

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



April 23, 1998

ALL-COUNTY LETTER 98- 24

TO: ALL COUNTY WELFARE DIRECTORS

REASON FOR THIS TRANSMITTAL

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

SUBJECT: ORDER OF THE COURT REGARDING THE DECISION IN THE
 PROPOSITION 187 CASES

REFERENCE: ALL COUNTY LETTER (ACL) 94-103, ALL COUNTY LETTER 95-03

The purpose of this notice is to inform counties of the recent decision in the Proposition 187 court cases (LULAC v. Wilson (and Consolidated Cases) U.S. District Court, Central District of California, No. 94-7569 MRP, March 17, 1998). It is the decision of the court that section 10001.5 of the Welfare and Institutions Code (W&IC) adopted by the initiative measure, Proposition 187, in 1994 is not to be implemented.

W&IC subsection 10001.5(b) which provides that a person shall not receive public social services benefits until the legal status of the person has been verified and subsection (c) which sets forth procedures for reporting of illegal status of persons may not be implemented by any county agency, any county employee, any county personnel, or any county official or any successor in office. The court found the subsections have been preempted by the PRWORA (Personal Responsibility and Work Opportunity Reconciliation Act of 1996, P.L. 104-193) provisions governing alien eligibility for public benefits (sections 400 et seq.).

W&IC section 10001.5(a) which provides that W&IC section 10001.5 subsections (b) and (c) provisions were adopted to carry out the intention of the people of California regarding receipt of public social services benefits may not be implemented by any county agency, any county employee, any county personnel, or any county official or any successor in office. The court found the provisions of this subsection are not separately enforceable.

Any questions regarding this information should be directed to Robert Campbell at (916) 654-0843.

Sincerely,

LAWRENCE B. BOLTON
 Deputy Director

Attachment