

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



June 2, 1995

TO: ALL COUNTY WELFARE DIRECTORS

ALL-COUNTY LETTER NO. 95-23

REASON FOR THIS TRANSMITTAL

- State Law Change
- Federal Law or Regulation Change
- Court Order
- Clarification Requested by One or More Counties
- Initiated by CDSS

SUBJECT: Implementation of the Edwards v. Carlson U.S. Supreme Court decision.

References: ACL 92-49, ACL 92-64, ACIN I-34-92, MPP 82-824.13

Background

On March 22, 1995, the U.S. Supreme Court issued a decision in the Edwards v. Carlson Court case. This decision overturned the lower court's decision which had prohibited the California Department of Social Services (CDSS) from combining an entire household into a single assistance unit when there is one caretaker relative. The policy of combining these households had been in effect until May 1992.

Regulations

Attached is a copy of the draft regulations which will be filed on or before July 21, 1995 and will have an effective date of August 1, 1995. Counties are to use them to plan and prepare for the August 1, implementation date. Counties will receive an adopted copy of the regulations approved by the State Office of Administrative Law as soon as they are available. If you have any questions about the draft regulations, please call Ms. Joelyn Walters at (916) 654-1803.

Instructions

The purpose of this letter is to reinstate the policy of combining these non-sibling assistance units when there is only one caretaker relative. Upon receipt of this letter counties will prepare to implement and recombine these cases effective August 1, 1995. New cases making applications will not be combined until August 1. It is because the new regulations will not be effective until August 1, 1995, that counties are not to combine cases prior to that date.

Cases which are not combined until after August 1, 1995, will be assessed an administrative overpayment for any excess grant received as a result of the failure to combine the cases.

#### Case Action Documentation

To analyze the impact of the implementation of the Edwards decision on relative placement cases, CDSS is planning to track the case movement. To assist in this endeavor, we are requesting that counties maintain a list of each child's name, case name and number after taking the Edwards action, and the child's social security number.

#### Food Stamps

For Food Stamp Program purposes, household composition is unaffected by this change. Such cases will remain as one household, and the likely result will be an increase in benefits due to the corresponding decrease in the AFDC grant.

#### NOAs

Attached are the Notices of Action (NOAs) which are to be used to combine the cases. If you have any questions about the NOAs, please call Mr. Lloyd Shaw at (916) 654-1059. Translations of the NOAs will follow shortly under a separate cover letter.

If you have any questions about this policy change, please call Ms. Julie Lopes at (916) 654-1786. If you have any questions about the court case or the documentation requirements please call Mr. Vincent Toolan at (916) 654-1808.

Sincerely,



Bruce Wagstaff  
Acting Deputy Director  
Welfare Programs Division