

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



April 2, 1992

ALL COUNTY LETTER NO. 92-37

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: IMPLEMENTATION OF THE ORDER IN FLAMINIO VS. MC MAHON

REFERENCES: ACL 89-50

The purpose of this letter is to instruct County Welfare Departments (CWDs) to implement the terms of the Stipulation and Judgement in the Flaminio v. McMahon Court case (Superior Court for the County of San Diego Case No. 631866). The Flaminio Judgement requires the State Department of Social Services to issue an All County Letter "instructing all County Welfare Departments to immediately cease assessment or collection of any overpayments based on the receipt of any Adoption Assistance [payments] during the period of the Simon injunction." The Simon injunction period was October 1985 through November 1989. The Simon injunction had permitted Assistance Units the option to exclude a child and his/her income and/or resources from eligibility calculations.

The Flaminio Court order "does not mean that an Assistance Unit whose Adoption Assistance payment was counted as income during the period of the Simon injunction can claim it is now entitled to a reimbursement in the form of a corrective underpayment."

Since the Flaminio Order only requires that the specified overpayment assessment and recoupment cease, no retroactivity is required.

Attached for your information is a copy of the Flaminio Order. If there are any questions regarding the Flaminio Judgement, please call Mr. Vincent Toolan, AFDC Policy Implementation Bureau, at (916) 654-1808.

A handwritten signature in black ink, appearing to read "MICHAEL C. GENEST".

MICHAEL C. GENEST, Deputy Director
Welfare Program Division

Attachment