

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814
Tele: (916) 445-8724



June 15, 1979

ALL-COUNTY LETTER NO. 79-38

• TO: ALL COUNTY WELFARE DIRECTORS


SUBJECT: ARMS OF GOD et al. v. EDMUND G. BROWN, JR.

REFERENCE: MPP § 30-463.243

Attached is a copy of an order signed by Judge Foster of the Los Angeles Superior Court. The Order is effective immediately and counties are instructed to comply with his order. Since the Order effects past fair hearing decisions issued by this Department, you are requested to identify the persons so situated and redetermine their eligibility without application of MPP § 30-463.243.

If there are any questions, contact your county consultant at (916) 445-8724.

Sincerely,


ROBERT ROWLEY
Chief Deputy Director

Attch.

cc: CWDA

1 ARMS OF GOD et al.)
)
 2 Plaintiffs and Petitioners,)
)
 3 vs.)
)
 4 EDMUND G. BROWN, JR.)
)
 5 Defendants and Respondents.)
)
 6)

7 On reading the complaint and exhibits, supporting decla-
 8 rations, and points and authorities on file in this action, and
 9 it appearing to the satisfaction of the Court that this is a proper
 10 cause for granting an order to show cause and temporary restraining
 11 order, and that, unless a temporary restraining order issues, the
 12 individual plaintiff and the classes they represent will suffer
 13 irreparable injury and their rights will be rendered meaningless
 14 before this matter can be heard on a noticed motion, now, there-
 15 fore.

16 IT IS HEREBY ORDERED that the above-named defendants appear
 17 before this Court in Department 56, 111 North Hill Street, Los
 18 Angeles, California on June 28, 1979, at the hour of 9:00 a.m.,
 19 then and there to show cause, if any, as to the following persons.

20 All individual plaintiffs and all blind and disabled
 21 children in California who are presently receiving
 22 a grant under the In-Home-Supportive Services and
 23 whose parent is the child's IHSS provider,
 24 why a preliminary injunction should not be issued prospectively
 25 enjoining defendants, and each of them, and their employees,
 26 agents and representatives.

27 1. from enforcing, applying, and/or implementing IHSS

1 regulation MPP § 30-463.243 against any IHSS program participant
2 because the IHSS provider is the participant's parent or guardian,
3 or,

4 2. from completing or permitting to be completed any
5 of the foregoing acts which has not yet been completed in that
6 a notice of action terminating benefits pursuant to MPP § 30-463.
7 243 has not yet been put in the mail to any of the above-described
8 persons, or,

9 3. where a notice of action has been sent by any of
10 defendant's agents or representatives, including employees of
11 county welfare departments, to an IHSS program recipient
12 terminating benefits pursuant to MPP § 30-463.243, but benefits
13 have not yet terminated or the effective date for termination
14 has not yet elapsed, from permitting the IHSS benefits to be
15 terminated, or,

16 4. from otherwise failing to take such action as
17 necessary so that as to the above-identified persons, the status
18 quo prior to the implementation of MPP § 30-463.243 is preserved.

19 IT IS FURTHER ORDERED that on the above date and at the
20 above time and place, defendants appear before this court to
21 show cause why a preliminary injunction should not be issued
22 prospectively as to the following class.

23 Plaintiff CYRINA HOBBS and all other disabled and
24 blind California children who were, on April 1,
25 1979, or at any time subsequent, receiving In-
26 Home Supportive Services but whose benefits have
27 been terminated pursuant to MPP § 30-463.243.

1 why a preliminary injunction should not be issued prospectively
2 enjoining defendants, and each of the, and their employees,
3 agents and representatives, including employees in county welfare
4 departments,

5 1. as to the aforementioned persons, from failing and
6 refusing to reinstate said persons' IHSS benefits to the level
7 it was prior to terminating, and,

8 2. from failing and refusing to return to said persons
9 any IHSS benefits they would have received between April 1, 1979,
10 and the present had their IHSS benefits not been terminated pur-
11 suant to IHSS regulation MPP § 30-463.243, and,

12 3. from otherwise failing to take such action as necessary
13 to that the above-identified persons are returned to the status
14 quo prior to the implementation of MPP § 30-463.243.

15 IT IS FURTHER ORDERED THAT PENDING the hearing on the
16 Order to Show Cause re Preliminary Injunction, Defendants, their
17 agents, servants, officers, directors, employees, representatives,
18 attorneys and all these persons acting in concert, collusion or
19 participating with them, including employees of county welfare
20 departments, are hereby enjoined from engaging or participating
21 in or performing any and all of the following acts:

22 A. as to all individual plaintiffs and all blind
23 and disabled children in California who are presently
24 receiving a grant under the In-Home Supportive
25 Services and whose parent is the child's IHSS provider,

26 1. from enforcing, applying, and/or implementing
27 IHSS regulation MPP § 30-463.243 against any IHSS program

1 participant because the IHSS provider is the participant'
2 parent or guardian, or

3 2. from completing or permitting to be completed
4 any of the foregoing acts which has not yet been completed
5 in that a notice of action terminating benefits pursuant
6 to MPP § 30-463.243 has not yet been put in the mail to
7 any of the above-described persons, or,

8 3. where a notice of action has been sent by any of
9 defendant's agents or representative, including employees
10 of county welfare departments, to an IHSS program recipient
11 terminating benefits pursuant to MPP § 30-463.243, but
12 benefits have not yet terminated or the effective date for
13 termination has not yet elapsed from permitting the IHSS
14 benefits to be terminated, or,

15 4. from otherwise failing to take such action as
16 necessary so that, as to the above-identified persons,
17 the status quo prior to the implementation of MPP §
18 30-463.243 is preserved;

19 B. as to Plaintiff CYRINA HOBBS and all other disabled
20 and blind California children who were, on April 1, 1979
21 or at any time subsequent, receiving In-Home-Supportive
22 Services but whose benefits have been terminated pursuant
23 to MPP § 30-463.243.

24 1. from failing and refusing to immediately reinstate
25 said persons' IHSS benefits to the level it was prior to
26 terminating, and

27 2. from otherwise failing to take such action as necessary

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so that the above-identified persons, are returned to the status quo prior to the implementation of MPP § 30-463.243.

IT IS FURTHER ORDERED that copies of this order, the Memorandum of Points and Authorities and the Declaration be served on Defendants no later than eight days prior to the date set for hearing. Said service can be effectuated by serving copies of the above-mentioned document on Defendants' Counsel, the Attorney General.

Let the above Order issue without Plaintiffs filing a bond.

DATED: June 14, 1979

VERNON G. FOSTER
JUDGE OF THE SUPERIOR COURT