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County sued for separating parents, children

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Bee Staff Writer

A California welfare rights organization has filed a \$31 million lawsuit against Sacramento County and its Department of Social Services, claiming that they have improperly separated children from parents without notifying the adults of their right to hearings.

The Coalition of California Welfare Rights Organizations is suing under the federal False Claims Act of 1986 on behalf of a man whose natural child and two stepchildren were taken from his home after his arrest on child molestation charges.

Although he was acquitted of those charges in April 1988, a court order still prevents him from visiting the children or living with his wife, who has custody of two of the children, he said. The third child is in foster care.

County agencies generally refused comment on the suit, but one official noted that the Social Services Department uses a different standard of proof than criminal courts in such cases.

"The purpose of a dependency action is the safety of the child, not the punish-

ment of a parent," said Kathleen O'Connor, deputy county counsel for Sacramento County.

The suit by the welfare rights group asked for \$31 million, the amount the county has collected from the federal government for child welfare services over the past seven years, the period in which the lawsuit alleges violations occurred. The lawsuit originally was filed in federal court here in August, but it remained sealed until last week to allow the U.S. Department of Justice to review the claim. The Justice Department declined to press the suit.

The man whose children were placed in the custody of the juvenile court is listed with the rights organization as the plaintiff.

But the rights advocates claimed his case is not unusual and that county social workers generally are placing children in foster care without telling parents they may contest those decisions in administrative hearings. Moreover, the advocates said, parents' ability to appeal the decisions are hampered because they are not allowed access to the files maintained by

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the social workers.

The organization contended that under the Adoption Assistance and Child Welfare Act of 1980, the federal government requires that state and local welfare agencies conform to federal rules guaranteeing the rights of welfare clients as a condition for receiving funds.

County social service workers are allowed by law to remove children temporarily from their homes if they believe they are endangered. Juvenile court justices often make decisions to remove children from their parents' custody partly on the basis of the social worker's recommendations and on case files, according to county officials.

Sacramento County Department of Social Services Deputy Director Evelyn Joslin declined to comment on the suit. She said, however, that "it is our department's policy to issue notices of action and to participate in a fair hearing process."

Michele Bach, another deputy county counsel, also refused to comment on the suit, saying that her office had not yet had a chance to review it.

At a news conference Wednesday, Kevin Aslanian, executive director of the welfare rights coalition, pres-

ented several people, including the plaintiff whom the Bee is not identifying to protect the identity of the children. In all the cases, the county had removed children from their parents' homes.

As of Sept. 30, 2,775 Sacramento County children had been placed in foster care for some period of time this year, Joslin said.

The man said his three children were made dependents of juvenile court in September 1987 after he was arrested and tried in Superior Court on three counts of child molestation. He spent seven months in the county jail awaiting trial, but was acquitted on all charges in April 1988.

Nevertheless, he said, he is not allowed to visit his children under the terms of a court order requested by the county counsel and the Social Services Department. The court order also prevents him from living with his wife, according to the rights organization. After the press conference, his wife said she also wants the family reunited.

O'Connor said that in such child welfare cases, parents and attorneys for the parents have an opportunity to subpoena and cross-examine witnesses, including social workers, during the juvenile court hearing.