

Plaintiff's daughter came from Pennsylvania to New Jersey to live with plaintiff who is on welfare. After Camden County Welfare Board refused to extend plaintiff's daughter welfare assistance, plaintiff filed this Complaint in Lieu of Prerogative Writ. Pending the hearing, the Court entered an order directing the Welfare Board to supply immediate assistance.

Complaint, Order to Show Cause.

8. The effective date of amendments of Parts 205 and 220 of Chapter II, Title 45, Code of Federal Regulations, was changed by HEW from October 1, 1969 to July 1, 1960. The amendments set forth mandatory requirements for (1) continuing assistance to recipients pending fair hearing where assistance is being terminated or reduced and there is an issue of fact, or of judgment relating to the individual case, and (2) making the services of lawyers available to welfare applicants and recipients who desire them in fair hearings. The regulations affected are 45 CFR 205.10(a) and 220.25(a).

9. Bailey v. Engelman, (U.S. District Court), Ronald B. Atlas of Bergen County Legal Services Assurance Corporation.

As reported in our last issue, this is a class action seeking an injunction to restrain defendant from applying regulations and practices on the ground that they are violative of the 14th Amendment of the United States Constitution by terminating welfare benefits, previously due, without giving prior hearings when they are requested. Pending the preliminary hearing and request for appointment of a three-judge court, Judge Augelli signed a Temporary Restraining Order preventing the State Welfare Division from suspending assistance and ordered welfare to make up certain back payments.

In a recent letter to this Office, Ron Atlas states that:

. . . Judge Augelli has ordered that the Division of Public Welfare prepare rules and regulations providing for a hearing prior to suspension or termination of benefits. He directed counsel for both parties to work out the precise methods. Since both attorneys could not reach an agreement as to what should be included in such a regulation, the matter is scheduled for further hearing on September 22, 1969 to settle the form of order.