

DEPARTMENT OF SOCIAL SERVICES
744 P Street, Sacramento, CA 95814



April 2, 1987

ALL COUNTY LETTER NO. 87-49

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: BALDERAS v. McMAHON

REFERENCES: ACL NO. 81-8, ACL NO. 81-31
MPP Section 40-181.18, MPP Section 40-181.2

On January 5, 1987, the Superior Court of the State of California for the County of Los Angeles issued the Final Judgment in the Balderas v. McMahon Court Case (copy attached). The Balderas Order sets forth procedures (in paragraphs 1.a. through 1.h.) to be followed when a complete CA 7 is not received by the 11th of the month. Many of the provisions in this Order are already contained in MPP Sections 40-181.18 and 40-181.2 and the All County Letters (ACL) referenced above, which remain in effect (copies of ACL 81-8 and ACL 81-31 are attached for your convenience). Highlighted in this ACL are new provisions which must be implemented immediately.

1. Recipient Contact - CA 7 Not Submitted

- a. Prior to the final Balderas Order, when a recipient did not submit a complete CA 7 after the appropriate Notice of Action had been sent, the CWD was required to attempt a telephone call to remind the recipient that the CA 7 must be submitted. If the recipient couldn't be reached by telephone, a written reminder notice was required, to be mailed no later than six days prior to the end of the month, and not to be mailed in the same envelope as the Notice of Action. This reminder requirement was also satisfied if the same information was transmitted to the recipient during the course of a home visit or in a face-to-face meeting at the welfare office. The CWD was required to document in the case file how and when the reminder contact was made.
- b. Section 1.c. of the Balderas Order requires that the reminder notice be mailed no later than five days (rather than six), prior to the end of the month.

2. Good Cause Determination

- a. Prior to the final Balderas Order, regulations required that when a recipient who was discontinued for failure to submit a complete CA 7 reapplied for AFDC after the first working day of the payment month, the CWD must, upon request by the recipient, make a good cause determination pursuant to MPP Section 40-181.233. If the recipient was found to have good cause for failure to submit a complete CA 7, the CWD was required to rescind the termination and restore aid, upon submission of the complete CA 7 without a loss of benefits, except as required by information supplied on the CA 7.

b. Section 1.f. of the Balderas Order now requires that CWDs make a good cause determination pursuant to MPP Section 40-181.233 in every case where a recipient who has been discontinued for failure to submit a complete CA 7 reapplies for AFDC during the payment month but after the first working day. A notation shall be made in the case file where it is found that no good cause exists.

3. CWD Notification of Late CA 7 Filing to Other Governmental Entities

a. Prior to the final Balderas Order, ACL 81-31 required that CWDs delay notifying the District Attorney's (DA) Child Support Unit and the Employment Development Department (EDD) of the recipient's CA 7-related discontinuance until after the first calendar day of the payment month.

b. Section 1.h. of the Balderas Order requires that CWDs delay notifying the DA Child Support Unit and any employment or training program, where participation is contingent on AFDC eligibility, of the recipient's CA 7-related discontinuance until after the first working day of the payment month.

4. Mandatory Reminder Notice

The Balderas Order mandates use of the attached NA 960X, NA 960Y, and reminder notice. Therefore, instructions for their use are attached.

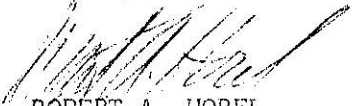
5. Statistical Survey

CWDs should note that the Balderas Order requires the Department of Social Services to conduct a statistical survey (see Section 1.j.). This study will be initiated between January and June 1988. CWDs will be notified when their involvement in the aforementioned statistical survey is required.

6. Regulations

As a result of the Balderas settlement, it will be necessary to amend existing regulations. Those amendments are currently being drafted and will be made through the normal regulatory adoption process.

If you have any questions about this policy or the use of the attached materials, please contact Kay Poletti of the AFDC and Food Stamp Policy Implementation Bureau at (916) 324-2725.


ROBERT A. HOREL
Deputy Director

Attachments

cc: CWDA