

MAR 19 2018

SUPREME COURT CASE NO. S245395

Jorge Navarrete Clerk

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

Deputy

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ANGIE CHRISTENSEN,

PLAINTIFF AND RESPONDENT,

v.

WILL LIGHTBOURNE, DIRECTOR, CALIFORNIA DEPARTMENT OF  
SOCIAL SERVICES; CALIFORNIA DEPARTMENT OF SOCIAL SERVICES,

DEFENDANTS AND APPELLANTS.

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After a Decision by the Court of Appeal for the First Appellate District,  
Division Two, No. A144254

Reversing a Judgment of the Superior Court of San Francisco County  
Case No. CPF-12-512070, Honorable Ernest H. Goldsmith, Judge

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**PETITIONER'S REQUEST FOR JUDICIAL NOTICE;  
MEMORANDUM OF POINTS AND AUTHORITIES;  
EXHIBITS; PROPOSED ORDER**

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Attorneys for Plaintiff and Respondent  
Angie Christensen

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Attorneys for Plaintiff and Respondent  
Angie Christensen

## INTRODUCTION

Petitioner Angie Christensen hereby requests judicial notice of two documents issued by the California Department of Social Services and the data contained in them, pursuant to Rules 8.252 and 8.809 of the California Rules of Court and Evidence Code §§452(c) and (h) and 459. This motion is based upon this request, the included memorandum of points and authorities, and the proposed order granting the motion.

### MEMORANDUM OF POINTS AND AUTHORITIES

#### **A. Why the matters to be noticed are relevant to the appeal.**

Both documents are relevant to the appeal because they indicate the number of “safety net” CalWORKs cases, demonstrating the great public interest in resolving one of the questions raised: whether the Department’s policy causes double-counting of income in violation of Welfare and Institutions Code §11005.5 when a parent in one CalWORKs family pays child support to children in a different safety net household.

The first document, “CalWORKs Program Caseload by Category, July 2009 – August 2014” (“2014 Summary”), was released by the Department on October 2, 2014. It indicates that there were 81,025 safety net cases as of August 2014. The second document, “CalWORKs – California Families on the Road to Self-Sufficiency, Annual Summary January 2017” (“2017

Summary”), provides updated data for the period after the trial court judgment, indicating a monthly average of 87,582 safety net cases for fiscal year 2015-2016.

These numbers demonstrate the large number of low-income families potentially affected by double-counting of child support paid to safety net households. They are thus relevant to Ms. Christensen’s position that the double-counting question is properly raised in this case even though the record does not reflect whether Mr. Christensen’s child support payments were made to safety net children.

True and correct copies of the 2014 Summary and pages from the 2017 Summary, printed from the Department’s website, are attached as Exhibits A and B.

**B. Presentation to the trial court.**

Appellant presented the 2014 Summary to the trial court and requested judicial notice of the document and the facts stated in it. 2 CT 578-580. The trial court granted the request. 2 CT 619. The 2017 Summary was not presented to the trial court as it was published after the proceedings in the trial court.

**C. The matters are subject to judicial notice under Evidence Code §§ 452(c) and (h).**

The trial court properly took judicial notice of the 2014 Summary, and the 2017 Summary is subject to judicial notice for the same reasons as the earlier document. Records and reports of administrative agencies are “[o]fficial acts” which courts may take notice of under Evidence Code §452(c). *Rodas v. Spiegel*, 87 Cal. App. 4th 513, 518 (2001). Courts also take judicial notice of statistical data provided by government agencies under Evidence Code §452(h), which applies to facts “not reasonably subject to dispute and ... capable of immediate and accurate determination by resort to sources of reasonably indisputable accuracy.” *See Tribune Newspapers W., Inc. v. Superior Court*, 172 Cal. App. 3d 443, 455 n.8 (1985) (taking judicial notice of statistics provided by County Department of Planning). The 2014 Summary and 2017 Summary are both official reports of the Department. The Department is an authoritative source for statistics on the number of CalWORKs households and the data in its reports is not reasonably subject to dispute. Pursuant to Evidence Code §459, this Court should take judicial notice of both documents and the truth of data regarding safety net families within them.

