

# SUIT ATTACKS WELFARE RULES

## Calif. Legal Services Deems Rules Improper

A lawsuit filed last Tuesday in Federal Court in San Diego on behalf of a 15 year old San Diego County Indian girl and her mother and grandmother charged that California's practice of paying more than twice as much to a foster home for care of a child than the child's own family can receive in welfare payments is improper.

Kathy Ramos is one of four children in her family. The family is a recipient of Aid to Families with Dependent Children (AFDC) and gets for Kathy's care a monthly grant of about \$48.

Under the AFDC cost schedule Kathy would receive \$105 if she were placed in a foster home.

Kathy's mother and grandmother complain that under the welfare rules neither of them "is considered eligible for the foster care rate on behalf of [Kathy or any of her brothers and sisters] because of the degree of kinship between them; such rate is only available to strangers with whom such children might be placed as foster children."

The prospect of Kathy's being put in a foster home is not just

speculative. Because the family's ten year old station wagon has been plagued with breakdowns and has needed extensive repairs in the past year Kathy has been tardy many times and has missed several days of school.

The San Diego County Probation Department has made her a ward of the court and threatens to put her in a foster home. County probation officials are also sued in the federal district court action.

A temporary restraining order is sought to prevent the probation officials from taking any further steps which would lead to Kathy's being removed from her family and put in a foster home until the federal court can decide whether or not the California welfare rules are proper.

The California truancy laws and procedures are also attacked by the lawsuit.

The suit, filed by California Indian Legal Services (CILS) in Escondido, charges that state rules "providing for vastly different amounts of money for the care of children in families receiving AFDC as compared to the sums available to foster families for the care of AFDC children. . . discriminates against children living with their own families and relatives in violation of the Equal Protection clause of the Constitution."

It further alleges that this "discrimination can result in a child suffering the loss of his constitutional right to an equal educational opportunity and to a normal family environment."

Besides the constitutional claims the suit charges that the

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# Welfare Rules...

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purposes of federal and State laws under which AFDC money is appropriated are violated by paying less to a child's own family for his care than a foster home would get.

It is alleged that AFDC "is intended to provide financial assistance to needy children and parents or relatives with whom they are living and to maintain and encourage family life," but that these purposes are discouraged by "paying a greater dollar amount for care of a child in a home apart from his parents or relative than he would receive if he lived with them."

David H. Getches, a CILS attorney representing the plaintiffs, stated that "Kathy is threatened with being punished because her family is too poor to insure her regular attendance and to supply those things necessary for her satisfactory progress in school.

"It is made worse because the county and state which is about to punish her for her truancy could cure the cause of problems—poverty—and is willing to do so, but only if she is taken from her family and put in a foster home!"

Indian children are frequently the victims of foster homes place-

ment because of their families' poverty, according to Getches.

He stated "Families are broken up essentially because they are poor and can't get a child to school or give him adequate support in pursuing his education because of lack of transportation, insufficient money for school clothes and school supplies, or because crowded and unsanitary living conditions cause poor health or fatigue in the child which retard his normal progress.

"It is ridiculous to pull a child out of his own home because his family is too poor, and then to take the money that might solve the poor family's problems and give it to another family to use to care for the child."

Getches asserted, "This practice shows no reverence for the family whatsoever. The family unit is an important part of most societies, and this is especially true with Indians."

California Indian Legal Services is a non-profit corporation funded by the Office of Economic Opportunity to provide legal services relating particularly to Indians. It is part of the federal anti-poverty program.