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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

RACHEL HANSEN, GARY FROST	)	CASE NO. CA 000 974
CAROLYN COMBS, SKYLA HICKS,	)	
SHERRY L. MOORE, DEBORAH	)	CLASS ACTION
CROSS, BARBARA MIKUCKI,	)	
BARBARA DAVILA, on behalf of	)	MEMORANDUM OF POINTS AND
themselves and all other	)	AUTHORITIES IN SUPPORT OF
similarly situated homeless	)	MOTION FOR PRELIMINARY
families,	)	INJUNCTION

Plaintiffs and
Petitioners,

Date: May 1986
Time: 9:00 a.m.
Department 59

vs.

LINDA MC MAHON, Director,
California Department of
Social Services, and
CALIFORNIA DEPARTMENT OF
SOCIAL SERVICES,

Defendants and
Respondents.

40,807

B

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INTRODUCTION

1 There are in California homeless families forced to
2 sleep in condemned buildings without heat, water or
3 electricity, in parked cars on unsafe city streets, in the
4 streets themselves. Plaintiffs in this class action are
5 parents of eight of these homeless families. Each of them
6 sought help for themselves and their children from their
7 local welfare offices. Each of them was turned away. Under
8 the current regulations of defendant California Department of
9 Social Services ("DSS"), homeless children can receive
10 emergency shelter only if they first have been removed from
11 their families. By this motion, plaintiffs seek to enjoin
12 defendant's cruel, arbitrary and unlawful policies.

13 The declarations submitted herewith tell of the
14 anguish of parents who are unable to provide for the basic
15 needs of their children. They document desperation and
16 suffering no parent should be expected to endure. Yet, as
17 moving as the statements of the mothers and fathers are, this
18 lawsuit is not about them. It is about their children.
19 Without shelter, the children have missed school, have gone
20 ill and hungry, have fallen into suicidal depression, have
21 not developed normally, with perhaps irreversible
22 consequences.

23 The emergency shelter regulations adopted by DSS
24 violate the mandates of the Child Welfare Services Act,
25 Welfare and Institutions Code § 16500, et seq. These
26 statutes mandate that all homeless children receive special
27
28

1 services, in particular, emergency shelter, to "prevent the
2 unnecessary separation of children from their families."¹
3 DSS' emergency shelter regulations conflict with the general
4 rules that all public assistance "be administered humanely
5 with due regard for the preservation of family life." The
6 policy of the state welfare department even runs afoul of the
7 California Constitution, as it impermissibly burdens
8 protected privacy and associational interests in the family
9 and also violates the equal protection clause.

10 Plaintiffs seek a preliminary injunction which
11 prohibits defendants from denying emergency shelter care to
12 homeless families in this state. Consistent with the terms
13 of the requested preliminary injunction, defendants DSS and
14 McMahon would then determine how best to provide emergency
15 shelter to homeless families -- whether by giving vouchers
16 for motels, contracting with existing programs to provide
17 emergency shelters or establishing new emergency shelters.
18 Granting this relief is necessary to prevent serious and
19 irreparable injury to plaintiffs and the class of homeless
20 families whom they represent. There is no commensurate
21 injury to defendants that argues against a preliminary
22 injunction. Indeed, the requested relief might also result

23 1

24 For the sake of convenience, plaintiffs will
25 hereafter refer only to the provision of emergency shelter.
26 However, it should be understood that the proposed
27 preliminary injunction would enjoin the defendants from
28 excluding homeless families from the ancillary services
contemplated by Welf. and Inst. Code § 16501, et seq.

1 in a fiscal savings, insofar as the state pays as much as
2 \$140 per night for emergency shelter for a child who has been
3 removed from his family,² far more than the cost of placing
4 the entire family in a local motel.

5 I

6 STATEMENT OF FACTS

7 Families with children make up a significant
8 proportion of the homeless in California.³ Although there
9 have been improvements in local general relief programs which
10 offer shelter to homeless individuals,⁴ families who need

11 2

12 In Los Angeles, children who have been removed from
13 their homeless families are placed by DSS in MacClaren
14 Children's Center. The average cost per child is over
\$50,000 per year, or \$140 per night. See, fn. 27, infra, p.
32.

15 3

16 See, Declarations of Linda Lewis, Plaintiffs'
17 Exhibit ("P. Ex.") B-2 (families "clear majority" of requests
18 for shelter in Los Angeles County); Fran Biderman, P. Ex. B-1
19 (families majority of shelter requests in Alameda County).
20 See also, "Homelessness in America-II", hearings before the
21 Subcommittee on Housing and Community Development, House
Committee on Banking, Finance and Urban Affairs, 98th Cong.,
2nd Sess., January 25, 1984; P. Ex. G (testimony of Mary Ann
Gaudo - most of homeless in Orange County are families);
United States Government Accounting Office, Homelessness: A
Complex Problem and the Federal Response, p. 6 ("the number
of families is significant").

22 4

23 See, e.g., Ross v. Los Angeles County Board of
24 Supervisors (Los Angeles Super.Ct. No. C 501 603) Preliminary
25 Injunction Order, Aug. 2, 1984 (county ordered to provide
26 means to obtain shelter for homeless General Relief
27 applicants); Shirley v. County of Contra Costa (Contra Costa
Super.Ct. No. 277 556) (December 1985 agreement by county to
provide General Relief to homeless applicants who lack a
fixed address). See also, Declaration of Skyla Hicks
(homeless family denied "housing vouchers such as they
provide for people getting General Relief").

1 shelter have virtually nowhere to turn. Private shelters
2 cannot begin to meet the need for family shelter, and state
3 welfare regulations⁵ on emergency services exclude homeless
4 children in families who attempt to remain together. See,
5 Section I.C., infra, p. 13-18.

6 One plaintiff's story is typical. Barbara Davila
7 was forced to quit her job when her daughter was killed,
8 leaving her to care for her two grandchildren in addition to
9 two other children of her own. She turned to the Aid to
10 Families with Dependent Children ("AFDC") program. But when
11 her AFDC benefits were terminated through welfare department
12 error, she and the four children were evicted.

13 After we got evicted we slept in the car some
14 nights. I slept in the driver's side, sitting up.
15 . . . The kids slept wherever they could. We
16 couldn't sleep well for fear of something
17 happening. We parked on an empty lot between empty
18 buildings, old warehouses I think. It was cold;
19 sometimes it would pour rain. We had blankets in
20 the car and put them over us to try to keep warm.
21 In the mornings . . . we would go to the park or to
22 McDonalds to use the rest rooms. Meals we ate here
and there . . . The kids were hungry, cold and
sleepy, what could I do? I couldn't do nothing . .

