

1 GARY W. RHOADES, SB # 166149  
LEGAL SERVICES OF NORTHERN CALIFORNIA  
2 1370 West Street  
Redding, CA 96001  
3 Telephone: (530) 241-3565  
Facsimile: (530) 241-3982

4 GARY F. SMITH, SB #137534  
5 LEGAL SERVICE OF NORTHERN CALIFORNIA  
517 12<sup>th</sup> Street  
6 Sacramento CA 95814  
Telephone: (916) 551-2110

7 Attorneys for Petitioners  
8  
9

10 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
11 IN AND FOR THE COUNTY OF SACRAMENTO  
12

13 NORMA KEHRER,

Case No: 99 CS 02320

14 Petitioner,

STIPULATED JUDGMENT  
AND ORDER

15 vs.

16 RITA SAENZ, DIRECTOR,  
17 DEPT. OF SOCIAL SERVICES,  
18 STATE OF CALIFORNIA

Hearing Date:  
Hearing Time:  
Department: 1

19 Respondents.  
20 \_\_\_\_\_/

21 **RECITAL**

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

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

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

2 **AGREEMENT**

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

4 1. Respondent will immediately repeal current MPP section 44-314.62;

5 2. In place of MPP § 44-314.62, Respondent will immediately promulgate a new  
6 regulation which mirrors the language of subdivision (e) of Welfare and Institutions Code  
7 section 11450.04, and also defines child support payments for a Maximum Family Grant  
8 (“MFG”) child to include cash child support payments from the absent parent whether paid  
9 through the District Attorney’s office or directly to the MFG child or the custodial  
10 parent/caregiver, and derivative benefits from the Social Security Administration or other  
11 government program due to the absent parent’s disability or retirement, which satisfy the absent  
12 parent’s child support obligation;

13 3. Respondent will immediately set aside of the Decision in Hearing No. 9215369,  
14 and issue of a new decision that orders Shasta County to restore the Assistance Unit’s (“AU”)  
15 benefits to the level in effect on July 30, 1998, if the AU is otherwise eligible for benefits, and  
16 will order payment of any retroactive benefits to the AU that it lost as a result of the Decision.

17 5. Each party shall bear its own attorney fees and costs incurred herein.

18 6. Judgment may be entered pursuant to this agreement in favor of petitioner and against  
19 respondent. Both parties request that the court retain jurisdiction over the parties to enforce the  
20 terms of the judgment.

21  
22 DATED:

23 \_\_\_\_\_  
RITA SAENZ, Director, Department of Social Services,  
24 State of California

25  
26 DATED:

27 \_\_\_\_\_  
MARGARITA ALTAMIRANO, Attorney for Respondent

28

1 DATED:

2 NORMA KEHRER, Petitioner

3

4 DATED:

5 GARY W. RHOADES, Attorney for Petitioner

6

7

8 ORDER

9

10 GOOD CAUSE APPEARING, IT IS SO ORDERED.

11

12 DATED:

13 LLOYD CONNELLY

14

15

16

17

18 C:\Documents and Settings\Steven Goldberg\Local Settings\Temp\Kehrer\_stip\_judg.wpd

19

20

21

22

23

24

25

26

27

28