

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



December 30, 1986

ALL-COUNTY LETTER NO. 86-137

TO: ALL COUNTY WELFARE DIRECTORS

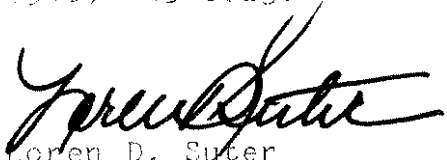
SUBJECT: DISABLED RIGHTS UNION V. WOODS - COURT JUDGMENT  
IN THE IN-HOME SUPPORTIVE SERVICES (IHSS) PROGRAM

On August 29, 1986, the Superior Court of the State of California for the County of Los Angeles issued an order for Stipulated Judgment in Disabled Rights Union v. Woods (State Department of Social Services). The judgment (see attachment) requires that the Department promulgate regulations in the IHSS program to implement the requirements of this court decision. Until such regulations are filed, in order to comply with the judgment, county welfare departments must follow the requirements described below:

1. With respect to "domestic services", the Department will add the following to Section MPP 30-757.11(k) "miscellaneous domestic services (e.g., changing light bulbs) when the service is identified and documented by the caseworker as necessary for the recipient to remain safely in his/her home."
2. With respect to "heavy cleaning," the Department will amend Section MPP 30-757.121 so the last sentence will read: "The county shall also have the authority to authorize this service should the recipient's living conditions result in a threat to his/her safety and such service may be authorized where a recipient is at risk of eviction for failure to prepare his/her home or abode for fumigation as required by statute or ordinance. The caseworker shall document the circumstances justifying any such allowance."

3. With respect to "time per task," the Department will substitute the word "standards" for "guidelines" in MPP Section 30-758.2 and 30-758.3 and will amend 30-758.4 to read: "Welfare and Institutions Code Section 12301.2 states: Time per task guidelines can be used only if appropriate in meeting the individual's particular circumstances. Exceptions to time for task guidelines may be made when necessary to enable the recipient to establish and maintain an independent living arrangement and/or remain safely in his/her home or abode of his/her own choosing."
4. The guidelines set forth in MPP Section 30-758.4 shall also include an evaluation by the County that the services are necessary to avoid out-of-home placement or loss of employment or because conditions present a threat to the recipient's safety or substantial threat to his/her health.

If you have any questions regarding the above amendments, please contact your Adult and Family Services Operations Consultant at (916) 445-0623.



Loren D. Suter  
Deputy Director  
Adult and Family Services

cc: CWDA

MARILYN HOLLE  
PROTECTION & ADVOCACY  
1052 West 6th Street, Suite 204  
Los Angeles, California 90017  
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ELENA H. ACKEL  
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Telephone: (213) 389-3581

Attorneys for Plaintiffs

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF LOS ANGELES

DISABLED RIGHTS UNION; EFFIE JEAN)  
STIES; DONALD E. CALLAHAN; LAURA )  
MAKI; DIANE MAUTHE; PAUL JACKSON, )  
by LORRAINE JACKSON, guardian ad )  
litem, )

Plaintiffs/Petitioners, )

v. )

MARION WOODS, as Director of the )  
Department of Social Services; )  
DEPARTMENT OF SOCIAL SERVICES, an )  
agency of the State of Califor- )  
nia; MARY ANN GRAVES, as Director )  
of the Department of Finance; EU- )  
GENE LIVINGSTONE, as Director of )  
the Office of Administrative Law; )  
STATE OF CALIFORNIA, a political )  
entity; DOES 1 through 58, inclu- )  
sive, )

Defendants/Respondents. )

CASE NO. C 480 047

PEREMPTORY  
WRIT OF MANDATE

TO: The Director of the State Department of Social Services,  
and the other Defendants:

Pursuant to a stipulation between the parties, it  
has been agreed that judgment be entered in this proceeding  
ordering that a peremptory writ of mandate issue under the seal of

ORIGINAL FILED  
AUG 29 1986  
COUNTY CLERK

1 this court upon the terms set forth herein.