During [this] time I had no one I could really go
to for help. I called my welfare worker several
times. I asked her "Isn't there anything you can
give us?" She said no, there was nothing she could

5

23 In California, all assistance programs for families
24 are under the direction of the state Department of Social
25 Services ("DSS"). These programs are administered by county
welfare departments or children's services departments with
state and federal funds, pursuant to statewide regulations
promulgated by DSS.

26 In contrast, county aid programs for single people,
27 such as General Relief, are under the exclusive direction of
28 county government, without state or federal funding.

1 do . . . I asked for an emergency check a few times
2 but they always denied me. I told them we were
3 living in the car, I told them everything . . .

4 Declaration of Barbara Davila, Plaintiffs' Exhibit (P. Ex.)
5 A-8.

6 A. Why Families Become Homeless

7 Families with children may become homeless for a
8 variety of reasons. Many parents had good jobs and a middle-
9 class lifestyle, but lost their jobs and could not find new
10 work.⁶ A ruinous fire at the factory cost Sherry Moore
11 her job as a carpenter. After unsuccessful attempts to find
12 new work, she and her son soon found themselves sleeping on
13 the steps of a church in freezing weather. Declaration of
14 Sherry Moore, P. Ex. A-5.

15 Domestic problems or spousal violence are also
16 contributing factors to homelessness.⁷ One plaintiff,
17 Rachel Hansen, became homeless when her husband left her
18 after 19 years of marriage. She states:

19 We lived in a lovely 4-bedroom house in Anaheim
20 with our four children and grandson. Our future
21 looked bright. Once my husband left everything
22 fell apart. I was unable to maintain the home. We

23 6

24 Declarations of Gary Frost, P. Ex. A-2 (truck
25 driver); Barbara Davila, P. Ex. A-8 (postal worker); Burl
26 Nashoalook, P. Ex. A-12 (pest exterminator); Bertha
27 Stevenson, P. Ex. A-14 (steelworker); Gail Levy, P. Ex. A-18;
28 Glynn Anderson, P. Ex. A-9 (husband was head shipping clerk);
See also, GAO Report, p. 19.

7

Declaration of Barbara Mikucki (abusive husband);
Deborah Cross (husband left her with two small children, no
support payments); Gary Frost (wife left him with three
infant daughters to care for); Burl Nashoalook (wife left him
with three children to care for).

1 were evicted in June . . . I've lost everything. I
2 had nice furniture, appliances, and even a new
3 microwave oven. Since being evicted I have endured
4 a continuing struggle to support my children and to
5 keep a roof over our heads.

6 Declaration of Rachel Hansen, P. Ex. A-1.

7 After eight months without shelter, Mrs. Hansen and
8 her children eventually were reduced to sleeping in their
9 car. She took the family to a park to shower, and ate at a
10 church soup kitchen. But each time she went to the local
11 welfare department and told them that she and her children
12 were homeless, the workers told her there was nothing they
13 could do. Id.

14 A personal crisis, such as illness or a death in
15 the family, may be a precipitating factor in homelessness
16 when the family is forced to turn to the welfare system.⁸
17 Barbara Mikucki was evicted after she needed surgery and
18 could not work. She and her five children went on welfare,
19 but were still homeless because her benefits were not enough
20 to pay a security deposit and first and last months' rent for
21 a new apartment.⁹ She states:

22 I refused to give up. I'm a fighter in a way. I
23 saved my [welfare] checks; we lived in the streets

24 8

25 Declarations of Burl Nashoalook, P. Ex. A-12
26 (father's death); Barbara Davila, P. Ex. A-8 (death of
27 daughter); Michael Phillips, P. Ex. B-8 (family homeless when
28 husband quit job to care for sick, pregnant wife).

29 9

30 See, Declarations of John Arias, P. Ex. A-13 (was
31 on AFDC, needed security deposit); Deborah Cross, P. Ex. A-6
32 (same); Deborah Seamon, P. Ex. A-15 (same); Andrea Learned,
33 P. Ex. B-3 (landlords want \$1,000 deposit); Nancy Berlin
34 (deposit of \$700-\$900).

1 and in my car for one year until I could rent a
2 house in North Hollywood . . . When we lived in the
3 car it was cold and uncomfortable. I worried about
4 where we would eat and use the toilet. It was like
5 being a sardine in a can. Everything was smelly,
6 and we got on each other nerves . . . [It] was
7 terrible. No water, no nothing. We ate at
8 MacDonald's and cooked on barbecues, just rocks and
9 a grill in Tujunga Boulevard Flats . . . [Still] I
10 would wash the kids and send them to school. We
11 really tried to cope the best we could. It was
12 hell . . .

13 Declaration of Barbara Mikucki, P. Ex. A-7.

14 Some families are homeless when they first apply
15 for welfare benefits, and need emergency shelter then. It
16 often takes days or weeks for the family's application for
17 AFDC benefits to be approved.¹⁰ There is an "immediate
18 need" program under which a family may receive the first
19 \$100.00 of their AFDC grant, pending approval of their
20 application (Welf. and Inst. Code §§ 11056 and 11266), but
21 this is not enough to obtain housing for a family for more
22 than a few days.¹¹

23 Nancy Berlin, staff person at a private social
24 service center in Los Angeles, met one family as they were
25 applying for benefits in the local welfare office.

26 10

27 See, Declarations of Glynn Anderson, P. Ex. A-9;
28 Callie Williams, P. Ex. A-10; Skyla Hicks., P. Ex. A-4; Fran
Biderman, P. Ex. B-1 (shelter operator).

When some homeless families apply for AFDC, they
are denied outright because they lack an address.
Declarations of Gary Frost, P. Ex. A-2; Glynn Anderson, P.
Ex. A-9; Gloria Frost, P. Ex. A-11.

11

Declarations of Nancy Berlin, P. Ex. B-6; Andrea
Learned, P. Ex. B-3.

1 The woman admitted that she and her children had
2 been living in an abandoned building for the
3 previous five days . . . About six months
4 pregnant, the woman appeared to be tense, withdrawn
and near exhaustion. The two children, both under
age 5, were listless.

5 Declaration of Nancy Berlin, P. Ex. B-6.

6 Although she is an experienced advocate, Ms. Berlin
7 was unable to obtain shelter or an immediate need payment¹²
8 from the welfare office for the family. She continues:

9 I then drove the woman and her two children to an
10 abandoned building where they had been living . .
11 All the windows and doors to the building were
12 boarded. Graffiti covered the outside . . . I went
inside the building with the family. There was no
heating, electricity or water. The family was
living in an unlit apartment with a single mattress
on the floor . . .

13 Id.

14 The following day, Ms. Berlin was finally able to
15 obtain a small immediate need payment of \$100.00 for the
16 family, but no emergency shelter. Id.

