

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

DEBRA HATTEN-GONZALES, et al.,

Plaintiffs,

v.

SIDONIE SQUIER, Secretary of
the New Mexico Human Services Department,

Defendant.

No. CIV 88-0385 KG/ACT
Consolidated with
No. CIV 88-0786 JB/ACT

STIPULATED ORDER RESOLVING
PLAINTIFFS' MOTION TO HOLD DEFENDANT IN CONTEMPT
AND FOR SANCTIONS


This matter, having come before the Court on Plaintiffs' Motion to hold Defendant in Contempt and for Sanctions (Doc. 438), and this matter having been fully briefed and set for a hearing on March 25, and 26, 2014 and sent to mediation with the Honorable Magistrate Judge Alan Torgerson, and the parties having reached the following agreement to resolve all issues set forth in the Motion, it is hereby ORDERED:

1. The revised streamlined application, a copy of which is attached hereto as Exhibit A (hereinafter "Streamlined Application") is acceptable to Plaintiffs. The Streamlined Application makes it clear that (a) social security numbers are not required of non-applicant household members, and (b) people of many different immigrant statuses are eligible for benefits. Defendant will submit the Streamlined Application to CMS on or before March 14, 2014 for approval and will begin using it upon receipt of CMS approval by the Defendant. Defendant will keep Plaintiffs apprised of the approval process with CMS.

2. Once approved by CMS, Defendant will use the Streamlined Application as the standard form for all applications for multiple benefits. The Defendant shall comply with the requirements of the Modified Settlement Agreement (Doc. 460) regarding changes to the Streamlined Application. (Nothing in this Order will be construed to imply any changes to Defendant's obligations under the Modified Settlement Agreement.)
3. Defendant will distribute to all staff in its Income Support Division ("ISD") the Interim Policy and Procedure Memoranda (IPPs) entitled "Requests for Social Security Numbers" and "Guidance on Immigrant Eligibility," copies of which are attached hereto as Exhibits B and C, respectively. Defendant shall include a copy of the reference chart entitled "Overview of Immigrant Eligibility for Public Benefits in New Mexico," a copy of which is part of Exhibit C, with all distributions of the Immigrant Eligibility IPP. The IPPs and chart will be initially distributed to ISD staff on or before March 3, 2014, at the end of August, 2014, at the end of February 2015, and periodically thereafter to ensure that all staff have sufficient information concerning the legal and policy requirements for immigrant eligibility and proper use of social security numbers in the application process. Defendant will update the IPPs and chart as required to reflect changes in federal and state law.
4. Defendant will make clear in all of its documents and communications, including telephone recordings (voice mail), that only the case number or a name and date of birth of any household member may be requested to track the case, and not the social security number of the person calling, delivering or completing the documents.

5. On or before April 30, 2014, Defendant will train or re-train all of its supervisors that social security numbers are not to be requested of non-applicant household members, even to verify income or to determine if the family is eligible for a larger benefit amount. Defendant will ensure that this information is made part of its regular staff training programs.
6. On or before April 30, 2014, Defendant will train or re-train all of its supervisors that many immigrants are eligible for benefits, so long as they are lawfully residing and that no one should be discouraged from applying based on immigration status., in accordance with Federal and State regulations. Defendant will include in this training the details of the many different immigrant classifications that are eligible for benefits and how to process those applications. Defendant will incorporate this information into its regular training programs, which it shall update as required to reflect changes in federal and state law.

IT IS SO ORDERED.



UNITED STATES DISTRICT JUDGE

Approved by:

/s/ Gail Evans
Gail J. Evans, Esq.
New Mexico Center on Law and Poverty

Jane B. Yohalem, Esq.
Law Office of Jane B. Yohalem

Daniel Yohalem, Esq.
Daniel Yohalem Attorney at Law

Counsel for Plaintiffs

/s/ Raymond Mensack
Raymond W. Mensack, Esq.
NM Human Services Department

Jerry Walz, Esq
Jerry Walz and Associates

Counsel for Defendant