

DEPARTMENT OF SOCIAL SERVICES
744 P Street
Sacramento, California 95814
Telephone: (916) 445-0633



September 15, 1981

ALL-COUNTY LETTER NO. 81-99

TO: ALL COUNTY WELFARE DIRECTORS
ALL FAIR HEARING OFFICERS

SUBJECT: COURT ORDER IN HARVEY KING v. WOODS REGARDING
THE SPECIAL CIRCUMSTANCES PROGRAM

REFERENCE:

On August 28, 1981, Reginald M. Watt, the Judge of the Superior Court in Butte County, issued an Order Granting Partial Summary Judgment to the plaintiff in the case of King v. Woods. (A copy of the Order is attached.) The case involved the requirement that applicants for special circumstances assistance (SSI/SSP recipients) obtain county welfare department authorization prior to incurring special circumstances expenditures.

The court ruled that to the extent that the Special Circumstances regulation (EAS § 46-425) requires that potential recipients obtain prior authorization from the county welfare department before incurring special circumstances expenditures in emergency situations, the regulation is inconsistent with and in conflict with Welfare and Institutions Code § 12500 et seq., and is thus invalid.

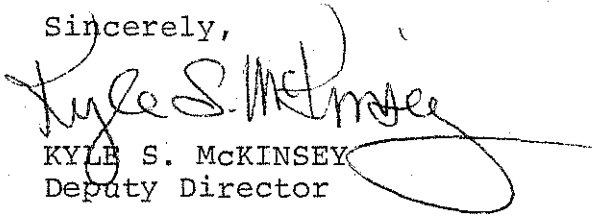
The court specifically ordered Director Woods, the county welfare departments, and the fair hearing officers to stop enforcing that part of EAS § 46-425 which requires that persons obtain prior authorization from the county welfare department before incurring special circumstances expenses in emergency situations; and to stop denying special circumstances assistance based on failure to obtain prior authorization in emergency situations.

The Department will be informing the Department of Finance, as provided in the Budget Act, of the issuance of the court order.

ALL COUNTY WELFARE DIRECTORS
ALL FAIR HEARING OFFICERS
Page Two

We will advise you further upon receipt of approval from the
Department of Finance.

Sincerely,



KYLE S. MCKINSEY
Deputy Director

cc: CWDA

Attachment