2 Accordingly, a writ of mandate shall issue requiring you  
3 to fulfill the following duties and requirements:

4 1. With respect to "domestic services," the Department  
5 will institute a regulation package which will add the following  
6 to MPP section 30-757.11:

7 "(k) Miscellaneous domestic services (e.g.,  
8 changing light bulbs) when the service is identified and  
9 documented by the caseworker as necessary for the  
10 recipient to remain safely in his/her home."

11 2. With respect to "heavy cleaning" (see MPP section  
12 30-757.121), the Department will:

13 (i) Institute a regulation package which will  
14 amend MPP section 30-757.121 so that the last sentence  
15 thereof will read: "The county shall also have the  
16 authority to authorize this service should the  
17 recipient's living conditions result in a threat to  
18 his/her safety;" and

19 (ii) Instruct counties by All County Letter that  
20 such service may be authorized where a recipient is at  
21 risk of eviction for failure to prepare his/her home or  
22 abode for fumigation as required by statute or  
23 ordinance. The caseworker shall document the  
24 circumstances justifying any such allowance.

25 3. With respect to "time per task", the Department  
26 will:

27 ////

28 ////

1           (1) Institute a regulation package which  
2 substitutes the word "standards" with "guidelines" where  
3 same presently appears in MPP sections 30-758.2 and  
4 30-758.3 and which will amend section 30-758.4 to read:  
5 "4. Welfare and Institutes Code section 12301.2 states:  
6 Time for task guidelines can be used only if appropriate  
7 in meeting the individual's particular circumstances.  
8 Exceptions to time for task guidelines may be made when  
9 necessary to enable the recipient to establish and  
10 maintain an independent living arrangement and/or remain  
11 safely in his/her home or abode of his/her own  
12 choosing."

13           (ii) Instruct the counties by handbook and All  
14 County Letter that the standard set forth in MPP section  
15 30-758.4 above includes an evaluation that the services  
16 are necessary to avoid out-of-home placement or loss of  
17 employment, or because conditions present a threat to  
18 the recipient's safety or substantial threat to his/her  
19 health.

20           4. The All County Letter provided for above shall be  
21 issued within ninety (90) days from the date of entry hereof.

22       ////

23       ////

24       ////

1           You are further commanded to serve and file a written  
2 return to this writ on or before December 1, 1986, indicating how  
3 you have complied with the particulars of this Writ.

4 DATED:   AUG 29 1986       1986.



By: Frank S. Zolin  
County Clerk

By: Garna  
Deputy Clerk of the  
Superior Court

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11           Let the foregoing Writ issue.

12 DATED:                   1986.

13       AUG 29 1986

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Jack M. Newman  
JACK M. NEWMAN  
~~Judge/Commissioner~~ of  
the Superior Court

H.O.

JOHN K. VAN DE KAMP, Attorney General  
of the State of California  
ANNE S. PRESSMAN,  
Supervising Deputy Attorney General  
JAMES E. RYAN,  
Deputy Attorney General  
3580 Wilshire Boulevard  
Los Angeles, California 90010  
Telephone: (213) 736-2279  
Attorneys for Defendants

FILED  
AUG 29 1986  
FRANK S. ZOLLI, County Clerk  
BY T. GARZA

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

DISABLED RIGHTS UNION; EFFIE JEAN  
STIES; DONALD L. CALLAHAN; LAURA MAKI;  
DIANE MAUTHE; PAUL JACKSON by  
LORRAINE JACKSON, guardian ad litem,  
Plaintiffs/Petitioners,

v.

MARION WOODS, as Director of the  
Department of Social Services;  
DEPARTMENT OF SOCIAL SERVICES, an  
agency of the State of California;  
MARY ANN GRAVES, as Director of the  
Department of Finance; EUGENE  
LIVINGSTONE, as Director of the  
Office of Administrative Law; STATE OF  
CALIFORNIA, a political entity; DOES  
1 through 58, inclusive,  
Defendants/Respondents.