17 B. The Impact On The Children

18 As the declarations attest, the hardships of
19 homelessness take a heavy toll on adults, but the impact on
20 children is even more devastating and long-lasting, both
21 physically and psychologically.¹³

22
23 12

24 See also, Declarations of families who were not
provided with immediate need benefits: Bertha Stevenson, P.
25 Ex. A-14; Betty Lynch, P. Ex. A-17; Gloria Frost, P. Ex. A-
11; Gail Levy, P. Ex. A-18; Skyla Hicks, P. Ex. A-4; Burl
Nashaolook, P. Ex. A-12.

26 13

27 See, Declarations of Glynn Anderson (daughter was
28 "nervous and frightened" from sleeping outside in a park);
Deborah Cross (homelessness is "confusing" for her small

1 Mrs. Davila describes how her family has been
2 affected by being homeless for four months. She states:

3 I cry all the time. I'm sitting by myself and I
4 crying for no reason at all. The kids don't like
5 to see me crying. They say, "What's the matter
6 mama?" I say, "Nothing, I just feel like crying" .

7 The kids are having problems too. They cry for no
8 reason . . . They say they wish they had a place to
9 stay. The thirteen-year-old, he understands a
10 little better, but the others don't. They say they
11 want new shoes because theirs are falling apart,
12 they say they need new clothes. They do need new
13 shoes and clothes. They go all raggedy, but I
14 can't buy them what they need.

15 While we were [living] in the car, my granddaughter
16 Stella began to have bad dreams. She would dream
17 that a stranger or robber would be coming in the
18 window of the car. She woke up crying in the
19 middle of the night.

20 [My granddaughter] is having problems in school now.
21 I think this is all catching up with her. She was
22 doing very well in school before we got evicted.
23 After we got evicted she's been having problems in
24 school. She doesn't listen, and doesn't pay
25 attention. Sometimes she begins laughing like
26 everything is a big joke, then all of a sudden
27 she'll start crying . . .

28 Declaration of Barbara Davila, P. Ex. A-8.

29 Tragically, the anxiety, depression and behavior
30 that Mrs. Davila observed in her own children and
31 grandchildren is consistent with the findings of experts and
32 researchers who have studied the psychological processes of
33 homeless families. Dr. Ellen L. Bassuk is an Associate
34 Professor of Psychiatry at the Harvard Medical School and a
35 reknowned expert on the psychological processes of
36 homelessness. She has recently completed an extensive study
37 son); Andra Learned (shelter operator).

1 of over 151 homeless children in Massachusetts. (Declaration
2 of Ellen L. Bassuk, M.D., P. Ex. C-1). She concludes that
3 "even a short period of homelessness places severe stress on
4 a family and each of its members." Id.

5 Some of Dr. Bassuk's findings are particularly
6 disturbing. Using a battery of standardized tests, she found
7 that:

8 a) most of the children over age five in homeless
9 families whom she studied had suicidal thoughts,
10 and

11 b) most had such high anxiety levels that clinical
12 depression was indicated.

13 This extraordinary level of psychological turmoil
14 had predictable effects on the educational development of the
15 homeless children: 43% had repeated a grade and 25% were
16 enrolled in special classes. Id. Younger children showed
17 significant lags in critical areas of growth, such as gross
18 and fine motor skills, language and personal and social
19 development. Id.

20 Here, in Los Angeles, Dr. Bassuk's findings have
21 been corroborated by Dr. Joanne Jubelier, a clinical
22 psychologist. Declaration of Joanne Jubelier, P. Ex. C-3.
23 During her regular visits to the Bible Tabernacle, a
24 religious shelter for the homeless in West Los Angeles, Dr.
25 Jubelier has observed that the children suffer from acute
26 emotional problems, such as separation anxieties, unusually
27
28

1 aggressive behavior, even a tendency to set fires which is an
2 expression of helplessness and rage. Id.

3 A child's education obviously suffers when his or
4 her family is homeless.¹⁴ Because they must move from place
5 to place, some families are forced to take their children out
6 of school altogether.¹⁵ Even when the parents make a heroic
7 effort to keep their children in school, the child's
8 performance falls off. Carolyn Combs and her three sons were
9 homeless for over four months, and at times had to sleep in
10 an abandoned truck trailer. She states:

11 All of this has been hard on the boys. Jason is
12 [10 years old and only] in the third grade . . .
13 he gets depressed alot. I worry about him.
14 Frankie has had alot of trouble in school since all
15 this started. I'm trying now to get him into a
special school . . . There is nothing in the world
as important to me as my three sons. I'm doing my
best to care for them . . . What we need is a real
home.

16 Declaration of Carolyn Combs, P. Ex. A-3.

17 The harm to children from being homeless is also
18 physical, and results from inadequate nutrition and frequent
19 illness. Living on the streets or in a car, families cannot
20

21
22 14

23 See, Declaration of Rachel Hansen, P. Ex. A-1
(Children "couldn't cope with [being homeless] and began
24 having difficulties with schoolwork and truancy).

25 15

26 See, Declarations of Rachel Hansen, P. Ex. A-1
(children out of school while she sought shelter); Bertha
27 Stevenson, P. Ex. A-14 (same); Sherry Moore, P. Ex. A-5
(same); Andrea Learned, P. Ex. B-3 (shelter operator, knows
28 "several homeless families whose children have not attended
school for the last two years").

1 always provide warm, nourishing meals for their children.¹⁶

2 One mother states:

3 Our diets have gotten worse since we [became
4 homeless]. We eat what the shelters provide (if
5 anything). Otherwise we survive on milk and
6 bologna sandwiches. It makes me ache inside not to
7 be able to cook hot meals for my children."

8 Declaration of Bertha Stevenson.

9 When he was homeless and caring for his three small
10 daughters at a private shelter, plaintiff Gary Frost
11 sold blood in order to have enough money to buy his children
12 peanut butter sandwiches and milk for lunch. Declaration of
13 Gary Frost, P. Ex. A-2.

14 Many homeless parents will do without food for
15 themselves in an effort to feed their children. Michael
16 Phillips, Director of the Hollywood YMCA in Los Angeles,
17 spoke to a young couple who had just been evicted from a
18 motel.

19 [T]hey had no money . . . and they were carrying
20 their 6 day old infant daughter whose umbilical
21 cord was still attached to her navel. I remember
22 the first thing the wife said to me was we (meaning
23 she and her husband) don't need to eat, but do you
24 have any food for our child? The husband told me
25 that after losing their apartment and while living
26 in the motel, they went to the AFDC office and
27 asked for help to feed the children . . . AFDC gave
28 them nothing.

24 16

25 See, declarations of Barbara Davila (bread and
26 bologna); Glynn Anderson (only food for 2 days for herself,
27 husband and 11-year old daughter was bologna sandwiches and
28 three oranges); Mary Smith, R.N. (Supervisor of Homeless
Health Care Project - homeless children suffer developmental
lags because of inadequate nourishment).

