

## DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814

June 26, 1992



ALL-COUNTY LETTER NO. 92-64

TO: ALL COUNTY WELFARE DIRECTORS

## REASON FOR THIS TRANSMITTAL

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

SUBJECT: Edwards v. Carlson

REFERENCES: ACL 92-49, MPP 82-824.13

The purpose of this letter is to issue the instructions necessary to fully implement and comply with the Edwards v. Carlson Court Order.

## Background

In All County Letter (ACL) 92-49 dated May 21, 1992, Counties were informed about the basis of the Edwards lawsuit and were instructed to begin implementation by applying the Court Ordered criteria to new applications and to cease collecting overpayments created by compliance with Manual of Policy and Procedures (MPP) Sections 44-205.31 and 82-824.13.

As explained in ACL 92-49, the Edwards Court ordered the State of California to cease requiring that nonsibling children with a single caretaker relative be combined into a single assistance unit. Assistance Units will be composed of children who are siblings or half siblings unless the caretaker is legally responsible for support of the nonsibling child(ren). A copy of the Edwards Order was attached to ACL 92-49.

## County Implementation

Unless your County has developed an alternative method of identification, the attached questionnaire/mailer must be mailed by the County to the entire AFDC caseload with the monthly reporting document. This questionnaire or an acceptable alternative is required by the Edwards Order. Any alternative identification process must be approved in advance by SDSS as specified in ACL 92-49.

The questionnaire must be mailed out within 60 days from receipt of this letter or September 1, 1992, whichever is earlier. All cases self-identified either as a result of the questionnaire or by other means (such as the Poster) must be split into separate Assistance Units in accordance with the Edwards Order. Assistance Units must be established to comply with the Edwards Order no later than 90 days from the date of implementation. Corrective payments will be back to May 1, 1992, for any eligible Assistance Unit. The corrective payment will be made within 30 days from the date by which the recipient has completed all necessary forms and provided all the required information.

#### Ongoing Compliance Requirements

Whenever an Assistance Unit is discovered which would be required to be split into sibling and nonsibling units, Counties must comply with the Edwards Order and split the cases as appropriate. To ensure that all potential eligibles have been located, Counties will review cases during redetermination to determine if there is any potential Edwards eligibility.

Whenever a separate Assistance Unit is created, the caretaker relative has the responsibility to provide any documents necessary to establish the new Assistance Unit. Requests for documentation are to be handled in a manner consistent with the instructions in ACL 92-49.

#### Examples

At County request, we have included the following examples to further clarify the requirements of the Edwards Order.

##### Example #1

Grandmother lives in a household with two grandchildren, one from each of her daughters. Grandmother is needy.

In this case situation, the County must establish two Assistance Units. Grandmother may choose to be in either Assistance Unit. When multiple AUs are established, caretaker relatives who are optional inclusions are to be made aware of the possible financial consequences of being placed in any one of the AUs.

## Example #2

Unmarried Mother and Father live in the same household. Each has children of their own. There is one common child of the parents living in the home. The basis of deprivation for this child is Unemployed Parent.

In this case situation, the entire Household is combined into one Assistance Unit. The child in common is eligible, and therefore there is sibling linkage between all children. All individuals are mandatorily included in the Assistance Unit.

## Posters and Forms

Posters must be displayed in County Welfare Offices for at least 60 days as required by the Edwards Order. Posters, Claim forms, Notices of Action (NOAs) messages and translations of the forms and notices will follow under a separate cover letter(s) with further instructions. Translated material will be provided consistent with MPP Section 21-115.2. If you have any questions on the forms or NOAs, please call Mr. Vincent Toolan at (916) 654-1808.

## Statistical Reporting

Counties are required to complete the attached statistical report in order to comply with the Edwards Court Order. Do not include applications in the case count. Reporting is limited to only those current cases impacted by the Edwards Order. For ongoing statistical reporting on the CA 237, split cases will continue to be reported as "other approvals." If you have any questions about statistical reporting, please call Mr. Levy St Mary at (916) 445-2135 or ATSS (8) 485-2135.

## Fiscal Claiming

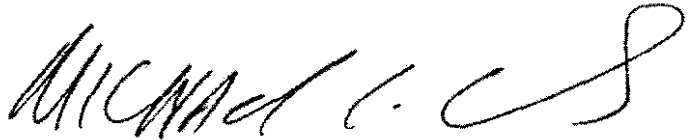
Assistance Units established as separate cases in compliance with the Edwards order, whether set up originally as separate cases or later divided into separate cases, will be claimed in the usual manner. Federal Financial Participation will be claimed. If you have any questions about Fiscal Claiming, please call Ms. Sharan Fleming at (916) 654-1052.

## Food Stamps

The Edwards Court Order applies to AFDC only; there is no Food Stamp impact. Food Stamp household composition requirements remain unchanged. If you have any questions about the impact of the Edwards Court case on the Food Stamp Program, please call Ms. Julie Andrews at (916) 654-1887.

### For Additional Information or Clarification

If you have any questions about the Edwards Order or its implementation, please call Mr. Vincent Toolan at (916) 654-1808 or ATSS 8 464-1808.

A handwritten signature in black ink, appearing to read "MICHAEL C. GENEST". The signature is stylized and cursive.

MICHAEL C. GENEST  
Deputy Director  
Welfare Programs Division