**D. The matters to be noticed relate in part to proceedings occurring after the order or judgment that is the subject of the appeal.**

The 2014 Summary was issued prior to the judgment below. The 2017 Summary was issued after the judgment and contains more current data on the same subject.

Dated: March 16, 2018

Respectfully submitted,

WESTERN CENTER ON LAW  
AND POVERTY  
LEGAL AID SOCIETY OF  
SAN MATEO COUNTY



By: \_\_\_\_\_

Richard A. Rothschild  
Attorneys for Petitioner

**[PROPOSED] ORDER**

Petitioner's request for judicial notice dated March 15, 2018 is granted.

DATED: \_\_\_\_\_

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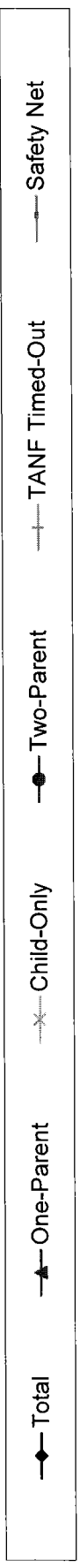
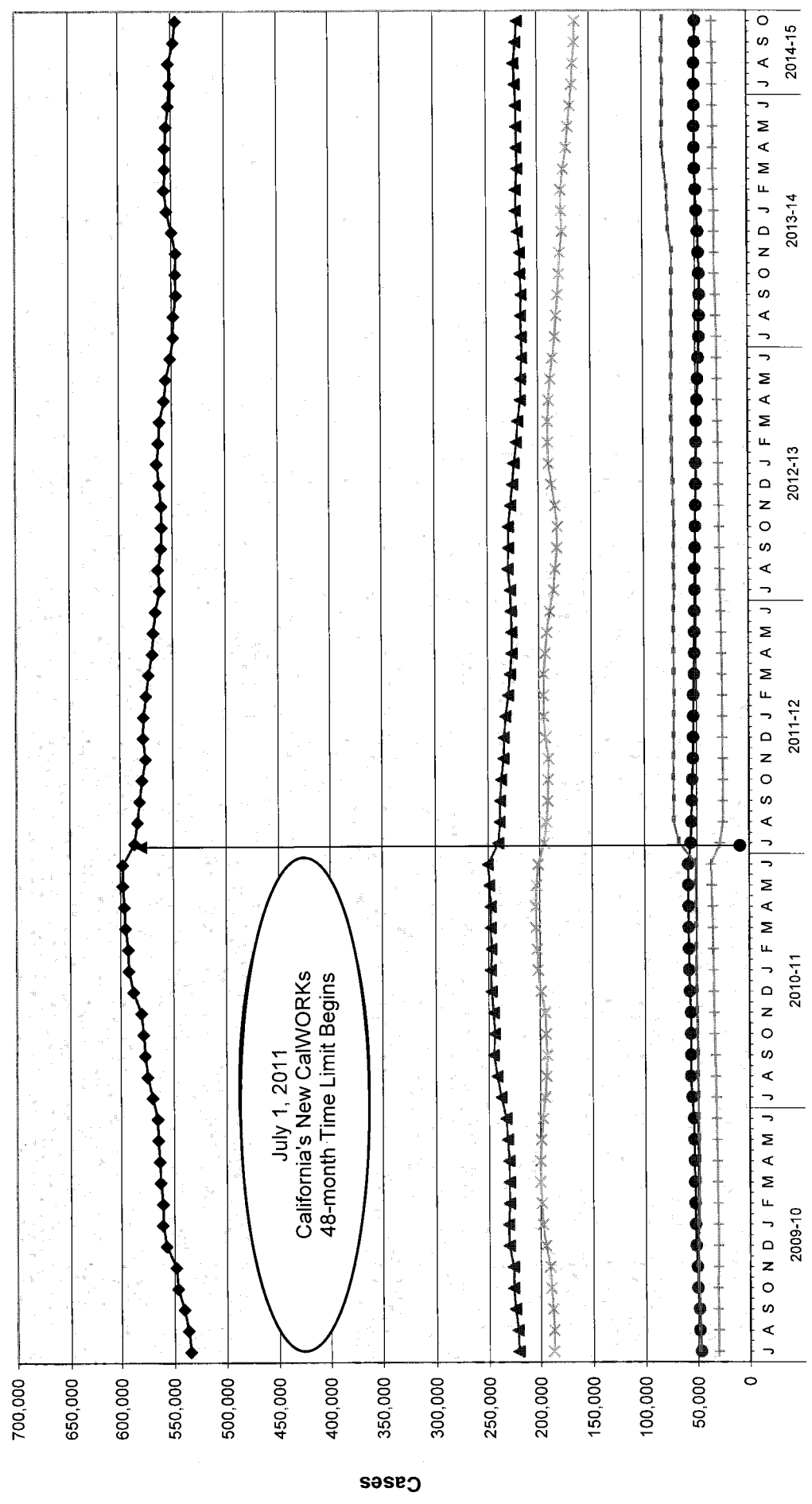
Chief Justice  
Supreme Court of the State of California

