

DEPARTMENT OF SOCIAL SERVICES

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November 23, 1982

ALL-COUNTY INFORMATION NOTICE I- 151-82

TO: ALL-COUNTY WELFARE DIRECTORS

SUBJECT: PROVIDING ADEQUATE NOTICE

REFERENCE:

Recent reviews of notices of action issued by counties have shown that, in some cases, adequate notice has not been provided. This problem was a factor in the Turner case in which the court found certain notices to be inadequate and which resulted in a court order reversing actions taken by the counties. This letter addresses the need to provide adequate notice and presents several ideas on how to prepare adequate notices of action.

To help counties provide adequate notice in those situations where there is a change in State AFDC regulations, the State plans to continue the practice, begun recently, of supplying counties with language to be used in explaining on a Notice of Action the reason(s) for change(s) in aid caused by change(s) in regulations.

Although the printed Notice of Action forms designed for specific types of action will help the county worker provide adequate notice, the worker must be aware that filling in the appropriate blanks and checking the appropriate boxes on a notice of action form will not assure that the notice is adequate. The nature of what is said in the blank space is the central issue.

Focus on the Recipient of the Notice. The Notice of Action is intended to be a personal communication to the recipient, addressing the recipient's own unique situation and circumstances. It provides important information to the recipient concerning the amount of the family's aid. As with any communication, it is necessary to focus on the person receiving the communication. What does the recipient need to know and be able to do as a result of the communication?

In broadest terms, the recipient needs to know and understand what is happening to the family's aid. The recipient needs enough information to be able to judge whether or not the action is correct--including the detail of computations affecting the amount of aid. The recipient should be informed of what

facts were used and how they were used so that he or she can make an informed decision whether or not to request corrective action or to appeal the action.

What information is needed to inform the recipient adequately? The basic elements of providing adequate notice are outlined in MPP 22-001.1:

1. Inform the recipient of the action the county intends to take.
2. Give the reasons for the action.
3. Cite the specific regulations supporting the action.
4. Explain the right to request a State hearing (adequately covered on the back of the State form).
5. Explain aid pending (adequately covered on the back of the State form).
6. Explain what information or action, if any, is needed to reestablish eligibility or determine a correct amount of aid.

The element that seems to be the most difficult for county workers to deal with adequately is No. 2, reasons for the action. When the reason for an action is difficult to explain clearly, the following approach can be helpful.

1. Rule. Tell the recipient the rule that you are applying. In other words, clearly state the essence of the regulation that applies.
2. Circumstances. Apply the circumstances of the recipient to the rule.

Example A:

1. (Rule) A family is not eligible for a cash grant if its nonexempt property is worth more than \$1,000.
2. (Circumstances) Our records show that your family has more than \$1,000 in nonexempt property as follows: (specify)

Example B:

1. (Rule) Children who are 18 are eligible only if
 - a. They have not completed high school and
 - b. They are full-time students expected to finish a high school or vocational-technical training program before they turn 19.
2. (Circumstances) Suzie is no longer eligible because according to our records she is 18 and is not a full-time student in a high school or vocational training program.

Another type of "reason for the action" occurs when a change in the aid payment results from a change in a computation--as when the amount of income changes. In this case, rather than using the above technique for explaining the reason, the emphasis is placed on stating clearly what has changed (income, for example) and then showing in detail how the new aid amount was computed. The computation, if shown clearly and completely, provides the adequate explanation.

Notices should be complete, if they are to be adequate. Keep in mind that even though the action has been explained in person to the recipient, the notice itself must still state all of the required information. The verbal explanation is not a substitute for adequate written notice.

The focus on the recipient leads beyond a consideration of what information the recipient needs, to how the information is provided. The primary emphasis should be on providing the information in a way that it can be understood. Every effort should be made to express the information on the notice clearly and simply. This will include the following elements:

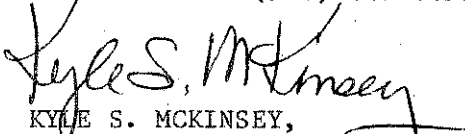
- . Relatively short, direct sentences.
- . Words that the recipient can reasonably be expected to understand.
- . Avoidance of welfare program jargon.
- . Avoidance of abbreviations.
- . Sufficient explanation of complicated ideas.
- . Clarity.

Checklist. The following checklist can be used to test the adequacy of a notice of action. Though individual elements of the notice can be tested with the questions below, the ultimate test is whether the notice as a whole clearly provides the recipient with the information he/she needs as described above.

- Effective date shown?
- Description of the action complete?
- Amount of the aid payment shown?
- Reason for the action given?
 - Basis in State regulations described? Cited?
 - Family's circumstances that caused action shown?
- All pertinent computations provided in adequate detail and specifically identified with the persons to whom they pertain?
- Statement of what information is needed to reestablish eligibility or determine the correct amount of aid? (when pertinent)

- Denials and discontinuances: Standard child support and family planning statements provided?
- Entire notice complete with adequate detail?
- Language clear, understandable, and free from jargon?

If you have any questions or concerns, please contact your AFDC Management Consultant at (916) 445-4458.


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cc: CWDA