1 Mary Smith, the Supervisor of the Homeless Health
2 Care Project at the Venice Family Clinic in Los Angeles,
3 explains that children in homeless families "suffer from a
4 high incidence of upper respiratory infections, such as
5 bronchitis or pneumonia, because they sleep in automobiles
6 and other cold, unsuitable places." Declaration of Mary
7 Smith, P. Ex. C-2.¹⁷ Unable to visit a physician on a
8 regular basis, many of the children have received little or
9 no immunizations and so are at risk of contracting many
10 serious diseases as poliomyelitis, diphtheria and
11 tuberculosis. Id. In her opinion as a certified family
12 nurse practitioner, a single day without shelter endangers
13 the physical well-being of these children.

14 C. Emergency Shelter Resources - Public And
15 Private.

16 The defendant, the California Department of Social
17 Services, does virtually nothing to assist homeless families
18 who need emergency shelter. The only shelter available to
19 families is provided by private organizations--religious
20 groups, non-profit community organizations, etc.--and these
21 resources are woefully inadequate.

22 Both shelter operators and homeless families
23 themselves¹⁸ report that the available shelter beds are

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26 See, Declarations of Bertha Stevenson, P. Ex. A-14;
Jenny Rhode, P. Ex. A-16; Sister Judy Vaughn, P. Ex. B-4

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28 Declarations of Gary Frost, P. Ex. A-2; Callie
Williams, P. Ex. A-10; Bertha Stevens, P. Ex. A-14; Nancy

1 almost always filled. In Los Angeles, the House of Ruth
2 provides emergency shelter for six families; they receive
3 over 150 calls from homeless families each week, seeking
4 shelter which they cannot provide. Declaration of Sister
5 Judy Vaughn, P. Ex. B-4. The Salvation Army's Zahn Center
6 receives 40-50 calls a day from families seeking shelter, but
7 has only 2-3 openings. St. Joseph Women's Center in Venice
8 sees approximately 40 homeless families per month whom they
9 refer to private shelters, but only 5-8 families find
10 openings; the rest are turned away because "the shelters are
11 simply overburdened." Declaration of Sister Diane Clyne, P.
12 Ex. B-7.

13 These reports are confirmed by data accumulated by
14 "Info Line", a county-funded information and referral hotline
15 in Los Angeles County. In 1985, Info Line received over
16 18,000 requests for emergency shelter, more than half of
17 which were from families. Despite repeated telephone calls,
18 Info Line was unable to find any available emergency shelter
19 in 25% of the requests, leading its executive director to
20 conclude that there is a "marked shortage of available beds
21 for the homeless, including homeless families." Declaration
22 of Linda Lewis, P. Ex. B-2.

23 This grim picture is repeated in other parts of the
24 state. In Alameda County, there were three times as many
25 people seeking shelter in a given week than there were

26 Berelin, P. Ex. B-6.
27
28

1 shelter beds, according to a study conducted by a coalition
2 of service and shelter providers in the county. Declaration
3 of Fran Biderman, P. Ex. B-1. More than half of those
4 seeking shelter were children and their families. Id. In
5 Sonoma County, there are only five shelters, which cannot
6 accommodate even one-half of the approximately 60 homeless
7 families who seek shelter in any given week. Declaration of
8 Andrea Learned, P. Ex. B-3.

9 Even those fortunate enough to find an opening in a
10 private shelter, such as some of the plaintiffs, may be
11 forced to leave before they find housing because of time
12 limits on their stay at these facilities.¹⁹ When the 30-day
13 time limit expires at a North Hollywood shelter, the director
14 reports that "many of these families will return to live in
15 their cars and will continue to be homeless." Declaration of
16 Dr. William Griffin, P. Ex. B-9.

17 Although the private shelters are clearly
18 overburdened and cannot meet the needs of families, defendant
19 DSS does nothing to provide shelter for these homeless
20 families. While many homeless families may qualify for and
21 receive a cash grant through the AFDC program, this
22 frequently does not resolve their crisis. Shelter operators
23 report that a significant proportion of the homeless families

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26 See, e.g., Declarations of Andrea Learned, P. Ex.
27 B-3 (10-day stay in Sonoma County shelter); Ardell Burrell,
28 P. Ex. B-5 (maximum 6-week stay at Salvation Army shelter in
Los Angeles).

1 they serve are currently receiving AFDC, but still need
2 temporary shelter during a crisis, and until they can save up
3 a security deposit.²⁰

4 DSS does provide what it considers to be emergency
5 shelter services through an "Emergency Response" program, but
6 its regulations exclude homeless families from this program.
7 California Department of Social Services Manual of Policies
8 and Procedures (hereinafter "MPP") §§ 30-002(z)(3), 30-100,
9 et seq. and 30-158 (attached hereto as P. Ex. D). According
10 to the Manual, a child in a homeless family is eligible for
11 DSS Emergency Response program because he or she does not
12 have adequate shelter. MPP § 30-134 (child is "at risk" when
13 there is lack of "home or suitable place of abode"). MPP §
14 30-002(s) defines "Neglect" to include a parent's failure to
15 provide child with "adequate shelter" even where it is not
16 willful and no physical injury to the child has occurred.

17 However, the state regulations also provide that
18 homeless families do not qualify for emergency shelter
19 services because these are provided only for a child who is
20 in danger of being abused, neglected or exploited and who has
21 been removed from the home. MPP § 30-158. The regulations
22 define "Emergency Shelter Care" as:

23 the provision of a protective environment for a
24 child who must be immediately removed from his/her
home or current foster care placement, and who

25 20

26 See, Declarations of Fran Biderman, P. Ex. B-1
27 (majority in shelters on AFDC); Andrea Learned, P. Ex. B-3
28 (over 70% in shelter on AFDC); Nancy Berlin, P. Ex. B-6.

cannot be immediately returned to his/her home.
MPP § 30-002(z)(3). (Emphasis added).

Instead of providing emergency shelter, the only affirmative response of the welfare department to homeless families has been to attempt to take away the children and place them in emergency shelter and then foster care, solely because of the lack of suitable residence.²¹

One family's experience is typical. John Arias and his two children were evicted from their house in Contra Costa County in September 1985 when the landlord decided to remodel. His welfare worker offered him no assistance, cut off his Food Stamp and AFDC benefits because he had no address and referred him to Child Protective Services. Although he hoped they would help him, Mr. Arias found that Child Protective Services only wanted to remove his two children. He states:

The Child Protective Services worker told me that the County could take away my children so I would be better off by giving them up to emergency foster care while I was homeless. He tried to get me to "voluntarily" give up my children because he said that was the only way he could help me.

Declaration of John Arias, P. Ex. A-13.

Mr. Arias refused to be separated from his children, even though the the family had to sleep in his camper truck. Child Protective Services initiated neglect proceedings against him, which were finally dismissed when

21

See, Declarations of Skyla Hicks, P. Ex. A-4; Jenny Rhode, P. Ex. A-16; Gary Frost, P. Ex. A-2.