Case No. C 380 047  
JUDGMENT PURSUANT  
TO STIPULATION

INTRODUCTION

This action for injunctive, declaratory and mandamus  
relief was commenced on August 26, 1981, alleging that certain  
statutes and regulations pursuant to Senate Bill No. 633,  
pertaining to the In-Home Supportive Services ("IHSS"), program  
were invalid.

1           On October 13, 1981 a preliminary injunction was  
2 issued. thereafter modified by order dated December 7, 1981,  
3 concerning defendants' initial Notices of Action to IHSS  
4 recipients in purported implementation of Senate Bill No. 633.

5           Several of the issues raised by the First Amended  
6 Complaint/Petition herein have been resolved by legislation,  
7 amendatory regulations and agreement among the parties.

8           In the interest of resolving certain of the remaining  
9 issues in this case and in accordance with the Stipulation for  
10 Entry of Judgment submitted by the parties herewith,

11           IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

12           1. That a writ of mandate shall issue on the  
13 following terms:

14           A. With respect to "domestic services,"  
15 the Department will institute a regulation  
16 package which will add the following to  
17 MPP § 30-757.11:

18           "(k) Miscellaneous domestic  
19 services (e.g., changing light bulbs)  
20 when the service is identified and D/C  
21 documented by the caseworker as  
22 necessary for the recipient to remain  
23 safely in his/her home."

24           B. With respect to "heavy cleaning" (see  
25 MPP § 30-757.121), the Department will:

26           (i) Institute a regulation  
27 package which will amend MPP § 30-757.121



1 so that the last sentence thereof will read:

2 The county shall also have the authority to  
3 authorize this service should the recipient's  
4 living conditions result in a threat to  
5 his/her safety;" and

6 (ii) Instruct counties by All  
7 County Letter that such service may be  
8 authorized where a recipient is at risk  
9 of eviction for failure to prepare  
10 his/her home or abode for fumigation as  
11 required by statute or ordinance. The  
12 caseworker shall document the circumstances  
13 justifying any such allowance.

14 C. With respect to "time per task," the Department  
15 will:

16 (i) Institute a regulation package  
17 which substitutes the word "standards" with  
18 "guidelines" where same presently appears  
19 in MPP §§ 30-758.2 and 30-758.3 and  
20 which will amend § 30-758.4 to read:  
21 "4. Welfare and Institutes Code section 12301.2  
22 states: Time for task guidelines can be  
23 used only if appropriate in meeting the  
24 individual's particular circumstances.  
25 Exceptions to time for task guidelines may  
26 be made when necessary to enable the  
27 recipient to establish and maintain an

1 independent living arrangement and/or  
2 remain safely in his/her home or abode  
3 of his/her own choosing.

4 (ii) Instruct the counties by  
5 handbook and All County Letter that the  
6 standard set forth in MPP § 30-758.4 above  
7 includes an evaluation that the services  
8 are necessary to avoid out-of-home placement  
9 or loss of employment, or because conditions  
10 present a threat to the recipient's safety  
11 or substantial threat to his/her health.

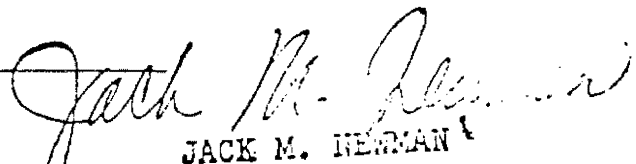
12 The All County Letter provided for above shall be  
13 issued within ninety (90) days from the date of entry hereof.

14 2. That all issues and causes of action not resolved  
15 hereby are dismissed with prejudice against all defendants.

16 3. That the provisions of this Judgment are intended  
17 to operate prospectively only and are not intended as an  
18 adjudication of the validity of any course of conduct or  
19 provision of law encompassed by the instant suit.

