

## DEPARTMENT OF BENEFIT PAYMENTS

744 P Street, Sacramento, CA 95814



April 11, 1983

ALL-COUNTY LETTER NO. 83-34

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: MORENO V. PROD -- AFDC

REFERENCE:

The Alameda Superior Court on March 25, 1983 issued a Preliminary and Permanent Injunction (Order) in the lawsuit entitled Moreno v. Prod. The order requires the Department and the counties to implement the order by April 24, 1983. A copy of the court order is attached (Attachment I).

In the case, the plaintiffs requested that the court rule on three separate issues. The plaintiffs contended that: 1) State-only AFDC-U recipients are entitled to a separate termination notice, 2) State-only AFDC-U recipients are entitled to aid paid pending a state hearing on the termination of the State-only AFDC-U benefits and 3) the State Notice of Action (NA 201) does not adequately explain the reason federal AFDC benefits were denied.

The judge ruled that: 1) a second termination notice of State-only AFDC-U aid is not required, and 2) State-only AFDC-U recipients are not entitled to aid paid pending a state hearing beyond the term of the program. However, the judge ruled in favor of the plaintiffs on the third issue in that the NA 201 fails to inform applicants/recipients that they have been denied federal AFDC benefits and of the reason(s) for the denial. The judge's rulings on these issues resolved all matters before the court. Therefore, all parties agreed that the order of the court could be entered as a final and permanent injunction.

The order requires the Department and the County Welfare Departments to implement four items.

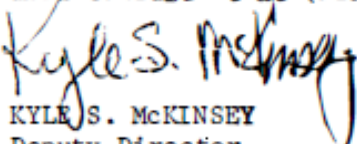
1. The Department shall prepare an adequate initial Notice of Action which clearly denies federal AFDC benefits and explains the reason(s) for the denial.
2. The County Welfare Departments shall issue the new initial Notice of Action to all new State-only AFDC-U applicants.

3. The County Welfare Departments shall send to all current State-only AFDC-U recipients a general notice which explains the reasons they were denied federal AFDC benefits.
4. The County Welfare Departments shall send a notice in the form prescribed in the court order to each recipient whose State-only AFDC-U benefits were terminated with the Notice of Action (NA 201).

The Department is preparing a new Notice of Action and will transmit it to you as soon as possible. This new Notice of Action will replace the current NA 201 for all applicants of State-only AFDC-U. In addition, the Department is preparing the required form which is to be sent to current recipients of State-only AFDC-U. Until you receive the new Notice of Action continue using the current NA 201. Do not use the proposed notice which is attached as Exhibit I to the court order.

Pursuant to the order of the court, each county shall send a copy of the attached reproducible Important Notice (TEMP 1559) to each former recipient of State-only AFDC-U benefits whose aid was granted (and automatically discontinued) by the message language transmitted in All County Letter 82-95, September 16, 1982 or the Notice of Action (NA 201). This notice shall be sent as soon as administratively possible but no later than April 24, 1983. It is not necessary to send this notice to former recipients of State-only AFDC-U who received a regular discontinuance notice of action with the right to aid paid pending the state hearing. The Department realizes that items 3 and 4 of this notice do not address the principal earner concept. However, it is still necessary to establish the principal earner and in any family whose federal AFDC eligibility is reconsidered that individual must meet one of the conditions specified in items 3 or 4. You may provide the address and telephone number of the local legal aid in the space provided at the bottom of the Important Notice.

If you have any questions concerning this letter, please contact your AFDC Management Consultant at (916) 445-4458.

  
KYLE S. MCKINSEY  
Deputy Director

Attachment

cc: CWDA