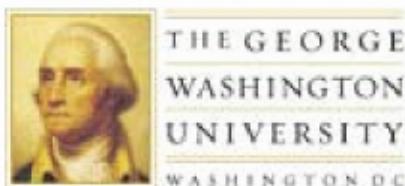


# The Burger Court Opinion Writing Database

*Miller v. Youakim*

440 U.S. 125 (1979)

Paul J. Wahlbeck, George Washington University  
James F. Spriggs, II, Washington University in St. Louis  
Forrest Maltzman, George Washington University



Supreme Court of the United States  
Washington, D. C. 20543

(b)

CHAMBERS OF  
THE CHIEF JUSTICE

February 14, 1979

Re: 77-742 - Miller v. Youakim

Dear Thurgood:

I join.

Regards,



Mr. Justice Marshall

Copies to the Conference

Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE Wm. J. BRENNAN, JR.

January 31, 1979

(1)

RE: No. 77-742 Jerome Miller, etc. et al. v. Youakim

Dear Thurgood:

I agree.

Sincerely,

*Biel*

Mr. Justice Marshall

cc: The Conference

Supreme Court of the United States  
Washington, D. C. 20543

(5)

CHAMBERS OF  
JUSTICE POTTER STEWART

February 9, 1979

Re: No. 77-742, Miller v. Youakim

Dear Thurgood,

I am glad to join your opinion for  
the Court.

Sincerely yours,

P.S.

Mr. Justice Marshall

Copies to the Conference

Supreme Court of the United States  
Washington, D. C. 20543

(2)

CHAMBERS OF  
JUSTICE BYRON R. WHITE

February 1, 1979

Re: 77-742 - Miller v. Youakim

Dear Thurgood,

I agree.

Sincerely yours,



Mr. Justice Marshall

Copies to the Conference

cmc

3, 4, 5, 6, 11, 16, 13, 19

Recd 7

31 JAN 1979

1st DRAFT

**SUPREME COURT OF THE UNITED STATES**

No. 77-742

Jerome Miller, Etc., et al.,  
Appellants.  
v.  
Marcel Youakim et al. } On Appeal from the United  
States Court of Appeals for the  
Seventh Circuit.

[February —, 1979]

MR. JUSTICE MARSHALL delivered the opinion of the Court.

At issue in this appeal is whether Illinois may exclude from its Aid to Families with Dependent Children-Foster Care program children who reside with relatives.

The Aid to Families with Dependent Children-Foster Care program (AFDC-FC) authorizes federal financial subsidies for the care and support of children removed from their homes and made wards of the State pursuant to a judicial determination that the children's homes were not conducive to their welfare. Sections 408 (a)(1), (2) of the Social Security Act of 1935 (Act), as amended, 42 U. S. C. § 608 (a)(1), (2).<sup>1</sup> To

<sup>1</sup> Section 408, 42 U. S. C. § 608, sets forth the provisions governing the Foster Care program:

"Payment to States for foster home care of dependent children; definitions

"Effective for the period beginning May 1, 1961—

"(a) the term 'dependent child' shall, notwithstanding section 606 (a) of this title, also include a child (1) who would meet the requirements of such section 606 (a) or of section 607 of this title except for his removal after April 30, 1961, from the home of a relative (specified in such section 606 (a)) as a result of a judicial determination to the effect that continuation therem would be contrary to the welfare of such child, (2) whose placement and care are the responsibility of (A) the State or local agency administering the State plan approved under section 602 of this title . . . , (3) who has been placed in a foster family home or child-care institution as a result of such determination, and (4) who (A) received

STYLISTIC CHANGES AT  
5, 7, 11, 15, 20

2 FEB 1979

**2nd DRAFT**

**SUPREME COURT OF THE UNITED STATES**

No. 77-742

Jerome Miller, Etc., et al.,  
Appellants,  
v.  
Marcel Youakim et al. } On Appeal from the United  
States Court of Appeals for the  
Seventh Circuit.

[February —, 1979]

MR. JUSTICE MARSHALL delivered the opinion of the Court.

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'Effective for the period beginning May 1, 1961—

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Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE HARRY A. BLACKMUN

February 5, 1979

Re: No. 77-742 - Miller v. Youakim

Dear Thurgood:

Please join me.

Sincerely,

*Harry*

Mr. Justice Marshall

cc: The Conference

Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE LEWIS F. POWELL, JR.

February 6, 1979

No. 77-742 Miller v. Youakim

Dear Thurgood:

Please join me.

Sincerely,

*Lewis*

Mr. Justice Marshall

Copies to the Conference

LFP/lab

Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE WILLIAM H. REHNQUIST

February 15, 1979

Re: No. 77-742 - Miller v. Youakim

Dear Thurgood:

Please join me.

Sincerely,



Mr. Justice Marshall

Copies to the Conference

Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE JOHN PAUL STEVENS

January 31, 1979

Re: 77-742 - Miller v. Youakim

Dear Thurgood:

Please show that I took no part in the  
consideration or decision of this case.

Respectfully,



Mr. Justice Marshall

Copies to the Conference