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Equal Protection

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rule . . . that racial classifications are to be subjected to the strictest scrutiny”³⁴⁷

As a final matter in *Sielaff*, the court of appeals disposed of defendant’s argument that his bail should be reduced by holding that fixing bail, as long as it is supported by the record, is “an exercise of discretion resting on a rational basis”³⁴⁸ Thus the court held that defendant’s bail had been fixed based on his prior record and was therefore “beyond correction in habeas corpus.”³⁴⁹ The court of appeals affirmed the appellate division’s order.³⁵⁰

Lovelace v. Gross³⁵¹
(decided November 24, 1992)

See case discussion under PUBLIC RELIEF (infra page 911). The court found that Social Services Law section 131-c(2),³⁵² as applied to Home Relief, does not violate plaintiffs’ equal protection rights despite the fact that the “grandparent-deeming” rule, which presumes the “availability of income of a grandparent who [otherwise] has no legal obligation to support the grandchild” residing in their home, is only applied when calculating benefits for infants of mothers under the age of 18 and not mothers over the age of 18.³⁵³ The court, while acknowledging the fact that the statute “threatens our most vulnerable citizens—children of teenage mothers,” it nonetheless applied a rational basis test when examining the statute

347. *Id.*

348. *Sielaff*, 79 N.Y.2d at 622, 595 N.E.2d at 819, 584 N.Y.S.2d at 744 (quoting *People ex rel. Parker v. Hasenauer*, 62 N.Y.2d at 777, 779, 465 N.E.2d 1256, 1256, 477 N.Y.S.2d 320, 320 (1984) (declaring that “inasmuch as said denial is supported by the record, it is an exercise of discretion resting on a rational basis”).

349. *Id.*

350. *Id.* at 622, 595 N.E.2d at 819, 585 N.Y.S.2d 744.

351. 80 N.Y.2d 419, 605 N.E.2d 339, 590 N.Y.S.2d 852 (1992).

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

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