1 Mr. Arias found another family to take him and his two
2 children. Id.

3 Like Mr. Arias, the parents here are not
4 neglectful, unloving or abusive, and they make every effort
5 to care for their children despite their inability to obtain
6 shelter. Separation of parent from child in these
7 circumstances is not only unnecessary but is also damaging
8 psychologically for the child.

9 Prof. Richard Barth, of the School of Social Work
10 at the University of California, Berkeley, is an expert on
11 foster care services in California. In his opinion:

12 [A] child should not be removed from his or her
13 family on the sole basis of homelessness. The
14 separation of a child from his or her family almost
15 always creates serious emotional and psychological
16 problems. In lieu of placement in a foster care
17 family, a homeless child should remain with his or
18 her parents, if the parents are otherwise fit, and
19 the entire family should be sheltered together in
20 emergency housing. (Emphasis added).

21 Declaration of Prof. Richard P. Barth, P. Ex. C-4.

22 II.

23 DSS' REGULATIONS, WHICH DENY EMERGENCY SHELTER
24 TO HOMELESS CHILDREN WHO REMAIN WITH THEIR
25 PARENTS, VIOLATE STATE LAW

26 By the enactment of the Child Welfare Services Act,
27 the legislature mandated the provision of services, including
28 emergency shelter, to protect homeless children and to
prevent their separation from their families. Welf. and
Inst. Code § 16500 et seq. However, the Department of Social
Services has adopted regulations which disqualify homeless

1 children from emergency shelter solely because they remain
2 with their parents. MPP §§ 30-002(z)(3) and 30-158. These
3 regulations conflict with the Child Welfare Services Act,
4 specifically, Welf. and Inst. Code §§ 16501 and 16504.1, and
5 with the very purpose of public assistance programs for needy
6 children.

7 The Child Welfare Services statute, Welf. and Inst.
8 Code § 16500, et seq., authorizes a comprehensive program of
9 services to families with children who are "at risk" because
10 of certain family problems. This statute expressly includes
11 children who are "handicapped, homeless, dependent or
12 neglected" or subject to "abuse, exploitation or
13 delinquency". § 16501(a) and (b) (emphasis added). One of
14 the paramount goals of the program is:

15 preventing the unnecessary separation of children
16 from their families by identifying family problems,
17 assisting families in resolving their problems, and
18 preventing breakup of the family where the
prevention of child removal is desirable and
possible." § 16501(c) (emphasis supplied).

19 Three kinds of services are authorized. Pre-
20 placement preventive services "help children remain with
21 their families by preventing or eliminating the need for
22 removal" (§ 16501.1); the family reunification program
23 provides temporary foster care for children who cannot safely
24 remain at home (§ 16501.2); and the permanent placement
25 program is for children who are unlikely to ever return home
26 (§ 16501.3).²²

1 At issue here is the state agency's implementation
2 of the first, and most important, component of the statutory
3 scheme: preplacement preventive services, which include
4 emergency shelter. As part of preplacement services, DSS is
5 required to provide initial intake and crisis intervention
6 under its "Emergency Response Program" (§ 16501.1(a)) and to
7 provide additional "family maintenance services" to prevent
8 separation of children from their families. (§ 16506). DSS
9 is authorized to provide emergency shelter under both of
10 these programs, but the legislature made it particularly
11 clear in § 16504.1 that emergency shelter services are
12 mandatory, not discretionary, under the Emergency Response
13 Program. "Services in emergency situations shall include,
14 but are not limited to, . . . emergency shelter care."
15 Welf. and Inst. Code § 16504.1 (emphasis added).

16 The importance of emergency services to prevent
17 family break-up is underscored by a different state statute,
18 Welf. and Inst. Code § 11406.5. This statute establishes the
19 availability of federal funding for emergency shelter for
20 needy families. Welf. and Inst. Code § 11406.5 provides in
21 part:23

22 To the extent federal funds are available, the
23 department shall operate an Emergency Assistance
24 for Needy Families With Children Program, under
 Section 406(e)(1) of the federal Social Security

children regardless of their income. MPP § 30-004.11.

25 23

26 There is also a second "unemployed parent
27 component" of the Emergency Assistance program, which is not
28 at issue here. Compare, Welf. and Inst. Code § 11250.5.

1 Act, in order to prevent the need for out-of-home
2 placement by providing services as specified in
3 Chapter 5 (commencing with Section 16500) of Part
4 4, . . . (emphasis supplied).

5 Federal law both funds and encourages California to
6 provide emergency shelter assistance for homeless families
7 through the Emergency Assistance program. The federal
8 statute, 42 U.S.C. § 606(c), and the implementing
9 regulations offer the states broad latitude in providing
10 Emergency Assistance benefits. Quern v. Manley (1978) 436
11 U.S. 725. "Securing family shelter" is specifically
12 mentioned as a service which may be provided. 45 C.F.R. §
13 233.120(a)(4).²⁴ See also, Koster v. Webb (E.D. N.Y. 1983)
14 598 F.Supp. 1134; Koster v. Perales (E.D. N.Y. 1985) 108
15 F.R.D. 46 [Emergency Assistance includes providing emergency
16 shelter to homeless AFDC families].

17 The regulations of an agency "must be consistent,
18 not in conflict with the statute and reasonably necessary to
19 effectuate its purposes". Mooney v. Pickett (1971) 4 Cal.3d
20 669, 679. Emergency shelter for a homeless family would both
21 protect the safety of the child and prevent family
22 separation, thus meeting the statutory goals of the child

23 24

24 The legislative history of the Social Security Act
25 indicates that emergency shelter was the type of assistance
26 contemplated by the framers of the Emergency Assistance
27 program. See, H.R. Rep. No. 544, pp. 17-18, 90th Cong. 1st
28 Sess. (1967) ("in the event of eviction . . . immediate
action is necessary," p. 109); Sen. Rep. No. 744, 90th Cong.
1st Sess. (1967), reprinted in U.S. Code Cong. and Admin.
News, 2834, 3003; quoted in Blum v. Bacon (1982) 457 U.S.
132, 142.

1 welfare services. Yet DSS has promulgated regulations which
2 deny emergency shelter to homeless families as long as they
3 remain together. MPP §§ 30-002(z)(3) and 30-158.
4 Specifically, the agency's emergency response regulations
5 authorize emergency shelter only for children who are abused,
6 neglected or exploited, and who have been removed from their
7 families, voluntarily or involuntarily. MPP § 30-158. DSS'
8 emergency shelter regulations frustrate the goals of the
9 statutes and are, therefore, invalid.