# EXHIBIT A

# EXHIBIT A



### CalWORKs Program Caseload by Category July 2009 - October 2014



**CalWORKs Program  
Caseload by Category  
July 2009 - October 2014**

**MONTHLY PERCENT CHANGE**

FY	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	% Chg
09/10 Total	534,249	536,464	540,475	546,527	548,111	557,279	560,630	560,534	562,565	563,406	564,728	565,194	0.1%
1P	221,330	222,061	224,410	226,242	226,403	230,423	230,892	229,780	230,167	230,226	231,591	232,932	0.6%
CO	187,618	187,417	188,269	189,847	190,871	195,069	197,825	198,728	199,992	200,050	200,250	201,172	-0.8%
2P	47,094	48,521	48,874	50,208	50,619	51,620	52,324	52,535	52,784	53,148	53,427	53,659	0.4%
TO	30,226	30,457	30,580	30,938	30,581	30,360	30,586	30,769	31,115	31,311	31,708	32,003	0.9%
SN	47,981	48,008	48,342	49,292	49,637	49,807	49,303	48,722	48,507	48,671	48,920	49,147	0.5%
10/11 Total	569,869	574,416	576,845	578,364	580,457	587,964	592,202	592,741	595,329	596,315	597,688	597,723	0.0%
1P	237,685	241,503	245,050	244,106	245,202	247,102	247,690	247,013	247,757	247,736	248,955	250,364	0.8%
CO	195,124	193,971	193,054	194,215	194,906	198,921	201,406	202,424	203,348	203,687	202,811	201,172	-0.8%
2P	55,420	56,453	56,210	56,237	56,294	57,231	57,941	57,914	58,325	58,337	58,575	58,424	-0.3%
TO	32,284	32,759	33,059	33,663	33,916	34,237	34,438	34,684	35,059	35,550	36,150	36,719	1.6%
SN	49,356	49,730	49,472	50,143	50,139	50,473	50,727	50,706	50,840	51,005	51,197	51,044	-0.3%
11/12 Total	586,491	583,539	581,447	579,108	575,597	577,936	577,483	574,978	572,498	568,998	567,951	565,831	-0.4%
1P	239,753	238,301	237,907	236,665	234,353	233,868	232,163	229,553	227,699	226,056	226,193	226,662	0.2%
CO	195,520	193,003	191,954	191,191	190,911	193,887	195,387	195,665	195,277	193,730	192,147	189,448	-1.4%
2P	55,972	55,125	54,640	54,111	53,305	53,073	52,393	52,833	52,207	51,759	51,585	51,428	-0.3%
TO	27,933	28,840	29,114	29,914	29,847	29,172	29,248	29,388	29,526	29,556	29,673	29,559	1.5%
SN	67,313	72,270	72,032	72,422	72,181	71,946	71,692	71,539	71,789	71,697	71,853	71,734	-0.2%
12/13 Total	561,862	563,347	560,416	560,021	560,022	562,053	564,040	562,570	561,498	557,073	555,315	550,952	-0.8%
1P	227,265	229,565	228,885	229,044	226,790	224,789	223,277	220,764	219,469	216,888	216,458	215,491	-0.4%
CO	185,568	183,792	182,065	181,687	183,926	187,139	189,925	190,718	190,643	189,676	188,270	185,894	-1.3%
2P	51,133	51,294	50,865	50,422	49,993	49,781	49,735	49,512	49,292	48,185	47,756	46,964	-1.7%
TO	26,778	27,220	27,598	27,958	27,803	28,257	28,430	28,611	28,943	29,176	29,501	29,732	0.8%
