

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



May 9, 1986

ALL-COUNTY LETTER NO. 86-37

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: NOIA v. MCMAHON

This is to inform you that on May 6, 1986 the United States District Court for the Northern District of California issued an order in Noia v. McMahon. A copy of the order is attached. The Noia case was originally filed in Federal District Court on March 27, 1986 with the hearing in this matter having been conducted on May 6, 1986. The order enjoins DSS and the counties from applying EAS 44-111.437 and 44-113.13 while this matter is in litigation. Specifically, non-governmental loans available to meet current needs are not to be treated as income when computing AFDC grants.

An All-County Letter with instructions for implementing the Federal District Court order, will be sent within 30 days from receipt of this letter. In the meantime, you are instructed to flag all cases in which, as a result of applying the challenged regulations (EAS 44-111.437 and 44-113.13), AFDC was denied, terminated, or reduced on or after May 1, 1986 due to non-governmental loans available to meet current needs being treated as income.

For your information, DSS requested an additional 30 days to implement the attached order; however, the court determined that the dates proposed by plaintiffs' attorneys were reasonable. The critical dates set forth in the order are:

1. Within 30 days from the date the order was signed, DSS must issue implementing instructions to the counties.
2. Within 60 days from the date the order was signed, the counties must implement the attached order.
3. Within 90 days from the date the order was signed, the counties and DSS must complete compliance reporting.

If you have any questions, please contact Michael O'Brien at (916) 324-2013.

A handwritten signature in dark ink, appearing to read "Robert A. Horel", written over a horizontal line.

ROBERT A. HOREL
Deputy Director

Attachment