10 There can be no question that children in homeless
11 families are eligible for emergency response services under
12 the Child Welfare Services Act and the DSS' own regulations.
13 See, Section I.C., supra, p. 16. The declarations of
14 plaintiffs and other homeless families conclusively establish
15 that their children suffer from hunger, illness,
16 psychological trauma and educational privation. A child
17 without shelter is clearly "at risk" (MPP § 30-134), and in a
18 situation which meets the definition of general neglect,
19 however inadvertent on the parents' part (MPP § 30-002(3)).

20 However, nothing in the statutes supports the
21 limitations on emergency shelter in DSS' regulations. Welf.
22 and Inst. Code § 16501 speaks of promoting the welfare of all
23 homeless children and does not exclude homeless children who
24 are living with their families from its scope. As the
25 declarations submitted herein establish, DSS' regulations
26 leave many families homeless because they insist on remaining
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28

1 intact. This does not "protect the child's safety", as
2 required by Welf. and Inst. Code § 16501.1.

3 A family's alternative under DSS' regulations is to
4 separate so that the child, at least, may obtain shelter.
5 But this result also violates Welf. and Inst. Code §§ 16501
6 and 16501.1, which require that child welfare services be
7 used to prevent the "unnecessary separation of children from
8 their parents". Although the lack of shelter endangers a
9 child, it is not necessary to separate a homeless child from
10 his or her family to "protect the child's safety" (Welf. and
11 Inst. Code § 16501.1). Most homeless parents are simply
12 unable in a crisis to obtain permanent housing for their
13 families; they nonetheless do their utmost to care for their
14 children in extremely adverse circumstances. In cases of
15 abuse and even willful neglect, separation may be necessary,
16 but DSS' regulations make no exception for the situation of
17 a homeless family--emergency shelter is still available only
18 if the child is removed.

19 Consider the sacrifices of one of the plaintiffs,
20 Gary Frost. When Mr. Frost's wife left him with the care of
21 three small daughters, including a one-year old infant, he
22 managed against nearly insurmountable odds to keep his family
23 together, even selling his own blood so that his three little
24 girls would have food to eat. Declaration of Gary Frost, P.
25 Ex. A-2. All of Mr. Frost's actions bespeak his care and
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1 devotion to his children.²⁵ The defendant's denial of
2 emergency shelter to homeless children who remain with their
3 families is also at odds with the whole rationale of AFDC and
4 public welfare programs, which is to preserve and protect the
5 family unit by providing the financial means "so that the
6 children may remain in the home." Vaessen v. Woods (1984) 35
7 Cal.3d 749, 755, cert. denied ____ U.S. ____, 105 S.Ct. 1746
8 (1985); Waits v. Swoap (1979) 11 Cal.3d 887, 895 (citing 42
9 U.S.C. § 601, Welf. and Inst. Code § 11205); Smock v.
10 Carleson (1975) 47 Cal.App.3d 960, 963 ("in aiding the
11 child, it is necessary to aid the family.").

12 Likewise, both Welf. and Inst. Code §§ 10000 and
13 11205 declare the fundamental importance of the family unit
14 to the overall purposes of California's public assistance
15 programs. ²⁶

16
17 25

18 See also, Declaration of Nancy Berlin, P. Ex. B-6
19 (mother living in garage tried to tidy up, clean and comfort
her two children).

20 26

Welf. and Inst. Code § 11205 provides:

21 The Legislature finds and declares that the family
22 unit is of fundamental importance to society
23 nurturing its members, passing on values, averting
24 social problems, and providing the secure structure
in which citizens live out their lives. (Emphasis
added).

25 Welf. and Inst. Code § 10000 provides, in pertinent part:

26 It is the legislative intent that aid shall be
27 administered and services provided promptly and
28 humanely with due regard for the preservation of
family life . . . (Emphasis added).

1 DSS' regulations create an inhumane dilemma for
2 homeless families, who must choose between separating parents
3 from a child who is sent to live with strangers in order to
4 obtain shelter, or remaining homeless so that the family can
5 stay together. This intolerable choice violates Welf. and
6 Inst. Code § 10000, which requires that "services be
7 provided . . . humanely, with due regard for the
8 preservation of family life". Robbins v. Superior Court
9 (1985) 38 Cal.3d 199, 209-210. As plaintiffs shall show in
10 the following section, this choice is also unconstitutional.
11

12 III.

13 THE DENIAL OF EMERGENCY SHELTER AND OTHER 14 EMERGENCY SERVICES TO HOMELESS FAMILIES IS 15 UNCONSTITUTIONAL

16 The defendant's restrictive emergency shelter
17 regulations violate provisions of the California Constitution
18 which guarantee the rights of privacy, free association and
19 equal protection of the laws,

20 A. The Rights Of Privacy And Association.

21 Constitutionally protected privacy and
22 associational interests in the family are affected by DSS'
23 emergency shelter policy. In California, these privacy
24 interests are explicitly protected by Article I, Section 1,
25 of the California Constitution. The courts have long
26 recognized protected privacy and associational interests in
27 the family. Committee to Defend Reproductive Rights v.
28

1 Myers (1981) 29 Cal.3d 252, 275 (privacy in "matters related
2 to marriage, family and sex"); Robbins v. Superior Court,
3 supra, 38 Cal.3d 199 (privacy right to choose people with
4 whom one lives); City of Santa Barbara v. Adamson (1980) 27
5 Cal.3d 123 130 (right of privacy in one's family).

6 The defendant's shelter policy forces a homeless
7 family to choose between remaining together without shelter,
8 or separating and relinquishing custody to the state so that
9 the child may be sheltered. For these families, the receipt
10 of shelter assistance for the child is conditioned on
11 sacrificing the enjoyment, nurturance and love implicit in
12 the bonds between parent and child.

13 "When the receipt of a public benefit is
14 conditioned upon the waiver of a constitutional right, the
15 'government bears a heavy burden of demonstrating the
16 practical necessity for the limitation'. Bagley v. Wash.
17 Township Hospital Dist. (1966) 65 Cal.2d 499, 505". Robbins
18 v. Superior Court, supra, 38 Cal.3d at 213. This is the
19 doctrine of "unconstitutional conditions" which has been
20 well-articulated by the California Supreme Court. See,
21 Committee to Defend Reproductive Rights v. Myers, supra, 29
22 Cal.3d at 265-266; Parrish v. Civil Service Commission (1967)
23 66 Cal.2d 260, 271.

24 In Robbins, the receipt of county general
25 assistance was conditioned on the recipient's agreement to
26 live in a county "poorhouse". Plaintiffs argued that this
27 condition burdened their constitutional rights to privacy and
28

1 association. The California Supreme Court agreed,
2 explaining:

3 The governmental entity seeking to impose such a
4 condition must establish that: (1) the condition
5 reasonably relates to the purpose of the
6 legislation which confers the benefit; (2) the
7 value accruing to the public from imposition of the
8 condition manifestly outweighs any resulting
9 impairment of the constitutional right; and (3)
10 there are no available alternative means that could
11 maintain the integrity of the benefits program
12 without severely restricting a constitutional
13 right.

