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William O. Douglas
US Supreme Court Justice

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SUPREME COURT OF THE UNITED STATES

No. 70-5082

Laverne Carter et al.,
Appellants,
v.
Wayne Stanton et al. } On Appeal from the United
States District Court for the
Southern District of Indiana.

[April 3, 1972]

MR. JUSTICE DOUGLAS.

I agree that both this Court and the District Court have jurisdiction to entertain this case and that the appellants were not required to exhaust administrative remedies before launching their challenge. But, although the District Court should have made more complete findings of fact and conclusions of law, I would not remand simply on this score but would hold that the appellants are entitled to judgment.

The problem is simple and should be disposed of here.

The federal Act defines "a dependent child" as a "needy child . . . who has been deprived of parental support or care by reason of . . . continued absence from home."¹ Indiana by its Board of Public Welfare has adopted the federal definition of "needy child."²

The term "continued absence from home" is not defined in the federal Act, though HEW recommends "that no period of time be specified as a basis for establishing continued absence as an eligibility factor."³ Indiana, however, has established by rule a definition of "continued absence" in case of "desertion or separation." In those two instances it makes "continued absence" mean that "the absence shall have been continuous" for at least

¹ 49 Stat. 629, 42 U. S. C. § 606 (a).

² Ind. State Bd. of Pub. Welfare Reg. 2-400 (a).

³ Dept. of Health, Educ. & Welfare Handbook of Public Assistance Administration, pt. IV, § 3422.2 (1968).