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DEPARTMENT OF SOCIAL SERVICES

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EDMUND G. BROWN JR.
GOVERNOR

March 30, 2011

ALL COUNTY LETTER NO. 11-28

REASON FOR THIS TRANSMITTAL

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

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY CHIEF PROBATION OFFICERS
COUNTY WELFARE DIRECTORS ASSOCIATION

SUBJECT: BRAZWELL V. WAGNER CASE NO. RG10505601

REFERENCE: WRIT OF MANDATE, SUPERIOR COURT OF ALAMEDA, DATED DECEMBER 22, 2010

The purpose of this All County Letter (ACL) is to provide instructions to county welfare and probation departments as required by a writ of mandate order issued by the Superior Court of Alameda on December 22, 2010, in the case of Brazwell v. Wagner.

The court order applies to children in the Kinship Guardianship Assistance Payment (Kin-GAP) Program whose eligibility is based on dependency through Welfare and Institutions Code section 11363 and 11386, who are subsequently incarcerated and have wardship established. Under the court order, if the child returns to the relative placement but wardship is not terminated, the child remains eligible for Kin-GAP benefits, if all other Kin-GAP eligibility conditions are met. In other words, a subsequent wardship does not defeat the initial Kin-GAP eligibility that resulted from the establishment of legal guardianship in the context of the dependency proceeding, with dismissal of dependency jurisdiction.

If you have any questions about this ACL, please contact your Funding and Eligibility Unit consultant at (916) 651-9152.

Sincerely,

Original Document Signed By:

GREGORY E. ROSE
Deputy Director
Children and Family Services Division