14 Id. at 213. Because the county could not make this showing,
15 the Supreme Court in Robbins issued a peremptory writ of
16 mandate directing the Superior Court to grant a preliminary
17 injunction.

18 Robbins should govern the present case. Here, the
19 governmental entity, DSS, has conditioned receipt of a public
20 benefit, emergency shelter, upon waiver by homeless children
21 and their parents of protected constitutional rights--the
22 rights of association and privacy connected with family
23 relationships.

24 Defendants cannot carry their heavy burden of
25 meeting any of the three requirements to demonstrate the
26 practical necessity for those limitations. First, the
27 current eligibility requirements for emergency shelter are
28 contrary to the purposes of the legislation. Second, great
harm and no conceivable good accrues to the public from
conditioning emergency shelter assistance upon the separation
of homeless children from their parents. Even on purely
fiscal grounds, the state's present policy results in greater

1 public costs because of the extraordinary expense of
2 emergency foster care for children removed from the home.
3 See, fn. 27, infra, p. 32.

4 Third, there are available alternative means to
5 provide emergency assistance and child welfare without
6 severely restricting the constitutional rights of homeless
7 children. The obvious alternatives are aid programs, such as
8 those in other states, which provide emergency shelter care
9 and other benefits to homeless children together with their
10 parents. (Compare, Koster v. Webb, supra, 598 F.Supp. at
11 1137).

12 B. Equal Protection.

13 The defendant's shelter regulations create two
14 classes of similarly situated homeless children and
15 discriminates against one class. While homeless children who
16 are removed from their families are given emergency shelter,
17 those who remain with their parents or caretakers are denied
18 all emergency aid. This discrimination cannot be justified
19 under the equal protection provisions of the California
20 Constitution. Cal. Const. Art. I, § 7; Art. IV, § 16.

21 Under the equal protection clause, the courts apply
22 a two-level test to legislative classifications: strict
23 scrutiny for "suspect classifications" or matters touching
24 upon "fundamental interests"; inquiry into the rational basis
25 for other classifications. Serrano v. Priest (1976) 18
26 Cal.3d 728, 761. Plaintiffs recognize that the United States
27 Supreme Court has refused to deem housing to be a fundamental
28

1 right for the purposes of federal equal protection. Lindsey
2 v. Normet (1972) 405 U.S. 56, 74. California courts,
3 however, exercise independence in the application of the
4 state equal protection clause, finding rights to be
5 fundamental and classifications to be suspect where federal
6 courts have declined to make such findings. Committee to
7 Defend Reproductive Rights v. Myers (1981) 29 Cal.3d 252,
8 257-258 (privacy and health); Serrano v. Priest, supra, 18
9 Cal.3d at 764 (education, subsistence); See, also Hawkins v.
10 Superior Court, (1978) 22 Cal.3d 584, 600 (Mosk, J.,
11 concurring).

12 The importance of shelter and subsistence can be
13 likened to education, which the high court declared to be a
14 fundamental interest in Serrano v. Priest, (1971) 5 Cal.3d
15 584, 604-610. The Serrano court ruled that education is
16 fundamental because it is essential to preserving an
17 individual's opportunity to compete successfully in the
18 economic marketplace; it is universally relevant; it
19 continues over time; it molds the personality of youth in
20 society; and it is so important that the state has made it
21 compulsory. Id. at 609-610.

22 Shelter and subsistence have all the same
23 attributes. A person may not successfully compete in the
24 marketplace without a roof overhead. Housing is universally
25 relevant -- everyone needs it. The need for shelter
26 continues for life. Like education, shelter or its absence
27 can shape the personality of youth in society. Given its
28

1 importance, the state has made shelter for children
2 compulsory. See, Welf. and Inst. Code § 300(b) [child
3 without shelter is ward of juvenile court, in order to ensure
4 that shelter is provided]. This court should hold that
5 shelter is a fundamental interest under the state equal
6 protection clause and so look with strict scrutiny at any
7 relevant classification.

8 Even under the rational basis standard, a
9 legislative classification challenged on equal protection
10 grounds must rest upon "some ground or difference having a
11 fair and substantial relation to the object of the
12 legislation". Newland v. Board of Governors (1977) 19 Cal.3d
13 705, 711. This is not a toothless standard; a court must
14 conduct "a serious and genuine judicial inquiry into the
15 correspondence between the classification and the legislative
16 goals". Id.

17 Regardless which standard this court applies, the
18 state's current regulations on emergency assistance violate
19 the equal protection clause in the California Constitution.
20 The basic goals of the public welfare and emergency
21 assistance programs are to protect the welfare of needy
22 children, to preserve the family unit and to prevent the
23 unnecessary separation of children from families. (See,
24 Section II, supra, p. 18-20). Excluding homeless children
25 who remain with their families is antithetical to these
26 legislative goals, as it disregards the welfare of needy
27 children and contributes to family break-ups.

IV.

PLAINTIFFS ARE ENTITLED TO A PRELIMINARY
INJUNCTION

The California Supreme Court in Robbins v. Superior Court, supra, 38 Cal.3d at 206, recently reiterated the standards for issuance of a preliminary injunction:

- 1) are the plaintiffs likely to suffer greater injury from a denial of the injunction than the defendants are likely to suffer from its grant; and
- 2) is there a reasonable probability that the plaintiffs will prevail on the merits.

See, also, Continental Baking Co. v. Katz (1968) 68 Cal.2d 512, 528; Jeneski v. Myers (1984) 163 Cal.App.3d 18, 28-29.

From the foregoing discussion, it is clear that plaintiffs are likely to succeed on the merits of their statutory and constitutional claims.

Balancing the respective hardship to the parties also favors plaintiffs. Denial of a preliminary injunction in this case will cause intolerable injuries. Many homeless families will continue to struggle to survive without shelter and other necessities of life. As their declarations show, living in a car or a garage or an abandoned building is particularly dangerous, physically and emotionally, for innocent and vulnerable children, some of whom are as young as a few months of age.

There is also irreparable injury to the homeless families which are separated, voluntarily or involuntarily,

1 to obtain shelter for the children under the defendant's
2 policy. Separation from a parent is a significant trauma for
3 a child, with lasting psychological effects. Declaration of
4 Richard P. Barth, P. Ex. C-4.

