

LomPOC Record
12-22-92

December 22, 1992

Suit calls welfare cut unconstitutional

By Edgar Sanchez
McClatchy News Service

SACRAMENTO, Calif. — California's decision to cut welfare benefits for newcomers to the state is unconstitutional, attorneys for the poor charged Monday in a suit seeking to invalidate the new aid rules.

The complaint by the Legal Aid Society, the American Civil Liberties Union and the Coalition of Welfare Rights Organizations was filed in U.S. District Court in Sacramento. It seeks a temporary restraining order to prevent enforcement of the new rules by the state Department of Social Services.

State officials vowed to battle the suit at a hearing scheduled for 2 p.m. Tuesday before Senior U.S. District Judge Milton L. Schwartz.

"This provision is one that both Democrats and Republicans supported, which is why we are especially disappointed the ACLU and others would choose to fight it in court," Social Services Director Eloise Anderson said. If the suit is successful, she added, it will plunge California deeper into debt.

David Illig of the legislative analyst's office said estimates show

that the new residency requirements would save about \$40 million in local, state and federal funds during fiscal 1993-94. That would be less than 1 percent of the state's overall Aid to Families with Dependent Children budget of \$5.7 billion.

Under the rules that took effect Dec. 1, applicants who have lived in California less than a year are paid welfare benefits no higher than those they would have received in their former states. Most states pay less than California.

A plaintiff in the suit, DeShawn Green, moved with her two children from Louisiana to Sacramento on Dec. 4 to escape what she described in a sworn affidavit as physical abuse from the children's father. Green said she had planned to stay with a relative, who turned out to be homeless. "I was out of money and had no choice but to apply (for AFDC)," Green said.

Green is getting \$30 a day in AFDC homeless assistance payments — enough to pay for a motel. Those benefits expire Tuesday. She won't get permanent housing aid unless she finds a place that rents for less than \$152 a month, something she's so far been unable to do, the class-action suit said.