20 4. That plaintiffs shall be considered the prevailing  
21 party and are entitled to reasonable attorneys fees and costs  
22 for this action. The parties shall attempt to reach agreement  
23 regarding the amount of such fees. If the parties are unable to  
24 agree on the amount of such fees, plaintiffs may move the court  
25 for an award of fees.

26 DATED: AUG 29 1986

27   
JACK M. NEWMAN  
JUDGE OF THE SUPERIOR COURT

1 JOHN K. VAN DE KAMP, Attorney General  
2 of the State of California  
3 ANNE S. PRESSMAN,  
4 Supervising Deputy Attorney General  
5 JAMES E. RYAN,  
6 Deputy Attorney General  
7 3580 Wilshire Boulevard  
8 Los Angeles, California 90010  
9 Telephone: (213) 736-2279

10 Attorneys for Defendants

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
12 FOR THE COUNTY OF LOS ANGELES

13 DISABLED RIGHTS UNION; EFFIE JEAN  
14 STIES; DONALD E. CALLAHAN; LAURA MAKI;  
15 DIANE MAUTHE; PAUL JACKSON by  
16 LORRAINE JACKSON, guardian ad litem,

17 Plaintiffs/Petitioners,

18 v.

19 MARION WOODS, as Director of the  
20 Department of Social Services;  
21 DEPARTMENT OF SOCIAL SERVICES, an  
22 agency of the State of California;  
23 MARY ANN GRAVES, as Director of the  
24 Department of Finance; EUGENE  
25 LIVINGSTONE, as Director of the  
26 Office of Administrative Law; STATE OF  
27 CALIFORNIA, a political entity; DOES  
1 through 58, inclusive,

Defendants/Respondents.

IT IS HEREBY STIPULATED by and between  
plaintiffs/petitioners (hereafter referred to as plaintiffs), by  
and through their attorneys of record, and defendants/respondents  
(hereafter referred to as defendants) Linda McMahon, Director of  
the State Department of Social Services, and the Department of

FILED

AUG 29 1986

FRANK S. ZOLIN, County Clerk

BY T. GARZA

1 Social Services, an agency of the State of California:

2 1. That, for the purpose of amicably resolving  
3 disputed claims, plaintiffs and defendants have agreed to settle  
4 this action without trial or further proceedings, and without  
5 this Stipulation constituting any evidence, admission or  
6 adjudication with respect to any issue of fact or law.

7 2. That plaintiffs and defendants hereby waive the  
8 entry of a statement of decision, findings of fact and  
9 conclusions of law, and any other adjudication of any issue of  
10 fact or law, and agree to the entry by this court of a Judgment  
11 Pursuant to Stipulation, in the form attached hereto and  
12 incorporated herein by reference (hereafter "Judgment"), at any  
13 time after submission thereof.

14 3. That plaintiffs and defendants agree to all of the  
15 terms and conditions as set forth in this Stipulation and the  
16 Judgment and agree to perform all acts required herein and  
17 therein.

18 4. That nothing in this Stipulation is intended in any  
19 way to resolve any issue not expressly addressed herein or in the  
20 Judgment.

21 5. That Plaintiffs shall be considered the prevailing  
22 party and are entitled to reasonable attorneys fees and costs for  
23 this action. The parties shall attempt to reach agreement

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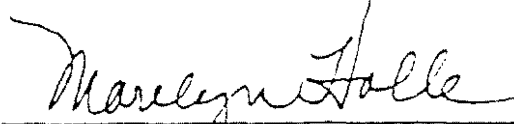
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1 regarding the amount of such fees. If the parties are unable to  
2 agree on the amount of such fees, plaintiffs may move the court  
3 for an award of fees.

4  
5 DATED: 8-21-86

  
MARILYN L. HOLLE  
PROTECTION AND ADVOCACY, INC.  
Attorney for Plaintiffs

8  
9 DATED: 8-21-86

  
JAMES E. RYAN  
Deputy Attorney General  
Attorneys for Defendants

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