

## DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



May 24, 1984

## ALL-COUNTY INFORMATION NOTICE I-50-84

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: DARCES V. WOODS


REFERENCE: MPP SECTION 44-133

This is to inform you of developments in the case of Darces v. Woods. This case was filed on April 9, 1980 and challenged the Department's policy of considering all of an unaided parent's income to be available to the aided children when there are unaided children in the home. In this case, the unaided parent and children were ineligible because of their illegal alien status.

The Department's position was upheld at the trial and appellate court levels. The plaintiffs appealed to the California Supreme Court. On April 20, 1984 the California Supreme Court issued an opinion ruling in favor of plaintiffs. The majority opinion found that the Department's policy of not considering the needs of the undocumented children in determining the grant to the Assistance Unit was a violation of equal protection under the State Constitution. The Court instructed the trial court to grant plaintiff's Motion for Summary Judgment.

The Department has reviewed the Supreme Court's opinion, and has requested a rehearing to seek guidance for the upcoming trial court proceedings on Summary Judgment.

We will keep you informed of further developments in this case. This letter is for your information. No action is necessary at this time. If you have any questions regarding this letter, please contact Joe Carleton at (916) 322-5387.

  
KYLE S. MCKINSEY  
Deputy Director

cc: CWDA