SN	71,118	71,476	71,203	70,910	71,510	72,087	72,673	72,965	73,151	73,148	73,330	72,871	-0.6%
13/14 Total	548,163	547,804	545,516	545,989	545,560	549,464	554,292	556,305	555,681	555,596	554,553	552,214	-0.4%
1P	215,691	216,321	215,649	216,723	216,895	218,868	220,823	220,858	219,274	219,807	220,139	220,313	0.1%
CO	183,386	182,210	180,582	179,311	178,490	176,151	177,296	177,497	174,943	172,113	170,382	168,388	-1.2%
2P	46,455	46,204	45,857	46,087	46,512	47,098	48,210	49,117	49,690	49,929	50,172	49,995	-0.4%
TO	29,893	30,296	30,771	31,580	31,635	31,749	31,650	31,986	32,722	32,697	32,600	32,689	0.3%
SN	72,738	72,773	72,657	72,288	72,028	75,598	76,313	76,847	79,052	81,050	81,260	80,829	-0.5%
14/15 Total	551,066	551,950	547,475	545,361									
1P	221,283	222,499	220,558	219,053									
CO	166,440	165,664	163,988	163,680									
2P	50,039	49,873	49,272	48,958									
TO	32,770	32,912	33,041	33,200									
SN	80,534	81,002	80,616	80,470									

**TRENDS**

The caseload number decreased 0.4% between September 2014 and October 2014

The caseload number decreased 0.7% in One-Parent cases

The caseload number decreased 0.2% in Child-Only cases

The caseload number decreased 0.6% in Two-Parent cases

The caseload number increased 0.5% in TANF Timed Out cases

The caseload number decreased 0.2% in Safety Net cases

## TRENDS

The number of cases decreased 0.1% between October 2013 and October 2014

- The caseload number increased 1.1% in One-Parent cases
- The caseload number decreased 8.7% in Child-Only cases
- The caseload number increased 7.9% in Two-Parent cases
- The caseload number increased 8.6% in TANF Timed Out cases
- The caseload number increased 11.3% in Safety Net cases

The overall caseload decreased 41.5% since March 1995, the highest point in California's caseload.

California's caseload decreased 35.5% since December 1, 1996, when California's Federal Temporary Assistance for Needy Families Program began.

California's caseload decreased 25.1% since January 1, 1998, when California's CalWORKs Program began.

California's caseload decreased 7.2% since October 1, 1999, when California's Separate State Program began.

- Effective January 1, 2003, Safety Net cases are those in which the adults are discontinued and removed from the assistance unit due to the CalWORKs 60-month time limit. Only children are aided in these cases and are converted from the case categories Two-Parent, One-Parent or TANF Timed-Out.
- Effective July 1, 2011, Senate Bill 72 changed California's CalWORKs Program time limit from 60-months to 48-months.

# EXHIBIT B

# EXHIBIT B