5 On the other hand, the defendant will suffer
6 little, if at all, from issuance of a preliminary injunction,
7 which will only require it to remove restrictions on its
8 present emergency shelter program. To the extent that the
9 defendant ignores the shelter needs of homeless families and
10 leaves these children in danger, any cost-savings from its
11 present practice must be rejected. Given that DSS must
12 provide some response, granting the relief requested could
13 actually result in fiscal savings. The cost of emergency
14 shelter care for a child alone is much greater than that for
15 emergency shelter for the family together. For example, in
16 Los Angeles, when homeless children are removed from their
17 parents' custody, they are placed in MacClaren Hall, a
18 juvenile holding facility. Minimum costs at MacClaren Hall
19 are \$4,300.00 per child per month, or \$140.00 per night,
20 because of the need for paid custodial care 24 hours per day,
21 security, etc.²⁷ In contrast, housing a family at a motel

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24 For Fiscal Year 1985/1986, the budget for MacClaren
25 Hall Children's Center is \$11,838,876. (Personnel costs are
26 \$7,966,745; supplies and equipment are \$3,872,131). See,
27 Response to Public Documents Request from Robert L. Chaffee,
28 Director, Department of Children's Services, County of Los
Angeles, April 10, 1986. (P. Ex. E-1). The Center is
budgeted to serve 230 children per day. Department of Child
Services, Supplemental Budget Request, Fiscal Year 1985/1986.
(P. Ex. E-2). The average cost per child is \$51,473 per
year, \$43,000 per month, and \$140 per night.

1 would cost only \$30.00 to \$40.00 per night, a significant
2 savings for the state. There is ample authority for granting
3 a preliminary injunction here, where otherwise, "the state
4 will have to pay the higher cost of foster care." Waits v.
5 Swoap, supra, 11 Cal.3d at 896.

6 Further, implementation of the relief requested
7 will pose no hardship to defendants. The emergency response
8 program is already in place, with its intake and assessment
9 procedures and staff. Although the facilities which DSS
10 presently uses for emergency shelter for children alone, such
11 as MacClaren Children's Center, will be unsuitable for
12 families, DSS has many alternatives to expend its shelter
13 resources. For example, it could simply place families in
14 local motels with cooking facilities, using vouchers or the
15 local welfare offices' check-writing capacity. It could
16 authorize county welfare departments to rent apartments and
17 place families in these on a temporary, rotating basis. It
18 could contract with private shelter providers to expand their
19 capacity, and accept families placed by DSS. Or, on a long-
20 term basis, it could actually build family shelters, as it
21 has built MacClaren Children's Center. Whichever
22 alternatives DSS chooses, it must accept its responsibility
23

24
25 Even foster care is expensive--group home rates
26 average \$2,000 per month, while even the basic foster home
27 rate is still more than the \$288 per month that the child's
28 own family would receive from AFDC. MPP § 11-401; DSS All-
County Information Notice 1-46-85. (P. Ex. F).

1 to provide adequate and appropriate emergency shelter for
2 families which are homeless.

3 CONCLUSION

4 For all the foregoing reasons, plaintiffs request
5 that this court issue a preliminary injunction enjoining
6 defendants from withholding emergency shelter from children
7 and their families who are are homeless or who are in
8 imminent danger of becoming homeless, and from defining
9 shelter care services in DSS Manual of Policies and
10 Procedures §§ 30-002(z)(3) to exclude homeless children who
11 remain with their parents.

12
13 Dated April 22, 1986

Respectfully submitted,

14
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16 MELINDA R. BIRD
17 RICHARD A. ROTHSCHILD
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PLAINTIFFS' EXHIBITS IN SUPPORT
OF PRELIMINARY INJUNCTION

EXHIBIT A - DECLARATIONS FROM MEMBERS OF HOMELESS FAMILIES

A-1 - Rachel Hansen
A-2 - Gary Frost
A-3 - Carolyn Combs
A-4 - Skyla Hicks
A-5 - Sherry L. Moore
A-6 - Deborah Cross
A-7 - Barbara Mikucki
A-8 - Barbara Davila
A-9 - Glynn Anderson
A-10 - Callie Williams
A-11 - Gloria Frost
A-12 - Burl Matthews Nashoalook
A-13 - John Arias
A-14 - Bertha Stevenson
A-15 - Deborah Seamon
A-16 - Jenny Rohde
A-17 - Betty Lynch
A-18 - Gail Levy

EXHIBIT B - DECLARATIONS FROM SHELTER AND EMERGENCY
SERVICE PROVIDERS

B-1 - Fran Biderman
B-2 - Linda Lewis
B-3 - Andrea Learned

1 B-4 - Sister Judy Vaughan

2 B-5 - Ardell Burrell

3 B-6 - Nancy Berlin

4 B-7 - Sister Diane Clyne

5 B-8 - Michael Phillips

6 B-9 - William Griffin

7
8 EXHIBIT C - DECLARATIONS FROM EXPERTS

9 C-1 - Ellen L. Bassuk, M.D.

10 C-2 - Mary Smith, R.N. and N.P.

11 C-3 - Joanne Jubelier, Ph.D

12 C-4 - Richard P. Barth, Ph.D

13
14 EXHIBIT D - CALIFORNIA DEPARTMENT OF SOCIAL SERVICES
15 MANUAL OF POLICIES AND PROCEDURES,
16 §§ 30-000, 30-100, et seq., 45-400. et seq.

17 EXHIBIT E - FISCAL DATA RE: MAC CLAREN CHILDREN'S CENTER,
18 LOS ANGELES

19 E-1 - Response to Public Documents Request from Robert
20 L. Chafee, Director, Department of Children's
21 Services, County of Los Angeles, April 10, 1986

22 E-2 Depatment of Children's Services, County of Los
23 Angeles, Supplemental Budget Request, Fiscal year
24 1985/86.

25 EXHIBIT F - FISCAL DATA RE: AFDC FOSTER CARE RATES

26 F-1 - California Department of Social Services Manual
27 of Policies and Procedures § 11-401 (Basic Foster
28 Home Rates)

F-2 - California Department of Social Services All-
County Information Notice 1-46-85 (Group Foster
Home Rates)

1 EXHIBIT G - Excerpts from "Homelessness in America, II,"
2 hearings before the Subcommittee on Housing and
3 Community Development, House Committee on Banking,
4 Finance and Urban Affairs, 98th Cong., 2nd Sess.,
5 January 25, 1984
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ALPHABETICAL INDEX TO PLAINTIFFS' DECLARATIONS IN
EXHIBITS A, B AND C

1		
2		
3		
4	Glynn Anderson	A- 9
5	John Arias	A-13
6	Richard P. Barth	C- 4
7	Ellen Bassuck, M.D.	C- 1
8	Nancy Berlin	B- 6
9	Sister Diane Clyne	B- 7
10	Fran Biderman	B- 1
11	Ardell Burrell	B- 5
12	Carolyn Combs	A- 3
13	Deborah Cross	A- 6
14	Barbara Davila	A- 8
15	Gary Frost	A- 2
16	Gloria Frost	A-11
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	Deborah Seamon	A-15
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	Callie Williams	A-10

