to receive.

2. Notify each recipient of State-only AFDC-U benefits whose aid is in the future discontinued because of the limitation contained in Section 207 of SB 1326 that they may apply for and if eligible receive general assistance benefits. This notice may be included either in the discontinuance notice of action or be given separately prior to the effective date of aid termination.

Suggested messages and a copy of the Peremptory Writ are attached. Please contact your AFDC Program Management Consultant at (916) 445-4458 if you have any questions.

Sincerely,



KYLE S. MCKINSEY
Deputy Director

Attachments

cc: CWDA