

## DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



May 21, 1992

ALL COUNTY LETTER NO 92-49

TO: COUNTY WELFARE DIRECTORS

## REASON FOR THIS TRANSMITTAL

- State Law Change
- Federal Law or Regulation Change
- Court Order
- Clarification Requested by One or More Counties
- Self-Initiated by SDSS
- Administrative, Operational, or Fiscal Instructions

SUBJECT: EDWARDS v. CARLSON COURT CASE

References: MPP 44-205.31, 82-824.13

On April 17, 1992, a decision in the Edwards v. Carlson Court case was issued. The Edwards Court case ordered the State of California to cease requiring that non-sibling children with a single caretaker relative be combined into a single assistance unit. Under the Order, assistance units will be composed of children who are siblings or half-siblings and will not include children who are not siblings or half-siblings, unless the caretaker is legally responsible to support the non-sibling children. A copy of the Federal District Court's decision has been attached for your information.

Specifically, Counties are to no longer apply the provisions of Manual of Policy and Procedures Section 44-205.31 or MPP 82.824.13. Counties are to establish as separate assistance units those children who are siblings and those who are not siblings. Children who are related as brother or sister (including half-brother and half-sisters) will continue to be combined into one assistance unit with or without the caretaker relative as appropriate. Caretaker parents will be included in the same assistance unit as their natural or adopted children.

Effective May 1, 1992, for new applications, only those individuals who are related as parent, brother or sister are required to be combined into one assistance unit.

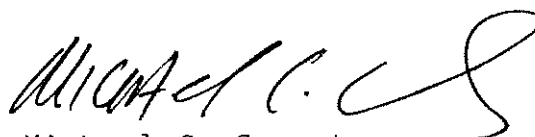
Additionally, effective May 1, 1992, Counties are to cease the recoupment of any prior overpayments caused by the application of MPP 44-205.31 or 82-824.13.

Separate assistance units shall be treated in accordance with existing regulations and thus are required to complete and submit separate documents including a monthly report (SAWS 7/CA 7) for each assistance unit. However, if a County already has on file the information and documentation necessary to establish the separate case(s), new information and/or documentation is not required. The appropriate documents from the original case may be photocopied to create any necessary additional case record information. Similarly, a single monthly report from the household may be accepted for any additional assistance units if that report contains the information and documentation necessary to process the additional case(s) for ongoing eligibility and the amount of assistance.

An All County Letter will follow in approximately four weeks which will require Counties to identify all family groups which could potentially be evaluated for eligibility under the Edwards decision. The proposed methodology for identifying potential eligibles will likely require that the Counties transmit with the monthly reporting document a questionnaire developed by the State Department of Social Services. However, if your County has the ability and the desire to use some other method of identifying potential eligibles please call Mr. Vincent Toolan at the number below to initiate the process to receive authorization for an alternative method.

The Edwards Court case applies to prospective payments only. The prospective period starts May 1, 1992, the start date from which to calculate any eligibility for corrective underpayments.

If you have any questions about the Edwards Order or its implementation, please call Mr. Vincent Toolan of the AFDC Policy Implementation Bureau at (916) 654-1808.



Michael C. Genest  
Deputy Director