

## DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



July 5, 1988

ALL COUNTY LETTER NO. 88- 76

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: RUTAN COURT ORDER AND IMPLEMENTATION METHODOLOGY

REFERENCES: ALL COUNTY LETTER NO. 86-45,86-55,86-84,86-90,86-117,86-129,88-33 AND ALL COUNTY WELFARE DIRECTOR MEDS TRANSMITTAL OF JUNE 10,1986

On February 19, 1988, Judge Michael E. Sallachey of the Superior Court for the County of Alameda signed the final order for the retroactive portion of the Rutan v. McMahon court case. The retroactive period covered by the court case is June 1, 1983 to August 26, 1986. Rutan class members were applicants for, or recipients of AFDC during the retroactive period when they received a lump sum and spent all or part of the lump sum before receiving an adequate and timely written explanation of the lump sum rule.

The purpose of this letter is to provide you with specific instructions and materials necessary for implementation of the Rutan Retroactive Court Order. Rutan Posters (Temp 1709B) will be sent to you under separate cover on or before July 15, 1988. Attached are the following materials:

1. A copy of the Draft Emergency Regulations (8/1/88 effective date).
2. Reproducible copies of the Intent to Claim Form (Temp 1709) in English and Spanish with bullets in the other four standard languages.
3. Reproducible copies of the Claim Form (Temp 1709A) in English and the five standard languages.
4. Reproducible copies of the Notices of Action in English and the five standard languages.
5. Instructions for completing Notices of Action.
6. Statistical Reporting Form (Temp 1172).

The Rutan implementing regulations will be filed on or about July 20, 1988 and will have an effective date of August 1, 1988. The Counties should use the attached draft regulations to plan and prepare for an August 1, 1988 implementation of the regulations. The Counties will receive an adopted copy of the Rutan regulations approved by the State Office of Administrative Law as soon as they are available.

### STATISTICAL REPORTS

"Face to Face" and "Mailing" Counties will have different schedules for the submission to SDSS of the court ordered statistical reports.

A. "Mailing" CWD Report Due Dates.

First report - November 7, 1988.

Final report - May 8, 1989.

B. "Face to Face" CWD Report Due Dates.

First report - November 7, 1988

Second report - February 6, 1989

Third report - May 8, 1989

Fourth report - August 7, 1989

Final report - February 7, 1990

If you have any questions regarding the attached Statistical Reporting form (Temp 11/2) please contact Mr. Levy St. Mary at (916) 445-2135 or (ATSS) 8-485-2135.

### TREATMENT OF SHAW BENEFITS

For any month for which a claimant has been found to be eligible to receive a retroactive Rutan benefit, and a Shaw benefit had already been received for that same month: (1) calculate the Rutan benefit without interest; and (2) subtract the Shaw benefit already received for that same month from the Rutan benefit calculated in step (1). The result of steps (1) and (2) is the net Rutan underpayment. Use this amount to calculate the retroactive benefit and the interest due when paying the Rutan claim. If you have any questions regarding Shaw overpayments, please call Ms. Susan Wyckoff at (916) 324-2003 or (ATSS) 8-454-2007.

If you have any questions or need any assistance regarding the Rutan Court Order or the attached materials, please contact Mr. Vincent Toolan at (916) 324-2007 or (ATSS) 8-454-2007.

  
ROBERT A. HOREL  
Deputy Director

Attachments