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Attorneys for Petitioners

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SACRAMENTO

NORMA KEHRER,

Case No: 99 CS 02320

Petitioner,

STIPULATED JUDGMENT
AND ORDER

vs.

RITA SAENZ, DIRECTOR,
DEPT. OF SOCIAL SERVICES,
STATE OF CALIFORNIA

Hearing Date:
Hearing Time:
Department: 1

Respondents.

RECITAL

1. Petitioner, Norma Kehrer, filed this petition for writ of mandate and complaint for declaratory and injunctive relief to challenge the Department of Social Services' hearing decision No. 9215369, and to challenge the alleged policy of Respondents, Rita Saenz and the Department of Social Services. Petitioner is represented by Gary Rhoades and Gary Smith of Legal Services of Northern California. Respondent is represented by Margarita Altamirano, Deputy Attorney General.

2. The parties freely enter into this Stipulation in order to resolve this action without further

litigation and without admission by either party of fault or liability.

AGREEMENT

The Petitioner and the Respondents hereby agree and stipulate to the following terms:

1. Respondent will immediately repeal current MPP section 44-314.62;
2. In place of MPP § 44-314.62, Respondent will immediately promulgate a new regulation which mirrors the language of subdivision (e) of Welfare and Institutions Code section 11450.04, and also defines child support payments for a Maximum Family Grant (“MFG”) child to include cash child support payments from the absent parent whether paid through the District Attorney’s office or directly to the MFG child or the custodial parent/caregiver, and derivative benefits from the Social Security Administration or other government program due to the absent parent’s disability or retirement, which satisfy the absent parent’s child support obligation;
3. Respondent will immediately set aside of the Decision in Hearing No. 9215369, and issue of a new decision that orders Shasta County to restore the Assistance Unit’s (“AU”) benefits to the level in effect on July 30, 1998, if the AU is otherwise eligible for benefits, and will order payment of any retroactive benefits to the AU that it lost as a result of the Decision.
5. Each party shall bear its own attorney fees and costs incurred herein.
6. Judgment may be entered pursuant to this agreement in favor of petitioner and against respondent. Both parties request that the court retain jurisdiction over the parties to enforce the terms of the judgment.

DATED:

RITA SAENZ, Director, Department of Social Services,
State of California

DATED:

MARGARITA ALTAMIRANO, Attorney for Respondent

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DATED:

NORMA KEHRER, Petitioner

DATED:

GARY W. RHOADES, Attorney for Petitioner

ORDER

GOOD CAUSE APPEARING, IT IS SO ORDERED.

DATED:

LLOYD CONNELLY

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