

# Group sues county over welfare funds

**By J.P. VETTRAINO**  
SACRAMENTO UNION STAFF WRITER

A Sacramento group is suing the county Department of Social Services for allegedly misusing federal funds and denying the "fair hearing" rights of families in the county's child welfare system.

The Coalition of California Welfare Rights Organizations will serve the state and Sacramento County with a federal lawsuit today, the group's attorney said. The suit demands that \$31 million in federal funds be returned by the county.

The suit claims the county took the money over the last seven years for child protective services while deliberately violating conditions attached to it — including a federal requirement that families whose children have been removed by the county be notified of their right to an administrative hearing.

The suit, filed Aug. 17 in U.S. District Court in Sacramento, remained sealed under law to allow the U.S. Department of Justice to review the claim, or a federal judge to dismiss it.

The Department of Justice told the coalition last week that it would not press the suit on its own, attorney Grace Gallagher said. But the department reserved the right to intervene at any time.

The suit was unsealed last week.

"In effect, the state and county are lying to the feds," Gallagher said Tuesday. "There is a consistent pattern of ignoring the federal right to a fair hearing and arbitrarily making decisions about parents and their children."

State and county officials could not be reached Tuesday for comment.

County social service departments are empowered to remove children from their homes and establish plans for reuniting them with parents.

Under the federal Adoption Assistance and Child Welfare Reform Act of 1980, a county is required to file a "notice of action" when it wants to change visitation or reunification plans. With that notice goes the right to a hearing on the validity of the change before an administrative law judge.

In 1986, the Center for Youth Law in San Francisco threatened to sue the state over widespread failure to issue the notices of action. The state Department of Health Services ordered counties to provide the notices and used Sacramento County to develop a program to comply with federal law.