



1993

Due Process

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cluded that the suppression court was capable of, and did, adequately represent and protect the defendant's interests in insuring that the search warrant which led to his arrest was founded upon probable cause and not tainted by a possibly illegal search of the same premises conducted the day before.

Lovelace v. Gross¹²³
(decided November 24, 1992)

See case discussion under PUBLIC RELIEF (*infra* page 911). The court found that Social Services Law section 131-c(2),¹²⁴ as applied to Home Relief, does not violate plaintiffs' due process rights under the federal and state constitutions although its "grandparents-deeming" rule calculates a portion of the grandparent's monthly income when determining an infant's eligibility for Home Relief benefits.¹²⁵ The court, while acknowledging that the "grandparent has no legal obligation to support the grandchild,"¹²⁶ nonetheless found that the statute survived the rational basis test because "it is entirely reasonable for the Legislature to assume that grandparents will contribute to the support of an infant grandchild residing in their household" ¹²⁷

123. 80 N.Y.2d 419, 605 N.E.2d 339, 590 N.Y.S.2d 852 (1992).

124. N.Y. SOC. SERV. LAW § 131-c(2) (McKinney 1992).

125. *Lovelace*, 80 N.Y.2d at 426-27, 605 N.E.2d at 343-44, 590 N.Y.S.2d at 856.

126. *Id.* at 426, 605 N.E.2d at 343-44, 590 N.Y.S.2d at 856.

127. *Id.* at 427, 605 N.E.2d at 344, 590 N.Y.S.2d at 856.