

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814
(916) 322-5387



December 28, 1983

ALL-COUNTY LETTER NO. 83-130

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: WOOD v. WOODS PRESERVATION OF AFDC RECORDS

REFERENCE: ALL COUNTY LETTER 83-91, DATED AUGUST 29, 1983; ALL COUNTY INFORMATION NOTICES I-26-80, DATED FEBRUARY 29, 1980 AND I-134-80, DATED DECEMBER 15, 1980

This letter transmits a copy of an order issued on November 22, 1983 by the Superior Court of San Mateo County in the Wood v. Woods case (Attachment A). The Wood case challenged former AFDC regulations which required the spouse's community property interest in the income of a non-adoptive stepparent to be considered unconditionally available to the spouse for the support of the stepchildren living in the home. The trial court ruled in favor of the Department and plaintiffs appealed. The Court of Appeal reversed the decision of the trial court, upholding the plaintiff's challenge to the regulation. In addition, the Court of Appeal ruled that the affected class was entitled to retroactive benefits for the period from January 1, 1980 to October 1, 1981. The Court of Appeal remanded the case to the Superior Court for an order consistent with its ruling. We anticipate that the order will be issued in the near future.

The November 22, 1983 Superior Court order enjoins counties from destroying case files or other records for the class members who were affected during the retroactive period. It also requires counties to retain any information (lists or reports) which would identify persons whose grants or eligibility were affected by the stepparent regulations at issue during the period January 1, 1980 to October 1, 1981. The class members affected are AFDC recipients whose AFDC benefits were reduced, terminated, or denied during the retroactive period because of the Department's stepparent regulations which required the assumption that the community property interest of a parent in a stepparent's income was unconditionally available to meet the needs of the stepchildren. The class does not include persons who were in an Assistance Unit of which the stepparent was also a member. The order requires that you retain all existing records for the retroactive period, but it does not require that new lists or computer tapes be created.

The order also requires that each county department provide a written statement to State Department of Social Services (SDSS) within 30 days of the date of this letter, setting forth what steps have been or will be taken to comply with paragraphs one and two of the order. We have attached a brief report form for this purpose (Attachment B).

Pursuant to the attached order, you are instructed to comply with paragraphs one and two of the order and to report compliance by completing and returning the attached form to SDSS no later than January 30, 1984.

If you have any questions, please contact Joe Carleton at (916) 322-5387.


KYLE S. MCKINSEY
Deputy Director

Attachment

cc: CWDA